IN THE CIRCUIT COURT FOR BALTIMORE COUNTY	*	
PETITION OF: **JACK LUSKIN** 200 GREENSPRING VALLEY RD STEVENSEN, MARYLAND 21153	*	
FOR JUDICIAL REVIEW OF THE OPINION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204	*	CIVIL ACTION No. **3-C-00-008519**
IN THE MATTER OF THE APPLICATION OF **KOINONIA PARTNERSHIP –L.O.** **JACK LUSKIN –PETITIONER** FOR A SPECIAL HEARING ON PROPERTY LOCATED ON THE NORTH SIDE OF GREENSPRING VALLEY ROAD, 930' W OF THE CENTERLINE OF GREENSPRING AVENUE (1400 GREENSPRING VALLEY ROAD) 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT **CASE NO. 99-333-SPH**	*	

* * * * * * * * * * *

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, Donna M. Felling and Lynn Barranger, constituting the majority of the County Board of Appeals of Baltimore County, has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, J. Carroll Holzer, Esquire, HOLZER and LEE, The 508 Building, 508 Fairmount Avenue, Towson, MD 21286, Counsel for Petitioner; Jack Luskin, 200 Greenspring Valley Road, Stevenson, MD 21153, Petitioner; Koinonia Partnership, 1400 Greenspring Valley Road, Stevenson, MD 21153, Legal Owner;

RECEIVED AND FILED
00 AUG 24 PM 2:57
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

C. William Clark, Esquire, NOLAN, PLUMHOFF & WILLIAMS, CHARTERED, 502 Washington Avenue, Suite 700, Towson, MD 21204; Counsel for Koinonia; and Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, MD 21204.

Charlotte E. Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Rm. 49-Basement
Old Courthouse, 400 Washington Avenue
Towson, Maryland 21204 (410-887-3180)

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to J. Carroll Holzer, Esquire, HOLZER and LEE, The 508 Building, 508 Fairmount Avenue, Towson, MD 21286, Counsel for Petitioner; Jack Luskin, 200 Greenspring Valley Road, Stevenson, MD 21153, Petitioner; Koinonia Partnership, 1400 Greenspring Valley Road, Stevenson, MD 21153, Legal Owner; C. William Clark, Esquire, NOLAN, PLUMHOFF & WILLIAMS, CHARTERED, 502 Washington Avenue, Suite 700, Towson, MD 21204; Counsel for Koinonia; and Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, MD 21204,this 24th day of August, 2000.

Charlotte E Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 Basement
Old Courthouse, 400 Washington Avenue
Towson, Maryland 21204 (410-887-3180)

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

August 24, 2000

C. William Clark, Esquire
NOLAN, PLUMHOFF & WILIAMS, CHARTERED
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, MD 21204-4528

RE: KOINONIA PARTNERSHIP –LO
JACK LUSKIN –PETITIONER
CCT CIVIL ACTION NO. 3-C-00-8519

Dear Mr. Clark:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on August 21, 2000, in the Circuit Court for Baltimore County for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 3-C-00-8519.

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

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

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

August 24, 2000

J. Carroll Holzer, Esquire
HOLZER and LEE
The 508 Building
508 Fairmount Avenue
Towson, MD 21286

RE: KOINONIA PARTNERSHIP –LO
JACK LUSKIN – PETITIONER
CCT CIVIL ACTION NO. 3-C-00-8519

Dear Mr. Holzer:

In accordance with Rule 7-206 (c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with Rule 7-206(c).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

Enclosure

c: Jack Luskin

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

August 24, 2000

C. William Clark, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHARTERED
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, MD 21204-4528

RE: KOINONIA PARTNERSHIP –LO
JACK LUSKIN –PETITIONER
CCT CIVIL ACTION NO. 3-C-00-8519

Dear Mr. Clark:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on August 21, 2000, in the Circuit Court for Baltimore County for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 3-C-00-8519.

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

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

Printed with Soybean Ink
on Recycled Paper

PETITION OF: ●	*	●
		IN THE
JACK LUSKIN OF	*	
200 Greenspring Valley Road		CIRCUIT COURT
Baltimore County, Maryland	*	
		FOR
PETITION FOR	*	
JUDICIAL REVIEW OF MAJORITY		BALTIMORE COUNTY
DECISION OF THE BOARD OF APPEALS	*	
OF BALTIMORE COUNTY		
400 WASHINGTON AVE.	*	Case No.
TOWSON, MARYLAND		
	*	03C00-008519
RE: CASE NO. 99-333-SPH		

* *

PETITION FOR JUDICIAL REVIEW

Pursuant to Rule 7-202, Petitioner Jack Luskin by and through his attorney J. Carroll Holzer and Holzer and Lee, request judicial review of the Majority Opinion of the County Board of Appeals of Baltimore County regarding the decision of the Board of Appeals in Case Number 99-333-SPH rendered on August 15, 2000 attached hereto.

Petitioner was a party before the County Board of Appeals and participated fully in the proceedings.

Respectfully Submitted,

J. Carroll Holzer, Esquire

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX: (410) 825-4923

RECEIVED AND FILED
00 AUG 21 PM 12: 13
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

RECEIVED
COUNTY BOARD OF APPEALS
00 AUG 23 PM 3: 28

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258

Case Number: 03-C-00-008519 AE

County Board Of Appeals Of Baltimore County
400 Washington Ave
Towson, MD 21204

FOLD HERE

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

August 15, 2000

C. William Clark, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, MD 21204

J. Carroll Holzer, Esquire
HOLZER & LEE
508 Fairmount Avenue
Towson, MD 21286

RE: Issuance of Opinion /Order -- Koinonia Partnership
(Jack Luskin –Petitioner) /Case No. 99-333-SPH

Dear Counsel:

Regarding the subject matter, enclosed please find a copy of the final Majority Opinion and Order and the dissenting opinion of Mr. Marks which were issued by this Board on Friday, July 28, 2000. Through numerous telephone calls, it has become apparent that there was a problem in mail delivery which occurred sometime after the postmark date of July 28th, thereby resulting in either a delayed delivery (8/14/00) or no delivery at all.

Therefore, in order to afford all parties to this case a full 30-day appeal period, we will again mail copies of this Opinion/Order, including Mr. Marks' dissenting opinion, to you and to your clients as indicated below under today's date of August 15, 2000.

Inasmuch as it would appear that the problem occurred in outgoing mail only, we are not providing additional copies to County agencies. However, by copy of this letter, all persons /offices noted below have been made aware of this situation.

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosures

c: Koinonia Partnership
/Gramercy Bed and Breakfast
Jack Luskin
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

FILE

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

July 28, 2000

C. William Clark, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, MD 21204

RE: In the Matter of Koinonia Partnership – Legal Owner;
Jack Luskin - Petitioner /Case No. 99-333-SPH

Dear Mr. Clark:

Enclosed please find a copy of the final Majority Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter. Also enclosed is a copy of the dissenting opinion of Mr. Marks.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules of Procedure*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed form this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Administrator

Enclosures

c: Koinonia Partnership
/Gramercy Bed and Breakfast
J. Carroll Holzer, Esquire
Jack Luskin
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink
on Recycled Paper

1
7/28/05

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
KOINONIA PARTHERSHIP –LEGAL	*	OF APPEALS
OWNER; JACK LUSKIN -PETITIONER		
FOR SPECIAL HEARING ON PROPERTY	*	OF
LOCATED ON THE N/S GREENSPRING		
VALLEY RD, 930' W OF C/L	*	BALTIMORE COUNTY
GREENSPRING AVENUE (1400		
GREENSPRING VALLEY ROAD	*	CASE NO. 99-333-SPH
8TH ELECTION DISTRICT		
3RD COUNCILMANIC DISTRICT	*	

* * * * * * * * * * * * * * *

MAJORITY OPINION

This case comes before the Board on appeal from a decision of the Baltimore County Zoning Commissioner in which the Zoning Commissioner found that the Appellants, Ronald and Anne Marie Pomykala of the Koinonia Partnership, are operating a catering hall in violation of the use permit issued in a prior case, Case No. 96-230-SPHA, and are therefore in violation of the *Baltimore County Zoning Regulations* (BCZR).

The subject property is 44.8 acres located at 1400 Greenspring Valley Road and zoned R.C. 2 (42.9 acres) and R.C. 5 (1.9 acres). The issue was brought to the Zoning Commissioner by a neighbor, Jack Luskin, who resides at 2200 Greenspring Valley Road. He asserted that the Pomykala's were operating a catering hall in violation of the use permit issued in Case No. 96-230-SPHA in violation of the BCZR. Mr. Luskin was represented by J. Carroll Holzer, Esquire.

The Appellants, Ronald and Anna Pomykala, also known as the Koinonia Partnership, were represented by C. William Clark, Esquire, and contended that the decision rendered by the Board of Appeals in Case No. 90-355-SPH was the basis for their continued operation at the site. In his opening statement, Mr. Clark outlined that the nonconforming uses were contemplated by the previous Board and addressed in their decision which is a final judgement which had never been challenged at that time.

Jack Luskin, the first witness, confirmed that his property lies 1 to 1-1/2 miles west of the subject property on Greenspring Road. He presented the "99" brochure of Gramercy Bed and Breakfast which described catering activities available to the public. His issues were that traffic

problems currently existed and that this was the last remaining pristine area in the County. He indicated that, based on zoning, he never anticipated retail, for-profit activities on this property. He testified that the impact was negative to his and all properties in the community.

Under cross-examination, he admitted that he lived about 3-1/2 miles from the subject site when the property was auctioned. He denied having looked at the property when it was available for auction in 1985, and stated that he did not recall having been at the auction. He knew that groups used the property in some form or another. He stated that he was looking at the residential opportunity, period. In 1996, when there was a request for a "Bed and Breakfast," he admitted to having seen a sign, but he had no interest and no particular objection. He admitted that a Bed and Breakfast could be seen as a retail use, but that he usually viewed this activity as "hobby-like." He further stated that he did not object to retail use as long as it was not a major or great retail use. He viewed a Bed and Breakfast as a modest use, while catering was a major retail use. Additional testimony involved the traffic. He noted that there was traffic at the curve at Koinonia. He did not know if traffic at that curve was related to events at Koinonia. He acknowledged that Villa Julie College was located on Greenspring Road, but was not in the position to address the college's impact on the traffic. He was not aware that from the 1950s to the 1970s, Koinonia served lunch to the public. He was not aware of catered events before 1991. He was not aware of Koinonia having been the site of the Symphony's Decorator Show House. Under questioning, he admitted to knowing food was involved, but knew that the event was not permanent. When asked if he could see buildings on the property when the area was not wooded, he testified that he could see no buildings, only bridges; otherwise, nothing. He, as well, testified to not investigating the uses at

Koinonia in 1993. This closed the Petitioner's case.

Mr. Clark brought forth as a witness Anne Pomykala, who, with her husband, is the Koinonia Partnership. She indicated that they bought the property at auction in 1985. The property consists of 45+ acres and a number of dwellings – Gramercy Mansion and the carriage house are designated as Historical sites in Baltimore County. There are numerous other buildings (some apartment buildings) on the property. Mrs. Pomykala outlined the numerous repairs that she and her husband made to the various dwellings on the property. As well, she testified that they also acquired residents upon purchase of the property, some of them living in dwellings of significant disrepair. She spoke of Marian Carnes, who is referred to as the custodian of the property, and who continued to live in an apartment prepared by the Pomykalas until nursing home placement. She is deceased presently, but had been deposed extensively for the previous case before the Board of Appeals, Case N o. 90-355-SPH, which has been submitted as exhibits by the Appellant. It should be noted that J. Carroll Holzer, counsel for the Petitioner, continually objected to testimony and exhibit material relative to the establishment of the ongoing use of the property as he contended that this was not a case to establish nonconforming use. After the Board agreed to accept the testimony and exhibits, Mr. Clark asked his witness, Mrs. Pomykala, to discuss the uses of the property from 1985 to 1991. It is noted that the Baltimore Symphony Decorator Show House took the property for their 1986 exhibit. There have been meetings, educational seminars, weddings, and a Koinonia reunion. It was established that all of these events were planned prior to the day of the event.

The Board's Opinion from the previous case No. 90-355-SPH was read into the record, and Mrs. Pomykala testified that once that opinion was received and it was established that they had a

right to have events, they began to advertise in bridal magazines. She again reviewed the many uses of the property, noting that frequently the food is partially prepared off-site and brought in for minimal preparation on-site. She indicated that many events, especially retreats, are under 20 people and that they are limited to a maximum of 150 people. Mrs. Pomykala then reviewed with the Board some documents found after the property was purchased. They were a series of "Koinonia Epistles," brochures, and newspapers from 1984 and 1985. As well, there were a number of weddings, which occurred from the mid-1950s to 1979. There were extensive exhibits submitted that outlined the nature of social events that occurred from 1954 to 1979. These documents discussed in detail the types and purposes of events occurring on the property. Mrs. Pomykala testified that they truly believe they were grandfathered in that the use previously existed; that the events are similar to those previously occurring on the property; and that not more than one year and one day went by without an event. Mrs. Pomykala also established that the three sources of income from the property are from events (1/3), Bed & Breakfast (1/3)(established in 1996 by 96-230-SPHA), and rental of houses and farm (1/3).

On cross-examination by Mr. Holzer, Mrs. Pomykala admitted that when she bought the property in 1985 she had no previous personal knowledge of the use of the property, and that her knowledge came from what she was told or read about. Mr. Holzer referred to Petitioner's Exhibit No. 1, showing 1999 rates for the property. He established with Mrs. Pomykala that there could be two events occurring at the same time on the property. With a maximum of 150 people in each building, there could be 300 people on the property at one time. Mrs. Pomykala admitted that could be done, but it was not done as it is more comfortable with less usage. She also noted that

there was a variance concerning parking with a certain number of spaces on the property which was a requirement for the Bed & Breakfast. She reported that there was an attendant for events and that she did not know the number of parking spaces. She reported that it was possible for two events to be held on the same date; however, the times were staggered to accommodate flow and parking. She indicated that there was an approved list of off-site caterers.

Valerie J. Biglow gave testimony about her involvement with Koinonia in the capacity of Board of Directors when it was an educational foundation and her current involvement as Secretary of the 501.3C Koinonia Foundation. She stated that she first went there in 1974 when she conducted a weekend course on "Dreams." She reported not ever having resided there. She was there about 7 to 8 times a year for courses, events, and to teach her coursework. She was there most intensively during 1976-1977 and indicated that many courses such as holistic and vegetarian alternatives were conducted. She confirmed that brochures and fliers were used to advertise these courses. She also confirmed that residents taught, teachers were invited, and people who knew Koinonia were allowed to rent if they shared a similar philosophy. The coursework could be conducted over one day, a weekend, or over a 10-week time frame. Food and beverages were often served in the form of dinner or a meal, especially over a weekend. The smallest event would be 3 people and a larger event might be 150. She remembered a big kitchen being on site in Gramercy, but did not remember about Carriage House. She knew that preparation for a large group (150 people) would take place at Gramercy. She knew the facility was reserved or rented and that it usually took more than one day to make those plans. As noted, she went on the Board of Directors in approximately the winter of 1977 and remained on until the sale of 1985. She continues on the

Foundation Board. She was aware of Epistles, a newspaper and brochures being produced at Koinonia. She confirmed that from 1977 to 1985 the facility was for rent and particularly was used for weddings and receptions. She indicated that Brownies rented the facility to work on their requirements, as well as individuals. In particular, she remembered an individual named Gay Luce renting the facility in June 1981 and serving food and wine from the outside as part of that event. She was able to specifically identify other conferences by name and date (such as Mandela Conference re: Art Therapy in 1975/1976 where food was served, a Japanese convention on Psychology and Spirituality again with food and beverage being prepared at Koinonia and being scheduled greater than one day).

Ms. Biglow attested to these issues based on her Board member status and review of finances of Koinonia. She, as well, noted that the Waldorff School, a school for children, with holistic practices rented the facility for 1 or 2 years. She was unsure if lunches were prepared and sold on site to the general public. Other uses that she recalled included Christmas parties, pool parties with food and at least 50 people.

Under cross-examination, Ms. Biglow confirmed that activities were for the Koinonia community; however, the greater community was also included. Much of the cross-examination centered on the uses of the facility during that time, and a reference was made to Respondent /Property Owner's Exhibit No. 14, page 4 – article entitled "Koinonia's Facilities are for rent," where "like-minded" organizations and individuals were welcomed to have retreats, conferences, family gatherings, and other events for up to 150 to 200 people. Vegetarian meals were offered. Weddings were also mentioned in this article and the "finest of gourmet cooking and professional

floral arrangements are available." Ms. Biglow had no personal knowledge of activities before 1974 and her connection with the property stopped in 1985.

Bonnie Yanks Raindrop's knowledge of the facility was from 1973 to 1979. She could name specific events that she attended and those were educational events. She noted they were of varying lengths of time and could have 100 to 150 people in attendance, and noted that food and beverage were served. She knew of publications where events were advertised, as well as newsletters and program guides. She also knew of other events occurring from 1973 to 1979 but was unsure of the specifics. She remembered seeing other events, and also believed that it could be rented for outside events. She moved out of the area between 1979 and 1984 and returned to Koinonia 1984/85. She reported the uses to be educational, multi-day programs, including feeding –housing, and weddings, parties and receptions. She remembered a Basque Day celebration with several hundred participants, a steel band, and an outside caterer. She remembered a 4-day rental for an organ transplant workshop with 50 to 60 people in attendance. She noted that they were housed at the Carriage House and an outside caterer provided meals. She reported that, while she lived there, she rented an apartment and print shop. She did some work for Koinonia – a brochure – and this included how to rent the facility, detailed the offerings, caterer at the facility or outside caterer, a description of the gardens, and discussions re the holistic concept. She also worked on a program guide and folder (1984). Exhibit 14 was one she consulted on, and she reported having left the property in March 1985 when the property was sold. She testified to lunch being served daily, available to the public during the whole time she was there until its sale in 1985.

On cross-examination, Mr. Holzer attempted to establish that luncheon activities from 1973

to 1979 were part of programs and not held out to the public. Ms. Raindrop indicated that was unknown to her. She again reinforced her absence from the area between 1979 and 1984 and noted that she received mailers during this time. She confirmed that she had rented a room in the Carriage House for the last two years as a study. She was into printing activities for the last year. She reconfirmed that from 1973 to 1979, when she was there, printing activity occurred on site. She stated that the facility was rented to outside interests and work was done for their own business, the community, and their organization.

On re-direct, Mr. Clark clarified that Ms. Raindrop continued to receive information about Koinonia while she was out of the community, and that she remained friends with people at Koinonia.

Mr. Clark then brought forward David Thaler, a surveyor and landscape architect, who was readily accepted as an expert in his field. He was familiar with Koinonia as he grew up near the facility and was employed as an engineer by the owner since the '90s. He worked on the Bed and Breakfast petition and was familiar with Case No. 90-355-SPH previously before the Board of Appeals. He described the facility as being 45 acres on Greenspring Valley Road, with many hills, heavily wooded, with a mansion house named Gramercy, built at the turn of the century, and currently used for a Bed and Breakfast. Other buildings on the property include a stable, carriage house, and a series of residences – Acorn House, Hope, Memorial building, organic farm, tool shed, print shop, and swimming pool.

Mr. Thaler then reviewed the zoning of the property. It was as follows:

1945-48	Cottage A
1948-50	A residence
1955	Residence A & B became R-6

1970	Bill 100 –RDP /Rural Deferral Plan
1979	R.C. zone – R.C. 2

He explained that the Huffmans sold the property in 1950 to Koinonia for a private school. In 1990, at a special hearing before Zoning Commissioner Haines, the nonconforming uses of the property were upheld as well as a special exception for a nursery school for the Waldorf School, who operated on the property in the '50s. In 1990, a Bed and Breakfast was allowed. Mr. Thaler then reviewed the uses of the property since the '50s. He noted that initially the Koinonia Foundation operated the facility with a unique, broad-based, spiritual religious educational and communal mission. He indicated that they prepared individuals for overseas missions. There were religious events, including lunches, dinners, overnight stays, boarding, educational conferences on broad subject matter including spiritual and community outreach. At present, he testified that the Koinonia mission continues without spiritual and religious seminars. There is a Bed and Breakfast, catering, and organic farming. He testified that "Koinonia lives on" and there is little change, and it is similar to when the Foundation ran the facility. Mr. Thaler stated that specific uses have evolved, such as the carriage house and Gramercy are used for conferences, education, and catering. In 1955, the zoning was R6 and these were permitted uses.

Mr. Thaler cited Section 206 of the 1955 zoning regulations for R6 zones where these uses were allowed and limited. Also cited were the 1955 zoning regulations, Section 200 and Section 200.6, where the uses permitted by right were community buildings, swimming pools, and structures for civic, social, recreational and educational activities. In 1963 there was a change in the R6 zoning, where community buildings were permitted in R6 zones by special exception in

accordance with Section 209.3. Bill No. 100 of the 1970 zoning regulations established a RDP zone, which included a community building by special exception. Mr. Thaler opined that Koinonia's uses in the RDP zone continued as a nonconforming use. However, he opined it was a lawful nonconforming use that is permitted in R.C. zones under Section 104. He supported this as a lawful nonconforming use in 1950 under R6 zoning regulations and the use is virtually the same. In 1950, when there was a rudimentary zoning code, Koinonia was issued a permit as a private school, and the institutional uses throughout the period continue the same. In 1990 a special hearing was held to confirm the lawful nonconforming residential, institutional and other uses of Koinonia. Under the Board of Appeals Case No. 90-355-SPH, the Board determined and upheld the uses to continue as lawful nonconforming uses. To clarify the meaning of "institutional uses" and that the Baltimore County regulations have no language for institutional uses, we check *Webster's Third Edition* as outlined in BCZR Section 101.1-5. Mr. Thaler concluded his testimony, asserting that it was his opinion, based on the definition and the uses described, that Koinonia fit in the definition of institution.

On cross-examination, Mr. Holzer established that Mr. Thaler started working on the case, professionally, in 1995, when he prepared the map for Case No. 96-230-SPHA. Mr. Thaler confirmed that the uses were listed as Residential and Educational. The proposed use, in 1995 for Case No. 96-230-SPHA, was Residential, Educational, and Bed and Breakfast. Mr. Thaler confirmed that he was not a part of the 1990 case; however, it was his understanding from the opinions read, transcripts, newsletters and flyers read, and personal knowledge of the property and activities that have occurred there, that the special exception questions were decided in 1990. Mr.

Thaler testified that the present uses became nonconforming in 1963 and that the community building came about because of the special exception.

Ms. Dixie Mullineaux, a self-employed acupuncturist and massage therapist, who was at Koinonia from 1978 to 1984 as the head cook, testified that she had a staff of three on a daily basis. She prepared food for a minimum of approximately 20 people, but as well cooked for students of the classes or workshops on the weekend. She stated that the meals were served in the dining hall of the main lodge, Gramercy. She confirmed that there was a small kitchen in the carriage house and small personal kitchen in the dwelling. She stated that there were three to four workshops a month that included meals. It could be any or all meals – breakfast, lunch, and/or dinner. She noted that outsiders came to the workshops and that the size would be from 5 to 50 people, and occasionally 75 to 100. She referenced brochures from 1979 and 1980 for the overnight workshops. She indicated that a 23-page book was published, that covered activities for ¼ year or a season. Some national speakers would draw 100 to 150 people. As well, she testified that there were several weddings that she catered. She recounted the wedding of two residents in 1979. The number of guests was 50 to 75; other wedding parties she worked on were as large as 150 people. She, as well, recounted other parties, some for staff only (Holiday party) or religious (Easter Sunrise Service). She, herself, used the facility in 1986-87 to teach massage therapy to senior citizens.

During cross-examination, Mr. Holzer established that some events at Koinonia were fund-raising in nature, and that food was generated through the kitchen either in Gramercy or the carriage house. On re-direct, Mr. Clark identified that people brought food (specifically meat) into the

facility if the event involved a pot-luck dinner.

Blake Goldsmith, who owns his own catering business, Extraordinary Events, and previously Fiske Caterers, testified to his familiarity with Koinonia property. He testified to catering a wedding in the early 1980s, as well as social organization and corporate events. These events were arranged more than one day in advance, and food and beverages were served. The food was prepared off-site and served on-site. The range of people he served was between 60 to 400 persons, and all the events were 4 to 5 hours long. He has been in catering all his life and knows of other caterers who worked events at Koinonia. In fact, he stated that he asked to be the exclusive caterer and was denied that privilege. He has catered at the property since it was sold in 1985. He indicated that he had catered more professional events that were not greater than 130 people. He still had done social, wedding, holiday and business retreats. Arrangements for these events were made more than a day in advance, and the food was prepared off-site and brought in for the event. Since 1985, he has done anywhere from 2 to 3 to 12 events in a year. He did remember one event from the late 1970s or early 1980s, the Basque Festival. He catered the event and stated it was French cuisine and involved about 120 people. Again, the food was prepared off-site and brought in for the event.

Gretchen Bodrogi, who has been a sanitarian in Waste Management and Community Services, Baltimore County Environmental Protection, for 23 years, testified to knowledge of the annual Food Service Inspection of 1400 Greenspring Valley Road. She remembered back to the late '70s /early '80s and testified that a search of County records for food permits indicated that the facility was so old that no records were available. She indicated that an annual restaurant

inspection would allow for food service. She testified that at present there is a license that restaurants, churches, etc., must obtain. Bed and Breakfasts are exempted, in that they don't need an annual evaluation as long as they serve a minimal breakfast. Ms. Bodrogi testified that food must be prepared in a licensed facility or they would need a one-day permit. She testified that this permit is the responsibility of the caterer to obtain.

Mr. Clark proffered the testimony of his witness, Janice Singer Rosenzwog, who could not be contacted. He stated that she was familiar with Koinonia as she was employed by them from 1982 to 1985, as the Director of Promotions. He stated that the visited the facility from the late '70s onward. She had knowledge that food was prepared on and off-site and served to parties at the facility. In the last '70s to 1985, lunches were prepared on-site and were available to the public five days a week. He proffered that the public was allowed and did take lunch on the property. She had knowledge that the facility was rented to outside individuals for purposes such as singles parties, healing workshops, business retreats, weddings, and several different types of day events. These activities were longer than four hours and food was involved. The facility was rented longer than one day in advance. There were also holiday events that involved food and beverage; specifically, Easter services and Christmas parties. She had knowledge of two to three events a month with the spring and fall having the heaviest bookings. There also were evening courses that lasted from two to five weeks. Mr. Clark proffered her testimony to her earliest recollection in the early to mid '70s, that lasted several days in time and involved approximately 150 people. This was the same event testified to by Ms. Mullineaux. To her knowledge, it was proffered, there was never over one year when the facility was not rented. He also noted that Ms. Rosenzwog rented the facility herself

after 1985.

At the conclusion of the hearing, counsel for the respective parties agreed to file closing arguments for review. Upon receipt and review of the same, members of the Board each respectively reviewed and concluded their opinions. One member dissented and wrote his individual opinion. The opinion herein stated constitutes the majority.

The Zoning Commissioner's ruling in Case No. 99-333-SPH, dated July 20, 1999, states that the respondents are operating a catering hall in violation of the use permit issued in prior Case No. 96-230-SPHA and, thus, are in violation of the *Baltimore County Zoning Regulations* (BCZR). Case No. 96-230-SPHA allows the Petitioner in that case, Koinonia Partnership (Ronald and Anne Marie Pohnykala) to operate a Bed and Breakfast Inn pursuant to Section 402.D of the BCZR. As well, two parking variances were granted from Section 409.3 and Section 409.4 of the BCZR, thus allowing for a decrease in the size of the drive aisles and parking space size.

Mr. Schmidt, in his consideration of the present case (Case No. 99-333-SPH), states that Mr. Luskin now comes before him seeking relief since he believes that the activities occurring on the subject property go beyond the uses permitted by the Board of Appeals in the prior Case No. 90-355-SPH, and the Order regarding the Bed and Breakfast in Case No. 96-230-SPHA. However, in the Petitioner's Petition for Special Hearing to the Zoning Commissioner of Baltimore County," he includes information indicating that there was a Board of Appeals decision dated August 2, 1991 but specifically asks in #6 of the Petition request, "Petitioner requests the Zoning Commissioner to determine that the Respondents, Ronald and Ann Marie Pomykala, are operating a 'catering hall' in violation of the use permit issued in Case No. 96-230-SPHA and in violation of the Baltimore

County Zoning Regulations generally."

The Zoning Commissioner ruled that the Pomykala's were in fact operating a catering hall and that this is in violation of the permit issued in Case No. 96-230-SPHA, and by doing so, the Pomykala's are also in violation of the BCZR. The Zoning Commissioner, in the body of his Opinion, gave consideration to the previous Board of Appeals decision dated August 2, 1991, noting that "the same had been appealed and affirmed and remains in effect today," this being the same Order that he continued to affirm in his Opinion granting the Bed and Breakfast in Case No. 96-230-SPHA, where he opined, "…I shall restrict the relief granted by specifically adopting, to the extent applicable, the Board of Appeals' decision of August 2, 1991. That is, it is to be recognized that the decision in the instant case does not represent a reversal or override of the Board's decision. The terms and conditions of that prior Order shall remain in full force and effect, except as expressly amended hereby."

However, in his ruling in the instant case, Mr. Schmidt gave considerable attention to the details of Case No. 90-355-SPH, and in fact outlined the details of that case to specifically draw a conclusion as to whether or not catering, as was subsequently defined in the *Baltimore County Zoning Regulations,* was addressed by the witnesses. Section 101 of the BCZR states: "A facility or part of a facility used regularly for serving beverages and food to groups which reserve the facility for banquets or gatherings before the day of the event. A catering hall is not a standard restaurant." (See Zoning Commissioner's Opinion, Case No. 99-33-SPH dated July 20, 1999.)

If Case No. 96-230-SPHA were looking at only the operation of a "catering hall," the

Majority of this Board would conclude and agree that this was in violation of the Order granting the special exception for a Bed and Breakfast. However, a majority of this Board does not agree with the Zoning Commissioner's assessment regarding the Board of Appeals Opinion of August 2, 1991 in Case No. 90-355-SPH. In that Order, the Board was clear regarding the property and its nonconforming uses. In that Opinion, the Board stated:

> …The use of this property has changed little since the early 1950's. Although the Koinonia Foundation has faded from this property as owners, its spirit and legacy continue to inhabit this unusual property. The character of this property has not changed in over 40 years. No business that is conducted on this property can been [sic] seen or heard by its neighbors, nor do the comings and goings of the inhabitants affect the neighborhood. The Board finds as a matter of fact that multi-residential uses existed on this property during the 1970's, during the 1960's, and during the 1950's, and that these uses continued up to and through the 1980's and still continue to date, and that these uses are nonconforming uses which exist as a matter of right in the R.C. 2 zone as currently described in the Baltimore County Zoning Regulations. This property has been well known to the neighborhood, and its general usage has continued throughout the last 45 years. A change in ownership does not destroy a nonconforming use. The use transferred to the succeeding owner will continue so long as the nature and character of that use is unchanged and substantially the same facilities are used.

As in 1991, this Board also finds and concurs that the nature and character of the property remains essentially unchanged, and the exact facilities are still being used "for the exact purposes that they have been used for these many years." The Board in 1991, as noted above, confirmed *that a change of ownership does not destroy a nonconforming use. It does appear from the* testimony provided that the use before us in the present case, i.e., catering, was an integral part of the activities that occurred at Koinonia. As well, the Board references Mr. Twomey's testimony in Case No. 90-355-SPH: "Koinonia did use the facilities to raise funds and these funds were derived from the sale of gifts, farm produce and herbs and the renting of the property to outside

groups for educational and/or social purposes." The transcript also reflects the testimony of Mr. Twomey who referenced "properly prepared food" [p 60] and "paying them for their food [p 61], referencing the "natural food store" [p 64]. He also stated, "there was no question some transaction occurred in which there were sales and there would have been some money received from it for not only the premises which derives some income from the various activities." [pp 64-65]

In addition, this same majority considered the standard of review to be the critical determiner for their opinion. The decision of an administrative agency, such as the zoning board for a county, must be upheld on review unless premised upon an error of law, provided that the agency's conclusion may reasonably be based upon the facts proven. In a recent, unreported decision in the matter of *James G. Robinson v. Baltimore County, Maryland*, the Court of Special Appeals held that in zoning matters, judicial review is limited to determining whether the issue before the administrative body is fairly debatable; the decision of the administrative agency must be supported by substantial evidence on the record. *Sembly v. County Bd of Appeals*, 269 Md. 177 (1973). Substantial evidence has been defined as "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Supervisor v. Group Health Ass'n.*, 308 Md. 151, 159 (1986) (quoting *Bulluck v. Pelham Wood Apartments*, 283 Md. 505, 512 (1978)). In other words, "if reasoning minds could reasonably reach the conclusion reached by the agency from the facts in the record, then it is based upon substantial evidence, and the court has no power to reject that conclusion." *Liberty Nursing Ctr. v. Department of Health & Mental Hygiene*, 330 Md. 433, 443 (1993) (citing *Snowden v. Mayor and City Council of Baltimore*, 224 Md. 443, 445 (1961)). The Majority concluded that the Opinion of the prior Board in Case No.

90-355-SPH included catering activities and so noted that a reviewing court "must review the agency's decision in the light most favorable to the agency, since decisions of administrative agencies are prima facie correct and carry with them the presumption of validity." *Baltimore Lutheran High School Ass'n. v. Employment Sec. Admin.*, 302 Md. 649, 662-63 (1985).

As noted previously in this Opinion, Case No. 90-355-SPH was appealed previously and affirmed. The Majority found that the lawful nonconforming residential, institutional, educational and other nonconforming uses granted in Case No. 90-355-SPH to the Koinonia Partnership are exactly what the Koinonia Partnership continues to do to date.

ORDER

THEREFORE, IT IS THIS 28th day of July, 2000 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing filed by Jack Luskin be and is hereby **DENIED**; and it is further

ORDERED that the catering operation at the subject property be allowed to continue as a legal nonconforming use and an uninterrupted and continued part of the operation of the facility.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Donna M. Felling

Lynn Barranger

1/28/00

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
KOINONIA PARTHERSHIP -LEGAL	*	OF APPEALS
OWNER; JACK LUSKIN -PETITIONER		
FOR SPECIAL HEARING ON PROPERTY	*	OF
LOCATED ON THE N/S GREENSPRING		
VALLEY RD, 930' W OF C/L	*	BALTIMORE COUNTY
GREENSPRING AVENUE (1400		
GREENSPRING VALLEY ROAD	*	CASE NO. 99-333-SPH
8TH ELECTION DISTRICT		
3RD COUNCILMANIC DISTRICT	*	

* * * * * * * * *

DISSENTING OPINION

This Board member concurs with the Board majority, as reflected in public deliberation, that the essential question to be addressed by the Board concerns the decision of a prior Appeals Board and their opinion in Case No. 90-355-SPH. The instant case comes to the present Board based on an appeal from a decision of the Zoning Commissioner (Case No. 96-230-SPHA) in which the Commissioner determined that the Respondent (Koinonia Partnership, T/A Gramercy) was operating a "catering hall" as defined by the *Baltimore County Zoning Regulations* (BCZR); essentially, in direct violation of the existing zoning, and in violation of existing zoning approvals as established in the Zoning Commissioner's and County Board of Appeals' decisions. A catering hall is defined under the BCZR as "a facility or part of a facility used regularly for serving beverages and foods to groups which reserve the facility for banquets or gatherings before the day of the event. A catering hall is not a standard restaurant."

Is the Respondent operating a "catering facility"? If so, such an activity is not permitted in an R.C. 2 zone where the subject site is located, unless it was a "permitted use" under the prior Case No. 96-230-SPHA and Case No. 90-355-SPH (Petitioner's Exhibit No. 1). In Case No. 90-355-SPH, the County Board of

Appeals issued an "Opinion and Order" that affirmed certain nonconforming uses existing as of its decision dated August 2, 1991. That Board heard extensive testimony and received evidence that led its members to the conclusion that certain "lawful, nonconforming residential, institutional, and other uses" were proper and in order on site.

Subsequently, Case No. 96-230-SPHA followed in which the use of the Respondent's property was questioned as a legitimate "bed and breakfast" facility. That case was decided in favor of the "Gramercy Bed and Breakfast", DBA in Koinonia at 1400 Greenspring Valley Road by the Zoning Commissioner, who determined that the Respondents could legally operate a "bed and breakfast" under Section 402.d of the BCZR. In that case, the Zoning Commissioner limited the relief by specifically adopting, to the extent that was applicable, the prior Board of Appeals decision rendered on August 2, 1991; that is, Case No. 90-355-SPH. The Zoning Commissioner did not intend to reverse or override the decision of the Board, and that all of the terms and conditions of the 1990 case were to remain in effect. A special hearing for a "use" permit for a bed and breakfast was granted by the Commissioner's Order of July 20, 1996, along with variances relative to parking and drive aisles, and minimum parking spaces.

At this juncture, the Respondent is properly operating a "bed and breakfast," which the BCZR defines as a "tourist home that

provides for 12 rooms, (limited to a maximum of 16 persons), for paying guests on an overnight basis for periods not to exceed 14 days with the breakfast being available on premises at no additional cost. A bed and breakfast is allowable only as a building originally constructed as a one-family dwelling pursuant to provisions and procedures prescribed in Section 402.d of these regulations." [BCZR] While the Board overruled Mr. Holzer's objection concerning Respondent's proceeding to prove a "nonconforming use" case as to the catering issue, the Board appropriately permitted the case to continue to have a complete record. However, in reaching its conclusions as to both the Majority and the Minority Opinions, the Board did not consider the testimony and evidence of Respondent's witness as submitted at the public hearings relative to any "nonconforming" use concerning "catering activities," but rather based their respective conclusions solely and exclusively on the documentation afforded under Case No. 96-230-SPHA (the Zoning Commissioner's case) and Case No. 90-355-SPH (the Board of Appeals' transcripts, depositions and Board's decision). The resulting disagreement among the Board members as to the interpretation of the prior Appeal Board's "Opinion and Order" is based on these materials, and a thorough examination and review of these records. There is no disagreement that the Respondents are operating a "catering hall" and that this is separate and distinct from the permitted use of a "bed and

breakfast" inn. This Writer has examined all of the documentation from the prior Board and Zoning Commissioner cases and, in particular, the transcripts from the 1990 Board case. There is considerable merit, as suggested in the Petitioner's Brief, that "catering activities" were not substantially covered or considered by the prior Board. The major thrust of that case was essentially relevant to the issue of building sites and residential usage. The basic evidence and testimony revolved around site uses as envisioned functioning for school, residential and agricultural uses. References are replete concerning the educational activities and building usage as residences.

In analyzing carefully the statements made by Counsel representing Koinonia, and in particular the testimony of Ms. Marion Carnes (the Koinonia historian), there is considerable reference to the education and residential usage of the subject property with no reference to weddings or commercial catering activities. Certainly, the comments in the Brief submitted by Petitioner's Counsel on page 11, and verified by the Writer's in-depth analysis, does not disclose any significant references to "weddings, social activities, or catering functions" on the property. Again, the Writer could only find one reference to wedding parties which is located on page 58 of Mr. Twoomy's testimony relative to the Koinonia Foundation Tax Exempt Status (reference Petitioner's Brief, page 11). The record being "barren"

as to such catering activities, the Writer does not concur that the original Board considered "catering" activities as coming within the "residential and institutional" uses of the site. This is bolstered by the fact that Petitioner's Exhibit No. 1 in the 1990 case references no catering uses for the purposes of social events and wedding receptions. The Majority of the Board considered the use of the term "institutional" significant in determining that such uses are permitted. That point is well-considered since the prior Board did consider "institutional" uses permitted in the Board's Order as well as "other uses" reflected on the Petitioner's Exhibit No. 1. As Respondents have indicated in their Brief, "institutional" and "other uses" are not specifically defined under Section 101 of the BCZR. It is necessary, therefore, to consider the definitions set forth in the most recent edition of *Webster's Third New International Dictionary of the English Language, Unabridged*, which states:

> Institutional…of, relating to, involving, or constituting an institution.
> Institution…Something that is instituted as: a significant and persistent element in the life of a culture that centers on a fundamental human need, activity, or value, occupies an enduring and cardinal position within a society, and is usually maintained and stabilized through social regulatory agencies (of marriage)…

However, that definition must be supported by the evidence and testimony produced before the 1990 Board, and the difficulty is that in reviewing same the Board Majority is going to be hard-

pressed to uncover any substantive evidence, testimony, or reference to reflect that the 1990 Board considered "catering activities" within the scope of what that Board heard in testimony, reviewed as evidence, and even considered. It simply isn't there. The closest factor that comes to it is in the testimony of David Twoomy (T 7/26/91 p 37) which is recited in Petitioner's Brief, page 11. The "institutional uses" referenced in the 1990 Board's Order could not have considered any "catering activities" because there is hardly any reference to such activities in connection with the "institutional uses."

This Writer was required to reach the same conclusions as the Zoning Commissioner, after exhaustive review of what that Board had before it, and cannot conclude that if any catering activities did occur they were in pursuit of the non-profit Koinonia Foundation and specifically for the benefit of individuals living on the site, vis-à-vis, weddings or on-site conferences /seminars that supported the Foundation. The Foundation ceased to exist when it vacated the premises, and the present owners established a "for profit" facility.

As for the "other uses" issue, reference is made to Petitioner's Exhibit No. 1. Clearly an examination of that Petition reflects that such uses were in conjunction with buildings associated that were the subject of testimony and evidence during the course of the original County Board of Appeals proceeding, and

catering activities were not even considered by the prior Board as coming within the term of "other uses."

The Writer concurs with the Majority who agreed that the prior Board Order speaks for itself; and it would be highly inappropriate to have any prior Board member testify as to the intent of the Board. This position is well-stated in Maryland case law. In the final analysis, if the Respondent is to consider such ongoing "catering activities," the proper form is in a request for a special hearing to determine if such activities are in fact a legitimate "nonconforming use." Such a case would enable the Respondents and Petitioner to properly prepare for such a case in an evidentiary proceeding in the appropriate forum to determine if the activity is in compliance with the laws and regulations dealing with such "nonconforming" use situations.

For the reasons stated, this Board member dissents as to the legitimacy of any commercial catering activities taking place on the subject site that the Majority determined to be present in the former Board's Opinion and Order

Charles L. Marks

DATE: July 28, 2000

2/8/00

RECEIVED
COUNTY BOARD OF APPEALS
00 FEB -8 PM 12:08

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE

FOR THE PROPERTY LOCATED AT * BOARD OF APPEALS OF
1400 GREENSPRING VALLEY RD. *

* BALTIMORE COUNTY

* CASE NO. 99-333-SPH

8TH ELECTION DISTRICT *
3RD COUNCILMANIC DISTRICT *

JACK LUSKIN, PETITIONER *

* * * * * * * * * * * * *

MEMORANDUM IN LIEU OF FINAL ARGUMENT
BEFORE THE BALTIMORE COUNTY BOARD OF APPEALS

Jack Luskin, 2200 Greenspring Valley Road, Petitioner by his attorney J. Carroll Holzer, Holzer & Lee, hereby submits this Memorandum in lieu of final argument in the above captioned matter as requested by the Board of Appeals and says:

STATEMENT OF THE CASE

The Petitioner, Jack Luskin, residing at 2200 Greenspring Valley Road, petitioned for a Special Hearing requesting the Zoning Commissioner to determine, pursuant to BCZR Sections 500.6 and 500.7, that the use of the subject property at 1400 Greenspring Valley by the Koinonia partnership and Mr. and Mrs. Pomykala, as a "catering hall" is in violation of, and not consistent with, the "use permit" issued in Case No. 96-230-SPHA and also with the findings of the County Board of Appeals (hereinafter "CBA") of a nonconforming use in Case No. 90-355-SPH. The case was decided by the Zoning Commissioner on July 20, 1999, finding that upon careful review of the documentation presented by both parties, the Koinonia Partnership was operating a catering hall in violation of the use permit issued in the prior Case No. 96-230 and in violation of the Board's decision in Case No. 90-355-SPH. From that decision, Koinonia Partnership took

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX (410) 825-4923

this appeal to the Board of Appeals. The case was heard de novo before this Board on January 11 and 12, 2000.

The Petition of Jack Luskin is very specific in its request pursuant to Sections 500.6 and 500.7 to properly interpret previous decisions and to enforce any deviation therefrom. By the Exhibits #1-4, attached to the Petition, Jack Luskin suggests that the Respondents, Dr. Ronald and Anne Marie Pomykala, are operating a "catering hall" in violation of the permitted activities on the subject site as permitted by Case Nos. 96-230 and 90-355-SPH (The 4 Exhibits are marked by this Board as Pet. #1). The Petition requests a determination as to whether or not the use of the property (zoned RC2) as a catering hall was permitted by either zoning decision. If it was not, Luskin requested the Zoning Commissioner to determine that the Respondents were operating a "catering hall" in violation of the "use" permit issued in Case No. 96-230 and in violation of the Board's decision in Case No. 90-355-SPH. Petitioner Luskin did not request a determination of whether or not there was a nonconforming use activity for catering permitted on the property. During Day One of the hearing, Respondent attempted to produce "new" evidence, not contained in either Case No. 90-230 nor 90-355, to establish that a nonconforming use for catering currently exists. To this end, Respondent produced the testimony of Anne Pomykala, Ms. Bigelow, Bonnie Raindrop, Arnold Foreman (testimony excluded), David Thaler, Dixie Mullineaux, Blake Goldsmith, Gretchen Bodrogi, and Janice Rosenswag. The Petitioner, in response, objected to the testimony of all of the witnesses which purported to relate to new facts to support a finding that a nonconforming activity for "catering" existed on the subject site. Petitioners presented an oral Motion to Deny the Respondent from using the Luskin Petition for Special Hearing to establish a nonconforming use case on the following reasons: First, that the Petition, which is the subject of the appeal, does not relate to a request for approval of a

nonconforming use. It does not alert, by way of language or posting, that a nonconforming use case is to be tried under the instant caption of Case No. 99-333-SPH. Secondly, the Petitioner was not properly prepared to try a nonconforming use case on the basis that it goes beyond the requested questions posed in the Petition. Thirdly, that if Respondent chooses to produce new evidence of a nonconforming use, it cannot do so by way of this Petition, but must file its own Petition for nonconforming use which would permit the Zoning Commissioner, the adjacent community and the instant Petitioner the right to prepare and review such a case before arriving at the Board of Appeals. The Petitioner here reiterated, that this case revolved around an interpretation of a previous Zoning Commissioner's decision and a Board of Appeals decision, that it was a paper case of interpretation of the existing zoning status for the subject site and this case should not be made or turned into a nonconforming hearing. The Board deferred its ruling on the Motion, desiring to hear the testimony of the Respondent and indicated it would address the issue after the case was tried. The Petitioner made a continuing objection to the testimony of all of the witnesses relating to new evidence concerning a possible nonconforming use of the subject site as a catering operation.

This Memorandum, by necessity, will address the issue of the limited case which it believes is before the Board, as well as the question of "new" proof relating to the nonconforming use issue.

QUESTIONS PRESENTED

1. ***The evidence presented by the Petitioner by way of documentation from Case No. 90-355-SPH (the Zoning Commissioner's decision), 96-23-SPHA (the CBA transcripts and deposition and the Board's decisions), and the Zoning Commissioner's decision in 99-333-SPH, clearly establish that at the present time, the Koinonia Partnership is***

operating a "catering hall" as defined by the Baltimore County Zoning Regulations in violation of the existing zoning and in violation of existing zoning approvals as set forth in the Commissioner's and CBA's decisions.

2. ***A) That the presentation by the Respondent of "new evidence" which was not before either the Zoning Commissioner or the Board of Appeals in those previously cited cases should not be considered by this Board in light of the fact that it is not encompassed by the Petition before the Board, it was not subject to review by the Zoning Commissioner, and must be brought by the Respondents in their own Petition for nonconforming use if they desire to produce the evidence.***

B) If the evidence is considered by this CBA over the objection of the Petitioner, *Petitioner submits that it fails to establish a nonconforming use existed in 1955 as required by the Zoning Regulations of Baltimore County and further, that it fails to establish an uninterrupted use in catering activities from 1955 to present.*

STATEMENT OF FACTS

I. **The evidence presented by the Petitioner by way of documentation from Case No. 90-355-SPH (the Zoning Commissioner's decision), 96-23-SPHA (the CBA transcripts and deposition and the Board's decisions), and the Zoning Commissioner's decision in 99-333-SPH, clearly establish that at the present time, the Koinonia Partnership is operating a "catering hall" as defined by the Baltimore County Zoning Regulations in violation of the existing zoning and in violation of existing zoning approvals as set forth in the Commissioner's and CBA's decisions.**

A. Facts Presented by Documents

The same documentation submitted to the Zoning Commissioner was submitted to the Board of Appeals. Petitioners Exhibit #1 includes the three case opinions (Nos. 90-355, 96-230, and 99-333), and the 1999 brochure of Koinonia Partnership showing the Grammercy catering operation. Petitioner's Exhibit #2 is the plat from Case No. 96-230, Petitioner's Exhibit #3 is the

plat to accompany Case No. 90-355 which is very important to the Board's review. Petitioner's Exhibits #4, 5 and 6 are the complete deposition of Marian Carnes and all of the testimony before the Board of Appeals in the 1990 case.

In reviewing all of this documented material the following facts are undisputed. The Respondents, Dr. Ronald and Anne Marie Pomykala, own and operate the Grammercy Bed and Breakfast, doing business in Koinonia, at 1400 Greenspring Valley Rd., pursuant to a bed and breakfast "use" permit, issued by the Zoning Commissioner in Case No. 96-230-SPHA on May 29, 1996. The Zoning Commissioner's decision in that case permitted the Respondents to operate, subject to a "use" permit, a bed and breakfast pursuant to Section 402.d of the Baltimore County Zoning Regulations (B.C.Z.R.). Nothing in the Opinion nor in the Order granting the "use" permit addressed the issue or permitted the operation of a "catering" operation for the subject site. In particular, the Zoning Commissioner limited the relief granted by specifically adopting, to the extent applicable, the Board of Appeals Decision of August 2, 1991 (which was Case No. 90-355-SPH). The Zoning Commissioner particularly found there that he did not intend to reverse or override the Board's decision and indicated that the terms and conditions of the prior CBA order were to remain in effect. He later again confirmed that position in his Order of July 20, 1999 in this case. After that qualification, he granted the Special Hearing for a use permit for a bed and breakfast under Section 402.d of the BCZR; granted a variance from Section 409.4 to permit parking in drive aisles; and granted a variance from Section 409.3 to permit a parking space minimum. The Petitioner here also presented the Board of Appeals Decision of August 2, 1991 in Case No. 90-355-SPH. There, the Board reviewed the operations of Koinonia to determine and approve and confirm the lawful nonconforming residential and institutional uses requested by the Petitioner. In the course of the Opinion (p. 2), the Board

characterized the property usage from Mrs. Carnes as a "learning facility with religious values." The CBA found that individuals and families were trained at the facility while living on the property. The CBA reviewed a number of photographs which showed the various structures on the site and the structures' use. Mrs. Layne Burke testified that Koinonia had been active and described the use as "educational workshops and conferences continued on the property"(Opinion p. 4). The Board also found facts that this site is rented out "to private groups for seminars and other educational purposes (Emphasis supplied) throughout the year" (Opinion p. 4). Norman Gerber, a planning expert is cited in the CBA Opinion testifying as to uses both "residential and educational," and his testimony before the CBA was that the current use of the property continues in that vein as both residential and educational (Opinion p. 5). The Board further found in the facts that during the exclusive use of the Koinonia Foundation, the training center continued to "operate with multiple functions as a school, residence, and agricultural-type of establishment" (Opinion p. 5). Further Jack Dillon, Senior Planner in the Office of Planning at that time challenged the use of the property and Gerber's testimony for the "residences" (Opinion p. 6). Jeff Long, of the Office of Planning told the Board that when the "school use on the site ceases, the ability to have apartments on that property ceases also" (Opinion p. 6).

To this point, no evidence suggests any type of commercial "catering" operation being permitted on the site. The only evidence that appears to come close is that of Mr. Twoomy, a member of the Koinonia Board, whose testimony was recited by the Board in its Opinion on p. 6 stating that "Mr. Twoomy did indicate that Koinonia did use the facilities to raise funds and these funds were derived from the sale of gifts, farm produce, and herbs, and the renting of the property to outside groups for educational and/or social purposes and that these activities continued until the sale of the property."

The CBA in its Opinion on p. 7 then began an analysis of their findings. The CBA said, "the Board is convinced that during the 1950s, 1960s, 1970s, and 1980s persons who are not affiliated 100% with the Koinonia Foundation resided on the property and paid rent to the Foundation (Opinion p. 7). The Board then discussed the definition of the school and the use of the institution as a place for instruction and education. The Board further found as a matter of fact that multiresidential uses existed on this property and are nonconforming uses which exist as a matter of right (Opinion p. 8).

It is important to note that nowhere in the Board's Opinion does it discuss the commercial ramifications of catering, renting the property for wedding receptions, etc.

In the Board's Order of August 2, 1991, the CBA found that "the Petition for Special Hearing to approve and confirm the lawful and nonconforming residential, institutional, and other uses as shown on Petitioner's exhibit No. 1. . . is granted."

The instant Petitioner then presented the Baltimore County Zoning Regulation, Section 402.d, defining "bed and breakfast." The Petitioner then offered the advertisement for the Grammercy Bed and Breakfast located at 1400 Greenspring Valley Rd. which indicates the "1999 rate schedule for weddings and parties." On p. 1 of the rate schedule, it indicates that the Grammercy Mansion can be utilized, as well as the kitchen for an approved caterer. It provides for the caterers setup and cleanup time and it provides that "two weddings may be held on Saturdays during the months of April, May, June, September, October, and November." It indicates that approved caterers only may be utilized and defines when the choice of caterer must be made. It indicates a capacity of 150 people and then it indicates the approved caterers list and contact persons with telephone numbers, listing twelve approved caterers. The Carriage House on Koinonia is also setup for weddings and parties, again, sharing the use of the kitchen and

again providing for setup and cleanup for the caterers. The Grammercy Mansion advertisement on p. 3 provides for "elegant settings for a wedding or other milestone events." Page 4 again defines the Mansion and the Carriage House as available for weddings, meetings, seminars, and parties. . . weddings and other events. . . .". The Respondents have before the Board, now acknowledged that they are in fact conducting catering activities on site (Anne Pomykala testimony on January 11, 2000).

The subject property is zoned RC 2. The Baltimore County Zoning Regulations define "catering hall" as "a facility or part of a facility used regularly for serving beverages and food to groups which reserve the facility for banquets or gatherings before the day of the event. A catering hall is not a standard restaurant." The BCZR further defines "bed and breakfast inn" as "a tourist home that provides four to twelve rooms (limited to a maximum of 16 person) for paying guests on an overnight basis for periods not to exceed 14 days with breakfast being available and premises at no additional cost. A bed and breakfast inn is allowable only in a building originally constructed as a one-family dwelling pursuant to provisions and procedures prescribed in Section 402.d of these regulations." The BCZR distinguish a "catering" hall and a "bed and breakfast inn."

B. <u>Argument</u>

A review of the evidence submitted to the CBA in 1990 is helpful to determine what the Board actually determined. The evidence before the Board will be summarized as follows. Generally, it appears from the Board's Opinion and Order that the nonconforming use issue debated by the parties before the Board related to the issue of whether or not the various buildings on the site had been previously utilized for residential use. The overwhelming analysis of the Board addressed the various buildings and their use as residences. In addition, the bulk of

the testimony centered upon the use of the site as a "school, residence, agricultural-type of establishment." There was no effort by any witness other than the casual comment by Twoomy to discuss any other type of nonconforming uses on the site.

The Petitioner has examined and reviewed not only the limited portions of the transcript marked by the Respondents, but also the entire transcript and complete deposition of Mrs. Carnes, the recognized historian on Koinonia, submitted by counsel and believes that the transcript and deposition as a whole supports the position that "catering" activities were not covered.

In analyzing the deposition of Mrs. Marion Carnes, Petitioner's Exhibit #4, taken on April 19, 1990 and presented to the County Board of Appeals in this case, the overwhelming direction of the deposition centered on Mrs. Carnes' recollection of the use of various buildings on the site. She testified that the facility was used for special "workshops" (Depo p. 24); that buildings were used for "student families to live in" (Depo p. 42). She also identified photographs of various buildings which she described as being used for residences for the school (Depo p. 29-37). Nowhere in her testimony did she testify in regard to catering activities, wedding receptions, or social activities to be held for groups outside the facility. She was asked during the course of the deposition:

> "You have described at length what the activities for the Koinonia Foundation were over the years of your affiliation. Aside from some incidental things you mentioned, were there any commercial activities that were unrelated to the Foundations educational purpose?" Answer: "I can't think of any." Question: "Were there any industrial or other activities unrelated." Answer: "No." Question: "To the educational purpose?" Question: "So would it be your testimony that all the activities that were conducted at Koinonia at this property during your familiarity with it, were in connection with the private school that was operating there." Answer: "I would think so." (Depo p. 67)(emphasis supplied).

An overall review of the hearing conducted before the County Board of Appeals on July 24, 1991 and again on July 26, 1991, Petitioner's Exhbits #5 and 6, indicated that the main thrust

of the Koinonia Partnership at the time was whether or not the uses of the various buildings on site for residential purpose (not connected with the school) was permitted as part of the nonconforming activity. Thus for example, Mr. Nolan, who represented the Petitioner/Applicant (Koinonia Partnership) outlined the reason for being there, "related to educational activities and the use of the buildings on the various properties as residences" (Transcript July 24, 1991 pp. 3-5). Again, in the same transcript at page 11, Nolan stated the reason for their being before the Board, "We are here to confirm the special exception that exists. And we are here because the Zoning Commissioner ordered that they cease using all of those rental cottages and they had to be closed down. And the Pomykalas feel that the law should not countenance that type of cessation, because it will undermine the historic value of that property". Again, no mention of "catering" activities by the attorney for the Pomykala's, the partner of their counsel today.

The Koinonia Partnership presented its surveyor Gene Raphel, to introduce Developer's Exhibit #1 (marked as Pet. Exh.#3 before this Board), the plat to accompany the Petition for Special Hearing (Transcript July 24, 1991p. 19). Thereafter, Raphel described the plat and calls attention to all of the various buildings set forth on the plat. Again, no mention of the uses of the facility, and particularly no discussion of existing or continuing catering or commercial activities in regard to weddings. The Respondents have introduced portions of the testimony of various witnesses as Respondents Exhibits which can be utilitzed for purposes of this Memorandum. For instance, a portion of the deposition of Marion Carnes was presented and her testimony supports the educational and residential use of the site and contains no discussion of weddings or commercial catering activities, and in fact, rejects any activities that were not connected with the educational purposes of the Koinonia Foundation. A portion of the testimony of Lynn Woodland was presented by Respondent. Her testimony centered on her involvement leading educational

seminars at Koinonia. She does not discuss anything at all related to catering or wedding activities such as being advertised today by the bed and breakfast. Christine Ritz's testimony was presented and again she testified about living in the various buildings, whether it be "Acorn," "Grammercy," "The Hope Chest," or "The Memorial Building." Her testimony related to buildings and the people residing therein (CBA testimony of July 24 at p. 114,115,116,117). There is nothing in her testimony related to weddings or catering activities. Again, a portion of Ann Marie Pomykala's testimony on July 24, at pages 63,81, and 82 was presented. Her testimony was also directed to the activities in the Carriage House and in the various buildings for purposes of "lectures or workshops" (p. 81). She further discussed the use of various buildings and the Carriage House for "training," "for the Peace Corp," and for "lecture use or workshop use" (transcript p. 83). Again, no mention of wedding or other social events or catering activities on the site.

Finally, we have the testimony of Daniel Twoomy (Transcript July 26, 1991 at p. 37). Twomy discussed the Koinonia Foundation as a corporation receiving Internal Revenue Service 501(C)(3) tax exempt status. The only place in the course of his testimony that he discussed wedding parties was located at Transcript p. 58, when he testified:

> "we rent our conference facility to like minded organizations for their own meetings and conferences." Further on he testified the Carriage House has two open spacious rooms. . . . These facilities are comfortable settings for your next meeting or seminar, we can also dress up for wedding parties and handle every detail from the catering to the flowers, making the event a very special occasion" (Transcript, p.58). Further on p. 59 Mr. Twomy was asked about the activities from 1975 to 1981 and he said "Oh golly. There was educational programs. . . they were not religious in the sense of a religious denomination, but they were spiritual in the sense of those issues that were becoming into community awareness in 70's that we take for granted, such as holistic healing in the sense of the right ways of living spiritually. And emotionally there was mediation there in the vein of perhaps the early Christia as well as the Fathers of the Eastern Gerus or whatever you would call them. I would say those are two dominant types of programs that were given there. . ". (Transcript, pp. 59,60).

Twoomy further described the brochure he was reading from with this language as having been prepared in the late 1970's or 1980 (Transcript p. 63). He testified he had no knowledge when it was prepared and he had no knowledge as to whether it were ever circulated to anyone outside of Koinonia's structure (Transcript p. 63).

As was previously stated, the Board in its Opinion on page 6, mentioned Mr. Twoomy's testimony. But the more important question is presented as to whether or not while mentioning all of the testimony, they found or confirmed that catering for weddings and other commercial and social purposes was in fact a nonconforming use that had been proven. In this aspect, Petitioner suggest that they did not, on the basis of their final Order of August 2, 1991.

Having examined the evidence before the Board, by review of the CBA transcript, one must then look at the Boards' decision and order to determine what they found as a nonconforming use. Petitioner believes that the Board only found as nonconforming," residential uses, institutional uses", and "other uses as shown on Petitioner's Exhibit No. 1." To determine the extent of what the Board's order meant, Petitioner was required to search the records and file of Case No. 90-355 SPH. After reviewing microfilm, Petitioner was able to determine that Petitioner's Exhibit #3 was the plat accompanying the 1990 case.

Petitioner's Exhibit #3 "Plat for Special Hearing" was prepared by Gene Raphel and is so marked in the lower left hand corner of the plat. In the upper right corner it presents a vicinity plat showing the Koinonia site. Below that it presents the "General Data" of the site showing existing zone R.C.2. An examination of the plat shows the property boundary along Greenspring Valley Rd to its western boundary, then north and east to Greenspring Ave., and then south back to Greenspring Valley Rd. It defines various buildings which were the subject of the testimony before the Board of Appeals insofar in existing residency and use was concerned. It lists "Acorn,

Honeybrook, California House, Hopechest, Maintenance Building, Quancent Hut, Carriage House, Memorial Building, Modular Home, Tool House, Ice House, Garden House, Gramercy Building. The only labeling for purposes of use is "special exception granted for nursery school."

It can be seen by the Board that if the Board's Order in Case No. 90-355 granted nonconforming uses for "residential" use, "institutional" use, and "other uses as shown on Petitioner's Exhibit No. 1"; the "other uses as shown on Petitioner's Exhibit No. 1" associated with the buildings that were the source of the discussion throughout the course of the CBA testimony and does not in any way affirm, or grant a nonconforming use for catering of wedding receptions or other milestone events. There is no mention of "catering" facilities or "catering use" anywhere on the plat.

In conclusion, Petitioner believes that the evidence in 1990-91 before the County Board of Appeals did not in any way define "catering activities for purposes of wedding or other social events" as a non-conforming use that had been continuing and which were being requested to continue. The thrust of the case dealt with the educational and residential uses of the buildings on Koinonia. The testimony of Twoomy, while being recited by the CBA was not accepted by them. Secondly, it is clear from the Board's Order that they were only finding as nonconforming uses the "residential and institutional" use of the site. The "other uses as shown on Petitioner's Exhibit No. 1" related to the uses of the buildings shown on Petitioner's Exhibit No. 1 for nowhere on that Exhibit does there appear to be notation as to catering uses for purposes of social events or wedding receptions.

Therefore, it is clear that the Gramercy Bed and Breakfast was not authorized pursuant to Case No. 96-230-SPHA to conduct catering activities; that it was not a permitted nonconforming use under Case No. 90-355-SPH; and that it is not permitted under the R.C.2 zone. Catering is

an activity that is not permitted pursuant to the Baltimore County Zoning Regulations in section 1A01.2. It is requested that the Board determine that the rights of Jack Luskin, Petitioner, are affected by the violation of the aforesaid Sections of the BCZR, by the Respondents' use of their facilities for catering purposes.

C. Zoning Commissioner's Opinion in this case.

The Zoning Commissioner's Opinion of July 20, 1999, marked in this case as Petitioner's Exhibit #9 carefully analyzes the previous statement of facts and argument concerning the documentary evidence presented to him concerning Case No. 90-355-SPHA and Case No. 96-230-SPHA. The Zoning Commissioner reinforces the fact that the 1990 case which analyzed the activity on the subject site by way of the nonconforming use issue was not disturbed by his decision in issuing the Bed and Breakfast use permit in Case No. 96-230-SPHA and in all respects was otherwise affirmed in the more recent case. The Zoning Commissioner conducted a painstaking review of the record of the Board of Appeals in Case No. 90-355-SPH (Opinion p.6). He reviewed the transcript accompanying that case and concluded that there was no mention of any catering establishment or facility. Citing the testimony of Mrs. Pomykala in the 1990 case he found that her testimony "made no mention of weddings or catered activities on the property, only workshops and seminars" (transcript pp. 70-195) (Opinion p.7). He found, as a matter of fact, that Dr. Pomykala testified that he had lessened the uses at Koinonia and had not converted any of the buildings to a new use since 1989 (Opinion p.7). The Zoning Commissioner found the most accurate and credible testimony coming from Marian Carnes after reading her deposition. The Zoning Commissioner pointed out on page 67, of the Carnes deposition, that Mrs. Carnes when asked pointedly whether the property was used for catering purposes or commercial activities indicated, "Were there any industrial or other activities unrelated to the

educational purpose, her answer was no" (Opinion p. 7). The Zoning Commissioner again reviewed Mr. Twoomey's testimony and found that it was inconsistent (Opinion p. 8). Finally, the Zoning Commissioner found the use of the site as a catering hall as impermissible and ordered the use discontinued (Opinion p. 9).

II. **A) That the presentation by the Respondent of "new evidence" which was not before either the Zoning Commissioner or the Board of Appeals in those previously cited cases should not be considered by this Board in light of the fact that it is not encompassed by the Petition before the Board, it was not subject to review by the Zoning Commissioner, and must be brought by the Respondents in their own Petition for nonconforming use if they desire to produce the evidence.**
B) If the evidence is considered by this CBA over the objection of the Petitioner, Petitioner submits that it fails to establish a nonconforming use existed in 1955 as required by the Zoning Regulations of Baltimore County and further, that it fails to establish an uninterrupted use in catering activities from 1955 to present.

A. Objection to "New" Evidence

The Petitioners, while objecting to the attempt to introduce new testimony relating to catering as a nonconforming use, respond to this evidence without prejudice to Petitioner's Motion to Deny.

The Petitioners do not believe it is appropriate to utilize the Petition for Special Hearing filed in this case to prove a nonconforming use. As previously discussed, the Petition language is clear and specific. There is no petition for this Board to consider whether a nonconforming use has existed on the property independent of the Petition filed by Jack Luskin. This case is a case of interpretation of the existing zoning status on the subject property as encompassed by the Zoning Classification RC2, and the previous two cases which establish the permitted uses. If the Respondent chooses to present additional evidence alleging a nonconforming use, it should file its own Petition for Special Hearing which would provide all parties and the Board, the opportunity to meet and address the issue of nonconforming use. That has not been done. Likewise, it cannot be said that the newly presented evidence is appropriate to analyze the

actions of the previous Board of Appeals in 1990. None of this evidence was presented to the Board in 1990 and so therefore it is not proper evidence of a defense that a nonconforming use existed. This Board is left with an interpretation of the evidence presented before it in 1990 and in 1996 before the Zoning Commissioner to determine the permitted uses as of the present time. Having stated that position clearly, the Petitioners will now address the newly presented alleged evidence of nonconforming use and its reaction thereto.

B. Assuming *Arguendo* that the "new" evidence is appropriately before the Board

The Baltimore County Zoning Regulations, Section 101, defines nonconforming use as a "legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use. A specifically named use described by the adjective 'nonconforming' is a nonconforming use". Further, Section 104.1 B.C.Z.R. provides that a nonconforming use may continue provided that there has been no abandonment or discontinuance of such nonconforming use for a period of one year or more, in the event such nonconforming use shall terminate. In the instant case, the evidence does not establish that the use has continued uninterruptedly since 1955, the date of the enactment of the present Baltimore County Zoning Regulation. Secondly, the evidence does not establish a continuous use for catering on the subject site.

The following witnesses for the Respondent provided "new" testimony concerning the alleged nonconforming use of Koinonia for catering purposes. Over Petitioner's objection, each and every one were permitted to testify to new facts not previously presented. Anne Pomykala testified that she and her husband acquired the property in 1985. Other than obtaining documentation from people previously related to the Koinonia operation, she had no actual knowledge preceding 1985. She confirmed the use as a catering facility since 1985 by the

Koinonia Partnership. She attributed 1/3 of their income to the catering operation, 1/3 to the Bed and Breakfast, and 1/3 to the rental of buildings on the site. She acknowledged she had no personal knowledge of whether or not there was a year hiatus in regard to the catering activities prior to her involvement. She testified that the catering activities are not related to any educational or fundamental purposes which were involved in the Koinonia operation which was the subject of the 1990 Board of Appeals hearing.

Ms. Bigelow. Her earliest contact with Koinonia was in 1974. While the secretary of Koinonia foundation, it is clear that the catering activities to which she testified related to the Koinonia purposes. She likewise could not establish uninterrupted use of catering activities.

Bonnie Raindrop. Her earliest contact was in 1973. She didn't even remember where food was prepared for the various events that were sponsored by the Koinonia foundation. Her earliest recollection of weddings and parties for outside groups came in the 1980's. She testified that lunches were available to the public in the mid-80's like a restaurant which may well have been a zoning violation at that time.

Dixie Mullineaux. Her earliest contact was in 1978 when she worked as a cook. In fact, it appears that she cooked for a number of the events, such as weddings, that were conducted on the site and apparently food was cooked in the kitchen on site. Her testimony was also instructive in that the food that was cooked in the kitchen by her, the focus was not on getting outside caterers to do the job but in fact the food served on the site came from the garden on the subject site. She testified that they advertised serving nutritious health food which was organically grown on the site. This would suggest that outside catering was not the primary purpose in Koinonia. (Note, I would suggest that the previous Board in 1990 also came to this same conclusion).

Blake Goldsmith testified that his earliest contact as a caterer performing catering activities on site case in 1979.

Gretchen Bodrogi likewise testified that as a Baltimore County employee her earliest inspections were in the late 1970's or early 1980's.

Janice Rosenswag's testimony was proffered that in 1982 not only were lunches prepared and opened to the public but there were catering activities. Again, it is clear that her earliest contact was 1982.

Finally, David Thaler, qualified as an engineer, testified as to certain zoning history conclusions. The thrust of his testimony while purportedly on behalf of Koinonia concluded that the Koinonia activities which existed on the site since the early 1960's were of the type and of the mission described in the 1990 case before the Board of Appeals. He indicated that the activities were related to education and the mission of Koinonia which included outreach programs such as training for the peace corps in the 1960's. Thaler jumped from the purposes of the Koinonia foundation and concluded that the same uses and spirit live on today through the present ownership. The fallacy of this argument is that the Koinonia foundation has not been active on the subject site since the mid-80's and the educational purposes cannot possibly live on through private use which comprise rental of buildings, a commercial Bed and Breakfast operation, and the alleged catering which consists of approximately 1/3 of the activities producing revenue on the site. His effort to transfer Koinonia educational and mission purposes to the Pomykala's is not sufficient for the purposes of the nonconforming use.

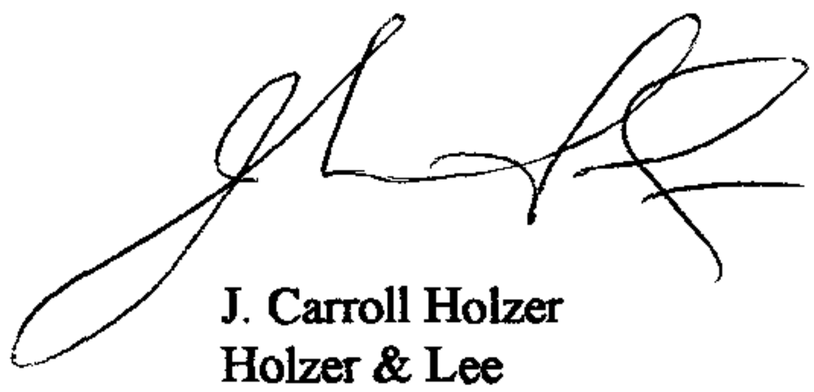
The second error was in his testimony was his opinion establishing 1963 as the first period of nonconforming use. In 1955 he testified, the property was zoned R6 and that permitted uses included "community buildings, pool or other land use devoted to civic social recreation of

the community". That may be the correct definition under the 1955 zoning ordinance, however, the Koinonia operation was not permitted as a "community" building, nor were catering activities envisioned in a "community" building under that definition. It is pretty clear that it is not 1963 that is the beginning of the analysis for a nonconforming use issue, but rather 1955.

There is absolutely no testimony before the Board that in 1955 the Koinonia foundation existed on the subject site and utilized catering activities as part of their operation. Rather to the contrary, the 1990 case with the history presented by all of the witnesses established that catering was not a part of the activities or purposes and mission of the Koinonia foundation. The subject site was never used for catering purposes within the context of the present definition of the Baltimore County zoning ordinance. Any catering activities that may have occurred on an isolated basis, were conducted in furtherance of the people residing on the site either by way of weddings or for conferences and seminars which supported the purpose of the Koinonia foundation. When Dr. and Mrs. Pomykala acquired the subject site in the mid-80's, those educational and mission purposes of the Koinonia foundation ceased.

Therefore, in conclusion, this Board should first not consider the newly presented evidence in regard to alleged nonconforming use activities on the site, but even if it is considered, it is clear that the evidence presented is insufficient to so establish such a nonconforming use. When all the newly presented evidence of the alleged nonconforming use is considered in conjunction with the evidence presented in 1990, it is clear that catering activities such as defined in the Baltimore County Zoning Regulations were not historically conducted on the subject site, but rather isolated and sporadic instances of outside prepared food being utilized to support Koinonia foundation activities existed only until 1985 and then ceased.

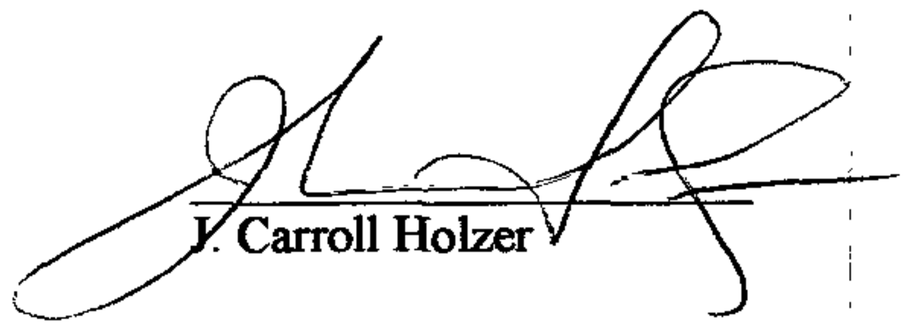
Respectfully submitted,



J. Carroll Holzer
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21286

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 8th day of February, 2000, a copy of the foregoing Memorandum was mailed first class, postage pre-paid to William Clark, Esquire at Nolan, Plumhoff & Williams, Suite 700 Nottingham Centre, 502 Washington Avenue, Towson, Maryland 21204-4528.



J. Carroll Holzer

2/9/00

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE BOARD OF
(Greenspring Valley Road, 930' W From C/L of Greenspring Ave. 1400 Greenspring Valley Road 3rd Election District 3rd Councilmanic District)	*	APPEALS FOR BALTIMORE COUNTY
	*	Case No. 99-333-SPH
JACK LUSKIN	*	Hearing: January 11, 12, 13, 2000
Petitioner		

* * * * * * * * * * *

PROFFER OF THE TESTIMONY OF ARNOLD FOREMAN, ESQUIRE

If called to stand to testify, in addition to the testimony already given under oath, Arnold Foreman, Esquire would have testified that he sat throughout the Hearing and heard all of the testimony and reviewed the documents in Case No. 90-355 SPHA before the County Board of Appeals. That following the Hearing, he was assigned by the Chairman of the Board of Appeals to author the Opinion embodying the decision of the Board. He believed he followed his custom of taking parts of the file with him to his private law office where, after due course of time, he dictated a draft of an Opinion and returned the same to the Board of Appeals' Office for typing. Once a draft of the Opinion was typed, he reviewed the same, revised it, and asked the Administrative Staff of the Board to prepare the final Opinion for signature by the other members.

He would have testified that he recalls during the course of the Hearing reviewing the videotaped deposition of Marian Carnes. He also recalled various documents that were

introduced into evidence, including specifically the document admitted in the prior Hearing as No. 28, a brochure for the Koinonia Foundation, which was admitted during the course of the present Hearing as Respondent's Exhibit No. 2. He would have testified in response to questions that he did not have with him, at the time that he wrote the Opinion, a copy of Petitioner's Exhibit No. 1 from the prior Hearing, which was the plat prepared by Eugene Raphael. He would have testified that in the Section of the Order he tracked the language of the Petition for Special Hearing, which sought approval and confirmation of the "lawful and nonconforming residential, institutional and other uses as shown on Petitioner's Exhibit No. 1 and the continuation of the approved special exception use for educational purposes." Mr. Foreman would have testified that when he wrote those words, as well as the words on page 6, where he summarized the testimony of Daniel Twomey referring to the "renting of property to outside groups for educational and/or social purposes," that he was referring to the testimony of Mr. Twomey regarding wedding parties, catering and other occasions, and also the brochure admitted as Exhibit 28 in the prior Hearing, which recites the availability of the facilities for use for those purposes.

Respectfully submitted,

Stephan J. Nolan

C. William Clark

C. William Clark
Nolan, Plumhoff & Williams, Chartered
502 Washington Avenue, Suite 700
Towson, MD 21204
(410) 823-7800
Attorneys for Respondent

CERTIFICATE OF SERVICE

I *HEREBY CERTIFY* that on this 8 day of February, 2000, a copy of the foregoing Respondent's Proffer of Arnold Foreman, Esquire was mailed, first class, postage prepaid, to the following counsel of record:

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21286

C. William Clark

D:\data\CWC\Clients\Koinonia Ptship\Proffer-Foreman.wpd

RECEIVED
COUNTY BOARD OF APPEALS

00 FEB -8 PM 3:47

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE BOARD OF
(Greenspring Valley Road, 930' W From C/L of Greenspring Ave. 1400 Greenspring Valley Road 3rd Election District 3rd Councilmanic District)	*	APPEALS FOR BALTIMORE COUNTY Case No. 99-333-SPH
JACK LUSKIN	*	Hearing: January 11, 12, 13, 2000

Petitioner

* * * * * * * * * * *

RESPONDENT'S POST HEARING MEMORANDUM

Koinonia Partnership T/A Gramercy, Respondent, by its attorneys, Stephan J. Nolan, C. William Clark and Nolan, Plumhoff & Williams, Chartered files this Post Hearing Memorandum and says the following:

I. THE BOARD OF APPEALS DECISION IN CASE 90-355 SPH APPROVED AND CONFIRMED THE USES WHICH FORM THE SUBJECT MATTER OF THIS CASE

The Petitioner seeks an order determining that certain uses of the Respondent's property meet the definition of "catering hall" found in § 101 of BCZR and that the regulations prohibit these activities on Respondent's property. The evidence demonstrated that, through a prior zoning case, 90-355 SPH, the County Board of Appeals issued an Opinion and Order affirming and confirming non-conforming uses existing on the property as of the date of its decision, August 2, 1991. The evidence revealed that to be a final order of The Board, following appellate decisions in the case.

The issue raised by Petitioner generates the question as to the interpretation and application of The Board's decision,

and its Opinion and Order announcing it.

In Relay v. Sycamore, the Court of Special Appeals wrote:

> "Despite the fact that administrative boards and officials are arms and instrumentalities of the Legislature, Dal Maso v. County Comm'rs., 182 Md. 200, 205-06, 34 A.2d 464)1943), it is firmly established that agencies may adjudicate legal disputes. *See, e.g.*, 4 ANDERSON, § 22.02, at 7 ('The powers of a board of adjustment are adjudicatory.')... Accordingly, the Court of Appeals has concluded that the Legislature may not vest administrative bodies 'with any judicial authority.' Dal Maso, 182 Md. At 206, 34 A.2d 464. Nonetheless, an agency may make factual determinations. It may also apply the pertinent law to those facts. The agency's exercise of those functions (does not alone vest [the agency] with judicial power in the constitutional sense). Attorney General v. Johnson, 282 Md.274, 284, 385 A.2d 57 (1978)...
>
> As a general rule, judicial review of an administrative decision is narrow, and the same standard applies in both this court and the circuit court. On appeal, we must determine whether the CBA's decision is 'in accordance with the law or whether it is arbitrary, illegal, and capricious.' Moseman v. County Council, 99 Md. App. 258, 262, 636 A.2d 499, *cert. denied*, 335 Md. 229, 643 A.2d 383 (1994). A reviewing court may not overturn an agency's factual findings or its application of law to facts if the agency's decision is supported by substantial evidence. Ortimer v. Howard Research & Dev. Corp., 83 Md. App. 432, 441, 575 A.2d 750, *cert. denied*, 321 Md. 164, 582 A.2d 449 (1990). Substantial evidence *means more than a 'scintilla of* evidence,' such that a reasonable person could come to more than one conclusion.

Moseman, 99 Md. App. At 262-63,, 636 A.2d 499 (citing Eger v. Stone, 253 Md. 533, 542, 253 A.2d 372 (1969); Montgomery County v. Greater Colesville Citizens' Ass'n, 70 Md. App. 374, 382, 521 A.2d 770 (1987). In such a situation, the issue is considered to be 'fairly debatable,' and the reviewing court may not substitute its judgment for that of the agency. When reviewing issues of law, on the other hand, the standard of review is expansive, and we may reach our own conclusions without deference to the agency's Opinion. Columbia road Citizens' Ass'n v. Montgomery County, 98 Md. App. 695, 698, 635 A.2d 30 (1994).

As the Court of Appeals explained in United Steelworkers v. Bethlehem Steel, 298 Md. 665, 679, 472 A.2d 62 (1984), a reviewing court may not uphold an agency order unless it can be sustained on the agency's factual findings and for the reasons stated by the agency. Accordingly, the CBA's decision here must be supported on the facts that were found by the CBA and stated in the CBA's Opinion. Where the agency factual findings are inadequate, the necessary facts may not be supplied by the parties, and neither we nor the circuit court will scour the record in search of evidence to support the agency's conclusion. *See* Ocean Hideaway Condo. Ass'n v. Boardwalk Plaza Venture, 68 Md. App. 650, 661-62, 515 A.2d 485 (1986).

Relay v. Sycamore 105 Md. App. 701 (1995); *aff'd. on other grounds*, 344 Md. 57 (1996)."

The present posture of this case finds itself before the Board of Appeals and not on review by a trial court, but the same reasoning and standard should apply.

In Temmink v. Bd of Zoning Appeals, the Court of Appeals

stated:

> "We recognize that on an appeal from a decision of a zoning board, the court should not substitute its own judgment as to the wisdom or soundness of action taken by The Board, but should decide only whether or not such action was arbitrary or discriminatory. *It is not* the function of the court to zone or re-zone, and it is only where there is no room for reasonable debate as to whether the facts justified The Board in deciding the need for its action, or where the record is devoid of supporting facts that the court is justified in declaring the action of The Board arbitrary or discriminatory and therefore void. Offutt v. Board of Zoning Appeals of Baltimore County, 204 Md. 551, 562, 105 A.2d 219. P. 496. As stated in American Oil Co. v. Miller, 204 Md. 32, 43, 102 A.2d 727, the question whether the action of a zoning board was arbitrary must be determined from the facts from which the conclusion was drawn, not from the conclusion itself. In reviewing the action of the zoning board, the court on appeal considers The Board's action, not the Opinion of its members *(Emphasis added)*."
>
> Temmink v. Board of Appeals, 205 Md. 489, 497 (1954).

Well-reasoned and articulated administrative findings are so important that a reviewing court may not uphold an agency's decision without them. Mortimer v. Howard Research & Dev. Corp., 83 Md. App. 432, 441, 575 A.2d 750, (1990). However, the appellate courts have not required an exact form or even expressed findings in affirming a decision. In Aubinoe v. Lewis, 250 Md. 645, 653-54, 244 A.2d 879 (1965), the Court of

Appeals observed:

> "It is vitally important that the District Council make appropriate *express findings* based on adequate evidence that the purposes set forth in the Ordinance for the R-H zone exist and that the project is compatible with the existing uses in the general neighborhood. We held in Bujno v. Montgomery County Council, 243 Md. 110, 220 A.2d 126 (1966), however, that in a proper case-arising before our decision in *Beal v. Montgomery County Council*, 240 Md. 77 [212 A.2d 751] (1965) - we could *infer* that the necessary findings had been made by the District Council. In Bujno, the Opinion of the District Council indicated the unique location of the site, the amount of lot coverage permitted in the R-H zone and most importantly that 'there was expert testimony submitted by the applicant that the R-H zone is most suitable for this tract.'" (*Emphasis added*).

When assessing the adequacy of findings of fact, Judge Bell, in Gray v. Anne Arundel County, 73 Md. App. 301, at p. 313, wrote:

> "Unlike the situation in Ocean Hideaway Condo. v. Boardwalk Plaza, 68 Md. App. 650, 515 A.2d 485 (1986), the Board's Opinion and Order, consisting of ten pages, made adequate findings of fact. Not only did The Board summarize the testimony of the various witnesses that appeared before it, but it discussed the relevant ordinance, and made findings and drew conclusions, albeit some of the findings were made by reference back to the summarized testimony, and applied the law. Although the findings are not set out in the form that appellants would prefer, reviewing the Opinion and order in context, and in its entirety, we are

> convinced that the decision in this case does not suffer from the deficiencies noted in the cases relied upon by appellants. Accordingly, we discern no error *(Emphasis added)*."

The Respondent contends that in order to properly evaluate and decide the special hearing request in this case, the Board should review The Board of Appeals' decision in Case No. 90-355 SPH in its entirety, in context, recognizing that: The Board summarized testimony, discussed the relevant ordinances, made findings of fact, drew conclusions, made reference back to the summarized testimony and applied the law in approving the Petition for Non-Conforming uses, based on the facts presented to it, which constituted substantial evidence.

Petitioner, through counsel, introduced as Respondent's Exhibit 2, a brochure distributed by Respondent through the mail, advertising, among other things, the availability of the buildings and grounds for rental for weddings, meetings, seminars, parties and other special occasions for up to 150 people. The brochure stated that only approved caterers could be used, and it listed persons to contact.

The evidence offered by Respondent included the Opinion and Order of the County Board of Appeals in Case No. 90-355 SPH, as well as excerpts from the typed transcript of testimony and a deposition offered at the hearing before The

Board in that case. Following the hearing, the Respondent offered, as requested by the Zoning Commissioner, the entire transcript of testimony and of the deposition of Marion Carnes.

In its Opinion at page 6, The Board summarized the testimony of Dan Twomey, a former member of The Koinonia Board and counsel to the corporation, which preceded Respondent in ownership and operation of the property.

In reviewing the testimony, The Board stated that it viewed a video tape deposition of Marion Carnes, which enlightened The Board as to the buildings and as to their history, as well as that of the property. An excerpt of her testimony, offered as Exhibit 6, showed that various parts of the buildings and property were used for workshops of up to 100 persons, for classes, and for meeting rooms, among other things.

On page 4 of its Opinion, The Board recounted that the site was rented out to private groups for seminars and other educational purposes and mentioned the testimony of Lynn Woodland and Christine Ritz. Respondent offered as Respondent's Exhibit 4 the excerpt of Mrs. Woodland's testimony, detailing her rental of parts of the property. Respondent offered the excerpt of Ms. Ritz's testimony regarding community meetings, shared meals and workshops as

Respondent's Exhibit 5.

On page 6 of its Opinion, The Board recited that Mr. Twomey indicated that Koinonia used the facilities to raise funds, including "...the renting of the property to outside groups for educational and/or social purposes, and that those activities continued until the sale of the property."

Mr. Twomey testified, as shown in Respondent's Exhibit 9, that the property had been rented for conferences for up to 200 people, and that one of those brochures for Koinonia, Respondent's Exhibit 2, (Ex. 28 in the prior hearing) mentioned wedding parties, catering and general occasions. The brochure mentioned retreats and stated that catering was available for any event, on or off the premises.

On page 8 of its Opinion, The Board found as a matter of fact that residential uses existed on the property and that they continued to date, and that its general usage, well known in the community, continued throughout the last 45 years. The Board found that the nature and character of the property remained substantially unchanged, and that the exact facilities were still being used. The Board granted the Petition.

In the Order attached to the Opinion at page 9, The Board approved and confirmed the lawful non-conforming residential, institutional and other uses, as shown on Petitioner's Exhibit

No. 1.

That Exhibit, a Plat for Special Hearing, under the General Data section, lists The Existing Zone as RC2, the Existing Use as Residential and Educational, and the Proposed Zone as RC2 with non-conforming for existing use. (Emphasis added). It notes a special exception was granted for a nursery school.

§ 101 of the BCZR does not contain a definition for "residential", "institutional", or "other uses". §101 provides that any word or term not defined shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged. That dictionary contains the following definitions stated there:

> "Institutional"... of, relating to, involving, or constituting an institution.
>
> "Institution" ... Something that is instituted as: a significant and persistent element in the life of a culture that centers on a fundamental human need, activity, or value, occupies an enduring and cardinal position within a society, and is usually maintained and stabilized through social regulatory agencies (~ of marriage)...

Certainly wedding ceremonies conducted by the various ordained clergy of various religions, and the receptions that

customarily, in this culture, follow them qualify as institutional or other uses.

Taken in context and in its entirety, and based upon the facts presented to the Board, and the findings made by the Board, the evidence supported the decision affirming and confirming the non-conforming uses. The words in The Board's Order "...residential, institutional and other uses..." must be construed to include those items described on Respondent's Exhibit 2.

II. RESPONDENT'S EVIDENCE OF LAWFUL NON-CONFORMING USE OF THE PROPERTY IS ADMISSIBLE AND PRESENTS A MERITORIOUS DEFENSE TO THE PETITION

The Petition for Special Hearing filed by Mr. Luskin sought pursuant to B.C.Z.R. § 500.6 and § 500.7 a determination that the Respondents are operating a "catering hall" in violation of the use permit issued in Case No. 96-230-SPHA and in violation of the Baltimore County Zoning Regulations generally. Section 101 of the B.C.Z.R. defines "catering hall" as "a facility or part of a facility used regularly for serving beverages and food to groups which reserve the facility for banquets or gatherings before the day of the event. A catering hall is not a standard restaurant." [Bill No. 110-1993]. As a defense to the claim that the Respondent's uses violate the Baltimore County Zoning Regulations generally, the Respondent offered evidence in

testimonial and documentary fashion that its uses constitute lawful non-conforming uses, which are permitted by the Baltimore County Zoning Regulations.

A. THE CHAIRMAN PROPERLY ADMITTED THE EVIDENCE OF LAWFUL NON-CONFORMING USE.

The following rules govern the admission of evidence during a hearing before the Board:

1. The Rules of Practice and Procedure of the Baltimore County Board of Appeals provide as follows:

Rule 4. Conduct of Hearings.

b. The chairman shall regulate the course of the hearing and shall rule upon procedural matters, applications, modifications and objections made during the course of the hearing, subject to the concurrence of a majority of the board conducting the hearing.

Rule 7. Evidence.

a. Any evidence which would be admissible under the general rules of evidence applicable in judicial proceedings in the State of Maryland shall be admissible in hearings before the county board of appeals. Proceedings before the board being administrative in nature, the board will not be bound by the technical rules of evidence but will apply such rules to the end that needful and proper evidence shall be most conveniently, inexpensively and speedily produced while preserving the substantial rights of the parties. Any oral or documentary evidence may be received; but the board reserves the right as a matter of policy to provide for the exclusion of immaterial or unduly repetitious

> evidence, and the number of witnesses may be limited if it appears that their testimony may be merely cumulative.

The evidence of lawful non-conforming use relates to and provides a defense to the allegations of the Petition, and thus is admissible.

The Baltimore County Zoning Regulations provide as follows:

> Section 104, Non-conforming Uses [B.C.Z.R. 1955]
>
> 104.1 A non-conforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such non-conforming use to any other use whatsoever, or any abandonment or discontinuance of such non-conforming use for a period of one year or more, the right to continue or resume such non-conforming use shall terminate. [Bill Nos. 18-1976; 124-1991]

In *Umerley v. People's Counsel*, 108 Md. App. 497, 503, 672 A.2nd, 173, *cert. denied*, 342 Md. 584, 678 A.2nd, 1049 (1996), it was noted that the "zoning authority must recognize and apply the correct principles of law governing the case." 67 Md. App. at 438-39. As noted by the Court in *County Commissioner v. Zent*, 86 Md. App. 745, 752 (1991), the Court of Special Appeals of Maryland discussed the concept of non-conforming use in *Loan v. Montgomery County*, 85 Md. App. 477, 496 (1990) and stated:

An owner of land may establish a "lawful non-conforming use" if the evidence conclusively establishes that before and at the time of the adoption of the original zoning ordinance, he was using substantially all of his tract of land in a then-lawful manner for a use which by a later legislative action became non-permitted. (citation omitted)

B: THE RESPONDENT'S EVIDENCE ESTABLISHES A LAWFUL NON-CONFORMING USE

During the Hearing before the Board, the Respondents offered the testimony of David Thaler, P.E., a registered professional engineer, who qualified as an expert in the Baltimore County Zoning Regulations, and Land Use And Development Law for Baltimore County. In addition to his testimony concerning the property, based upon his personal knowledge, having grown up in the area becoming familiar with the property in the mid-1960s up through and including its present uses today, Mr. Thaler offered expert testimony concerning its zoning history. Prior to 1955, according to Mr. Thaler, the subject property carried a Residence Cottage A Classification. In 1955, the property was re-zoned to R6. It carried that zoning until the creation, in 1979, of the R.C.2 Zone, its present Classification.

Mr. Thaler further testified that the R6 Zone, under the 1955 Regulations, allowed, as a permitted use, those uses

permitted and as limited in the R40 Zone, which included in §200.6 community building, swimming pool or other structural or land use devoted to civic, social, recreational and educational activities of the community. Mr. Thaler opined, based upon his knowledge of the property, garnered through review of the prior testimony in Case No. 90-355, his review of the numerous documents found by the Respondent reciting the history of events at the Koinonia property, and his knowledge of the use of the property gained from speaking to the Respondent and other witnesses, that the uses of the property as of 1955 were lawful uses permitted by the R6 Zone. Those uses included holding various (1) weddings, wedding receptions, (2) workshops, seminars, and educational programs where food and beverages were served and reservations were made in advance of the day of the event, (3) holiday parties and other special events, including retirement dinners, again where food and beverages were served to groups using the facilities where arrangements were made for the use of the facilities in advance of the day of the event.

Mr. Thaler testified that as of 1963, the Regulations had changed so that, although the property retained the R6 Zoning Classification, then in order to have a lawful use as a community building for the purposes described, one needed to obtain a Special Exception. At that point, Mr. Thaler

believes that the uses of the property became a lawful non-conforming use. (See Respondent's Exhibits 17 and 18). Mr. Thaler testified that the definition found in § 101 of the Baltimore County Zoning Regulations (See Respondent's Exhibit 20), came into effect in 1990. Based upon all of the above, Mr. Thaler rendered the Opinion that the present uses by the Respondent in renting out the facilities for weddings, wedding receptions, business retreats, educational programs, other social events, including holiday, anniversary, retirement, and birthday parties at which food and beverages would be served to a group of people who had made arrangements to rent the facility in advance of the day of the event constituted lawful non-conforming uses under the present Zoning Regulations.

Additionally, Mr. Thaler testified that the Baltimore County Zoning Regulations in Section 101 provide that in the event a word utilized in zoning law or in the code does not have a definition, then a specified version of Webster's Dictionary is to be used. Exhibit 20 and 21. In his Opinion, the word "institutional" as defined in the appropriate version of Webster's Dictionary would include the Respondent's uses.

Furthermore, Mr. Thaler testified from his personal knowledge that from the mid-1960s until the present time, he knew that the facilities had been used for such purposes, including wedding receptions where food and beverages were

served, since he had been hired to play his Bagpipes there on occasion.

Respondent also offered the testimony of Anne Pomykala, one of the partners of the Koinonia Partnership, which owns and operates the property. She testified as to the history of the property and her discovery of numerous newsletters, brochures, and advertising documents used by the Koinonia Foundation prior to purchase of the property by the Koinonia Partnership in 1985. A summary of the highlights of the numerous newsletters called the *Epistle to the Koinonians* are attached hereto and incorporated herein by reference marked as Appendix 1 to this Memorandum. In particular, the November 1975, *Epistle*, which is part of Exhibit 13C, announces the 25th anniversary celebration, which will begin on December 31, New Years Eve. It recites, among other things, that January, 1976, marks Koinonia Foundation's 25th year of service. It mentions the various programs Koinonia has developed, and states as follows: "Literally thousands of you have visited Koinonia for retreats, open houses, lectures, seminars or concerts." It goes on to state that on New Years Day, they will have a special dinner, and that persons need to write in advance for overnight accommodations and/or dinner reservations.

Mrs. Pomykala testified as to the use of the property since

its purchase by the Koinonia Partnership, which is included several times each year beginning in 1985 up until the present time, the renting of the facilities to groups which arrange to have food and beverage served to groups of people in connection with a variety of civic, social, recreational and educational activities. Those activities have continued uninterrupted since the purchase of the property in 1985, and never has a period of one year gone by without having such events occur on the property. She testified as to the buildings used, the parking areas for the cars, the fact that she and her husband live on the site and operate the bed and breakfast there, pursuant to the permit they obtained in Case No. 96-230-SPHA. She testified as to the limitation they place upon the number of guests and on the uses of the grounds.

Mrs. Pomykala also testified that she appeared before the Board of Appeals in July of 1991, during the Hearing on Case No. 90-355-SPHA. She testified that various testimony in evidence was received, including some brochures printed by Koinonia, including one which was marked as Respondent's Exhibit No. 2 in this proceeding, which states, among other things, that the property was available for rent and that: "These facilities are a comfortable setting for your next meeting or seminar. We can also dress up for weddings and

parties, and handle every detail from the catering to the flowers, making your event a very special occasion."

"The large dining hall with its oak beams and handcrafted tables provide sit down service for 100 and buffet for many more." "Catering is available for any event, on or off the premises."

The Respondents offered the testimony of several witnesses who had personal knowledge of the use of the facilities, prior to and in some instances after the sale from the Koinonia Foundation to the Koinonia Partnership. Val Bigelow, a psychologist who is President of the Art Therapist and Music Therapists in Baltimore, testified that she first began attending programs at the site in the years 1974 and 1975. In 1977, she joined the Board of Directors for Koinonia Foundation. She was aware that the Foundation continued to offer classes, workshops, conferences and many other programs. Food was prepared on site, food was brought in for various events. She recalled one conference in particular, the Mandala conference, where there were approximately 150 persons in attendance, which occurred in or about 1976. She also recalled a catered event, which was an Aesclepian dinner for over 100 people, at which Greek wine and food was brought in. She offered as Exhibits, Respondent's Exhibit 15 consisting of the budget for the Koinonia Foundation for the years 1977 -

1978 and 1978 - 1979. Those documents demonstrated that the Foundation received income from rentals and other conferences, as well as workshops and conferences. She was aware that weddings and wedding receptions were held there.

Bonnie Raindrop, the owner and operator of the *Baltimore Resources Journal* and *Double Clicked Publications*, testified that beginning in 1973, she attended educational events there. She recalls that food and beverages were served at the events, and that reservations were necessary in advance of the event. One particular event was a weekend event with over 100 persons attending for two days, at which a nationally known speaker, Pir Vilayat Kahn spoke. She continued to attend such events until 1979, when she moved out of the area. In 1984, she returned to the Baltimore area and took up residence on or about June 1, 1984, on the property. She ran a graphic design business there and produced advertising materials for the Koinonia Foundation, including some of the brochures and program guides which were admitted as evidence, including Respondent's Exhibit 14. She recalls in particular a Basque Day celebration, which was handled by a caterer, which approximately 150 to 200 people attended and were served food and beverage. She also recalled during that year a four-day conference attended by approximately 60 people for the National Organ Transplant Association, consisting of a group

of people who had received organ transplants. She knows that they were served catered meals. She also testified that she produced a brochure for the Koinonia Foundation, which listed the availabilities of the facilities for rent and catering.

Dixie Mullineaux, presently employed as an acupuncturist, testified that she was employed by the Koinonia Foundation beginning in 1978 up through the year 1984. She lived on the site and paid room and board. There was a kitchen in the main building and also a smaller kitchen in the carriage house. She testified she cooked for the staff, prepared breakfast, lunch and dinner every day, and on weekends provided meals for the workshops and seminars. She testified that when she first went to the facility there were three cooks being employed there and eventually she became the head cook. She testified that there were numerous weddings and wedding receptions at the site, and that she cooked food for several of them. She herself was married there, along with three other couples, in 1981 with approximately 200 guests in attendance. She testified about preparing meals for groups of people serving food and beverages for the Easter Sunrise Service every year. That event had gone on for a number of years prior to her arrival and continued up until she left in 1984. Ms. Mullineaux had several brochures listing classes and workshops, and indicating that food or room and board was

available with advanced reservations.

Blake Goldsmith, who is engaged in the catering business testified that he formerly operated Fiske Caterer from the years 1979 through 1987. He testified that he catered several events there, include the Basque Day Dinner mentioned above. He also testified about an event for the Old Line Crab and Pheasant Club, at which several hundred people attended. He continued several times, at least once each year, to cater weddings and wedding receptions at the site.

Gretchen Badrogi, an employee of the Department of Environmental Protection and Resource Management for Baltimore County testified that, when she was an employee of the Department of Health in the late 1970s, she made several inspections of the Koinonia Foundation property, more specifically, the kitchen since it had a license to serve food to the public. Since then her responsibilities have changed. However, she knew and testified that the present operation does not require such license, since its bed and breakfast permit allows the serving of food and beverage to its guests, and that events that are catered there, the caterer, to the extent necessary, obtains a license from the County to provide the food and beverage at sites off the caterer's premises.

One of the tests, approved by the Court of Appeals, for determining the existence of a nonconforming use is whether

such use may be known in the neighborhood. *Feldstein v. LaValle Zoning Board*, 228 Md. 283, 179 A2d 693. This Board so found in Case No. 90-355 SPHA. The uncontroverted additional evidence presented in this hearing demonstrated this, as well.

In *Zent*, Supra, the Court of Special Appeals utilized the tests it had enunciated in *McKemy v. Baltimore County*, 39 Md. App. 257 in order to determine whether the subject uses represented a permissible intensification of an original use or an actual change of that use. In *McKemy* at 269-70, the Court of Special Appeals set forth the following four prong test which is to be applied in deciding whether current activity is within the scope of a non-conforming use: 1) to what extent does the current use of the property reflect the nature and purpose of the original non-conforming use; 2) is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature and kind; 3) does the current use have a substantially different effect upon the neighborhood; and 4) is the current use a drastic enlargement or extension of the original non-conforming use.

The Respondent anticipates that the Petitioner will argue that the evidence does not meet the test announced in the *McKemy* cited above. First, the mere change of ownership does not destroy a non-conforming use. Consequently, a use

transferred to a successor in interest will continue to be legal so long as the nature and character of that use is unchanged and substantially the same facilities are used. *Kastendike v. Baltimore Association for Retarded Children*, 267 Md. 389, 297 At. 2nd 745 (1974). Furthermore, that point was raised and rejected by the Board of Appeals in the prior case involving this property in Case No. 90-355-SPHA, which is a final judgment. Secondly, the current uses reflect the nature and purposes of the original non-conforming use, that is, as a community building or other structure or land use devoted to civic, social, recreational and educational activities. The current use is merely a different manner of utilizing the original non-conforming use, and does not constitute a use different in character, nature and kind. When one considers what constitutes a use different in character, nature and kind, one should again turn to the *Kastendike* cited above. The Court in *Kastendike* approved the non-conforming use of home for the care of retarded adults, which originally began as a nursing home and then became a home for the aged and a treatment center for non-bedridden alcoholics, and then became used as treatment center care home for retarded adults. The *Kastendike* Court also referred and summarized prior cases, including *Green v. Garrett*, 192 Md. 52, 63 At. 2nd 326 (1949) (approval of non-conforming use of the occupancy of Baltimore

Stadium by a professional baseball team, which had previously been used for professional football games, and football games for the United States Naval Academy). It pointed out that it is not a different use being made of the Stadium when the *players of the games were paid as opposed to when they were* not. *Kastendike* cited *Parr v. Brady House*, 177 Md. 245, 9 At. 2nd 751 (1939), which approved the renting of a tract of land that was formerly used as a dairy business and turning it into a riding academy. The *Kastendike* Court said at page 398:

> "Likewise, we conclude that the similarities between the various uses of the premises as a nursing home are greater than the differences and the changes, if any, in the type of patients cared for are inconsequential."

The Respondent contends that that constitutes the test. Are the similarities between the various uses of the premises while under the ownership of the Koinonia Foundation greater than the differences and the changes, if any, than the type of uses presently being made by the Koinonia Partnership when viewed against the alleged violation? The violation alleged is that the Respondents are operating a "catering hall", which under the § 101 definition consists of allowing a facility used regularly for serving beverages and food to groups which reserved the facility for banquets or gathering before the date of the event. That is precisely what the Koinonia Foundation did and what the Koinonia Partnership continues to

do.

The third prong of the *McKemy* test is whether or not the current use has a substantial different effect upon the neighborhood, and the fourth prong asks whether the current use is a drastic enlargement or an extension of the original non-conforming use. There is no evidence in the record to indicate that there is a substantial different effect upon the neighborhood, nor that the current use is a drastic enlargement or an extension of the original non-conforming use. Furthermore, the evidence in the record is un-rebutted and un-controverted that the current use is not a different manner of utilizing the original non-conforming use and that the current use reflects the nature and purpose of the original non-conforming use, which was to serve as a community building for civic, social, recreational and educational activities.

Respondent respectfully contends that the substantial evidence in the record, taken as a whole, clearly demonstrates the lawful existence of a non-conforming use as community building(s) ... or other structural or land use devoted to civic, social, recreational and educational activities...")... as of 1963, and compliance with all four factors enunciated in *McKemy*. The evidence also established that the non-conforming use was never abandoned or discontinued for a

period of one year or more as prohibited by Section 104.1 of the B.C.Z.R.

III. THE BOARD ERRED IN EXCLUDING THE TESTIMONY OF THE FORMER BOARD MEMBER WHO AUTHORED THE Opinion IN THE PRIOR CASE APPROVING CERTAIN NON-CONFIRMING USES.

During the Hearing, the Respondents called to the stand Arnold Foreman, Esquire. After being duly sworn, he testified that he is a member of the Bar and for a period of time of approximately four years, from 1987 through 1991, he sat as a member of the Baltimore County Board of Appeals. At that point, counsel for Petitioner objected to any further testimony being taken from Mr. Foremán. As a result of his objection, the Chairman of the Board sustained the objection and refused to permit Mr. Foreman to answer any further questions. Counsel for Respondents requested to make a proffer for the record, and the Chair agreed to allow counsel to make a proffer, for it to be sealed and placed among the records, in the event that this issue will be raised on appeal.

The Chair erred in its ruling, and it should have permitted the testimony of Mr. Foreman. The proffer of his testimony will accompany this Post Hearing Memorandum, but will be sealed as instructed by the Panel.

If the language used in a judgment is ambiguous, there is room for construction, but if the language employed is plain

and unambiguous, there is no room for construction or interpretation. Generally, the meaning, effect, and legal consequences of a judgment must be ascertained from its own provisions and language, if possible. If, however, the judgment is ambiguous or obscure, or a satisfactory interpretation cannot be determined from the judgment itself, the entire judgment role or record may be looked to, examined and considered for the purpose of interpretating the judgment. It is well settled that a judgment cannot be modified, enlarged, restricted, or diminished by reference to the Opinion or decision of the Court, although if the language of the judgment is equivocal or obscure, recourse may be had to the Opinion for aid in its interpretation. Recourse may be had to the Opinion of the Court in a former action to ascertain what was in the mind of the Court when the judgment was rendered, especially where there is only a general finding. MLE Judgments Section 75. Citing with approval *Messall v. Merlands Club, Inc.*, 244 Md. 18, 222 At.2nd 627 (1966). The same should be true with respect to the Board of Appeals Opinion in Case No. 90-355 SPHA, since that has become a final judgment of the Board, which has been affirmed on appeal.

A former member of the Panel, as Mr. Foreman was, should be permitted to testify concerning the Hearing before the

Board, and the preparation of the Opinion, which is later called into question. *Standard Packaging Corp. v. Curwood, Inc.*, 365 F. Sup. 134 (1973). See also *People v. Drake*, 841 Pac. 2nd, 364, 368 (Colo. App. 1992). Bear in mind that Administrative Boards are official arms and instrumentalities of the legislature and are not judicial at all; they belong to and derive all of their authority from the legislative branch under our form of government. *DalMaso v. County Commissioners*, 182 Md. 200, 205 (1943). Thus, a member of the Board of Appeals is not a judge at all. Even though administrative bodies may exercise quasi judicial power. *Schultze v. Montgomery County Planning Board*, 230 Md. 76 (1962). The Board should have permitted Mr. Foreman's testimony as outlined in the proffer.

Respectfully submitted,

Stephan J. Nolan

C. William Clark
Nolan, Plumhoff & Williams, Chartered
502 Washington Avenue, Suite 700
Towson, MD 21204
(410) 823-7800
Attorneys for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of February, 2000, a copy of the foregoing Respondent's Post Hearing Memorandum was mailed, first class, postage prepaid, to the following counsel of record:

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21286

C. William Clark

D:\data\CWC\Clients\Koinonia Ptship\AppealsPostHearMemowpd.wpd

APPENDIX A
SUMMARY OF EVENTS AT KOINONIA

Dec. 1954 Epistle Exh 13A 13B	"Saturday the 11th of December 1954 was a busy day for Koinonia at Gramercy. The trainees sponsored a pre Christmas dinner and party which lasted almost all day. It was attended by some seventy holiday-makers including members of the Koinonia Family and about thirty foreign students from colleges and universities in the Baltimore area.: There was folk and square dancing.
June 1954 Exh 13A	Epistle - in December (1953) Bob and Fran Laubach were wed in a uniquely beautiful ceremony. (Picture cutting the cake). On May 29th Elizabeth Skenfield and James McFerrin were married (photo) "The delightful reception following included more music ... the wedding cake was the traditional Canadian fruitcake..."
Apr. 1957 Epistle Exh 13B	"Open House" and "reception for Dr. Frank Laubach and the visit of the Norfolk ladies."Dr. Laubach gave an inspiring talk. There were many guests. "Nell Mohler, a true friend of Koinonia, did the catering service for the reception."
Jan. 1956 Epistle Exh 13B	Christmas Eve Dinner for about thirty-"a real Smorgasbord prepared for us in true Swedish tradition." New Years Eve party describing a progressive dinner.
June 1957 17. Exh 13B	Koinonia Summer training July 8 and August Rate per room and board for six weeks is $200 54 hours of workshop/also described a party.
Aug. 1957 Exh 13A	...First wedding of two members of the Koinonia family to be held at Gramercy...
Feb. 1960 Epistle Exh 13A Exh 13B	Described the Christmas Eve party with bowls of fruit, nuts and specified favors.
May 1960	The Epistle to the Koinonians "Our Betty Mooney--Our Elmer Kirk are to be married here on the 21st of May."
June 1960 Exh 13A	Literacy workshops May 20 - wedding of Betty Mooney and Elmer Kirk. "After the cake was cut, about 90

family and guests fellow-shipped at dinner.

Nov, 1961 Exh 13B	Epistle - described a Halloween party that transformed the cellar of California House into a Horror House. It also described a fine literacy workshop.
July 1960 Epistle	"Last months I.O.P. brought 24 here...Many days there were 81 to be served at meals..."
Jan. 1965 Exh 13B	Described the Christmas Eve party - the living room the dinner with pretty table settings, good food and good conversation. Also 23 young people coming in for the College Student Retreat.
Feb. 1968 Exh 13B	Literary Seminar and Workshop. Twenty-three or more interested people from the outside also contributed to the success of the program. All were given certificates at the end of the two week session. Jan. 31 was a "love-feast" farewell dinner for Bud Coley.
Jan. 1969	Epistle
Exh 13A	1. "December twenty-first was the wedding day for Ester Bowman and Byron Vincent." Punch and a Corely weeding cake were served after the ceremony. Guests were present from the Virginia and Washington areas." 2. In December, Frank Laubach was with us to lead a special literacy seminar on English the New Way. A hard-working group of newcomers and several staff members financed the week's course.
Oct. 1969	Epistle
Exh 13B	1. Silver wedding anniversary...Walter and Janeva Grist. "The Grist children planned a most beautiful reception for them."
Exh 13A	2. "Another Koinonia wedding." "The wedding was September sixth." "Lou Berry presented them with the beautiful wedding cake..."
Feb. 1972 Exh 13A	Epistle "New Years Eve was a happy occasion as we

	joined in the marriage celebration of Steve Bell and Betsy Gray. "...about twenty five of their families and close friends and the Koinonia family joined in a festive dinner."
July 1972 Epistle Exh 13C	Koinonia calendar lists several including the cost of lunch, and the use of the swimming pool.
June 1973 Exh 13C	1974-13C-March, July-Aug, October - last of workshops including prices for room, board and/or meals.
Sept. 1975 Exh 13C (Feb,Mar)	Listed several programs and the cost of overnight stay and meals, including Sunday supper.
Nov. 1975 Exh 13C	Twenty fifth anniversary celebration will begin...on December 31, New Years Eve at Gramercy." "On New Years Day we will have a special dinner at 1:00 p.m. at Koinonia. Write in advance for overnight accommodations and/or dinner reservations. *Throughout 1976, Koinonia is planning several conferences and retreats. It listed them and mentioned overnights stays and meals
March 76 Exh 13B	Easter retreat; other workshops and conferences listing prices for overnight and meals
also Jan. 76 Feb. 76, April 76	Numerous workshops with prices for overnight meals
Nov. 1976 Exh 13B Epistle	Coming Events included Thanksgiving Retreat and workshop including prices for overnight and meals
Jul.-Aug. 1979	Epistle
Exh 13A	"The Wedding - Vera Duvall Guttman." "About a hundred friends were invited, including the Koinonia family." After the services all the guests were invited to Gramercy for a buffet lunch arranged and prepared by Koinonia staff.

Oct. 1979 Koinonia VOL III Issue One Exh 13B	Announced a Thanksgiving celebration to be followed by a sumptuous Thanksgiving Feast with turkey. Please make reservations in advance. A donation of $5.00 is appreciated. It also listed several lectures and workshops; some with lunch for a price; some with tuition, room and board.
Mar. 1980-Exh 13C	Newsletter Koinonia listed public lecture on the Healing Energies of the Soul, and other workshops with prices for meals listed.
Exh 13D	Advertisement re availability to rent facility: For Groups, Retreats, Meetings, Lunches, Banquets, Benefits, Weddings, Family Reunions and Conferences we offer gracious living rooms, studies, dinning rooms, appointed conference rooms, patios and pool. We can seat over 100 for a meal and accommodate significantly more for buffet plus the outdoor patio next to the pool for dining and dancing. Wine punch is permitted. At your request we furnish flowers and cater gourmet vegetarian food. Your own caterer may prepare meat dishes on his own premises and bring them to Koinonia to serve.
1984 Exh. 13D	Summer Program Guide: For Groups, Retreats, Meetings, Lunches, Banquets, Benefits, Weddings, Family Reunions and Conferences we offer gracious living rooms, studies, dinning rooms, appointed conference rooms, patios and pool. We can seat over 100 for a meal and accommodate significantly more for buffet plus the outdoor patio next to the pool for dining and dancing. Wine punch is permitted. At your request we furnish flowers and cater gourmet vegetarian food. Your own caterer may prepare meat dishes on his own premises and bring them to Koinonia to serve.
Aug. 11, 1984 Exh 13F	Contract from McClellan's Caterers; parties from wedding receptions, etc.

7/28/99

IN RE: PETITION FOR SPECIAL HEARING

N/W Green Spring Valley Road, 930 ft. W of the C/1 of Green Spring Avenue (1400 Green Spring Valley Road)
8th Election District
3rd Councilmanic District
Koinonia Partnership
Legal Owner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE No.99-333-SPH
*

* * * * * * * * * *

APPEAL

Koinonia Partnership, Respondent and Property Owner, by C. William Clark and Nolan, Plumhoff & Williams, Chartered, its attorneys, file this Appeal to the Board of Appeals from the decision of the Zoning Commissioner of July 20, 1999, and appeal specifically:

A. The decision that the Respondents are operating a catering hall in violation of the use permit issued in Case No. 96-230-SPHA; and

B. The issuance of a Cease and Desist Order from the use of the property as described in the Opinion and Order.

Respectfully submitted,

C. William Clark
Nolan, Plumhoff & Williams, Charted
502 Washington Avenue, Suite 700
Towson, MD 21202
(410) 823-7800
Attorneys for Koinonia Partnership

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that this on this 28 day of July, 1999, the foregoing Appeal was mailed, first class, postage prepaid, to the following counsel of record:

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286
Attorney for Jack Luskin, Petitioner

C. William Clark

D:\data\CWC\Clients\Koinonia Ptship\Appeal.wpd

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

IN RE: PETITION FOR SPECIAL HEARING N/S Green Spring Valley Road, 930' W of The c/l Green Spring Avenue (1400 Green Spring Valley Road) 8th Election District 3rd Councilmanic District Koinonia Partnership Petitioners	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 99-333-SPH *

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing for property located at 1400 Green Spring Valley Road, in the Green Spring Valley area of northern Baltimore County. The property is owned by the Koinonia Partnership, which took its name from the Koinonia Foundation, a previous property owner. However, it is not the property owner who has filed the instant Petition; rather, the Petition was filed by Jack Luskin, a neighbor who owns property at 2200 Green Spring Valley Road. Pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), Mr. Luskin requests that this Zoning Commissioner make a finding that the Respondents, Ronald and Ann Maria Pomykala (Principals of the Koinonia Partnership), are operating a catering hall in violation of the use permit issued in prior Case No. 96-230-SPHA and in violation of the B.C.Z.R.

The matter came in for public hearing before this Zoning Commissioner on May 10, 1999. At that time, Mr. Luskin appeared through his attorney, J. Carroll Holzer, Esquire. C. William Clark, Esquire, appeared as the legal representative of the Koinonia Partnership. There were no other interested persons present.

Interestingly, there was no live testimony presented nor any witnesses called. Instead, a series of documents were introduced as evidence in this case. Subsequent to the hearing, the parties submitted memoranda, and also completed the record of the case by filing the full transcript of the hearing involving the subject property in Case No. 90-355-SPH before the County Board of

ORDER RECEIVED FOR FILING
Date 11/29/99
By

Appeals. This Zoning Commissioner has reviewed the written memoranda of Counsel, and painstakingly read the entire transcript of the testimony and evidence offered to the County Board of Appeals in the above-referenced case. Also reviewed was the prior Order issued by me in another case involving the subject property (Case No. 96-230-SPHA), the relevant site plans (one filed in 1947 and another in Case No. 96-230-SPHA), and the other documents which constitute the overall record of this case. That examination results in the following findings and conclusions.

The subject property is approximately 44.8 acres in area, split zoned R.C.2 and R.C.5. The predominant zoning is R.C.2 (42.9 acres), with a small sliver of R.C.5 (1.9 acres) along the northwest tract boundary. The subject property is improved with a number of buildings, the main structure being the building known as Gramercy. That building is on the Maryland Historic Trust inventory and was apparently constructed around the turn of the century. Many of the other buildings on the property are also quite old. Each of these structures, which are accessory to the main building, have been labeled on the site plans previously submitted and are designated with somewhat unique names (e.g., Hope Chest, Honeybrook, Acorn, Quonset Hut, etc.).

The property was originally owned by the Koinonia Foundation and was utilized by that entity for many years. The business/purpose of the Koinonia Foundation was certainly unique and is difficult to characterize. As stated by the County Board of Appeals in their description of the property, the site was used as a "learning facility with religious values". Individuals and families came to the property and lived thereon while they received training for missionary work. The training was not only practical in nature (i.e., literacy), but also featured a strong religious component.

The Koinonia Foundation eventually disappeared from an active role on the property and the site fell into a state of disrepair. Ultimately, Dr. and Mrs. Pomykala, as the Koinonia Partnership, acquired the site through an auction in 1985. When the property was purchased, it was run down and the Pomykalas were determined to rehabilitate it. Indeed, a significant restoration of the site and buildings thereon has occurred. Dr. & Mrs. Pomykala are to be applauded for their efforts, in that the property has been restored to much of its prior luster.

ORDER RECEIVED FOR FILING
Date 12/2/96
By

The zoning history of the property is also significant. Originally, a special permit was granted for a school on the property in 1950. That permit was issued pursuant to an early version of the B.C.Z.R., which was adopted in 1945. The special permit granted is akin to a special exception, as defined in Section 502 of the present regulations. The permit allowed a school on the subject site. Indeed, the Koinonia Foundation as it existed at that time was a place of training and learning.

The next chapter of the zoning history of this site occurred by the filing of a Petition for Special Hearing in Case No. 90-355-SPH. In that case, the Koinonia Partnership requested a special hearing to approve and confirm the lawful, nonconforming residential, institutional, and other uses on the property as described in the Petition. The then Zoning Commissioner denied the Petition for Special Hearing; however, the matter was appealed to the County Board of Appeals. By Order dated August 2, 1991, the Board granted the Petition to approve and confirm a lawful and nonconforming residential, institutional and other uses on the property, as shown on Petitioner's Exhibit 1, and a continuation of the approved special exception use for educational purposes. Although appealed, the Board's Order was affirmed and remains in effect today.

The third and most recent chapter in the property's zoning history relates to a Petition which came before me in Case No. 96-230-SPHA. In that matter, special hearing relief was requested to approve a use permit for a bed and breakfast, pursuant to Section 402.B of the B.C.Z.R. Variance relief was also requested to permit parking spaces and drive aisle widths to be narrower than allowed, and to permit the area of a parking space to be smaller than required. Those Petitions were granted by my Order dated May 29, 1996. Moreover, I further ratified and confirmed the Board's prior Order of August 2, 1991 in Case No. 90-355-SPH to the extent that same was not expressly amended by my Opinion and Order.

Mr. Luskin now comes before me seeking relief pursuant to the instant Petition. Apparently, he believes that the activities occurring on the subject property go beyond the residential/institutional/educational uses permitted by the Board of Appeals in prior Case No. 90-355-SPH, and the bed and breakfast allowed by my Order in Case No. 96-230-SPHA. Although

ORDER RECEIVED FOR FILING
Date 7/29/96
By

no live testimony was offered, Mr. Luskin submitted a brochure published by the Koinonia Partnership. That brochure indicates that the property and facilities thereon are available for lease for wedding receptions and similar social/catering activities. Mr. Luskin avers that this use is not permitted under the B.C.Z.R. and prior Orders.

The threshold issue raised in this matter relates to Mr. Luskin's standing to bring the Petition. The property owners/respondents argue that Mr. Luskin lacks the standing to file the Petition and that same must therefore be dismissed. Mr. Luskin obviously argues to the contrary, and cites the authority set out in Section 500.7 of the B.C.Z.R. Indeed, that Section confers wide authority on the Zoning Commissioner to consider all Petitions filed with his office. That Section reads, in part, "The said Zoning Commissioner shall have the power to conduct such other hearings and pass such Orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing, after advertisement and notice, to determine the existence of any purported nonconforming use on any premises, or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations." (emphasis added) The first sentence of the quoted Section confers broad authority on the Zoning Commissioner to conduct hearings and pass Orders as may be deemed necessary or appropriate in his discretion. The second sentence further defines, but does not limit, the right of an interested person to Petition for a nonconforming use, or to determine any rights whatsoever arising from the use of a property. This Zoning Commissioner has frequently held that this Section confers wide authority and latitude to permit any person to file a Petition for Special Hearing seeking an interpretation of the zoning regulations as they relate to a given property. This concept of wide discretion has been upheld by the County Board of Appeals, the Circuit Court for Baltimore County, and Appellate Courts.

In their memorandum, the Respondents cited several Appellate cases which discuss the standing of individuals in the administrative hearing process. Although these cases were cited by

ORDER RECEIVED FOR FILING
Date 12/21/09
By JRP

the Respondents, my reading of those opinions is supportive of Mr. Luskin's position that he has the authority to file the instant Petition. In Sugarloaf v. Department of Environment, 344 Md. 271 (1996), the Court noted the distinction between a party who appears in an administrative hearing, and the standing required of a party who attempts to bring an action for judicial review. The Court noted that there is a relatively lenient standard for a person to properly appear at an agency hearing and that the requirements for administrative standing are not very strict. (Page 286) Citing a variety of prior decisions from Maryland's Courts of Appeal, the Sugarloaf Court noted that any number of acts (e.g., submitting his/her name in writing as a Protestant, testifying at a hearing, submitting into evidence a letter of protest, identifying one's self on the record, etc.) were all sufficient to constitute administrative standing. (Page 286) In Maryland National Capital Park & Planning Commission vs. Smith, 333 Md. 3 (1993), the Court noted that "...the threshold for establishing one's self before an administrative agency is indeed low." (Page 10) The Court went on to hold that personal appearance and testifying at the hearing are not required.

In this case, it is undisputed that Mr. Luskin owns land near the subject property. Clearly, the use of the Koinonia property could result in an adverse impact on Mr. Luskin's property. Moreover, he appeared, through Counsel at the hearing and participated therein. In my judgment, these factors result in the unmistakable conclusion that Mr. Luskin has proper standing to participate in this matter and file the instant Petition for Special Hearing.

A second issue relates to the impact of both my prior decision and the Board of Appeals' decision in Case No. 90-355-SPH. Apparently, it is alleged that the decision in those cases has resolved the issues identified in the instant case and that the proper Petition is barred by res judicata/estoppel by judgment.

The doctrine of res judicata is well known. Essentially, that doctrine holds that a former adjudication on the merits is a bar to subsequent action between the same parties or their privies on the same claim or demand. See Board of County Commissioners v. Racine, 24 Md. App. 435 (1975). Moreover, although used sparingly, res judicata/collateral estoppel can be applied to administrative proceedings. See Racine, in fra. (Page 447)

ORDER RECEIVED FOR FILING
Date 12/19/96
By

It is easily found that the subject matter came before me in 1996 in Case No. 96-230-SPHA and the decision rendered therein does not bar the instant case. That case dealt with an entirely different subject matter (bed and breakfast) and Mr. Luskin was not a party thereto. Following a painstaking review of the record of the Board of Appeals in Case No. 90-355-SPH, I reach the same result regarding the Board's Order in that matter. The hearing before the Board of Appeals in that case consumed two full days and produced a number of witnesses. The witnesses included Gene Raphel (Surveyor), Mrs. Lane Berk (neighbor), Dr. Ronald Pomykala and his wife, Anne Marie Pomykala (Owners/Petitioners), Christine Ritz (Tenant), Lynn Woodland (Lessee), Norman Gerber (expert witness), Jack Dillon (Planner with the Baltimore County Office of Planning), Margaret Worrell (Valleys Planning Council), Jeffrey Long (Office of Planning and Zoning), Daniel Toomey (Attorney), and, through deposition, Marion Carnes (a long-time resident of Koinonia and the unofficial historian of same).

The case before the Board of Appeals was to determine the ability of the Koinonia Partnership to continue to lease (for residential purposes), many of the buildings on the property. Thus, the testimony and evidence presented in that case was as to the historic use of the site in terms of residential, institutional and educational purposes. The overwhelming weight of the testimony and evidence offered, was that the property had been used as a spiritual/educational haven. There was minimal evidence of any commercial activity on the site, but for a print shop and a small automobile repair business. Mr. Raphel, the Surveyor, described the property as follows: "It is improved with a main building and various just structures, many structures on the place which are used for residential and educational purposes." (Transcript, Page 20)[1]. Ms. Berk, a neighbor, indicated that Koinonia was used for residential purposes (Transcript, Page 49), and for cultural, educational purposes (Transcript, Pages 50-51). Mrs. Pomykala, when asked to describe the use of the property, characterized it as being residential. When asked if any commercial/business activity occurred thereon, she stated, "There were two businesses that were

ORDER RECEIVED FOR FILING
Date 7/21/97
By

[1] All references are to the transcript of the proceedings before the County Board of Appeals in Case No. 90-355-SPH or the deposition of Marion Carnes taken in that matter.

there. There was one that was a print shop that was operated commercially, not only for Koinonia, but other organizations as well..., the other business was a garage, which we subsequently got rid of." (Transcript, Page 70) There is no mention of any catering establishment or facility. Later in her testimony, Mrs. Pomykala described photos of the site and made no mention of weddings or catered activities on the property, only workshops and seminars. (Transcript, Pages 70-195)

Dr. Pomykala echoed his wife's testimony. In fact, he indicated that the use of the property was less intense following his acquisition than when the Koinonia Foundation occupied the site. The following exchange occurred: "Question: My question, Sir, Have you intensified any of the uses at Koinonia? Answer: No way. Just the opposite. It's less intense than it was from the time we were there...Question: Have you ever converted any of the buildings to a new use since 1985? Answer: Not that I know of." (Transcript, Pages 133-134)

Similar testimony was received from the other witnesses. Mr. Gerber testified about the educational activity on the property (Transcript, Page 159). He also noted that the property was operated as a religious retreat (Transcript, Page 190), and as residences (Transcript, Page 200). Mr. Dillon agreed, indicating that the property was used residentially (Transcript, Page 209). Other witnesses agreed.

However, perhaps the most accurate and credible testimony came from Marion Carnes, a long-time resident of the Koinonia property. Ms. Carnes, who was 82 years of age at the time of her deposition for the Board's case in 1990, resided on the property for many years and was the unofficial historian of the Koinonia Foundation. The 74-page transcript of her testimony and deposition is clear. The Koinonia Foundation was in the business of providing educational and spiritual growth, to prepare individuals to serve as missionaries. There is no indication anywhere in her testimony that the property was used for catering purposes or commercial activities. In fact, when asked pointedly, "Were there any industrial or other activities unrelated to the educational purpose", her answer was "No" (Page 67, Carnes' Deposition).

The only support for an allegation that the property was used for catering or similar purposes came through a single answer of Daniel Toomey, an attorney who represented the

ORDER RECEIVED FOR FILING
Date 12/21/92
By

Foundation. However, an examination of Mr. Toomey's testimony shows that this statement was inconsistent with other portions of his testimony. In one place, he does reference a brochure which suggests that the property could be "dressed up" for wedding receptions. (Transcript, Page 58) However, the primary thrust of his testimony focused on the educational/spiritual nature of the facility. (See, e.g. Pages 39, 45, 47, and 52 of the Transcript)

In my judgment, it is clear that the business of the Koinonia Foundation did not include catering. Simply stated, the Koinonia Foundation and the subject property were used as a place for religious contemplation, education, and training. Thus, I do not construe the Board's Order as permitting the use of the subject property for catering purposes, nor is it dispositive on the question presented at this time. It is clear that the Board received no persuasive testimony on that issue, and rather concentrated on the limited question before it, i.e., the continued residential use of the buildings on the property. Thus, consideration of the present Petition is not barred by the doctrine of estoppel by judgment.

That being the case, the question next is whether the use of the property for wedding receptions, banquets, and the like is permissible. Clearly, such use was not contemplated pursuant to the authority granted in prior Case No. 96-230-SPHA to permit a bed and breakfast. A bed and breakfast is defined in Section 101 of the B.C.Z.R. as "A tourist home that provides 4 to 12 rooms (limited to a maximum of 16 persons) for paying guests on an overnight basis for periods not to exceed 14 days, with breakfast being available on the premises at no additional cost." Clearly, a bed and breakfast is quite different than a place available to hold banquets, wedding receptions, and similar social activities. I find no authority within the definition of the bed and breakfast which would permit the property owners to lease the facility for such functions. Moreover, such functions cannot be considered as lawfully accessory to the bed and breakfast operation.

A similar result is reached as to the Board's identification of the use of this property. The Board approved a special hearing to permit the lawful nonconforming residential, institutional, and other uses as shown on Petitioner's Exhibit 1, and the continuation of the approved special exception use for educational purposes. Although the phrase "other uses" is vague, there is no

ORDER RECEIVED FOR FILING
Date 11/29/99
By JLP

indication that the Board intended to permit a catering facility on the subject property. Instead, based on the record before it, the Board clearly intended to approve a continuation of those type of residential/educational/spiritual uses that had existed on this property. Moreover, as with the case with the bed and breakfast, I have no persuasive or compelling testimony before me that the operation of a catering hall on this site is lawfully accessory to those uses that the Board of Appeals approved.

Finally, and as importantly, it is clear that the B.C.Z.R. indeed defines the activity which the Koinonia Partnership now markets. Specifically, Section 101 of the B.C.Z.R. designates and defines that use entitled "catering hall". The definition reads, "A facility or part of a facility used regularly for serving beverages and food to groups who reserve the facility for banquets or gatherings before the day of the event. A catering hall is not a standard restaurant." Clearly, it is a catering hall which is advertised. Moreover, an examination of the R.C. regulations indicates that such a use is not permitted in the R.C. zone.

In conclusion, the Koinonia Partnership has lawful authority for continued use of the property as a bed and breakfast and/or for the education/residential purposes as permitted by the County Board of Appeals. However, the property owners do not have the authority to lease the premises for weddings, banquets, and generally operate the site in a manner which would fall under the catering hall definition.

Dr. Pomykala testified before the Board that he was not inclined to increase the intensity of the use of the property in 1990. Although that may have been his intent then, it is clearly not the practice of he and his wife's use of the property at the present time. The use of the site as a catering hall is impermissible and should be discontinued.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested in the Petition for Special Hearing shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of July, 1999 that the Respondents, Ronald and Anne Maria Pomykala (Principals

ORDER RECEIVED FOR FILING
Date 7/21/99
By JRP

of the Koinonia Partnership), are operating a catering hall in violation of the use permit issued in prior Case No. 96-230-SPHA, and thus, are in violation of the B.C.Z.R., and as such, the relief requested in the Petition for Special Hearing be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the use of the property as a catering hall as set forth above shall cease and desist immediately; and,

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

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 12/2/98
By bjs

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE ZONING
(Greenspring Valley Road, 930' W From C/L of Greenspring Ave. 1400 Greenspring Valley Road 3rd Election District 3rd Councilmanic District)	*	COMMISSIONER OF BALTIMORE COUNTY
	*	Case No. 99-333-SPH
JACK LUSKIN Petitioner	*	Hearing:May 10, 1999 2:00 P.M.

* * * * * * * * * * *

RESPONDENT'S POST HEARING MEMORANDUM

Koinonia Partnership T/A Gramercy, Respondent, by its attorneys, Stephan J. Nolan, C. William Clark and Nolan, Plumhoff & Williams, Chartered files this Post Hearing Memorandum and says the following:

I. PETITIONER FAILED TO PROVE HE HAS STANDING TO PETITION FOR SPECIAL HEARING

The Baltimore County Zoning Regulations (hereinafter BCZR) in § 500.7 provide:

> "The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations." (*Emphasis added*).

The Court of Appeals, in Sugarloaf v. Dept. of

JUN - 7

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

Environment, 344 Md. 271 (1996) held:

> "The cases in this Court, and the language of the Administrative Procedure Act itself, § 10-222(a)(1) of the State Government Article, recognize a distinction between standing to be a party to an administrative proceeding and standing to bring an action in court for judicial review of an administrative decision. Thus, a person may properly be a party at an agency hearing under Maryland's 'relatively lenient standards' for administrative standing, but may not have standing in court to challenge an adverse agency decision. Maryland-Nat'l v. Smith, 333 Md. 3, 11, 633 A.2d 855, 859 (1993)... The requirements for administrative standing under Maryland law are not very strict. Absent a statute or a reasonable regulation specifying criteria for administrative standing, one may become a party to an administrative proceeding rather easily. .. More recently, Judge McAuliffe for the Court in Maryland-Nat'l v. Smith, (*supra*), 333 Md. At 10, 633 A.2d at 859, summarized Maryland law relating to status as a party in administrative proceedings:
>
> > Morris and other cases of this Court indicate that the threshold for establishing oneself as a party before an administrative agency is indeed low. Although we have said that one's presence at the hearing and testimony in favor of an asserted position is sufficient, *id*, we have also said that personal appearance and testimony at the hearing are not required. Hertelendy v. Montgomery Cty., 245 Md. 554, 567,226 A.2d 672 (1967)"
> Sugarloaf, 344 Md. At 285-287.

An examination of the Hertelendy case, however, demonstrates

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

that the threshold is not so low as to allow a finding of standing in all cases when a person does not personally appear or testify at the hearing.

The Court of Appeals in Hertelendy (*supra*) noted:

> "It is clear to us that the record indicates that the appellant was a 'party' to the proceedings before the Board. The filing of the letter of August 26, 1965, by the appellant and its acceptance into evidence by the Board were sufficient to make Hertelendy a party to the proceeding. It is not required that he personally appear or personally testify at the hearing. He had registered his objections to the granting of the variance, his reasons for his objection and showed the location of his property across the street from Lot 23-B, as well as the resulting injury to the value of his property, which would allegedly result if the Board granted the variance. It is obvious that the Board considered Hertelendy to be a party and a party aggrieved..." 245 Md. at 567.

The Protestant in Hertelendy, although not personally appearing or testifying, submitted documentary evidence as to the reasons for his objection, the location of his property, its proximity to the subject site and the resulting injury to the value of his property if the zoning authority granted the requested variance. Compare the case of Holland v. Woodhaven Bldg., 113 Md. App. 274 (1996), in which the Court of Special Appeals affirmed the denial of standing to three persons seeking judicial review, since none of the three Protestants testified before the Board, nor offered any evidence of their

"aggrieved status" such as the proximity of their property to the subject site, or other allegations of special aggrievement.

In the instant case, Petitioner, not only did not personally appear, nor testify at the hearing, he did not submit any documentary evidence showing the proximity of his property to the subject site, his reasons for objecting to the uses of the subject property, or the resulting injury to him if the uses continue and that the same are not permitted by the BCZR.

Therefore, Petitioner failed to prove he meets the standard of "interested person" in § 500.7 of the BCZR and the Petition ought to be dismissed, as Respondent moved during the course of the hearing.

II. THE BOARD OF APPEALS DECISION IN CASE 90-355 SPH APPROVED AND CONFIRMED THE USES WHICH FORM THE SUBJECT MATER OF THIS CASE

The Petitioner seeks an order determining that certain uses of the Respondent's property meet the definition of "catering hall" found in § 101 of BCZR and that the regulations prohibit these activities on Respondent's property. The evidence demonstrated that, through a prior zoning case, 90-355 SPH, the County Board of Appeals issued an Opinion and Order affirming and confirming non-conforming uses existing on the property as of the date of its decision,

August 2, 1991. The evidence revealed that to be a final order of The Board, following appellate decisions in the case.

The issue raised by Petitioner generates the question as to the interpretation and application of The Board's decision, and its Opinion and Order announcing it.

In Relay v. Sycamore, the Court of Special Appeals wrote:

> "Despite the fact that administrative boards and officials are arms and instrumentalities of the Legislature, Dal Maso v. County Comm'rs., 182 Md. 200, 205-06, 34 A.2d 464)1943), it is firmly established that agencies may adjudicate legal disputes. *See, e.g.*, 4 ANDERSON, § 22.02, at 7 ('The powers of a board of adjustment are adjudicatory.')... Accordingly, the Court of Appeals has concluded that the Legislature may not vest administrative bodies 'with any judicial authority.' Dal Maso, 182 Md. At 206, 34 A.2d 464. Nonetheless, an agency may make factual determinations. It may also apply the pertinent law to those facts. The agency's exercise of those functions (does not alone vest [the agency] with judicial power in the constitutional sense). Attorney General v. Johnson, 282 Md.274, 284, 385 A.2d 57 (1978)...
>
> As a general rule, judicial review of an administrative decision is narrow, and the same standard applies in both this court and the circuit court. On appeal, we must determine whether the CBA's decision is 'in accordance with the law or whether it is arbitrary, illegal, and capricious.' Moseman v. County Council, 99 Md. App. 258, 262, 636 A.2d 499, *cert. denied*, 335 Md. 229, 643 A.2d 383 (1994). A reviewing court may not overturn an agency's factual findings or its application of law to facts if the

agency's decision is supported by substantial evidence. Ortimer v. Howard Research & Dev. Corp., 83 Md. App. 432, 441, 575 A.2d 750, *cert. denied*, 321 Md. 164, 582 A.2d 449 (1990). Substantial evidence means more than a 'scintilla of evidence,' such that a reasonable person could come to more than one conclusion. Moseman, 99 Md. App. At 262-63,, 636 A.2d 499 (citing Eger v. Stone, 253 Md. 533, 542, 253 A.2d 372 (1969); Montgomery County v. Greater Colesville Citizens' Ass'n, 70 Md. App. 374, 382, 521 A.2d 770 (1987). In such a situation, the issue is considered to be 'fairly debatable,' and the reviewing court may not substitute its judgment for that of the agency. When reviewing issues of law, on the other hand, the standard of review is expansive, and we may reach our own conclusions without deference to the agency's opinion. Columbia road Citizens' Ass'n v. Montgomery County, 98 Md. App. 695, 698, 635 A.2d 30 (1994).

As the Court of Appeals explained in United Steelworkers v. Bethlehem Steel, 298 Md. 665, 679, 472 A.2d 62 (1984), a reviewing court may not uphold an agency order unless it can be sustained on the agency's factual findings and for the reasons stated by the agency. Accordingly, the CBA's decision here must be supported on the facts that were found by the CBA and stated in the CBA's opinion. Where the agency factual findings are inadequate, the necessary facts may not be supplied by the parties, and neither we nor the circuit court will scour the record in search of evidence to support the agency's conclusion. *See* Ocean Hideaway Condo. Ass'n v. Boardwalk Plaza Venture, 68 Md. App. 650, 661-62, 515 A.2d 485 (1986).

Relay v. Sycamore 105 Md. App. 701 (1995); *aff'd. on other grounds*, 344 Md. 57 (1996)."

The present posture of this case finds itself before the Zoning Commissioner and not on review by a trial court, but the same reasoning and standard should apply.

In Temmink v. Bd of Zoning Appeals, the Court of Appeals stated:

> "We recognize that on an appeal from a decision of a zoning board, the court should not substitute its own judgment as to the wisdom or soundness of action taken by The Board, but should decide only whether or not such action was arbitrary or discriminatory. It is not the function of the court to zone or re-zone, and it is only where there is no room for reasonable debate as to whether the facts justified The Board in deciding the need for its action, or where the record is devoid of supporting facts that the court is justified in declaring the action of The Board arbitrary or discriminatory and therefore void. Offutt v. Board of Zoning Appeals of Baltimore County, 204 Md. 551, 562, 105 A.2d 219. P. 496. As stated in American Oil Co. v. Miller, 204 Md. 32, 43, 102 A.2d 727, the question whether the action of a zoning board was arbitrary must be determined from the facts from which the conclusion was drawn, not from the conclusion itself. In reviewing the action of the zoning board, the court on appeal considers The Board's action, not the opinion of its members *(Emphasis added)*."
>
> Temmink v. Board of Appeals, 205 Md. 489, 497 (1954).

Well-reasoned and articulated administrative findings are so important that a reviewing court may not uphold an agency's

decision without them. Mortimer v. Howard Research & Dev. Corp., 83 Md. App. 432, 441, 575 A.2d 750, (1990). However, the appellate courts have not required an exact form or even expressed findings in affirming a decision. In Aubinoe v. Lewis, 250 Md. 645, 653-54, 244 A.2d 879 (1965), the Court of Appeals observed:

> "It is vitally important that the District Council make appropriate *express findings* based on adequate evidence that the purposes set forth in the Ordinance for the R-H zone exist and that the project is compatible with the existing uses in the general neighborhood. We held in Bujno v. Montgomery County Council, 243 Md. 110, 220 A.2d 126 (1966), however, that in a proper case-arising before our decision in *Beal v. Montgomery County Council*, 240 Md. 77 [212 A.2d 751] (1965) - we could *infer* that the necessary findings had been made by the District Council. In Bujno, the opinion of the District Council indicated the unique location of the site, the amount of lot coverage permitted in the R-H zone and most importantly that 'there was expert testimony submitted by the applicant that the R-H zone is most suitable for this tract.'" (*Emphasis added*).

When assessing the adequacy of findings of fact, Judge Bell, in Gray v. Anne Arundel County, 73 Md. App. 301, at p. 313, wrote:

> "Unlike the situation in Ocean Hideaway Condo. v. Boardwalk Plaza, 68 Md. App. 650, 515 A.2d 485 (1986), the Board's Opinion and Order, consisting of ten pages, made adequate findings of fact. Not only did The Board summarize

the testimony of the various witnesses that appeared before it, but it discussed the relevant ordinance, and made findings and drew conclusions, albeit some of the findings were made by reference back to the summarized testimony, and applied the law. Although the findings are not set out in the form that appellants would prefer, reviewing the opinion and order in context, and in its entirety, we are convinced that the decision in this case does not suffer from the deficiencies noted in the cases relied upon by appellants. Accordingly, we discern no error *(Emphasis added)*."

The Respondent contends that in order to properly evaluate and decide the special hearing request in this case, the Zoning Commissioner should review The Board of Appeals' decision in Case No. 90-355 SPH in its entirety, in context, recognizing that: The Board summarized testimony, discussed the relevant ordinances, made findings of fact, drew conclusions, made reference back to the summarized testimony and applied the law in approving the Petition for Non-Conforming uses, based on the facts presented to it, which constituted substantial evidence.

Petitioner, through counsel, introduced as Exhibit 4, a brochure distributed by Respondent through the mail, advertising, among other things, the availability of the buildings and grounds for rental for weddings, meetings, seminars, parties and other special occasions for up to 150 people. The brochure stated that only approved caterers could

be used, and it listed persons to contact.

The evidence offered by Respondent included the Opinion and Order of the County Board of Appeals in Case No. 90-355 SPH, as well as excerpts from the typed transcript of testimony and a deposition offered at the hearing before The Board in that case. Following the hearing, the Respondent offered, as requested by the Zoning Commissioner, the entire transcript of testimony and of the deposition of Marion Carnes.

In its Opinion at page 6, The Board summarized the testimony of Dan Twomey, a former member of The Koinonia Board and counsel to the corporation, which preceded Respondent in ownership and operation of the property.

In reviewing the testimony, The Board stated that it viewed a video tape deposition of Marion Carnes, which enlightened The Board as to the buildings and as to their history, as well as that of the property. An excerpt of her testimony, offered as Exhibit 6, showed that various parts of the buildings and property were used for workshops of up to 100 persons, for classes, and for meeting rooms, among other things.

On page 4 of its Opinion, The Board recounted that the site was rented out to private groups for seminars and other educational purposes and mentioned the testimony of Lynn

Woodland and Christine Ritz. Respondent offered as Exhibit 7 the excerpt of Mrs. Woodland's testimony, detailing her rental of parts of the property. Respondent offered the excerpt of Ms. Ritz's testimony regarding community meetings, shared meals and workshops as Exhibit 8.

On page 6 of its Opinion, The Board recited that Mr. Twomey indicated that Koinonia used the facilities to raise funds, including "...the renting of the property to outside groups for educational and/or social purposes, and that those activities continued until the sale of the property."

Mr. Twomey testified, as shown in Exhibit 3, that the property had been rented for conferences for up to 200 people, and that one of those brochures for Koinonia, Exhibit 4, (Ex. 28 in the prior hearing) mentioned wedding parties, catering and general occasions. The brochure mentioned retreats and stated that catering was available for any event, on or off the premises.

On page 8 of its Opinion, The Board found as a matter of fact that with residential uses existed on the property and that they continued to date, and that its general usage, well known in the community, continued throughout the last 45 years. The Board found that the nature and character of the property remained substantially unchanged, and that the exact facilities were still being used. The Board granted the

Petition.

In the Order attached to the Opinion at page 9, The Board approved and confirmed the lawful non-conforming residential, institutional and other uses, as shown on Petitioner's Exhibit No. 1.

That Exhibit, a Plat for Special Hearing, under the General Data section, lists The Existing Zone as RC2, the Existing Use as Residential and Educational, and the Proposed Zone as RC2 with non-conforming for existing use. It notes a special exception was granted for a nursery school.

§ 101 of the BCZR does not contain a definition for "religious", "institutional", or "other uses". §101 provides that any word or term not defined shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged. That dictionary contains the following definitions stated there:

"Institutional"...	of, relating to, involving, or constituting an institution.
"Institution" ...	Something that is instituted as: a significant and persistent element in the life of a culture that centers on a fundamental human need, activity, or value, occupies an enduring and cardinal position within a society, and is usually maintained and stabilized through social regulatory agencies (~ of

marriage)...

"Religious" ... relating to that which is acknowledged as ultimate reality: manifesting devotion to and reflecting the nature of the divine or that which one holds to be of ultimate importance...

Certainly wedding ceremonies conducted by the various ordained clergy of various religions, and the receptions that customarily, in this culture, follow them qualify as religious, institutional or other uses.

Taken in context and in its entirety, and based upon the facts presented to the Board, and the findings made by the Board, the evidence supported the decision affirming and confirming the non-conforming uses. The words in The Board's Order "...residential, institutional and other uses..." must be construed to include those items described on Petitioner's Exhibit 4.

Respectfully submitted,

Stephan J. Nolan

C. William Clark

Stephan J. Nolan
C. William Clark
Nolan, Plumhoff & Williams, Chartered
502 Washington Avenue, Suite 700
Towson, MD 21204
(410) 823-7800

CERTIFICATE OF SERVICE

We hereby certify that this 7th day of June, 1999, the foregoing Respondent's Post Hearing Memorandum was mailed, first class, postage prepaid, to the following counsel of record:

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21286

C. William Clark

D:\data\CWC\Clients\Koinonia Ptship\PostHearMemo-Gramercy.wpd

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
	*	ZONING COMMISSIONER FOR
THE PROPERTY LOCATED AT 1400 GREENSPRING VALLEY RD	*	OF BALTIMORE COUNTY
	*	CASE NO. 99-333-SPH
8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	
	*	
JACK LUSKIN PETITIONER	*	

* * * * * * * * * * * *

RECEIVED
JUN 1999
COMMISSIONER

MEMORANDUM IN LIEU OF FINAL ARGUMENT

Jack Luskin, 2200 Greenspring Valley Rd, Petitioner, by his attorney J. Carroll Holzer, Holzer & Lee, hereby submits this Memorandum in lieu of final argument in the above captioned matter and says:

STATEMENT OF THE CASE

The Petitioner, Jack Luskin, residing at 2200 Greenspring Valley Rd, filed a Petition for Special Hearing to request the Zoning Commissioner to determine pursuant to the B.C.Z.R., Sections 500.6 and 500.7, that the use of the subject property at 1400 Greenspring Valley Rd, by the Koinonia Partnership and Mr. and Mrs. Pomykala, as a "catering hall," is in violation of the "use" permit issued in Case No. 96-230-SPHA and is in violation of the findings of the County Board of Appeals (hereinafter "CBA") of a nonconforming use in Case No. 90-355-SPH. The case came before the Zoning Commissioner on May 10, 1999 and a hearing was held. Certain Motions were filed by the Respondents, Koinonia Partnership and evidence was submitted by way of written documents and exhibits by both parties. This Memorandum will serve in lieu of oral argument.

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX (410) 825-4923

STATEMENT OF FACTS

The Petitioner Jack Luskin, resides at 2200 Greenspring Valley Rd., in close proximity to the subject site, 1400 Greeenspring Valley Rd., known as Koinonia, located in the Third Councilmanic District of Baltimore County, in the Greenspring Valley.

The Respondents, Dr. Ronald and Anne Marie Pomykala, own and operate the Grammercy Bed and Breakfast, doing business in Koinonia, at 1400 Greenspring Valley Rd., pursuant to a bed and breakfast "use" permit, issued by the Zoning Commissioner in Case No. 96-230-SPHA on May 29, 1996. The Zoning Commissioner's decision in that case was marked as Petitioner's Exhibit No. 1. Exhibit No. 1 permitted the Respondents to operate, subject to a "use" permit, a bed and breakfast pursuant to Section 402.d of the Baltimore County Zoning Regulations (B.C.Z.R.). Nothing in the Opinion nor in the Order granting the "use" permit addressed the issue or permitted the operation of a "catering" operation for the subject site. In particular, the Zoning Commissioner limited the relief granted by specifically adopting, to the extent applicable, the Board of Appeals Decision of August 2, 1991 (which was Case No. 90-355-SPH). The Zoning Commissioner particularly found there that he did not intend to reverse or override the Board's decision and indicated that the terms and conditions of the prior CBA order were to remain in effect. After that qualification, he granted the Special Hearing for a use permit for a bed and breakfast under Section 402.d of the BCZR; granted a variance from Section 409.4 to permit parking in drive aisles; and granted a variance from Section 409.3 to permit a parking space minimum. The Petitioner here presented the Board of Appeals Decision of August 2, 1991 in Case No. 90-355-SPH as Petitioner's Exhibit No. 2. In the Opinion of the County Board of

Appeals, the Board reviewed the operations of Koinonia to determine and approve and confirm the lawful nonconforming residential and institutional uses requested by the Petitioner. In the course of the Opinion (p. 2), the Board characterized the property usage from Mrs. Carnes as a "learning facility with religious values." The CBA found that individuals and families were trained at the facility while living on the property. The CBA reviewed a number of photographs which showed the various structures on the site and the structures' use. Mrs. Layne Burke testified that Koinonia had been active and described the use as "educational workshops and conferences continued on the property"(Opinion p. 4). The Board also found facts that this site is rented out "to private groups for seminars and other educational purposes (Emphasis supplied) throughout the year" (Opinion p. 4). Norman Gerber, a planning expert is cited in the CBA Opinion testifying as to uses both "residential and educational," and his testimony before the CBA was that the current use of the property continues in that vein as both residential and educational (Opinion p. 5). The Board further found in the facts that during the exclusive use of the Koinonia Foundation, the training center continued to "operate with multiple functions as a school, residence, and agricultural-type of establishment" (Opinion p. 5). Further Jack Dillon, Senior Planner in the Office of Planning at that time challenged the use of the property and Gerber's testimony for the "residences" (Opinion p. 6). Jeff Long, of the Office of Planning told the Board that when the "school use on the site ceases, the ability to have apartments on that property ceases also" (Opinion p. 6).

To this point, no evidence suggests any type of commercial "catering" operation being permitted on the site. The only evidence that appears to come close is that of Mr. Twomy, a member of the Koinonia Board, whose testimony was recited by the Board in its Opinion on p. 6

stating that "Mr. Twomy did indicate that Koinonia did use the facilities to raise funds and these funds were derived from the sale of gifts, farm produce, and herbs, and the renting of the property to outside groups for educational and/or social purposes and that these activities continued until the sale of the property."

The CBA in its Opinion on p. 7 then began an analysis of their findings. The CBA said, "the Board is convinced that during the 1950s, 1960s, 1970s, and 1980s persons who are not affiliated 100% with the Koinonia Foundation resided on the property and paid rent to the Foundation (Opinion p. 7). The Board then discussed the definition of the school and the use of the institution as a place for instruction and education. The Board further found as a matter of fact that multiresidential uses existed on this property and are nonconforming uses which exist as a matter of right (Opinion p. 8).

It is important to note that nowhere in the Board's Opinion does it discuss the commercial ramifications of catering, renting the property for wedding receptions, etc.

In the Board's Order of August 2, 1991, the CBA found that "the Petition for Special Hearing to approve and confirm the lawful and nonconforming residential, institutional, and other uses as shown on Petitioner's exhibit No. 1. . . is granted."

The instant Petition then presented as Exhibit No. 3, the Baltimore County Zoning Regulation, Section 402.d, defining "bed and breakfast." The Petitioner then offered Exhibit No. 4 to his Petition, which was the advertisement for the Grammercy Bed and Breakfast located at 1400 Greenspring Valley Rd. In Petitioner's Exhibit 4, the attached documents indicate the "1999 rate schedule for weddings and parties." On p. 1 of the rate schedule, it indicates that the Grammercy Mansion can be utilized, as well as the kitchen for an approved caterer. It provides

for the caterers setup and cleanup time and it provides that "two weddings may be held on Saturdays during the months of April, May, June, September, October, and November." It indicates that approved caterers only may be utilized and defines when the choice of caterer must be made. It indicates a capacity of 150 people and then it indicates the approved caterers list and contact persons with telephone numbers, listing twelve approved caterers. The Carriage House on Koinonia is also setup for weddings and parties, again, sharing the use of the kitchen and again providing for setup and cleanup for the caterers. The Grammercy Mansion advertisement on p. 3 provides for "elegant settings for a wedding or other milestone events." Page 4 again defines the Mansion and the Carriage House as available for weddings, meetings, seminars, and parties. . . weddings and other events. . . . "

The subject property is zoned RC 2. The Baltimore County Zoning Regulations define "catering hall" as "a facility or part of a facility used regularly for serving beverages and food to groups which reserve the facility for banquets or gatherings before the day of the event. A catering hall is not a standard restaurant." The BCZR further defines "bed and breakfast inn" as "a tourist home that provides four to twelve rooms (limited to a maximum of 16 person) for paying guests on an overnight basis for periods not to exceed 14 days with breakfast being available and premises at no additional cost. A bed and breakfast inn is allowable only in a building originally constructed as a one-family dwelling pursuant to provisions and procedures prescribed in Section 402.d of these regulations." The BCZR distinguish a "catering" hall and a "bed and breakfast inn."

The Petitioner, Jack Luskin, requests the Zoning Commissioner to determine that the Respondents are operating a "catering hall" in violation of the use permit issued in case No. 96-

230-SPHA and in violation of any nonconforming use approved by the CBA in case No. 90-355-SP

The Respondent's claim that they are covered in this "catering" use by the approval of the County Board of Appeals in case No. 90-355-SPH as a nonconforming use, found pursuant to the CBA and they moved to dismiss the Petition for Special Hearing on the basis of res adjucata and collateral estoppel. The evidence submitted before the Zoning Commissioner, in the instant case, established that the Respondent's position is not correct for the reasons to be discussed in the Legal Argument Section of this Memorandum.

LEGAL ARGUMENT

During the hearing the Zoning Commissioner, Lawrence Schmidt, indicated that as the author of the findings of fact and conclusions of law in the Petition for Special Hearing in Case No. 96-230-SPHA, he simply granted the "use" permit for a bed and breakfast. The Zoning Commissioner's recollection was that he did not intend to expand, contract or in any way affect the Board of Appeals decision in Case No. 90-355-SPH. The Zoning Commissioner in his Opinion and Order of May 29, 1996, in fact did so qualify his Opinion (Opinion p. 4). If that is the case, then the issue as to whether or not the Respondent's are lawfully utilizing their facility for a catering hall is left to a review of the CBA Opinion and Order in case No. 90-355-SPH and what it found as permitted existing nonconforming uses.

This Memorandum, in the Statement of Facts, has already analyzed the Board's Opinion and Order. It was suggested during the introduction of evidence by the Respondents, that somehow the catering activities for purposes of weddings and other social events was covered as a nonconforming activity in the CBA's Order. The Petitioner does not believe that the Respondents' position is correct and believe Respondents' Exhibits 1-12 in fact verify the Petitioner's claim that the Board of Appeals

in Case No. 90-355-SPH did not intend to permit the kinds of "catering" activities that are currently being advertised and conducted by Respondents as shown on Petitioner's Exhibit No. 4.

First, a review of the evidence submitted to the CBA is helpful in this regard. The evidence before the Board will be summarized as follows. Generally, it appears from the Board's Opinion and Order that the issue debated by the parties before the Board related to the issue of whether or not the various buildings on the site had been previously utilized for residential use. The overwhelming analysis of the Board addressed the various buildings and their use as residences. In addition, the bulk of the testimony centered upon the use of the site as a "school, residence, agricultural-type of establishment." There was no effort by any witness other than the casual comment by Twomy to discuss any other type of nonconforming uses on the site.

The Petitioner has examined and reviewed not only the submitted portions of the transcript marked as the Respondents' Exhibits, but also the entire transcript and complete deposition of Mrs. Carnes submitted by counsel and believes that the record as a whole supports the position that "catering" activities were not covered.

In analyzing the deposition of Mrs. Marion Carnes, taken on April 19, 1990 and presented to the County Board of Appeals in this case, the overwhelming direction of the deposition centered on Mrs. Carnes' recollection of the use of various buildings on the site. She testified that the facility was used for special "workshops" (Depo p. 24); that buildings were used for "student families to live in" (Depo p. 42). She also identified photographs of various buildings which she described as being used for residences for the school (Depo p. 29-37). Nowhere in her testimony did she testify in regard to catering activities, wedding receptions, or social activities to be held for groups outside the facility. She was asked during the course of the deposition:

"You have described at length what the activities for the Koinonia Foundation were over the years of your affiliation. Aside from some incidental things you mentioned, were there any commercial activities that were unrelated to the Foundations educational purpose?" Answer: "I can't think of any." Question: "Were there any industrial or other activities unrelated." Answer: "No." Question: "To the educational purpose?" Question: "So would it be your testimony that all the activities that were conducted at Koinonia at this property during your familiarity with it, were in connection with the private school that was operating there." Answer: "I would think so." (Depo p. 67).

An overall review of the hearing conducted before the County Board of Appeals on July 24, 1991 and again on July 26, 1991, indicated that the main thrust of the Koinonia Partnership at the time was whether or not the uses of the various buildings on site for residential purpose (not connected with the school) was permitted as part of the nonconforming activity. Thus for example, Mr. Nolan, who represented the Petitioner/Applicant (Koinonia Partnership) outlined the reason for being there, "related to educational activities and the use of the buildings on the various properties as residences" (Transcript July 24, 1991 pp. 3-5). Again, in the same transcript at page 11, Nolan stated the reason for their being before the Board, "We are here to confirm the special exception that exists. And we are here because the Zoning Commissioner ordered that they cease using all of those rental cottages and they had to be closed down. And the Pomykalas feel that the law should not countenance that type of cessation, because it will undermine the historic value of that property."

The Koinonia Partnership presented its surveyor Gene Raphel, to introduce Developer's Exhibit No. 1, the plat to accompany the Petition for Special Hearing (Transcript July 24, 1991p. 19). Thereafter, Raphel described the plat and calls attention to all of the various buildings set forth on the plat. Again, no mention of the uses of the facility, and particularly no discussion of existing or continuing catering or commercial activities in regard to weddings. The Respondents have introduced portions of the testimony of various witnesses as Respondents Exhibits which can be utilitzed for

purposes of this Memorandum. For instance, a portion of the deposition of Marion Carnes was presented and her testimony supports the educational and residential use of the site and contains no discussion of weddings or commercial catering activities, and in fact, rejects any activities that were not connected with the educational purposes of the Koinonia Foundation. A portino of the testimony of Lynn Woodland was presented in Respondents' Exhibit No. 7. Her testimony in that Exhibit centered on her involvement leading educational seminars at Koinonia. She does not discuss anything at all related to catering or wedding activities such as being advertised today by the bed and breakfast. Christine Ritz's testimony was presented in Respondents' Exhibit No. 8 and again she testified about living in the various buildings, whether it be "Acorn," "Grammercy," "The Hope Chest," or "The Memorial Building." Her testimony related to buildings and the people residing therein (CBA testimony of July 24 at p. 114,115,116,117). There is nothing in her testimony related to weddings or catering activities. Again, a portion of Ann Marie Pomykala's testimony on July 24, at pages 63,81, and 82 was presented as a Respondents' Exhbit. Her testimony was also directed to the activities in the Carriage House and in the various buildings for purposes of "lectures or workshops" (p. 81). She further discussed the use of various buildings and the Carriage House for "training," "for the Peace Corp," and for "lecture use or workshop use" (transcript p. 83). Again, no mention of wedding or other social events or catering activities on the site (Respondents' Exhibit No. 9). Thereafter, Respondents' Exhibits 11 and 12 show the Court of Special Appeals review of the County Board of Appeals decision, but its Opinion was unrelated to the uses contained under the nonconforming use.

Finally, we have the testimony of Daniel Twomy (Transcript July 26, 1991 at p. 37). Twomy discussed the Koinonia Foundation as a corporation receiving Internal Revenue Service 501(C)(3)

tax exempt status. The only place in the course of his testimony that he discussed wedding parties was located at Transcript p. 58, when he testified:

> "we rent our conference facility to like minded organizations for their own meetings and conferences." Further on he testified the Carriage House has two open spacious rooms. . . . These facilities are comfortable settings for your next meeting or seminar, we can also dress up for wedding parties and handle every detail from the catering to the flowers, making the event a very special occasion" (Transcript, p.58). Further on p. 59 Mr. Twomy was asked about the activities from 1975 to 1981 and he said "Oh golly. There was educational programs. . . they were not religious in the sense of a religious denomination, but they were spiritual in the sense of those issues that were becoming into community awareness in 70's that we take for granted, such as holistic healing in the sense of the right ways of living spiritually. And emotionally there was mediation there in the vein of perhaps the early Christia as well as the Fathers of the Eastern Gerus or whatever you would call them. I would say those are two dominant types of programs that were given there. . ". (Transcript, pp. 59,60).

Twomy further described the brochure he was reading from with this language as having been prepared in the late 1970's or 1980 (transcript p. 63). He testified he had no knowledge when it was prepared and he had no knowledge as to whether it were ever circulated to anyone outside of Koinonia's structure (p. 63).

Twomy stated that these activities continued until the sale of the property, implying that they ceased. Evidence was presented to the CBA about continued educational activities and rent of buildings but, no evidence was supplied that social activities continued. In order for a non-conforming use to remain valid it must continue without an interruption of a year and a day (BCZR, Sec. 104.1). These social uses did not continue after the sale of the property. Based on the evidence supplied in the 1991 case social activities do not retain a non-conforming status.

Additionally, Mr. Twomy described these activities as fund raisers for Koinonia. Based on testimony in that 1991 case, the foundation use ceased, making fund raisers for the foundation no

longer legal under any circumstances. Therefore, his testimony about social events is irrelevant to this case.

As was previously stated, the Board in its Opinion on page 6, mentioned Mr. Twomy's testimony. But the more important question is presented as to whether or not while mentioning all of the testimony, they found or confirmed that catering for weddings and other commercial and social purposes was in fact a nonconforming use that had been proven. In this aspect, Petitioner suggest that they did not, on the basis of their final Order of August 2, 1991.

Having examined the evidence before the Board, by review of the CBA transcript, one must then look at the Boards' decision and order to determine what they found as a nonconforming use. Petitioner believes that the Board only found as nonconforming," residential uses, institutional uses", and "other uses as shown on Petitioner's Exhibit No. 1." To determine the extent of what the Board's order meant, Petitioner was required to search the records and file of Case No. 90-355 SPH. After reviewing microfilm, Petitioner was able to determine that Petitioner's Exhibit No. 1 was the plat sent under cover of separate letter to the Zoning Commissioner and Counsel for the Respondent. While it has not been marked as a separate Exhibit in this case, it was in fact offered by Petitioner Luskin when Counsel asked to introduce the entire file of Case No. 90-355-SPH. It was therefore admitted by inclusion in that record.

Petitioner's Exhibit No. 1 for Case No. 90-355 is captioned "Plat for Special Hearing" prepared by Gene Raphel. Petitioner's Exhibit No. 1 is so marked in the lower left hand corner of the plat (Attached to this Memorandum as Exhibit A). In the upper right corner it presents a vicinity plat showing the Koinonia site. Below that it presents the "General Data" of the site showing existing zone R.C.2. An examination of the plat shows the property boundary along Greenspring Valley Rd

to its western boundary, then north and east to Greenspring Ave., and then south back to Greenspring Valley Rd. It defines various buildings which were the subject of the testimony before the Board of Appeals insofar in existing residency and use was concerned. It lists "Acorn, Honeybrook, California House, Hopechest, Maintenance Building, Quancent Hut, Carriage House, Memorial Building, Modular Home, Tool House, Ice House, Garden House, Gramercy Building. The only labeling for purposes of use is "special exception granted for nursery school."

It can be seen by the Zoning Commissioner that if the Board's Order in Case No. 90-355 granted nonconforming uses for "residential" use, "institutional" use, and "other uses as shown on Petitioner's Exhibit No. 1"; the "other uses as shown on Petitioner's Exhibit No. 1" associated with the buildings that were the source of the discussion throughout the course of the CBA testimony and does not in any way affirm, or grant a nonconforming use for catering of wedding receptions or other milestone events. There is no mention of "catering" facilities or "catering use" anywhere on the plat.

In conclusion, Petitioner believes that the evidence before the County Board of Appeals did not in any way define "catering activities for purposes of wedding or other social events" as a non-conforming use that had been continuing and which were being requested to continue before the Board of Appeals in 1990. The thrust of the case dealt with the educational and residential uses of the buildings on Koinonia. The testimony of Twomy, while being recited by the CBA was not accepted by them. Secondly, it is clear from the Board's Order that they were only finding as nonconforming uses the "residential and institutional" use of the site. The "other uses as shown on Petitioner's Exhibit No. 1" related to the uses of the buildings shown on Petitioner's Exhibit No. 1 for nowhere on that Exhibit does there appear to be notation as to catering uses for purposes of social events or wedding receptions.

Therefore, it is clear that the Gramercy Bed and Breakfast was not authorized pursuant to Case No. 96-230-SPHA to conduct catering activities; that it was not a permitted nonconforming use under Case No. 90-355-SPH; and that it is not permitted under the R.C.2 zone. Catering is an activity that is not permitted pursuant to the Baltimore County Zoning Regulations in section 1A01.2. It is requested that the Zoning Commissioner determine that the rights of Jack Luskin, Petitioner, are affected by the violation of the aforesaid Sections of the BCZR, by the Respondents' use of their facilities for catering purposes.

MOTION ISSUES

The Respondents' submitted an oral Motion to Dismiss the Petitioner's Special Hearing request on the basis of res judicata and collateral estoppel. The fundamental basis for this claim was that the Board of Appeals in Case No. 90-355-SPH had already reviewed, acted, and decided, the subject matter of this Petition. Petitioner Luskin believes he has established in this Memorandum that that is not the case. Therefore, collateral estoppel and res judicata would not be relevant defenses to the subject matter of this Petition for Special Hearing.

Secondly, Respondent moved to Dismiss the Petition on the basis that Luskin was not a "interested person" in that he did not appear at the hearing. There is no requirement that the Petitioner appear at the hearing. He signed the Petition for Special Hearing raising the issues contained therein and he retained counsel to represent him at the hearing. The Luskin address of 2200 Greenspring Valley Rd., is located in close proximatey to* 1400 Greenspring Valley Rd. The Zoning Commissioner may take judicial notice of both locations. Under the case law for purposes of administrative review, Jack Luskin is an "interested person" (See prior decisions of the Zoning Commissioner in the cases of Pickersgill ; Orville Jones v. Long Green Valley; and Mission Helpers).

The second argument by Respondent is that there is no evidence of actual use of the property by Respondents as a "catering facility". Petitioner believes that the evidence submitted by way of Petitioner's Exhibit No. 4 attached to the Petition, clearly establishes that a 1999 rate schedule published by Gramercy Bed and Breakfast, is indicative of the activities that have been, are, and are continuing to take place. Evidence by Luskin that he stood on Greenspring Valley Road and observed a wedding reception take place on a Saturday afternoon on Koinonia would not be required to establish the basis of Petitioner Luskin's Petition for Special Hearing. There was no evidence presented to contradict that the Respondents' were not conducting wedding receptions and catering on the site. To the contrary, the defense of the Respondents is that they are entitled to perform such activity on the site based upon the nonconforming uses granted to them in 1990 by the CBA.

Therefore Respondents' argument fails on this issue.

CONCLUSION

Petitioner respectfully requests the Zoning Commissioner to determine that the Respondents are not permitted to conduct "catering" activities as defined in Petitioners Exhibit No. 4 on the subject site.

Respectfully submitted,

J. Carroll Holzer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of June, 1999, a copy of the foregoing Protestants Memorandum was mailed first-class, postage pre-paid to William Clark, Esquire, Nolan Plumhoff & Williams, Suite 700, Nottingham Centre, 502 Washington Avenue, Towson, Maryland 21204-4528.

J. Carroll Holzer

a:memos9\luskin.mem

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE ZONING
(Greenspring Valley Road, 930' W From C/L of Greenspring Ave. 1400 Greenspring Valley Road 3rd Election District 3rd Councilmanic District)	*	COMMISSIONER OF BALTIMORE COUNTY
	*	Case No. 99-333-SPH
JACK LUSKIN Petitioner	*	Hearing:May 10, 1999 2:00 P.M.

* * * * * * * * * * *

RESPONDENT'S POST HEARING MEMORANDUM

Koinonia Partnership T/A Gramercy, Respondent, by its attorneys, Stephan J. Nolan, C. William Clark and Nolan, Plumhoff & Williams, Chartered files this Post Hearing Memorandum and says the following:

I. PETITIONER FAILED TO PROVE HE HAS STANDING TO PETITION FOR SPECIAL HEARING

The Baltimore County Zoning Regulations (hereinafter BCZR) in § 500.7 provide:

> "The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations." (*Emphasis added*).

The Court of Appeals, in Sugarloaf v. Dept. of

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

Environment, 344 Md. 271 (1996) held:

> "The cases in this Court, and the language of the Administrative Procedure Act itself, § 10-222(a)(1) of the State Government Article, recognize a distinction between standing to be a party to an administrative proceeding and standing to bring an action in court for judicial review of an administrative decision. Thus, a person may properly be a party at an agency hearing under Maryland's 'relatively lenient standards' for administrative standing, but may not have standing in court to challenge an adverse agency decision. Maryland-Nat'l v. Smith, 333 Md. 3, 11, 633 A.2d 855, 859 (1993)... The requirements for administrative standing under Maryland law are not very strict. Absent a statute or a reasonable regulation specifying criteria for administrative standing, one may become a party to an administrative proceeding rather easily. .. More recently, Judge McAuliffe for the Court in Maryland-Nat'l v. Smith, (*supra*), 333 Md. At 10, 633 A.2d at 859, summarized Maryland law relating to status as a party in administrative proceedings:
>
> > Morris and other cases of this Court indicate that the threshold for establishing oneself as a party before an administrative agency is indeed low. Although we have said that one's presence at the hearing and testimony in favor of an asserted position is sufficient, *id*, we have also said that personal appearance and testimony at the hearing are not required. Hertelendy v. Montgomery Cty., 245 Md. 554, 567,226 A.2d 672 (1967)"
>
> Sugarloaf, 344 Md. At 285-287.

An examination of the Hertelendy case, however, demonstrates

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

that the threshold is not so low as to allow a finding of standing in all cases when a person does not personally appear or testify at the hearing.

The Court of Appeals in Hertelendy (*supra*) noted:

> "It is clear to us that the record indicates that the appellant was a 'party' to the proceedings before the Board. The filing of the letter of August 26, 1965, by the appellant and its acceptance into evidence by the Board were sufficient to make Hertelendy a party to the proceeding. It is not required that he personally appear or personally testify at the hearing. He had registered his objections to the granting of the variance, his reasons for his objection and showed the location of his property across the street from Lot 23-B, as well as the resulting injury to the value of his property, which would allegedly result if the Board granted the variance. It is obvious that the Board considered Hertelendy to be a party and a party aggrieved..." 245 Md. at 567.

The Protestant in Hertelendy, although not personally appearing or testifying, submitted documentary evidence as to the reasons for his objection, the location of his property, its proximity to the subject site and the resulting injury to the value of his property if the zoning authority granted the requested variance. Compare the case of Holland v. Woodhaven Bldg., 113 Md. App. 274 (1996), in which the Court of Special Appeals affirmed the denial of standing to three persons seeking judicial review, since none of the three Protestants testified before the Board, nor offered any evidence of their

"aggrieved status" such as the proximity of their property to the subject site, or other allegations of special aggrievement.

In the instant case, Petitioner, not only did not personally appear, nor testify at the hearing, he did not submit any documentary evidence showing the proximity of his property to the subject site, his reasons for objecting to the uses of the subject property, or the resulting injury to him if the uses continue and that the same are not permitted by the BCZR.

Therefore, Petitioner failed to prove he meets the standard of "interested person" in § 500.7 of the BCZR and the Petition ought to be dismissed, as Respondent moved during the course of the hearing.

II. THE BOARD OF APPEALS DECISION IN CASE 90-355 SPH APPROVED AND CONFIRMED THE USES WHICH FORM THE SUBJECT MATER OF THIS CASE

The Petitioner seeks an order determining that certain uses of the Respondent's property meet the definition of "catering hall" found in § 101 of BCZR and that the regulations prohibit these activities on Respondent's property. The evidence demonstrated that, through a prior zoning case, 90-355 SPH, the County Board of Appeals issued an Opinion and Order affirming and confirming non-conforming uses existing on the property as of the date of its decision,

August 2, 1991. The evidence revealed that to be a final order of The Board, following appellate decisions in the case.

The issue raised by Petitioner generates the question as to the interpretation and application of The Board's decision, and its Opinion and Order announcing it.

In Relay v. Sycamore, the Court of Special Appeals wrote:

> "Despite the fact that administrative boards and officials are arms and instrumentalities of the Legislature, Dal Maso v. County Comm'rs., 182 Md. 200, 205-06, 34 A.2d 464)1943), it is firmly established that agencies may adjudicate legal disputes. *See, e.g.*, 4 ANDERSON, § 22.02, at 7 ('The powers of a board of adjustment are adjudicatory.')... Accordingly, the Court of Appeals has concluded that the Legislature may not vest administrative bodies 'with any judicial authority.' Dal Maso, 182 Md. At 206, 34 A.2d 464. Nonetheless, an agency may make factual determinations. It may also apply the pertinent law to those facts. The agency's exercise of those functions (does not alone vest [the agency] with judicial power in the constitutional sense). Attorney General v. Johnson, 282 Md.274, 284, 385 A.2d 57 (1978)...

As a general rule, judicial review of an administrative decision is narrow, and the same standard applies in both this court and the circuit court. On appeal, we must determine whether the CBA's decision is 'in accordance with the law or whether it is arbitrary, illegal, and capricious.' Moseman v. County Council, 99 Md. App. 258, 262, 636 A.2d 499, cert. denied, 335 Md. 229, 643 A.2d 383 (1994). A reviewing court may not overturn an agency's factual findings or its application of law to facts if the

agency's decision is supported by substantial evidence. Ortimer v. Howard Research & Dev. Corp., 83 Md. App. 432, 441, 575 A.2d 750, *cert. denied*, 321 Md. 164, 582 A.2d 449 (1990). Substantial evidence means more than a 'scintilla of evidence,' such that a reasonable person could come to more than one conclusion. Moseman, 99 Md. App. At 262-63,, 636 A.2d 499 (citing Eger v. Stone, 253 Md. 533, 542, 253 A.2d 372 (1969); Montgomery County v. Greater Colesville Citizens' Ass'n, 70 Md. App. 374, 382, 521 A.2d 770 (1987). In such a situation, the issue is considered to be 'fairly debatable,' and the reviewing court may not substitute its judgment for that of the agency. When reviewing issues of law, on the other hand, the standard of review is expansive, and we may reach our own conclusions without deference to the agency's opinion. Columbia road Citizens' Ass'n v. Montgomery County, 98 Md. App. 695, 698, 635 A.2d 30 (1994).

As the Court of Appeals explained in United Steelworkers v. Bethlehem Steel, 298 Md. 665, 679, 472 A.2d 62 (1984), a reviewing court may not uphold an agency order unless it can be sustained on the agency's factual findings and for the reasons stated by the agency. Accordingly, the CBA's decision here must be supported on the facts that were found by the CBA and stated in the CBA's opinion. Where the agency factual findings are inadequate, the necessary facts may not be supplied by the parties, and neither we nor the circuit court will scour the record in search of evidence to support the agency's conclusion. *See* Ocean Hideaway Condo. Ass'n v. Boardwalk Plaza Venture, 68 Md. App. 650, 661-62, 515 A.2d 485 (1986).

Relay v. Sycamore 105 Md. App. 701 (1995); *aff'd. on other grounds*, 344 Md. 57 (1996)."

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

The present posture of this case finds itself before the Zoning Commissioner and not on review by a trial court, but the same reasoning and standard should apply.

In Temmink v. Bd of Zoning Appeals, the Court of Appeals stated:

> "We recognize that on an appeal from a decision of a zoning board, the court should not substitute its own judgment as to the wisdom or soundness of action taken by The Board, but should decide only whether or not such action was arbitrary or discriminatory. It is not the function of the court to zone or re-zone, and it is only where there is no room for reasonable debate as to whether the facts justified The Board in deciding the need for its action, or where the record is devoid of supporting facts that the court is justified in declaring the action of The Board arbitrary or discriminatory and therefore void. Offutt v. Board of Zoning Appeals of Baltimore County, 204 Md. 551, 562, 105 A.2d 219. P. 496. As stated in American Oil Co. v. Miller, 204 Md. 32, 43, 102 A.2d 727, the question whether the action of a zoning board was arbitrary must be determined from the facts from which the conclusion was drawn, not from the conclusion itself. In reviewing the action of the zoning board, the court on appeal considers The Board's action, not the opinion of its members *(Emphasis added)*."
>
> Temmink v. Board of Appeals, 205 Md. 489, 497 (1954).

Well-reasoned and articulated administrative findings are so important that a reviewing court may not uphold an agency's

decision without them. Mortimer v. Howard Research & Dev. Corp., 83 Md. App. 432, 441, 575 A.2d 750, (1990). However, the appellate courts have not required an exact form or even expressed findings in affirming a decision. In Aubinoe v. Lewis, 250 Md. 645, 653-54, 244 A.2d 879 (1965), the Court of Appeals observed:

> "It is vitally important that the District Council make appropriate *express findings* based on adequate evidence that the purposes set forth in the Ordinance for the R-H zone exist and that the project is compatible with the existing uses in the general neighborhood. We held in Bujno v. Montgomery County Council, 243 Md. 110, 220 A.2d 126 (1966), however, that in a proper case-arising before our decision in *Beal v. Montgomery County Council*, 240 Md. 77 [212 A.2d 751] (1965) - we could *infer* that the necessary findings had been made by the District Council. In Bujno, the opinion of the District Council indicated the unique location of the site, the amount of lot coverage permitted in the R-H zone and most importantly that 'there was expert testimony submitted by the applicant that the R-H zone is most suitable for this tract.'" (*Emphasis added*).

When assessing the adequacy of findings of fact, Judge Bell, in Gray v. Anne Arundel County, 73 Md. App. 301, at p. 313, wrote:

> "Unlike the situation in Ocean Hideaway Condo. v. Boardwalk Plaza, 68 Md. App. 650, 515 A.2d 485 (1986), the Board's Opinion and Order, consisting of ten pages, made adequate findings of fact. Not only did The Board summarize

the testimony of the various witnesses that appeared before it, but it discussed the relevant ordinance, and made findings and drew conclusions, albeit some of the findings were made by reference back to the summarized testimony, and applied the law. Although the findings are not set out in the form that appellants would prefer, reviewing the opinion and order in context, and in its entirety, we are convinced that the decision in this case does not suffer from the deficiencies noted in the cases relied upon by appellants. Accordingly, we discern no error *(Emphasis added)*."

The Respondent contends that in order to properly evaluate and decide the special hearing request in this case, the Zoning Commissioner should review The Board of Appeals' decision in Case No. 90-355 SPH in its entirety, in context, recognizing that: The Board summarized testimony, discussed the relevant ordinances, made findings of fact, drew conclusions, made reference back to the summarized testimony and applied the law in approving the Petition for Non-Conforming uses, based on the facts presented to it, which constituted substantial evidence.

Petitioner, through counsel, introduced as Exhibit 4, a brochure distributed by Respondent through the mail, advertising, among other things, the availability of the buildings and grounds for rental for weddings, meetings, seminars, parties and other special occasions for up to 150 people. The brochure stated that only approved caterers could

be used, and it listed persons to contact.

The evidence offered by Respondent included the Opinion and Order of the County Board of Appeals in Case No. 90-355 SPH, as well as excerpts from the typed transcript of testimony and a deposition offered at the hearing before The Board in that case. Following the hearing, the Respondent offered, as requested by the Zoning Commissioner, the entire transcript of testimony and of the deposition of Marion Carnes.

In its Opinion at page 6, The Board summarized the testimony of Dan Twomey, a former member of The Koinonia Board and counsel to the corporation, which preceded Respondent in ownership and operation of the property.

In reviewing the testimony, The Board stated that it viewed a video tape deposition of Marion Carnes, which enlightened The Board as to the buildings and as to their history, as well as that of the property. An excerpt of her testimony, offered as Exhibit 6, showed that various parts of the buildings and property were used for workshops of up to 100 persons, for classes, and for meeting rooms, among other things.

On page 4 of its Opinion, The Board recounted that the site was rented out to private groups for seminars and other educational purposes and mentioned the testimony of Lynn

Woodland and Christine Ritz. Respondent offered as Exhibit 7 the excerpt of Mrs. Woodland's testimony, detailing her rental of parts of the property. Respondent offered the excerpt of Ms. Ritz's testimony regarding community meetings, shared meals and workshops as Exhibit 8.

On page 6 of its Opinion, The Board recited that Mr. Twomey indicated that Koinonia used the facilities to raise funds, including "...the renting of the property to outside groups for educational and/or social purposes, and that those activities continued until the sale of the property."

Mr. Twomey testified, as shown in Exhibit 3, that the property had been rented for conferences for up to 200 people, and that one of those brochures for Koinonia, Exhibit 4, (Ex. 28 in the prior hearing) mentioned wedding parties, catering and general occasions. The brochure mentioned retreats and stated that catering was available for any event, on or off the premises.

On page 8 of its Opinion, The Board found as a matter of fact that with residential uses existed on the property and that they continued to date, and that its general usage, well known in the community, continued throughout the last 45 years. The Board found that the nature and character of the property remained substantially unchanged, and that the exact facilities were still being used. The Board granted the

Petition.

In the Order attached to the Opinion at page 9, The Board approved and confirmed the lawful non-conforming residential, institutional and other uses, as shown on Petitioner's Exhibit No. 1.

That Exhibit, a Plat for Special Hearing, under the General Data section, lists The Existing Zone as RC2, the Existing Use as Residential and Educational, and the Proposed Zone as RC2 with non-conforming for existing use. It notes a special exception was granted for a nursery school.

§ 101 of the BCZR does not contain a definition for "religious", "institutional", or "other uses". §101 provides that any word or term not defined shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged. That dictionary contains the following definitions stated there:

"Institutional"...	of, relating to, involving, or constituting an institution.
"Institution" ...	Something that is instituted as: a significant and persistent element in the life of a culture that centers on a fundamental human need, activity, or value, occupies an enduring and cardinal position within a society, and is usually maintained and stabilized through social regulatory agencies (~ of

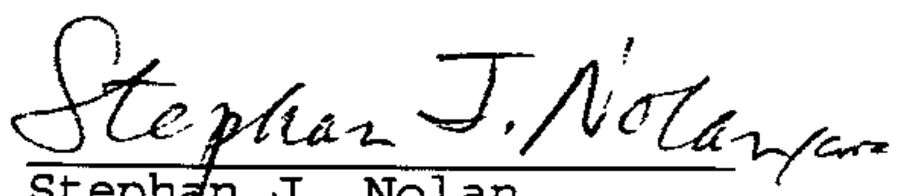
marriage)...

"Religious" ... relating to that which is acknowledged as ultimate reality: manifesting devotion to and reflecting the nature of the divine or that which one holds to be of ultimate importance...

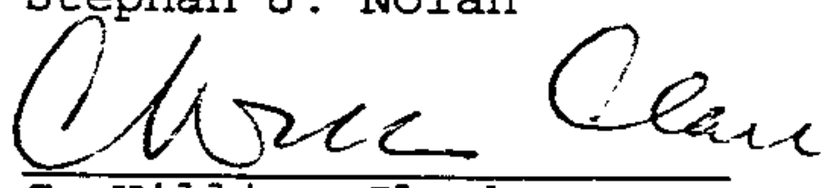
Certainly wedding ceremonies conducted by the various ordained clergy of various religions, and the receptions that customarily, in this culture, follow them qualify as religious, institutional or other uses.

Taken in context and in its entirety, and based upon the facts presented to the Board, and the findings made by the Board, the evidence supported the decision affirming and confirming the non-conforming uses. The words in The Board's Order "...residential, institutional and other uses..." must be construed to include those items described on Petitioner's Exhibit 4.

Respectfully submitted,



Stephan J. Nolan



C. William Clark
Nolan, Plumhoff & Williams, Chartered
502 Washington Avenue, Suite 700
Towson, MD 21204
(410) 823-7800

CERTIFICATE OF SERVICE

We hereby certify that this 7th day of June, 1999, the foregoing Respondent's Post Hearing Memorandum was mailed, first class, postage prepaid, to the following counsel of record:

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21286

C. William Clark

D:\data\CWC\Clients\Koinonia Ptship\PostHearMemo-Gramercy.wpd

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1400 Greenspring Valley Rd.
which is presently zoned RC-2

This Petition shall be filed with the Department of Permits and 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

SEE ATTACHED PETITION

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded 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.

PETITIONER

Jack Luskin
Name - Type or Print

[redacted]
Signature

2200 Greenspring Valley Rd. 410-825-6961
Address Telephone No.

Stevenson MD 21153
City State Zip Code

Legal Owner(s):

Koinonia Partnership
Name - Type or Print

Signature

Name - Type or Print

Signature

Attorney For Petitioner:

J. Carroll Holzer
Name - Type or Print

Signature

Company

508 Fairmount Ave. 410-825-6961
Address Telephone No.

Towson MD 21286
City State Zip Code

1400 Greenspring Valley Rd. 410-486-2405
Address Telephone No.

Stevenson MD 21253
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

ORDER RECEIVED FOR FILING
Date 2/25/99
By

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING _____

Case No. 99-333-SPH **UNAVAILABLE FOR HEARING** _____

Reviewed By UCR Date 2/25/99

DROP. OFF No REVIEW

PETITION OF JACK LUSKIN OF 2200 GREENSPRING VALLEY ROAD

Petitioner requests the Zoning Commissioner to determine, pursuant to BCZR Section 500.6, "any violation, or alleged violation, or the proper interpretation thereof, and to pass his order thereon ... "; and pursuant to Sec. 500.7, "to conduct such other hearing and pass such order thereon ... as necessary for the proper enforcement of all zoning regulations ..." Your Petitioner poses the following questions:

1. Respondents Dr. Ronald and Ann Marie Pomykala own and operate the Gramercy Bed and Breakfast at 1400 Greenspring Valley Road pursuant to a bed and breakfast use permit issued by the Zoning Commissioner in Case No. 96-230 SPHA on May 29, 1996, (Attached as Exhibit #1), and CBA decision dated August 2, 1991 (Attached as Exhibit #2). Bed and Breakfasts are permitted by the BCZR, Sec. 402(d) (Attached as Exhibit #3).

2. The attached documents, (Exhibit #4) indicate that the Gramercy Bed and Breakfast is operating under said use permit for 1400 Greenspring Valley Road. Attached documents further indicate that a "catering hall" is presently being operated from the same site.

3. The subject property is zoned RC-2.

4. The BCZR define "catering hall" as "A facility or part of a facility used regularly for serving beverages and food to groups which reserve the facility for banquets or gatherings before the day of the event. A catering hall is not a standard restaurant." [Bill No. 110-1993].

5. The BCZR define "bed and breakfast inn" as "A tourist home that provides four to 12 rooms (limited to a maximum of 16 persons) for paying guests on an overnight basis for periods not to exceed 14 days with breakfast being available on premises at no additional cost. A bed and breakfast inn is allowable only in a building originally constructed as a one-family dwelling

ORDER RECEIVED FOR FILING
Date 12/12/96
By

pursuant to the provisions and procedures prescribed in Section 402D of these regulations." The BCZR distinguish between a "catering hall" and a "bed and breakfast inn"

6. Petitioner requests the Zoning Commissioner to determine that the Respondents, Ronald and Ann Marie Pomykala are operating a "catering hall" in violation of the use permit issued in Case No. 96-230 SPHA and in violation of the Baltimore County Zoning Regulations generally.

CASHIER'S VALIDATION
Date 11/21/96
By
A:Petitions.Lus

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: #99-333-SPH
1400 Greenspring Valley Road
N/S Greenspring Valley Road, 2000' W of Greenspring Avenue
3rd Election District
3rd Councilmanic District
Legal Owner(s): Koinonia Partnership
Petitioner: Jack Luskin

Special Hearing: to determine that a "catering hall" is in violation of the use permit in case number 96-230-SPH and in violation of the BCZR.
Hearing: Monday, April 5, 1999 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 Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

3/309 March 18 C298158

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/18/, 1999

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 3/18/, 1999.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 99-333-SPH

Petitioner/Developer: _____

JACK LUSKIN

Date of Hearing/Closing: _____

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

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

1400 GREENSPRING VALLEY RD.

The sign(s) were posted on 8/23/99
(Month, Day, Year)

Sincerely,

Gary C. Freund 8/23/99
(Signature of Sign Poster and Date)

GARY C. FREUND
(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

9/96
cert.doc

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 069264

DATE 8/2/99 ACCOUNT 001-6150

AMOUNT $ 175.00

RECEIVED FROM: Nolan, Plumhoff, Wms

FOR: Appeal Fee
99-333-SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
8/02/1999 8/02/1999 16:29:20
REG WS01 CASHIER JRIC JNR DRAWER 1
Dept 5 528 ZONING VERIFICATION
Receipt # 111680 OFLN
CR NO. 069264
19990802WS01011720001JNR 175.00
175.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANC!
MISCELLANEOUS RECEIPT

No. 069263

DATE 8/4/99 ACCOUNT 001-6150

AMOUNT $ 35.00

RECEIVED FROM: Nolan Plumhoff Wms

FOR: Sign Fee - Appeal
99-333-SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
8/04/1999 8/04/1999 16:22:30
REG WS01 CASHIER JRIC JNR DRAWER 1
Dept 5 528 ZONING VERIFICATION
Receipt # 112238 OFLN
CR NO. 069263
Recpt Tot 35.00
35.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MA **AND**
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 063034

DATE 2/25/99 ACCOUNT 001-6150

AMOUNT $ 250.00 (WCR)

RECEIVED FROM: J Carroll Holzer

FOR: PETITION FOR SPECIAL HEARING Item 333

1400 Greenspring Valley Road

Drop-Off --- No Review Case #99-333-SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
3/01/1999	3/01/1999	11:31:10

REG W505 CASHIER LSM1 LXS DRAWER 5
5 MISCELLANEOUS CASH RECEIPT
Receipt # 098667
CR NO. 063034
250.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RESCHULDED DATE

RE: Case No.: 99-333 SPH

Petitioner/Developer: KOINONIA / LUSKIN, ETAL
J. CARROLL HOLZER, ESQ.

Date of Hearing/Closing: 5/10/99
NEW DATE

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #1400 GREENSPRING VALLEY ROAD

The sign(s) were posted on 4/22/99
(Month, Day, Year)

Sincerely,

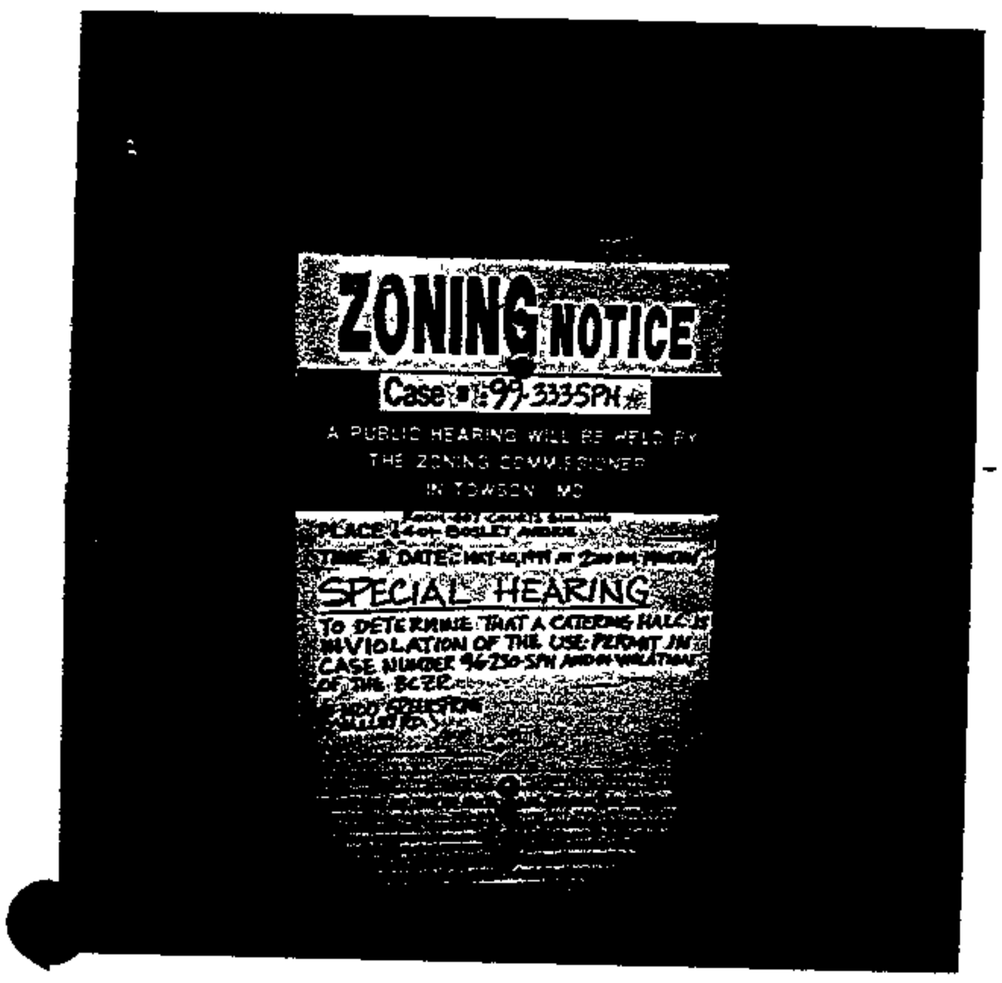
Patrick M. O'Keefe 4/22/99
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

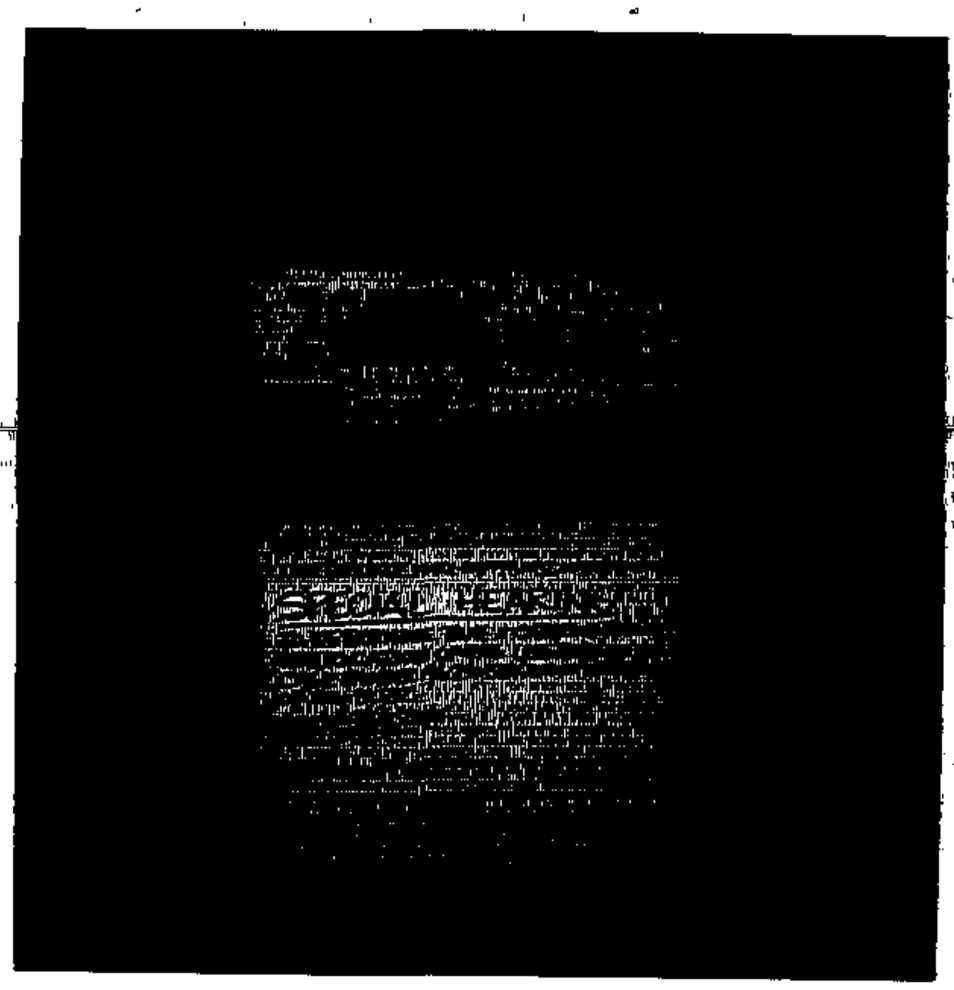
523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)



J.C. HOLZER 99-333-SPH
#1400 GREENSPRING VALLEY RD.
KOINONIA/LUSKIN 2 PM
RESCHED. HRG. - 5/10/99



J.C. HOLZER 99-333-SPH
#1400 GREENSPRING VALLEY RD.
KOINONIA/LUSKIN 2PM
RESCHED. HRG.- 5/10/99

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: January 29, 2001

TO: Arnold Jablon, Director
Permits & Development Management
Attn: David Duvall

FROM: Charlotte E. Radcliffe
Board of Appeals

SUBJECT: **CLOSED FILE:**

99-333-SPH /Koinonia Partnership

Since the above captioned case has been finalized and the appeal taken in the Circuit Court was dismissed, we are hereby closing the file and returning same to your office herewith.

Attachments: Case File No.: 99-333-SPH (2 FILES - 1 MANILLA; 1 BROWN WALLET)

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

July 20, 1999

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
N/S Green Spring Valley Road, 930' W of the c/l Green Spring Avenue
(1400 Green Spring Valley Road)
8th Election District – 3rd Councilmanic District
Koinonia Partnership, Legal Owners; Jack Luskin, Petitioner
Case No. 99-333-SPH

Dear Mr. Holzer:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Jack Luskin
2200 Green Spring Valley Road, Stevenson, Md. 21153

C. William Clark, Esquire, Nolan, Plumhoff & Williams
502 Washington Avenue, Suite 700, Towson, Md. 21204

Koinonia Partnership, 1400 Green Spring Valley Road, Stevenson, Md. 21253

People's Counsel; Case File; Code Enforcement Division, DPDM

Printed with Soybean Ink
on Recycled Paper

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

March 5, 1999

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: 99-333-SPH
1400 Greenspring Valley Road
N/S Greenspring Valley Road, 2000' W of Greenspring Avenue
3rd Election District – 3rd Councilmanic District
Legal Owner: Koinonia Partnership
Petitioner: Jack Luskin

Special Hearing to determine that a "catering hall" is in violation of the use permit in case number 96-230-SPH and in violation of the BCZR.

HEARING: Monday, April 5, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

c: J. Carroll Holzer, Esquire
Jack Luskin
Koinonia Partnership

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MARCH 21, 1999.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Printed with Soybean Ink
on Recycled Paper

IN THE MATTER OF Koinonia Partnership	*	BEFORE THE ZONING
	*	COMMISSIONER OF
1400 Greenspring Valley Rd.	*	BALTIMORE COUNTY
N/S Greenspring Valley Rd.	*	Case No. 99-333-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Custodian of the Record and File
Carl Richards

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; (X) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at Room 407, County Courts Bldg., 401 Bosley Ave. , Towson
(Place where attendance is required)

on Mon the 10th day of May , 1999 at 2:00 p.m. for such witness' testimony and continuing thereafter as determined by the Zoning Commissioner.

YOU ARE COMMANDED TO produce the following documents or objects:

The File in Case No. 90-355-SPH and Case No. 96-230-SPHA

J. Carroll Holzer, 508 Fairmount Ave., Towson, Maryland 21286, 410-825-6961
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date April 12, 1999

Zoning Commissioner

SHERIFF'S RETURN

( )- Served and copy delivered on date indicated below.
( )- Unserved, by reason of _____

Date: _____ Fee: $_____

served 4/20/99

SHERIFF

FORMS\A:\SUBPOENA.DRF

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

January 13, 2000

NOTICE OF DELIBERATION

IN THE MATTER OF:

KOINONIA PARTNERSHIP -Legal Owner;
JACK LUSKIN -Petitioner /Protestant
Case No. 99-333-SPH

The above matter having been heard in three days of public hearing (1/11/2000; 1/12/2000; and 1/13/2000) deliberation has been scheduled as follows:

DATE AND TIME : WEDNESDAY, FEBRUARY 23, 2000 at 9:30 a.m.

LOCATION : Room 48, Basement, Old Courthouse

NOTE: Closing Memorandums due from Counsel on Tuesday, February 8, 2000 by 2:00 p.m. ORIGINAL AND THREE [3] COPIES)

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Property Owner: C. William Clark, Esquire
Appellant /Property Owner: Koinonia Partnership
Counsel for Petitioner /Protestant : J. Carroll Holzer, Esquire
Petitioner /Protestant : Jack Luskin

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

copies: C.F.B.

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

January 13, 2000

NOTICE OF DELIBERATION

IN THE MATTER OF:

KOINONIA PARTNERSHIP -Legal Owner;
JACK LUSKIN -Petitioner /Protestant
Case No. 99-333-SPH

The above matter having been heard in three days of public hearing (1/11/2000; 1/12/2000; and 1/13/2000) deliberation has been scheduled as follows:

DATE AND TIME : WEDNESDAY, FEBRUARY 23, 2000 at 9:30 a.m.

LOCATION : Room 48, Basement, Old Courthouse

NOTE: Closing Memorandums due from Counsel on Tuesday, February 8, 2000 by 2:00 p.m. ORIGINAL AND THREE [3] COPIES)

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Property Owner: C. William Clark, Esquire
Appellant /Property Owner: Koinonia Partnership

Counsel for Petitioner /Protestant : J. Carroll Holzer, Esquire
Petitioner /Protestant : Jack Luskin

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

copies: C.F.B.

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

January 13, 2000

NOTICE OF DELIBERATION

IN THE MATTER OF:

KOINONIA PARTNERSHIP -Legal Owner;
JACK LUSKIN -Petitioner /Protestant
Case No. 99-333-SPH

The above matter having been heard in three days of public hearing (1/11/2000; 1/12/2000; and 1/13/2000) deliberation has been scheduled as follows:

DATE AND TIME : WEDNESDAY, FEBRUARY 23, 2000 at 9:30 a.m.

LOCATION : Room 48, Basement, Old Courthouse

NOTE: Closing Memorandums due from Counsel on Tuesday, February 8, 2000 by 2:00 p.m. ORIGINAL AND THREE [3] COPIES)

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Property Owner: C. William Clark, Esquire
Appellant /Property Owner: Koinonia Partnership
Counsel for Petitioner /Protestant : J. Carroll Holzer, Esquire
Petitioner /Protestant : Jack Luskin

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

copies: C.F.B.

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

January 13, 2000

NOTICE OF DELIBERATION

IN THE MATTER OF:

KOINONIA PARTNERSHIP -Legal Owner;
JACK LUSKIN -Petitioner /Protestant
Case No. 99-333-SPH

The above matter having been heard in three days of public hearing (1/11/2000; 1/12/2000; and 1/13/2000) deliberation has been scheduled as follows:

DATE AND TIME : WEDNESDAY, FEBRUARY 23, 2000 at 9:30 a.m.

LOCATION : Room 48, Basement, Old Courthouse

NOTE: Closing Memorandums due from Counsel on Tuesday, February 8, 2000 by 2:00 p.m. ORIGINAL AND THREE [3] COPIES)

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Property Owner: C. William Clark, Esquire
Appellant /Property Owner: Koinonia Partnership

Counsel for Petitioner /Protestant : J. Carroll Holzer, Esquire
Petitioner /Protestant : Jack Luskin

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

copies: C.F.B.

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

January 13, 2000

NOTICE OF DELIBERATION

IN THE MATTER OF:

KOINONIA PARTNERSHIP -Legal Owner;
JACK LUSKIN -Petitioner /Protestant
Case No. 99-333-SPH

The above matter having been heard in three days of public hearing (1/11/2000; 1/12/2000; and 1/13/2000) deliberation has been scheduled as follows:

DATE AND TIME : **WEDNESDAY, FEBRUARY 23, 2000 at 9:30 a.m.**

LOCATION : **Room 48, Basement, Old Courthouse**

NOTE: Closing Memorandums due from Counsel on Tuesday, February 8, 2000 by 2:00 p.m. ORIGINAL AND THREE [3] COPIES)

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Property Owner: C. William Clark, Esquire
Appellant /Property Owner: Koinonia Partnership
Counsel for Petitioner /Protestant : J. Carroll Holzer, Esquire
Petitioner /Protestant : Jack Luskin

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

copies: C.F.B.

Printed with Soybean Ink
on Recycled Paper

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

April 1, 1999

J. Carroll Holzer, Esq.
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21286

RE: Case No.: 99-333-SPH
Petitioner: Jack Luskin
Location: 1400 Greenspring Valley Rd

Dear Mr. Holzer:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on February 25, 1999.

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

Printed with Soybean Ink
on Recycled Paper

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

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

Date: March 19, 1999

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for March 15, 1999
Item No. 333

The Bureau of Development Plans Review has reviewed the subject zoning item, and we have no comment.

RWB:HJO:jrb

cc: File

ZONE0315.NOC

Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

March 11, 1999

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MARCH 8, 1999

Item No.: SEE BELOW 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.

THE FIRE DEPARTMENT HAS NO COMMENTS REGARDING THE FOLLOWING ITEMS:

331, 332, 333 AND 335

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: March 16, 1999

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

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):
Item No (s): 333 & 335

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: _____

AFK/JL

C:\JEFF_L\333.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: 3/4/99

FROM: R. Bruce Seeley, Project Manager RBS
Development Coordination
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date: 3/8/99

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

Item #'s: 332
333
334
335

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D Porcari
Secretary
Parker F. Williams
Administrator

Date: 3.9.99

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

RE: Baltimore County
Item No. 333 WCR

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~~ 130 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

T. J. Lenhart

for Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

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

HOLZER & LEE

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE
TOWSON, MD 21286
(410) 825-6961
FAX. (410) 825-4923
E-MAIL: JCHOLZER@ BCPL NET

April 16, 1999
7110

VIA FAX
Mitch Kellman, Carl Richards and Sophie Jennings
Dept. Of Permits and Development Management
111 West Chesapeake Ave.
Towson, Maryland 21204

Re: Case No. 99-333-SPH, 1400 Greenspring Valley Road

Dear Mitch, Carl and Sophie:

Yesterday afternoon, I received a Telecopy Cover Page directed to the three of you regarding the request by Steve Nolan and Newton Williams regarding Gramercy's request to combine my case, 99-333-SPH, scheduled to be heard on Monday, May 10, with their Petition yet to be filed to "construct a small addition" for some later time in May or June. Inasmuch as my Petition for Special Hearing deals exclusively with the "use" of the structures located at 1400 Greenspring Valley Road and not the structures themselves, or future construction, I respectfully oppose postponing Case No. 99-333-SPH now scheduled for May 10th.

If you have any questions, please call me at 410-825-06961.

Very truly yours,

J. Carroll Holzer

JCH:clh
cc: Jack Luskin

C:Letters/Kellman.Ltr

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

April 9, 1999

Stephen J. Nolan, Esquire
C. William Clark, Esquire
Nolan, Plumhoff & Williams, Chtd.
Suite 700 – Nottingham Centre
502 Washington Avenue
Towson, MD 21204

Dear Mr. Nolan & Mr. Clark:

RE: Zoning Case Number 99-333-SPH, 1400 Greenspring Valley Road

This letter is to inform you that the hearing for the above property has been scheduled for Monday, May 10, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

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

Very truly yours,

Sophia C. Jennings
Zoning Review

scj

Printed with Soybean Ink
on Recycled Paper

1400 Greenspring Valley Road N/S Greenspring Valley Road 2000' W of Greenspring Avenue 3rd Election District 3rd Councilmanic District Legal Owner: Koinonia Partnership Petitioner: Jack Luskin	* * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO.: 99-333-SPH

* * * * * * * * * * * * *

REQUEST TO ENTER APPEARANCE

Please enter the appearance of Stephen J. Nolan, C. William Clark and Nolan, Plumhoff & Williams, Chartered, 502 Washington Avenue, Suite 700 - Nottingham Centre, Towson, Maryland 21204, as counsel for Koinonia Partnership.

APR 5

Stephen J. Nolan
C. William Clark
Nolan, Plumhoff & Williams, Chtd.
Suite 700 - Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
(410) 823-7800

Counsel for Legal Owner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 5th day of April, 1999, that a copy of the foregoing Request to Enter Appearance was mailed, postage prepaid, to J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue, Towson, MD 21286 and to Arnold Jablon, Esquire, Permits and Development Management, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204.

Stephen J. Nolan

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

April 2, 1999

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

Dear Mr. Holzer:

RE: Case Number 99-333-SPH, 1400 Greenspring Valley Road

The above matter, previously assigned to be heard on April 5, 1999 has been **rescheduled for Monday, May 10, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.**

As the person requesting the postponement, you are now responsible for affixing the new hearing date and time 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,

Arnold Jablon
Director

AJ:scj

C: Koinonia Partnership
Jack Luskin

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

DATE: March 23, 1999

TO: Sophie Jennings
Zoning Review

FROM: James H. Thompson
Code Enforcement

RE: Case No. 99-333 SPH
1400 Greenspring Valley Road

Please be advised that on March 17, 1999, a formal complaint was lodged with Code Enforcement regarding the alleged use of 1400 Greenspring Valley Road for a catering hall.

At present, no action will be undertaken by our staff pending the outcome of the public hearing.

JHT/lmh

c: J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Baltimore, MD 21286
Inspector Paul Cohen

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

March 15, 1999

J. Carroll Holzer, Esquire
Holzer & Lee
The 508 Building
508 Fairmount Avenue
Towson, MD 21286

Dear Mr. Holzer

RE: Case Number 99-333-SPH, 1400 Greenspring Valley Road

The above matter, previously assigned to be heard on Monday, April 5, 1999 has been postponed at your request.

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. If the property has been posted with notice of the hearing date, as quickly as possible a notice of postponement should be affixed to the sign(s).

Very truly yours,

Arnold Jablon
Director

AJ:scj

c: Jack Luskin
Koinonia Partnership

Printed with Soybean Ink
on Recycled Paper

HOLZER
& LEE

3/12 59
F
5 1
01C

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX. (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

Soph-Reschedule

March 9, 1999
7110

Arnold Jablon
Director of Department of Permits
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: CASE NUMBER: 99-333-SPH
Koinonia Partnership
Petitioner of Jack Luskin
Special Hearing

Dear Mr. Jablon,

Please be advised that your office has scheduled the above captioned Petition for Special Hearing for Monday, April 5, 1999, at 2:00 p.m. before the Zoning Commissioner. Unfortunately, I already have a specially set case in the Circuit Court for Baltimore County with Judge Robert Cahill on the same day, case No. 03-C-98-08852, In the Mater of Colonial Stoler Partnership. The hearing is expected to last most of the day. There are three attorneys in that case and Judge Cahill set this case in for Monday, April 5, which was an open date for the court.

I would, therefore, respectfully request the above captioned case be rescheduled to another date later in the month of April. Thank you for your consideration.

Very truly yours,

J. Carroll Holzer

JCH:clh
cc: Jack Luskin
Koinonia Partnership

A:letter2/jablon.ltr

RECEIVED
MAR 11 1999
99-641
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

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

March 5, 1999

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: 99-333-SPH
1400 Greenspring Valley Road
N/S Greenspring Valley Road, 2000' W of Greenspring Avenue
3rd Election District – 3rd Councilmanic District
Legal Owner: Koinonia Partnership
Petitioner: Jack Luskin

Special Hearing to determine that a "catering hall" is in violation of the use permit in case number 96-230-SPH and in violation of the BCZR.

HEARING: Monday, April 5, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

c: J. Carroll Holzer, Esquire
Jack Luskin
Koinonia Partnership

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MARCH 21, 1999.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Printed with Soybean Ink
on Recycled Paper

Case 99-333-SPH

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
CATHERINE A. POTTHAST*
E. BRUCE JONES**
MELINDA A. KIMMITT

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765
E-MAIL: npw@nolanplumhoff.com

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

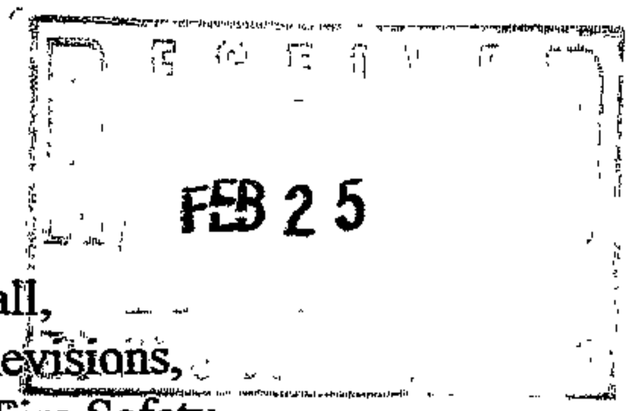
RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823-7853
sjnolan@nolanplumhoff.com

February 22, 1999

VIA HAND DELIVERY

Arnold Jablon, Director
Baltimore County Zoning Administration
and Development Management
County Office Building, First Floor
Towson, Maryland 21204



RE: Koinonia Partnership, Gramercy Bed and Breakfast
1400 Greenspring Valley Road
Stevenson, Maryland 21153
Request for Spirit and Intent Letter–Proposed Small, Accessible Suite to Comply with ADA and Interior Revisions, Including New Stairs and Sprinklering for Improved Fire Safety
3rd Election District
3rd Councilmanic District

Dear Mr. Jablon:

Since approximately 1985, this office has had the privilege of representing the Koinonia Partnership, which owns the property on the north side of Greenspring Valley Road, west of Greenspring Avenue. In addition to its organic farm operations and a farm stand, Koinonia Partnership operates the Gramercy Bed and Breakfast. Mrs. Ann Pomykala and her daughter, Cristin Kline, are very active in the day to day management of the Koinonia complex.

I. NATURE OF REQUEST

Consistent with the zoning history outlined below, we respectfully request a confirmatory letter from your office that our client's proposed addition as described below will be in compliance with the spirit and intent of those prior governmental approvals and zoning decisions. In view of the fact that the proposed improvements are driven by regulatory requirements relating to accessibility and fire code safety, we are also seeking a confirmation that our clients may proceed through the building permit process without the necessity of a public hearing given the minor nature of the proposed disabled accessible addition and the interior fire safety improvements.

Project Description–Gramercy Bed and Breakfast

Koinonia Partnership, through Dr. and Mrs. Ronald Pomykala, has engaged the professional services of Jeffrey A. Lees, AIA, a well-known architect who is noted for his expertise with historic structures. Submitted with this letter is a series of drawings prepared by Mr. Lees, containing area tabulations, floor plans and elevations.

The proposed improvements can be summarized as follows:

First Level: In order to comply with ADA requirements, the proposed addition to the west side of the existing Gramercy mansion will include a disabled accessible guest suite and bath, as well as disabled accessible restroom facilities for men and women and a coatroom.

Second Level: As shown on the drawings, a proposed new stairway connection is being added to provide additional exit opportunities from existing suites, and Koinonia proposes to add one new guest suite on the second level.

Third Level: A new stair connection is proposed to provide access and exit from the existing third floor guest suite for additional fire safety.

The distinctive Tudor style of Gramercy is maintained by this proposed addition in that it is a two-story addition to the west end of the Gramercy main building. Rather than proposing a discordant and less attractive stair tower, the owners have elected to pursue a more aesthetically compatible and more expensive alternative of this minor addition in the brick and stucco Tudor style. **Nevertheless, my clients do wish to emphasize that the sole reason they are constructing the stairway is to comply with Fire code requirements.**

II. TWELVE SUITES ALLOWED; MARYLAND HISTORIC TRUST, AND MARYLAND DISABILITY CODE MET.

When the addition is constructed, the total number of suites will be twelve (12) guest rooms, which are the approved maximum allowable guest rooms under the existing zoning approvals for this bed and breakfast. Also, Koinonia Partnership has obtained a waiver of vertical accessibility from the Maryland Handicap Codes Administrator for this new second level. Gramercy has also obtained preliminary approval of the proposed addition from the Maryland Historic Trust, which holds an easement with regard to the main building, the Inn.

My clients, together with their architect, Mr. Lees, have worked diligently with the Baltimore County Fire Department to ensure full compliance with the Life Safety Code. Moreover, the purpose of the proposed new stairway is to preserve the primary, historic staircase within Gramercy. In the course of the proposed addition work, the building will be fitted with a sprinkler system. Also note that the exterior treatment used at the first level will be brick to match the existing brick of this historic structure as approved by the Maryland Historic Trust. The Gramercy Mansion is not listed as a County Landmark nor or on the Federal Register.

Our clients' architect, Jeffrey A. Lees, is proceeding to meet with Mr. Jack Dillon, Executive Director of the Valleys Planning Council, so as to directly furnish information to Mr. Dillon with regard to this proposed project. The Gramercy Mansion and complex sit far north of Green Spring Valley Road, and it is well screened from its neighbors to the east and west.

Before concluding this project description, we wish to note that the proposed additional square footage as shown on the architect's first drawing amounts to 2,414 square feet, as compared with the existing total of 16,992 square feet. In other words, the area tabulation clearly discloses that the proposed additional square footage will be minor in relation to the existing building (14%) and footprint areas (8%). Moreover, the already adequate and approved parking will be sufficient for this minor addition.

III. ZONING HISTORY

Koinonia has a zoning history dating to the 1950s, and commencing once again in the 1990s. The revival, restoration and continuation of Koinonia and Gramercy are due to the efforts of Ronald and Ann Pomykala for the Bed and Breakfast, as well as the other site and building upgrades.

A brief summary is as follows:

1. **Private School Special Permit Case, 1745-S**; June 23, 1950, Zoning Commissioner Charles Doing granted a Special Permit for a private school after an advertised and posted public hearing earlier that month. Eventually, the educational use on the site declined and the Pomykalas purchased the site at auction and revived the site in a greatly improved form.

2. **Lawful And Nonconforming Uses And Special Exception Confirmed–Case No. 90-355-SPH** –Following a *de novo* hearing before the Board of Appeals, the Board by its Opinion and Order of August 2, 1991, confirmed the lawful and non-conforming uses on the Site Plan, including the continuation of the approved Special Exception for educational purposes in Case 1745-S. This initial step allowed the first resurgence and upgrading of this important site.

3. **Special Hearing And Variances–Bed And Breakfast Use Permit And Minor Parking Space Size Variances–Case No. 96-230-SPHA–** Again following an advertised and posted hearing, Zoning Commissioner Lawrence Schmidt granted a Special Hearing for a Use Permit for a Bed and Breakfast per Section 402:D(BCZR) with minor variances, with the only, usual condition of beginning work prior to the end of the appeal period. This decision also ratified and confirmed the Board Order in Case No. 90-355-SPH except as expressly amended. A copy of that decision is enclosed herewith.

The D.S. Thaler Plan dated November 21, 1995 includes a schematic floor plan. More important, however, the Commissioner's Order did not restrict it to that shown, and an ultimate goal of 12 guest suites was noted, and parking was provided for 12 suites. The disabled accessible suite and new second floor suite will bring the total suites to 12 as allowed earlier. At page 3 of the Commissioner's Order, it reads "Mrs. Pomykala also indicated that 5 rooms presently are operational, however plans have been made to expand the Inn to provide 12 rooms." (Emphasis supplied). These two new rooms and addition will be housed within the main Inn building.

IV CONCLUSION

Based upon the outlined history and attached materials, we are confident the requested findings and changes are within the spirit and intent of the present zoning orders, particularly 96-230-SPHA and 90-355-SPH, and should be approved.

Also, no public hearing should be required for this completion of the earlier approval of up to twelve suites.

We appreciate the attention of your Department, and are ready to respond to any questions or comments. Our firm's check in the amount of $40.00 made payable to Baltimore County is attached.

Respectfully submitted,

Stephen J. Nolan

cc: Honorable Lawrence E. Schmidt, Zoning Commissioner
Koinonia Partnership
Dr. and Mrs.Ronald Pomykala, Gramercy
Valleys Planning Council–John Dillon, Director
Jeffrey A. Lees, AIA
Enclosures : Lees Plans

HOLZER & LEE

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

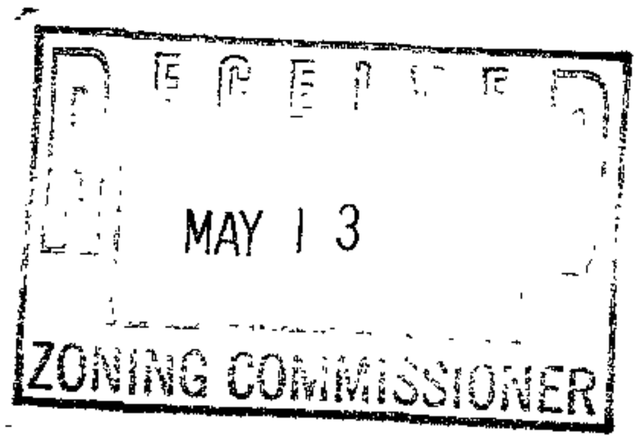
THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

May 13, 1999
7110

HAND DELIVERED

Larry Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204



RE: Petition of Jack Luskin
Case No. 99-333-SPH

Dear Mr. Schmidt:

As a result of the hearing on the Petition for Special Hearing by my client Jack Luskin, Mr. Leese in my office made two separate trips to PDM, yesterday, May 11, and today reviewing the 43 microfilm cards on Case No. 90-355-SPH trying to locate Petitioner's Exhibit #1, the Site Plan. Attached is a copy of the Site Plan composed of two separate pages that depicts the entire Site Plan. The Plan is identified as Petitioner's Exhibit #1 in the bottom left hand corner of left side copy of the Plan.

I trust review of the Site Plan answers the question as to the use of the property at the time of the hearing in Case No. 90-233-SPH

Very truly yours,

J. Carroll Holzer

JCH:clh
cc: Steve Nolan, Esq.
Jack Luskin

C:Letters/Schmidt.Koi

C. WILLIAM CLARK

(410) 823-7800

EMAIL
cwclark@nolanplumhoff.com

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX. (410) 296-2765
email: npw@nolanplumhoff.com
Web: www.nolanplumhoff.com

JAMES D NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E DEITZ
(1918-1990)

July 28, 1999

VIA HAND DELIVERY

Ms. Sophie Jennings
Office of Zoning for Baltimore County
Room 109, County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Petition for Special Hearing
Case Nos. 99-333-SPH

Dear Ms. Jennings:

Enclosed herein please find our Appeal Notice on behalf of Koinonia Partnership from the Opinion and Order of July 20, 1999, for the above-captioned Special Hearing, which was tried before the Zoning Commissioner.

Also enclosed is this firm's check in the amount of $175.00 to cover the cost of filing.

Thank you for your anticipated cooperation. If you have any questions, please do not hesitate to contact me.

Until then, I remain.

Very truly yours,

C. William Clark

CWC:ka
Enclosures
cc: J. Carroll Holzer, Esquire
D:\data\CWC\Clients\Koinonia Pship\Zoningltr.wpd

RECEIVED
JUL 29
DEPT. OF PERMITS AND

HOLZER & LEE

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL. JCHOLZER@BCPL.NET

August 16, 1999
#7110

Kathy Bianco
Administrative Secretary
Baltimore County Board of Appeals
400 Washington Avenue
Towson, MD 21204

Re: Case No. 99-333-SPH
Koinonia

Dear Ms. Bianco:

Please be advised that I have been notified by Arnold Jablon that an appeal was filed in the above captioned case. If my appearance is not already indicated in the file, please enter it and advise me of any hearing dates proposed by the Board.

RECEIVED
COUNTY BOARD OF APPEALS
99 AUG 17 PM 1:14

Very truly yours,

J. Carroll Holzer

C:\My Documents\Letters\Kathy Bianco - Koinonia.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: C. Marks
D. Felling
L. Barranger

DATE: February 9, 2000

FROM: Kathi

SUBJECT: Case No. 99-333-SPH /Koinonia Partnership /Memos filed by Counsel /Deliberation of 2/23/2000

The subject matter has been scheduled for public deliberation on Wednesday, February 23, 2000 at 9:30 a.m. A copy of that Notice of Deliberation was sent to you on January 13th.

Enclosed are copies of the following memos as filed by Counsel:

1. Memorandum in Lieu of Final Argument Before the Baltimore County Board of Appeals filed by J. Carroll Holzer, Esquire, on behalf of Jack Luskin, Petitioner; and

2. Respondent's Post Hearing Memorandum filed by C. William Clark, Esquire, on behalf of Koinonia Partnership T/A Gramercy, Respondent /Property Owner.

Should you have any questions regarding the above, please let me know.

kathi

Attachments

FILE

Case No. 99-333-SPH

SPH -Petition filed by neighboring property owner; requests a finding that the Respondents, Ronald and Ann Maria Pomykala, principals of Koinonia Partnership, are operating a catering hall in violation of BCZR.

7/20/99 -Z.C.'s decision in which Petition for Special Hearing was GRANTED; Respondents are operating illegal catering hall; operation to cease and desist immediately.

10/12/99 -Notice of Assignment for hearing scheduled for Tuesday, January 11, 2000 at 10:00 a.m. (Day #1); Wednesday, January 12, 2000 at 10:00 a.m. (Day #2); and Thursday, January 13, 2000 at 10:00 a.m. (Day #3) sent to the following:

C. William Clark, Esquire
Koinonia Partnership
J. Carroll Holzer, Esquire
Jack Luskin
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

1/11/2000 -Concluded day #1; continued to Wednesday, 1/12/2000 for Day #2. (Marks, Felling, Barranger)

1/12/2000 -Concluded Day #2; continued to Thursday, 1/13/2000 for Day #3. (C.F.B.)

1/13/2000 -Hearing concluded; memos due from counsel 2/08/2000; Notice of Deliberation sent to parties; assigned for Wednesday, 2/23/2000 at 9:30 a.m. (copy of deliberation notice to C.F.B. fyi).

2/08/00 -Memorandum in Lieu of Final Argument Before the Baltimore County Board of Appeals filed by J. Carroll Holzer, Esquire, on behalf of Jack Luskin, Petitioner /Protestant.

-Respondent's Post Hearing Memorandum filed by C. William Clark, Esquire, on behalf of Koinonia Partnership T/A Gramercy, Respondent /Property Owner; also included a sealed Proffer of the Testimony of Arnold Foreman, Esquire, to accompany said Memorandum.
Copies of Memos only to be provided to C.F.B. on 2/10/00.

2/10/00 -Copies of Memos only (Sealed Proffer not included) hand-delivered to C.F.B. in Board's office.

2/23/00 -Deliberation concluded; Felling and Barranger - Denied Luskin's Petition for Special Hearing; catering part of nonconforming use approved by CBA in 1990 case; can continue. Marks to write dissent as to catering and prior Board approval of same.

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF:	Koinonia Partnership –Legal Owner; Jack Luskin –Petitioner /Protestant Case No. 99-333-SPH	
DATE :	Wednesday, February 23, 2000	
BOARD /PANEL :	Charles L. Marks	(CLM)
	Donna M. Felling	(DMF)
	Lynn Barranger	(LB)
SECRETARY :	Kathleen C Bianco /Administrator	

PURPOSE: To deliberate Case No. 99-333-SPH /Petition of Jack Luskin; decision of Zoning Commissioner appealed by Koinonia Partnership, Legal Owner.

Panel members discussed:

Standing – Determined that Mr. Luskin meets definition; entitled under law; discussed Briefs filed by counsel (both of which defined facts and law from each side); and the interpretation of definition of catering hall.

Mr. Holzer's objection as to nonconforming use case; interpretation of prior decision of Board as to what was allowed; determined by Board that what was presented by Mr. Clark regarding what was essentially a nonconforming use case was not relevant; allowed to complete record. Board would only determine if the decision of the Board in prior case would permit catering as a legal use.

As to Board's 1990 case – is this panel satisfied, upon review of 1990 case, that the prior Board considered catering aspect of facility; was catering use incidental to allowed use? DMF and LB opinion that this current panel cannot re-try the prior case; if catering uses existed at the time that Board heard the case and that panel's decision allowed it to continue, then it can and should continue. If that prior panel considered that, then new evidence is moot. If 1990 panel did consider catering functions at that time, cannot second guess that panel (DMF and LB reached this conclusion).

Issue: Is this a nonconforming use that goes back to 1955 and beyond, and which was continued and considered in 1990 case? If 1990 Board considered, the case ends.
Was catering part of 1990 use in Board's opinion?
Is it legitimate based on 1990 Order (nonconforming use can continue if under other "uses")?
Is it an institutional use based on 1990 hearing?

Agreed that bed and breakfast case did not cover catering. Did the prior Board mean to include catering in the 1990 Order? Did the panel which included Mr. Foreman (who was not allowed to testify based upon case law and prior upper court rulings regarding *legislative privilege*) reach their decision and include catering as part of that final Order?

In 1990, that panel determined that, while Koinonia had faded, the character and spirit was the same; did not interfere with the neighboring; multi-residential uses could continue; change in ownership does not stop nonconforming uses. While little testimony in 1990 regarding catering hall, DMF and LB found that

it did exist; and current Board today cannot substitute its judgement for that of prior Board; cannot decide 1990 case all over again; must only interpret the final written decision left behind by that Board.

CLM disagreed in that he was not satisfied that catering was part of that prior Board's 1990 decision; believed that the small amount of evidence and testimony in that prior transcript may not be enough to support a finding that catering was included. Believed that catering does not fit in with bed and breakfast; and he could find little in the prior transcript, except for the testimony of one individual, that would lead him to the conclusion that the prior panel meant to include catering as part of the approved uses. Therefore, he would dissent from the majority opinion and therefore write a dissenting opinion.

Summary: Board disregarded testimony /evidence presented by Mr. Clark as to nonconforming use case; only issue before this Board was interpretation of prior Board's Opinion and Order in 1990 case. Majority decision (Ms. Felling and Ms. Barranger) is that Mr. Luskin's Petition for Special Hearing would be denied; that the uses currently existing on the subject property would continue as nonconforming use approved in 1990 case before the Board; that catering was included under other uses as part of that prior Order. Mr. Marks to write dissenting opinion; his feeling that catering was not included.

NOTE: These minutes, which will become part of the case file, are intended only to indicate for the record that a public deliberation took place this date regarding this zoning case. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board. Appellate period to run from date of that written Opinion and Order and not today's date.

Respectfully submitted

Kathleen C. Bianco, Administrator
County Board of Appeals

RECEIVED
COUNTY BOARD OF APPEALS
00 FEB -8 PM 3:47

C. WILLIAM CLARK

(410) 823-7850

EMAIL
cwclark@nolanplumhoff.com

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765
email: npw@nolanplumhoff.com
Web: www.nolanplumhoff.com

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

NEWTON A. WILLIAMS, LLC
OF COUNSEL

February 8, 2000

VIA HAND DELIVERY

The Honorable Charles L. Marks, Chairman
Board of Appeals for Baltimore County
400 Washington Avenue
Room 48
Towson, MD 21204

Re: Respondent's Post Hearing Memorandum -
Koinonia Partnership
Case Nos. 99-333-SPH

Dear Chairman Marks:

Enclosed herein for immediate filing, please find Respondent's Post Hearing Memorandum in connection with the above-captioned case. In addition, I also enclose a **sealed** Proffer of the Testimony of Arnold Foreman, Esquire to accompany this Memorandum.

Thank you for your anticipated cooperation. If you have any questions, please do not hesitate to contact me.

Until then, I remain.

Very truly yours,

C. William Clark

CWC:kal
Enclosure
cc: J. Carroll Holzer, Esquire
D:\data\CWC\Clients\Koinonia Ptship\Zoningltr3.wpd

f. 41

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: March 16, 1999

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

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):
Item No (s): 333 & 335

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: _____

AFK/JL

C:\JEFF_L\333.doc

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

410-887-3391

April 2, 1999

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, Maryland 21286

Dear Mr. Holzer

RE: Drop-off Petition Review, (Case #99-333-SPH), 1400 Greenspring Valley Road

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 unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. 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.

1. Need description from case #96-230-SPHA for addition to file

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

Sincerely,

John L. Lewis
Planner II
Zoning Review

JLL:cjs

Enclosure (receipt)

c: Zoning Commissioner

Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
March 18, 1999 Issue – Jeffersonian

Please forward billing to:
J. Carroll Holzer, Esquire 410-825-6961
508 Fairmount Avenue
Towson, MD 21204

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: 99-333-SPH
1400 Greenspring Valley Road
N/S Greenspring Valley Road, 2000' W of Greenspring Avenue
3rd Election District – 3rd Councilmanic District
Legal Owner: Koinonia Partnership
Petitioner: Jack Luskin

Special Hearing to determine that a "catering hall" is in violation of the use permit in case number 96-230-SPH and in violation of the BCZR.

HEARING: Monday, April 5, 1999 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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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

February 25, 1999

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

Dear Mr. Holzer:

RE: Drop-Off Petition, Case No. 99-333-SPH, 1400 Greenspring Valley Road

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the above, please do not hesitate to contact Sophia Jennings at or myself 410-887-3391.

Very truly yours,

wcr/scj

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

Printed with Soybean Ink
on Recycled Paper

Exhibit B

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.: 99-333-SPH

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

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL HEARING TO DETERMINE THAT A "CATERING HALL" IS IN VIOLATION OF THE USE PERMIT IN CASE NUMBER 96-230-SPHA AND IN VIOLATION OF THE BCZR.

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

9/96
post.4.doc

RE: PETITION FOR SPECIAL HEARING 1400 Greenspring Valley Road, N/S Greenspring Valley Rd, 2000' W of Greenspring Ave, 3rd Election District, 3rd Councilmanic Legal Owners: Koinonia Partnership Petitioner: Jack Luskin Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY Case Number: 99-333-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 15th March day of ~~February~~, 1999, a copy of the foregoing Entry of Appearance was mailed to J. Carroll Holzer, Esq., Holzer and Lee, 508 Fairmount Avenue, Towson, MD 21286, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

DATE: March 23, 1999

TO: Sophie Jennings
Zoning Review

FROM: James H. Thompson
Code Enforcement

RE: Case No. 99-333 SPH
1400 Greenspring Valley Road

Please be advised that on March 17, 1999, a formal complaint was lodged with Code Enforcement regarding the alleged use of 1400 Greenspring Valley Road for a catering hall.

At present, no action will be undertaken by our staff pending the outcome of the public hearing.

JHT/lmh

c: J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Baltimore, MD 21286
Inspector Paul Cohen

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

April 2, 1999

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

Dear Mr. Holzer:

RE: Case Number 99-333-SPH, 1400 Greenspring Valley Road

The above matter, previously assigned to be heard on April 5, 1999 has been **rescheduled for Monday, May 10, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.**

As the person requesting the postponement, you are now responsible for affixing the new hearing date and time 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,

Arnold Jablon
Director

AJ:scj

C: Koinonia Partnership
Jack Luskin

Printed with Soybean Ink
on Recycled Paper

1400 Greenspring Valley Road N/S Greenspring Valley Road 2000' W of Greenspring Avenue 3rd Election District 3rd Councilmanic District Legal Owner: Koinonia Partnership Petitioner: Jack Luskin	* * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO.: 99-333-SPH

* * * * * * * * * * * * *

REQUEST TO ENTER APPEARANCE

Please enter the appearance of Stephen J. Nolan, C. William Clark and Nolan, Plumhoff & Williams, Chartered, 502 Washington Avenue, Suite 700 - Nottingham Centre, Towson, Maryland 21204, as counsel for Koinonia Partnership.

APR 5

Stephen J. Nolan
C. William Clark
Nolan, Plumhoff & Williams, Chtd.
Suite 700 - Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
(410) 823-7800

Counsel for Legal Owner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 5th day of April, 1999, that a copy of the foregoing Request to Enter Appearance was mailed, postage prepaid, to J. Carroll Holzer, Esquire, Holzer and Lee, 508 Fairmount Avenue, Towson, MD 21286 and to Arnold Jablon, Esquire, Permits and Development Management, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204.

Stephen J. Nolan

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

April 9, 1999

Stephen J. Nolan, Esquire
C. William Clark, Esquire
Nolan, Plumhoff & Williams, Chtd.
Suite 700 – Nottingham Centre
502 Washington Avenue
Towson, MD 21204

Dear Mr. Nolan & Mr. Clark:

RE: Zoning Case Number 99-333-SPH, 1400 Greenspring Valley Road

This letter is to inform you that the hearing for the above property has been scheduled for Monday, May 10, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

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

Very truly yours,

Sophia C. Jennings
Zoning Review

scj

Printed with Soybean Ink
on Recycled Paper

HOLZER & LEE

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

April 16, 1999
7110

VIA FAX
Mitch Kellman, Carl Richards and Sophie Jennings
Dept. Of Permits and Development Management
111 West Chesapeake Ave.
Towson, Maryland 21204

Re: Case No. 99-333-SPH, 1400 Greenspring Valley Road

Dear Mitch, Carl and Sophie:

Yesterday afternoon, I received a Telecopy Cover Page directed to the three of you regarding the request by Steve Nolan and Newton Williams regarding Gramercy's request to combine my case, 99-333-SPH, scheduled to be heard on Monday, May 10, with their Petition yet to be filed to "construct a small addition" for some later time in May or June. Inasmuch as my Petition for Special Hearing deals exclusively with the "use" of the structures located at 1400 Greenspring Valley Road and not the structures themselves, or future construction, I respectfully oppose postponing Case No. 99-333-SPH now scheduled for May 10th.

If you have any questions, please call me at 410-825-06961.

Very truly yours,

J. Carroll Holzer

JCH:clh
cc: Jack Luskin

C:Letters/Kellman.Ltr

HOLZER & LEE

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

3/12/99
S J
01C

March 9, 1999
7110

Arnold Jablon
Director of Department of Permits
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: CASE NUMBER: 99-333-SPH
Koinonia Partnership
Petitioner of Jack Luskin
Special Hearing

Dear Mr. Jablon,

Please be advised that your office has scheduled the above captioned Petition for Special Hearing for Monday, April 5, 1999, at 2:00 p.m. before the Zoning Commissioner. Unfortunately, I already have a specially set case in the Circuit Court for Baltimore County with Judge Robert Cahill on the same day, case No. 03-C-98-08852, In the Mater of Colonial Stoler Partnership. The hearing is expected to last most of the day. There are three attorneys in that case and Judge Cahill set this case in for Monday, April 5, which was an open date for the court.

I would, therefore, respectfully request the above captioned case be rescheduled to another date later in the month of April. Thank you for your consideration.

Very truly yours,

J. Carroll Holzer

JCH:clh
cc: Jack Luskin
Koinonia Partnership

A:letter2/jablon.ltr

RECEIVED
MAR 11 1999
99-641
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

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

March 15, 1999

J. Carroll Holzer, Esquire
Holzer & Lee
The 508 Building
508 Fairmount Avenue
Towson, MD 21286

Dear Mr. Holzer

RE: Case Number 99-333-SPH, 1400 Greenspring Valley Road

The above matter, previously assigned to be heard on Monday, April 5, 1999 has been postponed at your request.

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. If the property has been posted with notice of the hearing date, as quickly as possible a notice of postponement should be affixed to the sign(s).

Very truly yours,

Arnold Jablon
Director

AJ:scj

c: Jack Luskin
Koinonia Partnership

Printed with Soybean Ink
on Recycled Paper

Case 99-333-A

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR
STEPHEN J NOLAN*
ROBERT L. HANLEY, JR
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR
C. WILLIAM CLARK
CATHERINE A. POTTHAST*
E. BRUCE JONES**
MELINDA A. KIMMITT

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765
E-MAIL: npw@nolanplumhoff.com

JAMES D. NOLAN
(RETIRED 1980)

J EARLE PLUMHOFF
(1940-1988)

RALPH E DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823-7853
sinolan@nolanplumhoff.com

February 22, 1999

VIA HAND DELIVERY

Arnold Jablon, Director
Baltimore County Zoning Administration
and Development Management
County Office Building, First Floor
Towson, Maryland 21204

RE: Koinonia Partnership, Gramercy Bed and Breakfast
1400 Greenspring Valley Road
Stevenson, Maryland 21153
Request for Spirit and Intent Letter–Proposed Small,
Accessible Suite to Comply with ADA and Interior Revisions,
Including New Stairs and Sprinklering for Improved Fire Safety
3rd Election District
3rd Councilmanic District

FEB 25

Dear Mr. Jablon:

Since approximately 1985, this office has had the privilege of representing the Koinonia Partnership, which owns the property on the north side of Greenspring Valley Road, west of Greenspring Avenue. In addition to its organic farm operations and a farm stand, Koinonia Partnership operates the Gramercy Bed and Breakfast. Mrs. Ann Pomykala and her daughter, Cristin Kline, are very active in the day to day management of the Koinonia complex.

I. NATURE OF REQUEST

Consistent with the zoning history outlined below, we respectfully request a confirmatory letter from your office that our client's proposed addition as described below will be in compliance with the spirit and intent of those prior governmental approvals and zoning decisions. In view of the fact that the proposed improvements are driven by regulatory requirements relating to accessibility and fire code safety, we are also seeking a confirmation that our clients may proceed through the building permit process without the necessity of a public hearing given the minor nature of the proposed disabled accessible addition and the interior fire safety improvements.

Project Description–Gramercy Bed and Breakfast

Koinonia Partnership, through Dr. and Mrs. Ronald Pomykala, has engaged the professional services of Jeffrey A. Lees, AIA, a well-known architect who is noted for his expertise with historic structures. Submitted with this letter is a series of drawings prepared by Mr. Lees, containing area tabulations, floor plans and elevations.

The proposed improvements can be summarized as follows:

First Level: In order to comply with ADA requirements, the proposed addition to the west side of the existing Gramercy mansion will include a disabled accessible guest suite and bath, as well as disabled accessible restroom facilities for men and women and a coatroom.

Second Level: As shown on the drawings, a proposed new stairway connection is being added to provide additional exit opportunities from existing suites, and Koinonia proposes to add one new guest suite on the second level.

Third Level: A new stair connection is proposed to provide access and exit from the existing third floor guest suite for additional fire safety.

The distinctive Tudor style of Gramercy is maintained by this proposed addition in that it is a two-story addition to the west end of the Gramercy main building. Rather than proposing a discordant and less attractive stair tower, the owners have elected to pursue a more aesthetically compatible and more expensive alternative of this minor addition in the brick and stucco Tudor style. **Nevertheless, my clients do wish to emphasize that the sole reason they are constructing the stairway is to comply with Fire code requirements.**

II. TWELVE SUITES ALLOWED; MARYLAND HISTORIC TRUST, AND MARYLAND DISABILITY CODE MET.

When the addition is constructed, the total number of suites will be twelve (12) guest rooms, which are the approved maximum allowable guest rooms under the existing zoning approvals for this bed and breakfast. Also, Koinonia Partnership has obtained a waiver of vertical accessibility from the Maryland Handicap Codes Administrator for this new second level. Gramercy has also obtained preliminary approval of the proposed addition from the Maryland Historic Trust, which holds an easement with regard to the main building, the Inn.

My clients, together with their architect, Mr. Lees, have worked diligently with the Baltimore County Fire Department to ensure full compliance with the Life Safety Code. Moreover, the purpose of the proposed new stairway is to preserve the primary, historic staircase within Gramercy. In the course of the proposed addition work, the building will be fitted with a sprinkler system. Also note that the exterior treatment used at the first level will be brick to match the existing brick of this historic structure as approved by the Maryland Historic Trust. The Gramercy Mansion is not listed as a County Landmark nor or on the Federal Register.

Our clients' architect, Jeffrey A. Lees, is proceeding to meet with Mr. Jack Dillon, Executive Director of the Valleys Planning Council, so as to directly furnish information to Mr. Dillon with regard to this proposed project. The Gramercy Mansion and complex sit far north of Green Spring Valley Road, and it is well screened from its neighbors to the east and west.

Before concluding this project description, we wish to note that the proposed additional square footage as shown on the architect's first drawing amounts to 2,414 square feet, as compared with the existing total of 16,992 square feet. In other words, the area tabulation clearly discloses that the proposed additional square footage will be minor in relation to the existing building (14%) and footprint areas (8%). Moreover, the already adequate and approved parking will be sufficient for this minor addition.

III. ZONING HISTORY

Koinonia has a zoning history dating to the 1950s, and commencing once again in the 1990s. The revival, restoration and continuation of Koinonia and Gramercy are due to the efforts of Ronald and Ann Pomykala for the Bed and Breakfast, as well as the other site and building upgrades.

A brief summary is as follows:

1. **Private School Special Permit Case, 1745-S**; June 23, 1950, Zoning Commissioner Charles Doing granted a Special Permit for a private school after an advertised and posted public hearing earlier that month. Eventually, the educational use on the site declined and the Pomykalas purchased the site at auction and revived the site in a greatly improved form.

2. **Lawful And Nonconforming Uses And Special Exception Confirmed–Case No. 90-355-SPH** –Following a *de novo* hearing before the Board of Appeals, the Board by its Opinion and Order of August 2, 1991, confirmed the lawful and non-conforming uses on the Site Plan, including the continuation of the approved Special Exception for educational purposes in Case 1745-S. This initial step allowed the first resurgence and upgrading of this important site.

3. **Special Hearing And Variances–Bed And Breakfast Use Permit And Minor Parking Space Size Variances–Case No. 96-230-SPHA–** Again following an advertised and posted hearing, Zoning Commissioner Lawrence Schmidt granted a Special Hearing for a Use Permit for a Bed and Breakfast per Section 402:D(BCZR) with minor variances, with the only, usual condition of beginning work prior to the end of the appeal period. This decision also ratified and confirmed the Board Order in Case No. 90-355-SPH except as expressly amended. A copy of that decision is enclosed herewith.

The D.S. Thaler Plan dated November 21, 1995 includes a schematic floor plan. More important, however, the Commissioner's Order did not restrict it to that shown, and an ultimate goal of 12 guest suites was noted, and parking was provided for 12 suites. The disabled accessible suite and new second floor suite will bring the total suites to 12 as allowed earlier. At page 3 of the Commissioner's Order, it reads "Mrs. Pomykala also indicated that 5 rooms presently are operational, however plans have been made to expand the Inn to provide 12 rooms." (Emphasis supplied). These two new rooms and addition will be housed within the main Inn building.

IV CONCLUSION

Based upon the outlined history and attached materials, we are confident the requested findings and changes are within the spirit and intent of the present zoning orders, particularly 96-230-SPHA and 90-355-SPH, and should be approved.

Also, no public hearing should be required for this completion of the earlier approval of up to twelve suites.

We appreciate the attention of your Department, and are ready to respond to any questions or comments. Our firm's check in the amount of $40.00 made payable to Baltimore County is attached.

Respectfully submitted,

Stephen J. Nolan

cc: Honorable Lawrence E. Schmidt, Zoning Commissioner
Koinonia Partnership
Dr. and Mrs.Ronald Pomykala, Gramercy
Valleys Planning Council–John Dillon, Director
Jeffrey A. Lees, AIA
Enclosures : Lees Plans

With the exception of providing guests with hot pots for tea, the Pomykalas serve only breakfast – no lunch or dinner.

Pomykala also testified that the grounds are inspected on a yearly basis for compliance with the fire code and on a monthly basis for water quality. Since the Pomykalas purchased the property, they have upgraded the septic system and installed 4 new septic fields.

Although the parties are not directly related to the bed & breakfast, the neighbors are disturbed by the noise and traffic they generate. Brundidge asked Pomykala about various aspects of the catered parties. Pomykala stated that they only permit music indoors. Brundidge testified, however, that he can hear the music in his house.

Brundidge also asked whether the residents of the accessory buildings are students at Villa Julie College. Seven full-time farm workers live on the property. Two students live on the property, but they do not attend Villa Julie College. Pomykala did not state that these nine people comprise all of the property's rental residents.

Lucy Howard asked Pomykala if the county or state requires a special kitchen/septic facility for a bed & breakfast. Although Pomykala replied in the negative, Schmidt clarified that the state may have some health regulations which apply but are outside the scope of the zoning hearing. In response to Howard's question, Pomykala replied that the pool is fenced in.

All of the neighbors voiced concern about the heightened commercialization of this property, stressing that they hoped the county would look at *all* of the uses on the property as a whole. Unfortunately, Schmidt felt confined to review only the request for the bed & breakfast.

IN THE MATTER OF Koinonia Partnership	*	BEFORE THE ZONING
	*	COMMISSIONER OF
1400 Greenspring Valley Rd.	*	BALTIMORE COUNTY
N/S Greenspring Valley Rd.	*	Case No. 99-333-SPH

* * * * * * * * * * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Custodian of the Record and File
Carl Richards

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; (X) Produce documents and or objects only;
( ) Personally appear and produce documents or objects;

at Room 407, County Courts Bldg., 401 Bosley Ave. , Towson
(Place where attendance is required)

on Mon. the 10th day of May , 1999 at 2:00 p.m. for such witness' testimony and continuing thereafter as determined by the Zoning Commissioner.

YOU ARE COMMANDED TO produce the following documents or objects:

The File in Case No. 90-355-SPH and Case No. 96-230-SPHA

J. Carroll Holzer, 508 Fairmount Ave., Towson, Maryland 21286, 410-825-6961
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date April 12, 1999

Zoning Commissioner

SHERIFF'S RETURN

( )- Served and copy delivered on date indicated below.
( )- Unserved, by reason of _____

Date: _____ Fee: $_____

served 4/26/99

_____
SHERIFF

FORMS\A:\SUBPOENA.DRF

HOLZER
& LEE

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

May 13, 1999
7110

HAND DELIVERED

Larry Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RECEIVED
MAY 13
ZONING COMMISSIONER

RE: Petition of Jack Luskin
Case No. 99-333-SPH

Dear Mr. Schmidt:

As a result of the hearing on the Petition for Special Hearing by my client Jack Luskin, Mr. Leese in my office made two separate trips to PDM, yesterday, May 11, and today reviewing the 43 microfilm cards on Case No. 90-355-SPH trying to locate Petitioner's Exhibit #1, the Site Plan. Attached is a copy of the Site Plan composed of two separate pages that depicts the entire Site Plan. The Plan is identified as Petitioner's Exhibit #1 in the bottom left hand corner of left side copy of the Plan.

I trust review of the Site Plan answers the question as to the use of the property at the time of the hearing in Case No. 90-233-SPH

Very truly yours,

J. Carroll Holzer

JCH:clh
cc: Steve Nolan, Esq.
Jack Luskin

C:Letters/Schmidt.Koi

RE: PETITION FOR SPECIAL HEARING 1400 Greenspring Valley Road, N/S Greenspring Valley Rd, 2000' W of Greenspring Ave, 3rd Election District, 3rd Councilmanic Legal Owners: Koinonia Partnership Petitioner: Jack Luskin Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY Case Number: 99-333-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.

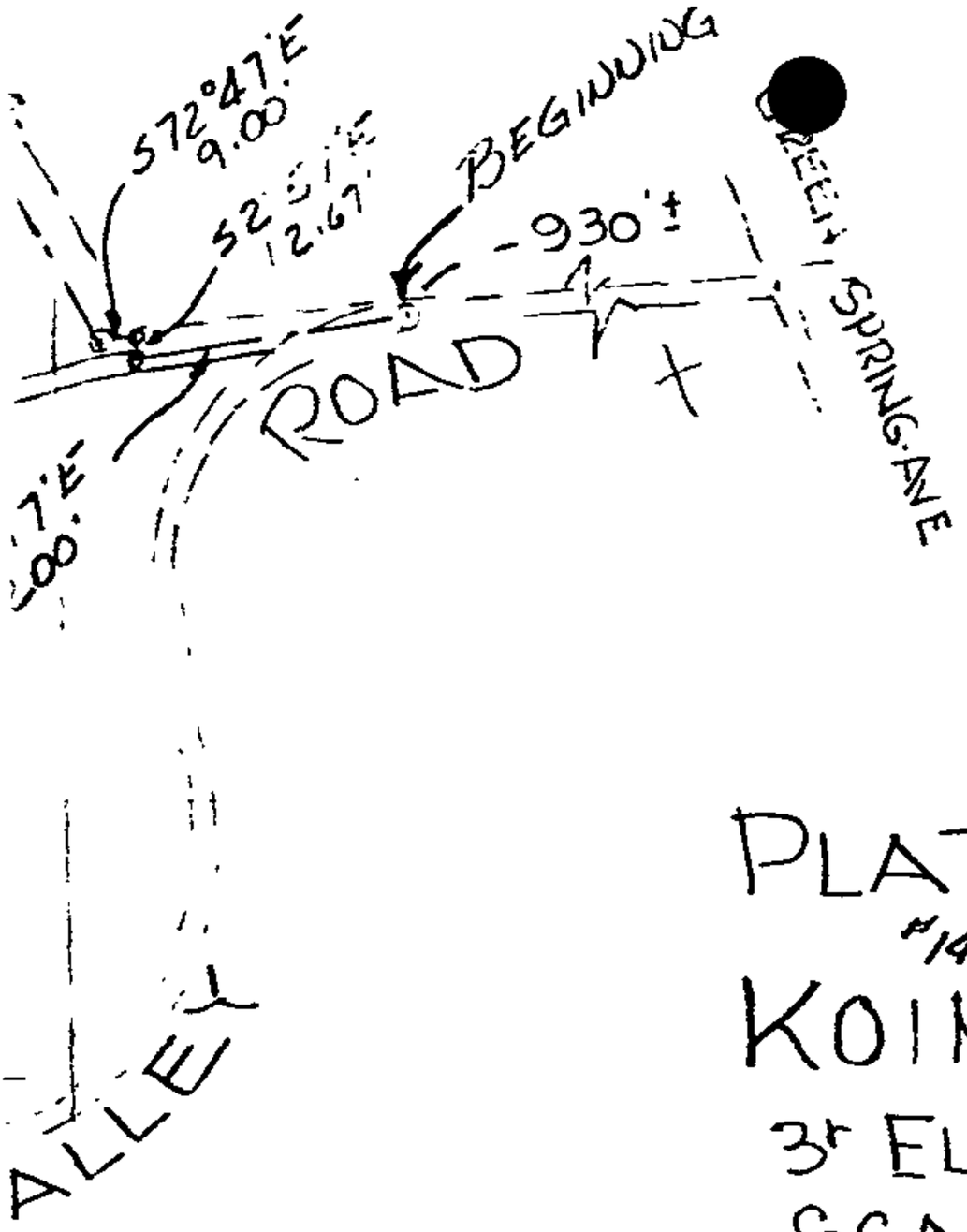
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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 15th March day of ~~February~~, 1999, a copy of the foregoing Entry of Appearance was mailed to J. Carroll Holzer, Esq., Holzer and Lee, 508 Fairmount Avenue, Towson, MD 21286, attorney for Petitioner(s).

PETER MAX ZIMMERMAN



PLAT FOR SPECIAL HEARING

#1400 GREEN SPRING AVENUE

KOINONIA PARTNERSHIP

3rd ELECT. DIST. BALTO. CO.

SCALE 1"=200 DEC 20 1989

MICROFILMED

1947

Exhibit A

The Valleys Planning Council, Inc.

207 Courtland Avenue, Towson, Maryland 21204
Mailing Address: P.O. Box 5402, Towson, Maryland 21285-5402
Phone: 410 337-6877, *Fax:* 410 296-5409

Ext No 1

May 7, 1999

C. William Clark, Esquire
Nolan, Plumhoff & Williams, Chartered
502 Washington Avenue, Suite 700
Towson, MD 21204

RE: Koinonia/Gramercy Property

Dear Bud:

At your request, I have reviewed our files in connection with Koinonia/Gramercy Property and the hearing held on the Pomykala's Petition to establish a bed and breakfast inn use in 1996.

Enclosed please find the two-page memorandum bearing a date of April 30, 1996, prepared by The Valleys Planning Council representative about the hearing and placed and kept in our file.

If you need any further information, please do not hesitate to contact me.

Very truly yours,

Jack Dillon
Executive Director

JJD/vw
Enclosures
cc: J. Carroll Holzer, Esquire

Koinonia
Special Hearing for a Use Permit
for a Bed & Breakfast Inn
4/30/96

Prior to this hearing, The VPC mailed a letter to Zoning Commissioner Lawrence J. Schmidt stating that The VPC would not oppose this particular request for a bed & breakfast inn with 12 rooms.

The owners of Koinonia, Dr. & Mrs. Pomykala, have operated a bed & breakfast under the name Gramercy for several years, but never applied for the necessary use permit. Generally, use permits do not require special hearings; however, the zoning office required a public hearing in this case because other uses currently exist on the property as nonconforming uses. John Lewis brought this to the attention of Arnold Jablon, because Lewis was concerned about "piling" uses on top of one another.

Several neighbors attended the hearing -- Thomas & Maryann Brundidge, Lucy Howard, Steve Howard, Lynne Ellis, and Mary Arnold. VPC president Dick Buck also attended.

The VPC asked that Schmidt clarify that the Board of Appeals order, which legitimized a broad spectrum of nonconforming uses, is the only reason the Pomykalas can use their property for catered events, parties, and conferences. Such functions are not an accessory use to the bed & breakfast.

The petitioners' engineer, David Thaler, prepared a map which highlighted the area subject to the bed & breakfast permit, which includes the driveways, parking, main house, swimming pool, and tennis courts. The remainder of the property is not included in the bed & breakfast permit. ***However***, the Pomykalas clearly utilize the entire site for the bed & breakfast, because they encourage guests to birdwatch, and to learn more about their organic farming operation. I did not bring this up at the hearing, because I thought it might backfire somehow.

Stuart Kaplow testified in favor of the bed & breakfast on behalf of the Baltimore County Chamber of Commerce.

Anne Pomykala testified that she and her husband have lived at Koinonia, 1400 Greenspring Valley Road, for 10 1/2 years. They call themselves the Koinonia Partnership, which has no relation to the property's former owners, the Koinonia Foundation. Anne Pomykala runs the bed & breakfast with her daughter Kristin, and they employ two housekeepers. All of the bed & breakfast rooms are located in the main house.

PROPERTY DESCRIPTION SUBMITTED BY

PETITIONER JACK LUSKIN

AS PREVIOUSLY SUBMITTED FOR THE SAME

PROPERTY IN CASE NO. 90-355-SPH

99-333-SPH

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

40-139-A
60

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, THE KOINONIA FOUNDATION legal owner 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an ---------- zone to an ----------zone; for the following reasons:

PETITIONER'S EXHIBIT 4A

90-355 SPH

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for A Nursery School

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

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

ORDER RECEIVED FOR FILING
DATE Nov 3 1979
BY Phillip Dudley
ADMINISTRATIVE ASSISTANT

Dorothy T. Grimm
Executive Director

Contract purchaser

Legal Owner

Address 1400 Greenspring Valley Rd
Stevenson Md 21153
(Item 60)

Petitioner's Attorney

Protestant's Attorney

Address

ORDERED By The Zoning Commissioner of Baltimore County, this ---------- day of ----------, 197 --, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 20th day of December, 1979, at 10:00 o'clock A. M.

Zoning Commissioner of Baltimore County.

(over)

* Send all info to:
Joan Tolbert
612 Wyndhurst Ave
21212

467-0930

12/20/79
10:00 A.M.

MICROFILMED

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met and the health, safety, and general welfare of the community not being adversely affected, the Special Exception for a nursery school, to be located on the first floor only of the improvements already constructed on the land described as follows:

> "Beginning for the same at a point located due west 250' from the beginning of the 33rd line of the land which by deed dated October 13, 1950, was conveyed by Hugo R. Hoffmann and wife to Koinonia Foundation, said point being located west from the intersection of Green Spring Valley Road and Green Spring Avenue, the two following courses and distances: (1) W 2000' and (2) N 550', running thence N 70° E 100' S 20° E 100' S 70° W 100' N 20° W 100' to the place of beginning."

and consisting of two rooms, should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of March, 1980, that the herein Petition for Special Exception for a nursery school, to be located on the first floor only of the improvements already constructed and consisting of two rooms, in accordance with the site plan prepared by E. F. Raphel and Associates and contained in this file, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Maximum number of children shall be no more than 16.
2. Hours of operation shall be limited to between 9:00 a.m. and 12:00 noon, Monday through Friday.
3. Compliance with the comments submitted by the Department of Permits and Licenses, dated October 15, 1979, and the Maryland Department of Transportation, dated October 3, 1979.
4. A revised site plan be submitted and approved by the Maryland Department of Transportation, the Department of Public Works, the Department of Health, the Fire Department, and the Office of Planning and Zoning.

ORDER RECEIVED FOR FILING
DATE March 3, 1980
BY Arlene A. Howard
ADMINISTRATIVE ASSISTANT

Zoning Commissioner of
Baltimore County

PETITIONER'S EXHIBIT 4B

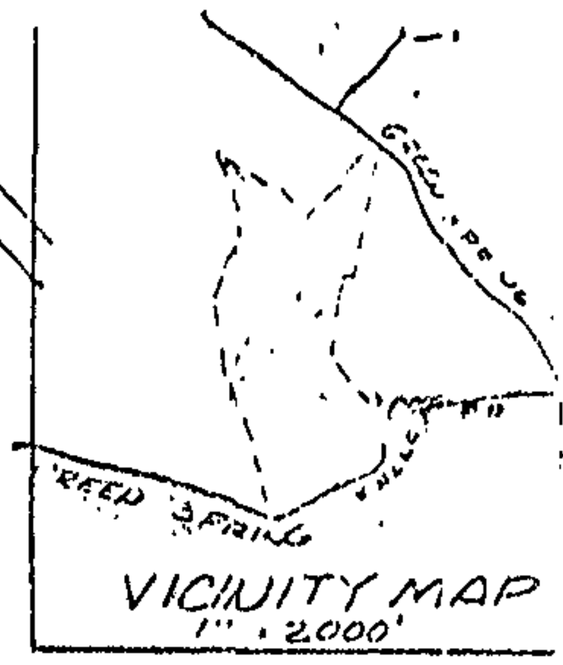
90-355 SPH

MICROFILMED

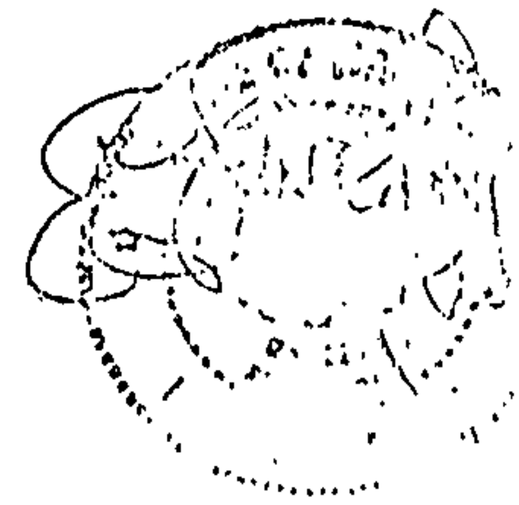
PETITIONER'S EXHIBIT 4 602" C

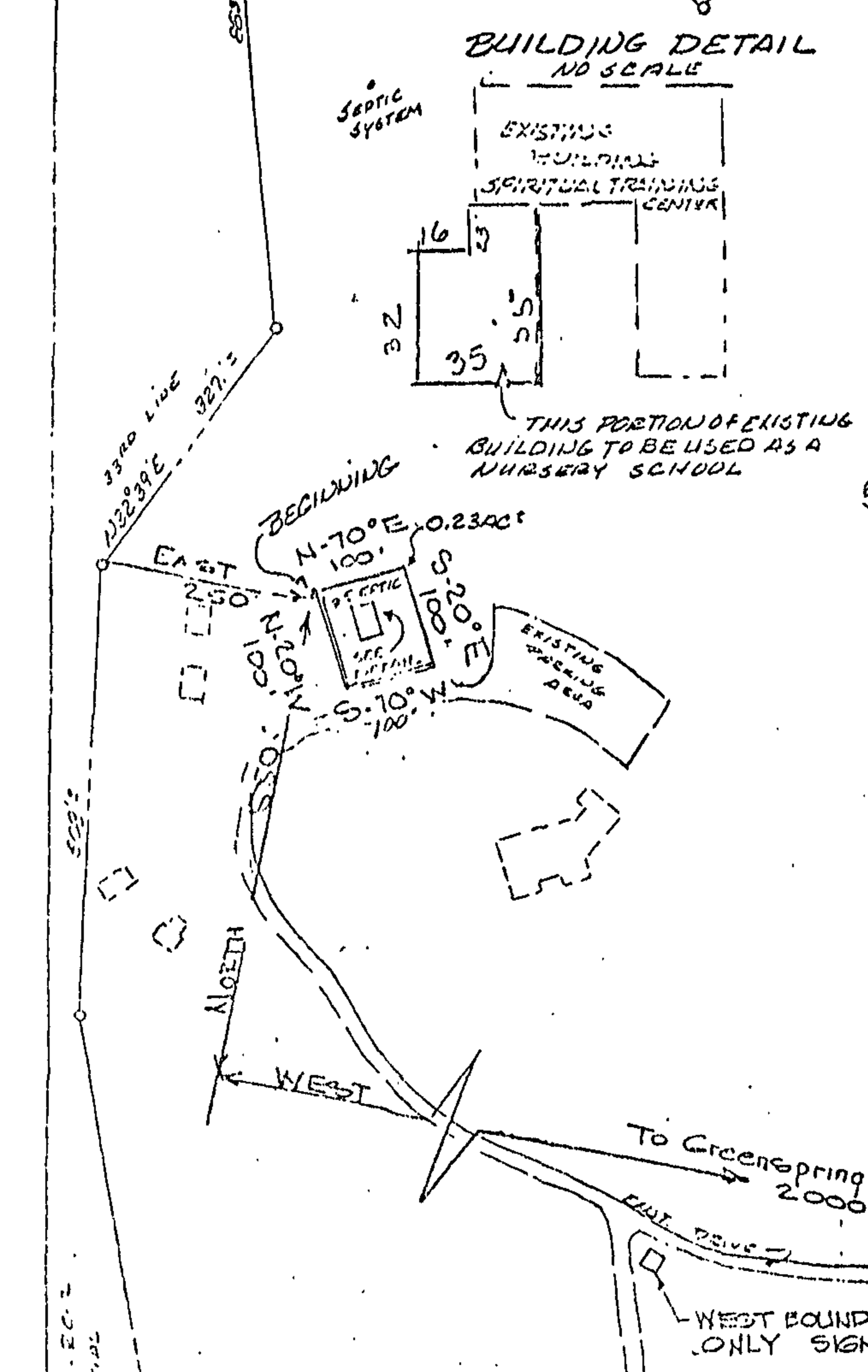
90-355

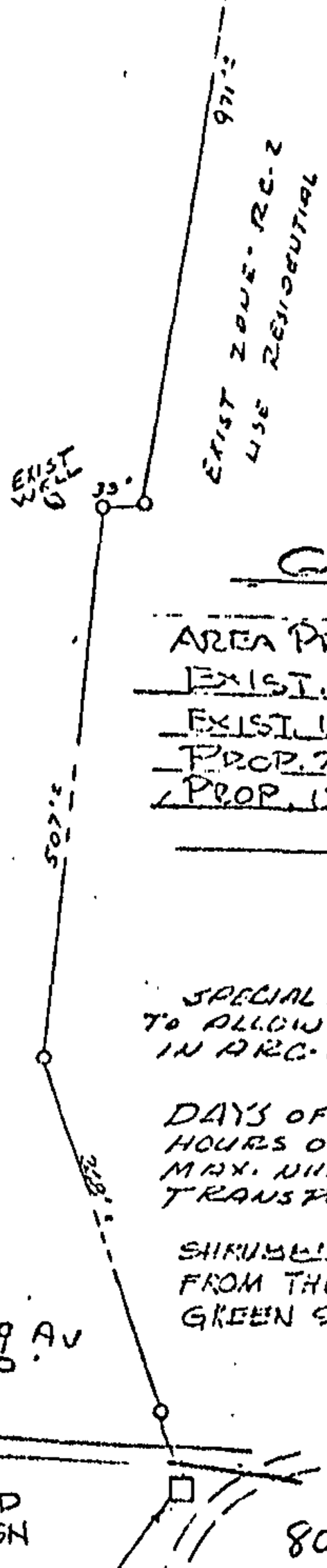
GREENSPRING AVE.



BUILDING DETAIL
NO SCALE







GENERAL DATA

AREA PROP 11.0 AC
EXIST. ZONE R-C 2
EXIST USE: SPIRITUAL CENTER
PROP. ZONE RC-2 WITH S.E.
PROP. USE: 0.23 AC OF S.E.
FOR NURSERY SCHOOL

SPECIAL EXCEPTION REQUESTED TO ALLOW A NURSERY SCHOOL IN A RC-2 ZONE

DAYS OF OPERATION - 5 DAYS
HOURS OF OPERATION - 9-12 M-F
MAX. NUMBER OF STUDENTS - 16
TRANSPORTATION - PRIV

SHRUBBERY HAS BEEN CLEARED FROM THE RIGHT OF WAY OF GREEN SPRING AVE.

80-132X

PLAT TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPT. FOR NURSERY SCHOOL

KOINONIA FOUNDATION
3RD ELECT. DIST. BALTO. CO.
SCALE 1" = 200' SEPT. 5, 1

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY [illegible]
DATE [illegible]

80-132-X

MICROFILMED

E. F. RAPHEL & ASSOCIATES
Engineering Planning & Surveying
210 Central Avenue
Towson, Maryland 21204

NOTE: DENOTES STANDARD MONUMENT

APPEAL

Petition for Special Hearing
1400 Green Spring Valley Road
N/S Green Spring Valley Road, 930' W of centerline Green Spring Avenue
8th Election District – 3rd Councilmanic District
Koinonia Partnership- Legal Owner
Jack Luskin - Petitioner
Case Number: 99-333-SPH

Petition for Special Hearing (with attachments)

Description of Property

Certificate of Posting (4/22/99 – Patrick M. O'Keefe)

Certification of Publication (3/18/99 – The Jeffersonian)

Entry of Appearance by People's Counsel

Zoning Advisory Committee Comments

Petitioners' Exhibits:
1 (A) Plat for Special Hearing

Protestants' Exhibits:
1 Letter to C. William Clark, Esquire from Jack Dillon, Executive Director of The Valleys Planning Council, Inc. dated 5/7/99
2A Transcript of Hearing before the County Board of Appeals on 7/24/91
2B Transcript of Hearing before the County Board of Appeals on 7/26/91
3 Exhibit Not Found in File
4 Copy of Article on Koinonia
5 Part of Transcript of Hearing before the County Board of Appeals on 7/24/91
6 Part of Transcript of Hearing before the Zoning Commissioner on 5/15/90
7 Part of Transcript of Hearing before the County Board of Appeals on 7/24/91
8 Part of Transcript of Hearing before the County Board of Appeals on 7/24/91
9 Part of Transcript of Hearing before the County Board of Appeals on 7/24/91

Misc. Exhibits:
2 Order from Court of Special Appeals of Maryland filed 10/21/92
3 Sections 402C and 402D of the Baltimore County Zoning Regulations
4 Information on Gramercy Bed & Breakfast

Duplicate attachments for Pet for SPH.

Misc. (not marked as exhibits):
Transcript of Hearing before Zoning Commissioner on 5/15/90
Part of Transcript of Hearing before the County Board of Appeals on 7/26/91
Docket Pages from Circuit Court for Baltimore County dated 1991 & 1992
Order from Court of Appeals of Maryland dated 3/10/93
Letter to Arnold Jablon from Stephen J. Nolan, Esquire dated 2/22/99
Notice of Zoning Hearing dated 3/5/99
Letter to Arnold Jablon from J. Carroll Holzer, Esquire dated 3/9/99
Letter to J. Carroll Holzer, Esquire from Arnold Jablon dated 3/15/99
Memo to Sophia Jennings, Zoning Review from James Thompson, Code Enforcement dated 3/23/99
Letter to J. Carroll Holzer, Esquire from Arnold Jablon dated 4/2/99
Request to Enter Appearance of Counsel for Koinonia Partnership dated 4/5/99
Letter to Stephen J. Nolan, Esquire and C. William Clark, Esquire from Sophia Jennings dated 4/9/99
Letter to Mitch Kellman, Carl Richards & Sophia Jennings from J. Carroll Holzer, Esquire dated 4/16/99
Subpoena for Carl Richards for hearing on 5/10/99
Letter to Larry Schmidt from J. Carroll Holzer, Esquire dated 5/13/99
Memorandum in Lieu of Final Argument from J. Carroll Holzer, Esquire dated 6/7/99
Respondent's Post Hearing Memorandum from C. William Clark, Esquire dated 6/7/99

RECEIVED
BOARD OF APPEALS
COUNTY
99 AUG 10 PM 2:40

E

Zoning Commissioner's Order dated 7/20/99

Notice of Appeal received on 7/29/99 by C. William Clark, Esquire on behalf of Koinonia Partnership

C: C. William Clark, Esquire
J. Carroll Holzer, Esquire
Koinonia Partnership
Jack Luskin
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

EXHIBIT 2

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 288

September Term, 1992

CHARLES J.E. ARNOLD, et al

v.

KOINONIA PARTNERSHIP

Moylan,
Bishop,
Bloom,

JJ.

Per Curiam

Filed: October 21, 1992

The Baltimore County Board of Appeals ("Board") granted a petition of Appellee, Koinonia Partnership ("Partnership"), to continue nonconforming uses on its property. Neighboring property owners, the "Ledger Hill Neighbors," appealed the order of the Board to the Circuit Court for Baltimore County, and after a hearing, the court granted the Partnership's Motion to Dismiss. The trial court denied the neighbors' subsequent Motion to Alter or Amend Judgment and granted the Partnership's Motion to Strike Amended Order for Appeal and Amended Petition for Appeal. Appellants, Charles J. E. Arnold, et al. ("Arnold"), appealed the trial court's dismissal to this Court which dismissed the appeal. This appeal is now before us pursuant to an order reinstating Arnold's appeal.

Issue

> I. Did the Circuit Court commit reversible error in (1) refusing to allow the Appellants to amend their Order for Appeal and Petition for Appeal to substitute their individual names as appellants in place of the collective misnomer that appeared on those pleadings and, instead, (2) dismissing their appeal, even though the individual Appellants were parties to the proceedings before the Board of Appeals aggrieved by its decision?

Facts

Since 1985, the Partnership, composed of Dr. and Mrs. Ronald A. Pomykala, owned property in Baltimore County. Located on the property are the Pomykala's home and nearly a dozen buildings, including apartments that are rented to college students and facilities used for meetings and educational purposes.

On January 21, 1990, the Partnership filed a petition with the Baltimore County Zoning Commissioner, seeking approval of nonconforming uses on its property. The Commissioner denied the petition, and the Partnership appealed the decision to the Board. On July 26, 1991, a hearing was held, and counsel for Arnold identified the names of Ledger Hill neighbors for the record.

> Mr. Machen: As a matter of housekeeping, I want to make clear who the Ledger Hill neighbors are in this. There are a number of individuals who could not be here. I want to make sure their names are on the record. The Leger [sic] Hill neighbors are comprised of Mr. and Mrs. Robert Levy --
>
> The Chairman: You want this on the record, or on the record as an exhibit?
>
> Mr. Machen: I have not prepared an exhibit. I am simply identifying who the neighbors are, the protestants in this case.
>
> The Chairman: Mr. and Mrs. Levy.
>
> Mr. Machen: They are my clients. Mr. and Mrs. Charles J. Arnold, Dr. Hamilton Moses, Miss Lucy Howard, W. James Howard, Mr. Thomas W. Brundiget, 3d. and Nathanial Prentice. These are all neighbors either on Greenspring Avenue or living on Greenspring Valley Road. I don't have the street addresses. They live in close proximity to the Koinonia property.

The Board granted the Partnership's petition, and on August 29, 1991, "Ledger Hill Neighbors," as "appellant," (we believe it is significant that, in the petition for appeal, counsel for Ledger Hill Neighbors used the singular "appellant", which signifies to us that the appeal was taken by the group entity rather than an individual member) filed an appeal with the Circuit Court for Baltimore County. On November 14, 1991, the court granted the

Partnership's Motion to Dismiss; on December 13, 1991, it denied the appellants' Motion to Alter or Amend Judgment and granted the Partnership's Motion to Strike Amended Order for Appeal and Amended Petition for Appeal.

Discussion

In People's Counsel v. Mangione, 85 Md. App. 738 (1991), this Court made clear the standard of review where an abuse of discretion is alleged.

> While the "clearly erroneous" standard applies to the court's findings of fact, the "abuse of discretion" standard applies to the court's determinations of legal questions or conclusions of law based upon its findings of fact. We will not interfere with such determinations without a clear showing of abuse of discretion.

Id. at 744 (*quoting* Alston v. Alston, 85 Md. App. 176 (1991)).

Arnold contends that the trial court abused its discretion by dismissing the appeal and denying the individuals leave to amend the order for appeal and petition for appeal. Specifically, Arnold argues that the individuals who filed the appeal were proper parties, each having standing to appeal, and that the use of the collective name, "Ledger Hill Neighbors," constituted a mere misnomer.

We disagree. For the reasons that follow, we affirm the court's dismissal of Arnold's appeal and its denying leave to amend the order for appeal and petition for appeal.

In the case sub judice, counsel for Arnold stated that not all individuals comprising the Ledger Hill group were present at the

Board hearing. In fact, the record shows that only W. James Howard, Lucy A. C. Howard, Mrs. Charles J. E. Arnold, and Dr. Hamilton Moses, III, as well as James P. Machen, Esquire, counsel for the neighbors, were present at the hearing. Machen identified the Ledger Hill neighbors as also including Mr. and Mrs. Robert Levy, Charles J. Arnold, Thomas W. Brundiget, III, and Nathaniel Prentice. Brundiget did not participate in filing the appeal to the circuit court, and Mrs. Nathaniel Prentice, a protestant-neighbor, was not identified as such by Machen at that the hearing.

In Southland Hills Improvement Ass'n v. Raine, 220 Md. 213, 215 (1959), the Association was the only named party, and the Court of Appeals held that the trial court properly dismissed the appeal on the grounds that it was "neither a party aggrieved nor a taxpayer and has no standing to maintain its appeal." The Court found that "the Improvement Association's contention that certain of its individual members who testified at the hearings before the Board are parties to these suits is not tenable." Id. at 217 (emphasis added).

The record in Raine did not "disclose either the joinder or the intervention or the attempted joinder or intervention of a single individual or taxpayer as a party plaintiff in the Circuit Court." Id.; see Windsor Hills Improvement Ass'n v. Mayor of Baltimore, 195 Md. 395, 394 (1950) (The association was not in existence, and was not a "person aggrieved" or a "taxpayer," and although a party plaintiff intervened, his petition was filed late.

The Court held that the trial court properly dismissed the association's appeal).

In Largo Civic Ass'n v. Prince George's County, 21 Md. App. 76 (1973), this Court stated that "[w]e find nothing in Bryniarski . . . holding that a person must testify before the administrative agency in order to be a 'party to the proceeding before the' agency. Indeed, there is no requirement that he do so provided the record shows he was in fact a party." Id. at 81 (*citing* Bryniarski v. Montgomery Co., 247 Md. 137 (1967)).

In the case sub judice, persons identified by counsel as Ledger Hill neighbors were not all present at the Board hearing. Among those present, not one testified. *See* Raine, 220 Md. at 217. Furthermore, there is nothing in the record indicating who was "in fact a party," other than counsel's mere listing members of a group. Largo, 21 Md. App. at 81. More important to the outcome of this case, there was no joinder or intervention by any neighbor as a party before the Board or in the circuit court. See Raine, 220 Md. at 217. Arnold's contention that the neighbors were parties to the Board hearing is untenable.

Even if we determine that the neighbors established themselves as parties to the proceeding before the Board, the appeal was not filed by any of them, it was filed by the "Ledger Hill Neighbors." "Ledger Hill Neighbors" is a descriptive title; it is not a legal entity. "[I]t is clear that an association or corporate body representing only the viewpoint of its members is not itself

aggrieved merely because its members are." City of Greenbelt v. Jaeger, 237 Md. 456, 463 (1965).

Moreover, not all members of the group identified at the hearing participated in the appeal, and one individual was added to the group. Contrary to Arnold's position, substituting appellants' names for "Ledger Hill Neighbors" does not correct the pleading to conform to the underlying facts. Rather, use of the title includes persons not present at the hearing, adds a person not listed at the hearing, and does not include a person identified at the hearing as a party. Thus, this is not a matter of a mere misnomer. "Ledger Hill Neighbors" lack standing to appeal.

We hold that the trial court did not abuse its discretion in dismissing the appeal and denying appellants leave to amend the order for appeal and petition for appeal.

JUDGMENT AFFIRMED; COSTS TO BE PAID BY APPELLANTS.

GRAMERCY
BED & BREAKFAST

1400 Greenspring Valley Road
Stevenson, MD 21153-0119
410-486-2405

1999 RATE SCHEDULE FOR WEDDINGS & PARTIES

GRAMERCY MANSION

	Prime	Mid-week
Basic Rental (As described below)	$2,200	$1100
Additional ½ hour	100	100
Additional hours	200	100
Fireplaces beyond 2 in season, each	30	30

Basic Rental: Use of five public rooms, porches, gardens and ceremony sites of Gramercy B&B; shared use of the kitchen for approved caterer. Baby grand piano in living room may be played. Hours of rental include 4 hours for reception, 2 hours for caterer set-up and 1 hour for caterer clean-up.

Prime Time: Fridays, Saturdays, Sundays, holidays and month of December.

Hours: Mondays-Fridays: 12 noon to 11p.m.
Saturdays (with noted exceptions): 2 to 11 p.m.
Sundays: 3 p.m. to 11 p.m.

Exceptions: Two weddings are held on Saturdays during the months of April, May, June, September, October and December. The following P.M. slots are available : 12-4, 1-5, 6-10, 7-11. The time slots are a guide line and can be adjusted in certain cases.

Caterer: *Approved caterer only. See list below.*
Note: When two weddings are held on Saturdays the same caterer must be used by both parties. Choice of caterer goes to the first scheduled lessee. Choice of caterer must be made within 8 weeks or within one month of notification of second event; if not, caterer of choice goes to first person notifying us of their decision of caterer.

Capacity: 150 people

Reservations: Date(s) for Gramercy Mansion will only be held by a $500 deposit, balance due one month prior to event. If canceled more than six months in advance there will be a $400 refund. If canceled between three and six months there will be a $50 refund. Three months and under, no refund.

Available For Use: Large dining room table (47" x 144") with 10 matching wood chairs and two high-back chairs.Ten Round Tables, 4-60" rounds, 4-54" rounds, 1-47" round, 1-42" round, 48" wrought iron table/6 chairs on side terrace, 60 white wooden chairs.

Gramercy Mansion and the Carriage House at Koinonia are shown *by appointment only*, Monday through Friday, between the hours of 10 a.m. and 6 p.m. Please call ahead to schedule a visit and get directions.

The CARRIAGE HOUSE at KOINONIA

For Weddings & Parties: $550.00

Use of Batik, Carriage, Conference Rooms & Courtyard, plus shared use of kitchen for your approved caterer; 5 hours for reception, 2 hours for caterer setup and 1 hour for clean-up.

Hours: Mondays-Fridays: 12 noon to 11p.m.
Saturdays: 2 p.m. to 11 p.m.
Sundays: 3 p.m. to 11 p.m.

Capacity: 150 people

Available for use: Podium, 8 - 8' tables, 40 mauve chairs, 16 green cloth chairs, coin operated phone.

****

Available to Rent:

110 White wooden chairs @ $2.00 each
200 White cloth napkins @ $.75 each
10 60 inch round tables @5.50 per table
6 Green tablecoths for 60" round tables @ $5.00 each
6 8 foot buffet tables @ $5.00 per table
20 White damask tablecloths for round tables @ $10.00 each
20 Cream sardina tablecloths @ $20.00 each (60" rounds)
1 Cream colored buffet cloth, draped & pleated to floor @ $35.00

Approved Caterers List & Contact Persons:

1. The Brass Elephant — Tammy (410) 547-8480
2. Classic Caterering — Alan Pressman, (410) 356-1666
3. Cuisine Caterering — Nick Sheridan (410) 281-1124
4. Mt. Vernon Caterers — Mary Ann Gray (410) 323-1995
5. Olie Richards Catering — Olie Richards (410) 243-6553
6. Peerce's Gourmet — Drew Sinnott (410) 561-2233
7. Putting on the Ritz — Bobby Mitchell 1-800-213-7427
8. Sacha's Caterering — Sacha Wolhandler (410) 539-6103
9. Simply Elegant Catering — Rob Skudrna (410) 363-3466
10. Truffles at the Belvedere — Jean Biscoe 1-800-432-7166
11. Wickey's — Paul Koontz 1-800-Wickey-1
12. Zeffert & Gold — Aaron Gold (410) 944-4481

Exh. #4

99-333-SPH

GRAMERCY MANSION

Bed & Breakfast

1400 Greenspring Valley Road
Stevenson, MD 21153-0119
(410) 486-2405

1998 ROOM RATES

APHRODITE'S RETREAT: Decorated in shades of white and mauve, with oriental carpets and French antiques, this intimate, sun filled room has a panoramic view of the valley, and boasts a modern shower with full body sprays $155

AUNT MARY'S SUITE: A Decorator's Show House design, this Victorian hideaway includes a kingsize bed with ceiling canopy, sitting room with fireplace, and an old fashioned clawfoot tub with shower to luxuriate in $175

HUNT ROOM: This elegant Gentleman's boudoir is reminiscent of Baltimore's historic past. The kingsize poster bed, handsome woodwork, period hunting prints and marble bath with its double jacuzzi make this an onstanding refuge from the workday world $195

AMBASSADOR'S ROOM: A romantic tribute to the days of 19th century Eastern Empire, this guest room with its intricate wallpaper, exquisite draperies and furnishings features a kingsize bed warmed by a fireplace in front, and a whirlpool bath with elegant statuary shower $195

BLUE GARDEN SUITE: Wake up to song birds and sun in this beautiful three room suite decorated with French antiques, kingsize bed and jacuzzi tub. The sitting room in this private retreat has a fireplace and extra beds. The bright, airy sunporch overlooking the pool and garden is perfect for relaxing, with its game table, VCR and sofa $260

– Above Rooms Double Occupancy–

BACKHALL ROOMS: Nicely furnished small rooms with single bed and shared hall bath. Single occu. $65

- All rooms include TV, fresh flowers, robes, coffee, tea, soda and a full gourmet breakfast. Guests can enjoy the tennis court, olympic size swimming pool, croquet sets, flower & herb gardens, woodland trails & birdwatching.

• All rooms are nonsmoking.
• Check-in Time: between 3–6 pm or by arrangement.
• Check-out Time: Noon
• Extra Person—$25, Crib—$10
• Corporate Rates—Call for information

MAJOR CREDIT CARDS ACCEPTED

GRAMERCY MANSION

GRACIOUS ACCOMMODATIONS IN TURN OF THE CENTURY STYLE

Located 5 Minutes North of Rt. 695
in Greenspring Valley



Whether seeking a romantic retreat, a peaceful weekend getaway from today's busy lifestyle, or an elegant setting for a wedding or other milestone event, Gramercy Mansion offers exceptional hospitality with an Old World flavor. Set amid 45 acres of woods and meadowland, this 1902 Tudor style mansion welcomes you. Choose a room to suit your mood and prepare to indulge yourself with sumptuous gourmet breakfasts, swimming, tennis, long walks through woods and organic gardens, and quiet evenings spent by a glowing fire, or savoring intimate summer twilights on the terrace.

"The hospitality, atmosphere, food, etc., were top-notch."
Official Guide to American Historic Inns

"Like a surprise party at the end of a long and forested road...there are things to look at everywhere."
The Washington Post

"For a sense of bucolic well being nothing beats breakfast under the awning on the brick patio at Gramercy."
Mid Atlantic Country Magazine

"The service was great, the rooms and estate grounds beautiful and the breakfast superb! The best ever!"
AAA Member

"This place is amazing! I don't think you have to leave the grounds to enjoy Baltimore!"
Lisa & Chris K., N.Y.C.

"Coming back to Gramercy is truly delightful—a place full of charm...it captures your heart."
John & Melissa S., Baltimore, MD



Gramercy in the Spring

GRAMERCY, a majestic, Tudor style manston and estate situated on 45 acres in Maryland's lovely Green Spring Valley, provides elegant living in the style of the early 1900s. Guests can enjoy a choice of fireplaces, jacuzzi baths and comfortable suites in bedrooms charmingly decorated with antiques. After a sumptuous gourmet breakfast by the dining room inglenook or out on the terrace, guests may wish to linger on the expansive porches overlooking Green Spring Valley. Or they may take advantage of the olympic size pool and tennis court, stroll along extensive woodland trails, by Honeybrook stream, through the orchard, flower and herb gardens, or visit the organic farm.

GRAMERCY Bed & Breakfast is located just 20 minutes from downtown Baltimore and the Inner Harbor. Fine restaurants, museums & historic sites, theatres, colleges & universities, shopping and all the cosmopolitan attractions of Baltimore are only minutes away. Its serene country ambience, tucked away in delightful *seclusion in Greenspring* Valley is all the more treasured for its easy convenience to these amenities.



BURWELL & BURWELL



COUNTRY FOLK ART MAGAZINE

***In addition** to five* spacious main floor rooms with fireplaces, furnished with antiques, oriental carpets and artwork, the *mansion offers high ceilings,* a stunning grand staircase with 20' "picture" landing and magnificent chandelier, and a 17' x 53' terrace which is enclosed and heated in the wintertime.

Built in 1902 by Alexander J. Cassatt, owner of the Pennsylvania Railroad and brother of the American Impressionist painter, Mary Cassatt, Gramercy Mansion was presented as a wedding gift to his daughter, Eliza. Later owners included the prominent Senator Brewster family, descendants of Benjamin Franklin. In the 1950s the estate became home to the Koinonia Foundation, a predecessor of the Peace Corps, before being bought and restored by the Pomykalas.



COUNTRY FOLK ART MAGAZINE

GRAMERCY MANSION and the Carriage House at Koinonia are also available for weddings, meetings, seminars and parties. Inside and out, the main house is an unforgettable setting for weddings & other events, with its lovely, extensive, landscaped lawns and flower gardens.



PAUL JORDAN

The property offers a quiet and contemplative atmosphere perfect for seminars and executive retreats. Guests and seminar participants can refresh themselves with a stroll through the *peaceful surroundings of open woods and meadows.* They may also visit the working, certified organic, Koinonia Farm, which has been farmed organically since 1950, and continues to be conscientiously maintained in this tradition.



THE CARRIAGE HOUSE AT KOINONIA

Across the center circle from Gramercy Mansion, the Carriage House includes three large, ground floor rooms with French doors opening into a central courtyard, and has separate kitchen facilities. The Carriage Room, with its especially beautiful sunset views, has a hardwood floor, large, sunny windows and crystal chandeliers; it is 36' x 31'. The adjacent Conference Room is 16' x 22.5'. Additional space is available in the adjoining, carpeted Batik Room, 33' x 18'. All three may be rented with the courtyard and shared use of the kitchen.

A SAMPLING OF OUR BED & BREAKFAST ROOMS

* All rooms include TV, fresh flowers, robes, coffee, tea, soda and a full gourmet breakfast, as well as use of the pool, tennis court, trails, etc. All rooms are nonsmoking.

APHRODITE'S RETREAT: This intimate, sun filled room has a panoramic view of the valley. It is decorated in shades of white and mauve, with oriental carpets and French antiques, and boasts a modern shower with full body sprays.

AUNT MARY'S SUITE: Decorated in the Decorator's Show House, this Victorian hideaway includes a kingsize bed with ceiling canopy, sitting area with fireplace, and an old fashioned clawfoot tub with shower to luxuriate in.

HUNT ROOM: This elegant Gentleman's boudoir is reminiscent of Baltimore's historic past. The kingsize poster bed, handsome woodwork, period hunting prints and marble bath with its double jacuzzi make this an outstanding refuge from the workday world.

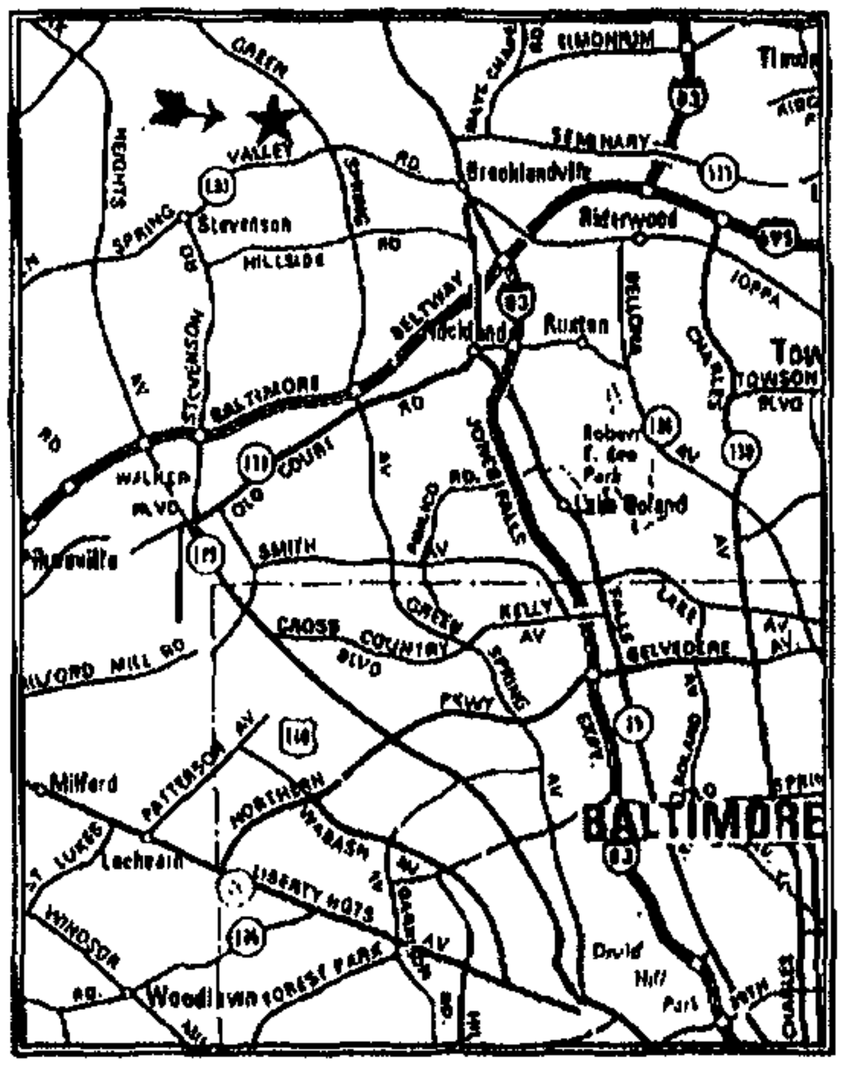
AMBASSADOR'S ROOM: A romantic tribute to the days of 19th century Eastern Empire, this guest room with its intricate blue and gold wallpaper, exquisite draperies and furnishings features a kingsize bed warmed by a fireplace in front, and a whirlpool bath with elegant statuary shower.

BLUE GARDEN SUITE: Wake up to song birds and sun in this beautiful three room & bath suite decorated with antique Louis XIV furniture. The sitting room in this private retreat comes with a fireplace and extra beds. The bright, airy sunporch overlooking the pool and garden is perfect for reluxing, with its game table, VCR and sofa for lounging.

– Above Rooms Double Occupancy–

BACK HALL ROOMS: Nicely furnished small rooms with single bed and shared hall bath are also available.

EXTRA Adult - $25 or Child - $10
CORPORATE RATES - Call for information
(410) 486-2405



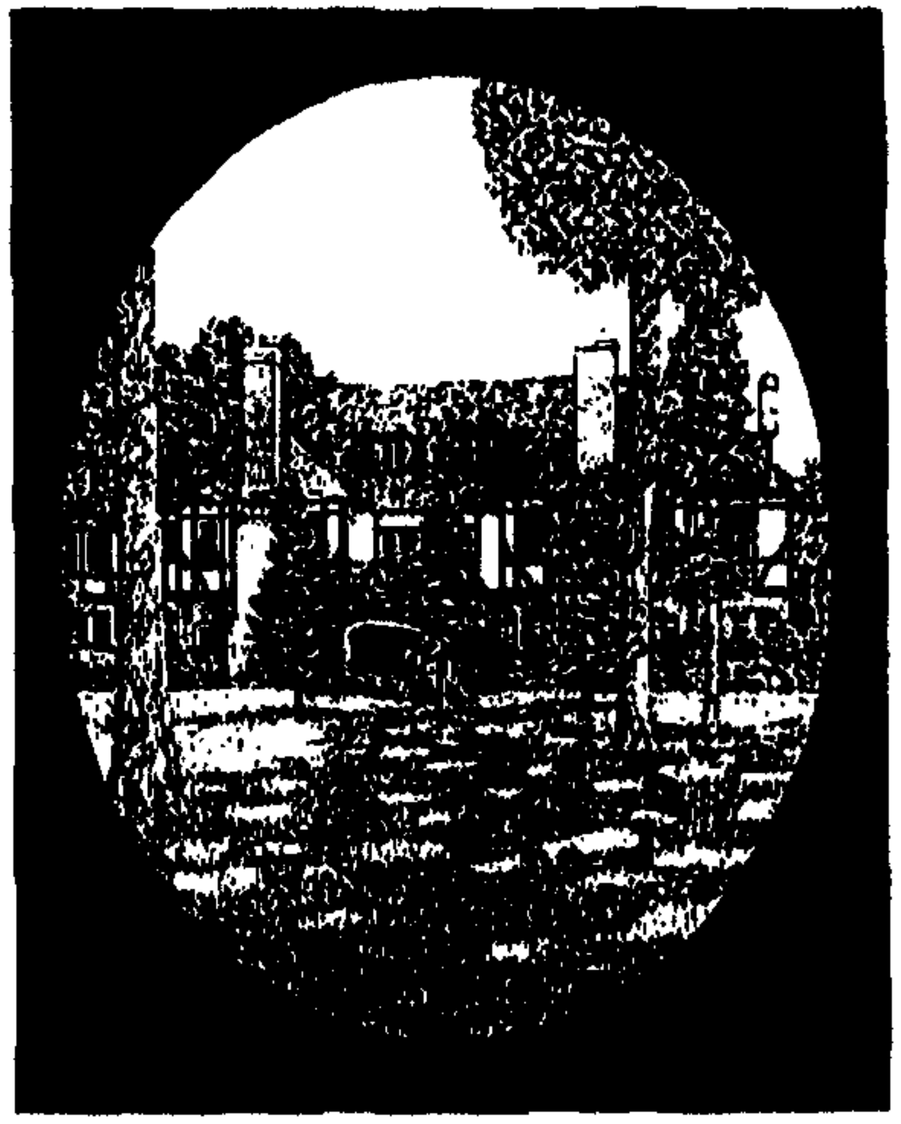
HOW TO GET THERE:

From downtown Baltimore: Take Rt 83 north (Jones Falls Expwy) to the intersection at Rt 695. Take left hand exit marked 695W, Falls Road. Take Falls Rd. to 2nd light. Left at light on to Greenspring Valley Rd. Go 1 mile, through the light at Greenspring Ave. to first driveway on right.

From points south & west: Take 695 towards Pikesville/Towson. Take Exit 22, Greenspring Ave. North to 1st light at Greenspring Valley Rd. Turn left onto Greenspring Valley to first driveway on right.

From points east & north: Take 695 west to Exit 23B (Falls Rd. North) Take Falls Rd. to 2nd light. Left at light on to Greenspring Valley Rd. Go 1 mile, through the light at Greenspring Ave. to first driveway on right.

Designed by: Ary VanSteamburg



GRAMERCY MANSION

Bed & Breakfast

1400 Greenspring Valley Road
Stevenson, MD 21153-0119
(410) 486-2405

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

October 12, 1999

NOTICE OF ASSIGNMENT

CASE #: 99-333-SPH

IN THE MATTER OF: KOINONIA PARTNERSHIP -Legal Owner; JACK LUSKIN -Petitioner /Protestant
8th Election District; 3rd Councilmanic

(7/20/99 -Decision of the Z.C. in which Petition for Special Hearing was GRANTED (Property Owners are operating in violation of BCZR; use of property as catering hall to cease and desist immediate.)

ASSIGNED FOR: TUESDAY, JANUARY 11, 2000 at 10:00 a.m. /Day #1
WEDNESDAY, JANUARY 12, 2000 at 10:00 a.m. /Day #2
and THURSDAY, JANUARY 13, 2000 at 10:00 a.m. /Day #3

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.

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

Kathleen C. Bianco
Administrator

---

cc: Counsel for Appellant /Property Owner: C. William Clark, Esquire
Appellant /Property Owner: Koinonia Partnership

Counsel for Petitioner /Protestant : J. Carroll Holzer, Esquire
Petitioner /Protestant : Jack Luskin

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

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

August 3, 1999

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21204

Dear Mr. Holzer:

RE: Case No. 99-333-SPH, 1400 Green Spring Valley Road, 8th Election District

Please be advised that an appeal of the above referenced case was filed in this office on July 29, 1999 by C. William Clark, Esquire on behalf of Koinonia Partnership. 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:scj

C: Jack Luskin, 2200 Green Spring Valley Road, Stevenson 21153
C. William Clark, Esquire, 502 Washington Ave., Suite 700, Towson 21204
Koinonia Partnership, 1400 Green Spring Valley Road, Stevenson 21153
People's Counsel

Printed with Soybean Ink
on Recycled Paper

IN RE: PETITION FOR SPECIAL HEARING

N/W Green Spring Valley Road, 930 ft. W of the C/1 of Green Spring Avenue (1400 Green Spring Valley Road)
8th Election District
3rd Councilmanic District
Koinonia Partnership
Legal Owner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE No.99-333-SPH
*

* * * * * * * * * *

APPEAL

Koinonia Partnership, Respondent and Property Owner, by C. William Clark and Nolan, Plumhoff & Williams, Chartered, its attorneys, file this Appeal to the Board of Appeals from the decision of the Zoning Commissioner of July 20, 1999, and appeal specifically:

A. The decision that the Respondents are operating a catering hall in violation of the use permit issued in Case No. 96-230-SPHA; and

B. The issuance of a Cease and Desist Order from the use of the property as described in the Opinion and Order.

Respectfully submitted,

C. William Clark
Nolan, Plumhoff & Williams, Charted
502 Washington Avenue, Suite 700
Towson, MD 21202
(410) 823-7800
Attorneys for Koinonia Partnership

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this on this 28 day of July, 1999, the foregoing Appeal was mailed, first class, postage prepaid, to the following counsel of record:

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286
Attorney for Jack Luskin, Petitioner

C. William Clark

D:\data\CWC\Clients\Koinonia Ptship\Appeal.wpd

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

PETITION OF

JACK LUSKIN OF
200 Greenspring Valley Road
Baltimore County, Maryland

PETITION FOR
JUDICIAL REVIEW OF MAJORITY
DECISION OF THE BOARD OF APPEALS
OF BALTIMORE COUNTY
400 WASHINGTON AVE
TOWSON, MARYLAND

RE: CASE NO. 99-333-SPH

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No.03-C-00-008519
*

* *

NOTICE OF WITHDRAWAL OF PETITION FOR JUDICIAL REVIEW

Petitioner Jack Luskin by and through his attorney J. Carroll Holzer and Holzer and Lee, hereby immediately withdraws his Petition for Judicial Review filed on August 21, 2000 of the Majority Opinion of the County Board of Appeals of Baltimore County regarding the decision of the Board of Appeals in Case Number 99-333-SPH rendered on August 15, 2000.

Petitioner herewith encloses a check for $25 made payable to the Clerk of the Circuit Court for all outstanding costs

Respectfully Submitted,

J. Carroll Holzer, Esquire

FILED SEP 12 2000

True Copy Test
SUZANNE MENSH, Clerk
By Judith M Gutter
Assistant Clerk

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON MARYLAND
21286

(410) 825-4511
FAX (410) 825-4923

CIRCUIT COURT
BALTIMORE COUNTY
00 NOV 17 AM 10:30

Nov-17-00 11:15A J. Carroll Holzer 410-825-4923 P.01

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this the 12th day of September, 2000, a copy of the foregoing **Notice of Withdrawal of Petition for Judicial Review** was mailed postage prepaid to C. William Clark, Esquire, Nolan, Plumhoff & Williams, Suite 700, 502 Washington Ave., Towson, MD, 21204, and County Board of Appeals, Basement Old Courthouse, 400 Washington Ave , Towson, MD 21204.

J Carroll Holzer

A:\Notices\Luskin Withdrawal Petition

NOV-17-00 11:15A J. Carroll Holzer 410-825-4923 P.02

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND ZONING VARIANCE
930 ft. W of c/l Greenspring * ZONING COMMISSIONER
Avenue
1400 Greenspring Valley Road * OF BALTIMORE COUNTY
8th Election District
3rd Councilmanic District * Case No. 96-230-SPHA
Koinonia Partnership
Petitioner *

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on both Petitions for Special Hearing and Zoning Variance for the property located at 1400 Greenspring Valley Road, within the Greenspring Valley area of northern Baltimore County. Special Hearing approval is requested to to approve a use permit for Bed and Breakfast Inn, pursuant to Section 402.D of the Baltimore County Zoning Regulations (BCZR). Variance relief is requested from Section 409.4 of the BCZR to permit parking and drive aisles with a minimum width of 14.5 ft.(+/-) in lieu of the required 22 ft.; and also from Section 409.3 of the BCZR to permit a parking space area minimum of 7-1/2 x 16 ft., in lieu of the standard 8-1/2 x 18 ft. The subject property and relief requested are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions for Special Hearing and Variance.

Appearing at the requisite public hearing held for this case were Ronald and Ann Pomykala, partners of Koinonia Partnership, property owner. Also appearing in support of the Petition was David S. Thaler, Professional Engineer and Registered Land Surveyor. Mr. Thaler is the principal of D.S. Thaler and Associates, Inc. That company prepared the site plan. Also appearing in support of the Petition was Stuart D. Kaplow, Esquire, on behalf of the Baltimore County Chamber of Commerce. The Petitioner was represented by Stephen J. Nolan, Esquire.

Date
By

EXH. #1

MICROFILMED

99-333-SPH

Appearing as interested persons were several residents of the surrounding locale. They included Thomas W. and Marianne Brundige, III, Lynne Ellis, Lucy Harvard, Steve Howard, Richard Buck and Mary Arnold. Kristen Forsyth of the Valleys Planning Council also appeared.

An examination of the site plan shows that the subject property is approximately 44.8 acres in area, split zoned R.C.2 and R.C.5. The predominant zoning is R.C.2 (42.9 acres), with a small sliver of R.C.5 (1.9 acres) along the northwest tract boundary. The subject property is improved with several buildings, the main structure being a building known as Gramercy. This structure is on the Maryland Historical Trust inventory list and is used as a Bed and Breakfast Inn. Mrs. Pomykala, who operates the bed and breakfast business with her daughters, described the premises as same is shown on the site plan. She indicated that the main house was constructed shortly after the turn of the century and that she and her husband purchased the property under the name of Koinonia Partnership in approximately 1985. She also described the bed and breakfast business which is operated on the site. She indicated that only breakfast meals are served at the Inn (no dinners) and there are no cooking facilities in the rooms. She indicated that approval is sought, pursuant to the Petition for Special Hearing, to continue operations of the bed and breakfast, pursuant to Section 402.D of the BCZR. That section specifically regulates bed and breakfast inns and requires, in part; that the owners shall reside on the premises; that the Inn building be officially designated as a historic building, or located within a historic district; and that the property must be located outside the urban-rural demarcation line-etc. It is clear that the business, in fact, complies with these requirements contained in Section 402.D.

Date

By

Mrs. Pomykala also indicated that 5 rooms presently are operational, however, plans have been made to expand the Inn to provide 12 rooms. Moreover, in accordance with Section 402.D, a maximum of 16 guests will be accommodated. All of the rooms are located within the main house.

Stuart D. Kaplow, Esquire, from the Baltimore County Chamber of Commerce, also testified. His organization considered the proposal and unanimously supports same. Mr. Kaplow indicated that the Chamber believes that this use on the subject site is beneficial to Baltimore County.

Mr. Thaler also presented testimony regarding the site plan and proposed use. He described vehicular access to the property and opined that the site is suitable for a bed and breakfast inn. He also described, in detail, the requested variances. One of the variances relates to the lengthy driveway which leads to the house and accessory structures from Greenspring Valley Road. A portion of the driveway is narrow in certain areas with a minimum width of 14-1/2 ft., in lieu of the required 22 ft. Mr. Thaler believes that granting of the variance will preserve the historic nature and character of the site. Traffic volumes are minimal within the property and he believes compliance with the strict regulation would be unduly burdensome.

The second variance relates to the parking spaces. Again, these are undersized owing to the historic use of the property. Again, Mr. Thaler opined that strict adherence to the regulations would be impractical and would cause the Petitioner practical difficulty as defined by law.

Testimony was also received from a number of Protestants. Many of these Protestants reside nearby. Their chief concern may be generally described as a fear of over-commercialization of the subject site. In this regard, a copy of the prior opinion issued by the Board of Appeals of Baltimore County in case No. 90-355-SPH was offered. That opinion was

ORDER RECEIVED FOR FILING
Date 3/29/96
By Mr. Thaler

rendered as a result of a Petition for Special Hearing before the Board in 1989. That Petition sought approval and confirmation of the lawful nonconforming residential institutional and other uses as described in the Petition. The Protestants in the instant case were concerned that any Order issued herein would rescind or reverse that Order.

After due consideration of all of the testimony and evidence presented, I am persuaded to grant the Petitions for Special Hearing and Zoning Variance. As to the Special Hearing, it is my judgment that the Petitioner complies with the provisions of Section 402.D of the BCZR. The Bed and Breakfast use, as described and regulated within that section, is an appropriate use of this site. It reflects the historic use of this site and, as limited by Section 402.D, should not cause detriment to the health, safety or general welfare of the locale.

I am also persuaded to grant the Petitions for Zoning Variance. In this regard, strict adherence to the regulations would be impractical and would not benefit the property or surrounding locale. To the contrary, the quiet and historic character of the property should be preserved and new construction to bring the site into compliance with current standards is unwise.

ORDER RECEIVED FOR FILING
Date 5/29/96
By D.T. Smith

Moreover, recognizing the Protestants' concerns, I shall restrict the relief granted by specifically adopting, to the extent applicable, the Board of Appeals' decision of August 2, 1991. That is, it is to be recognized that the decision in the instant case does not represent a reversal or override of the Board's decision. The terms and conditions of that prior Order shall remain in full force and effect, except as expressly amended hereby.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 29th day of May, 1996 that, pursuant to the Petition for Special Hearing, approval of a use permit for a Bed and Breakfast Inn, under Section 402.D, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.4 of the BCZR to permit parking in drive aisles with a minimum of 14.5 ft.(+/-) in lieu of the required 22 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.3 of the BCZR to permit a parking space minimum of 7-1/2 x 16 ft., in lieu of the standard 8-1/2 x 18 ft., be and is hereby GRANTED; subject, however, to the following restriction:

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

IT IS FURTHER ORDERED that the Board of Appeals' decision of August 2, 1991 is hereby ratified and confirmed, to the extent that same is not expressly amended herein.

APPROVED FOR FILING
Date 5/29/96
By

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

MICROFILMED

IN THE MATTER OF THE THE APPLICATION OF KOINONIA PARTNERSHIP FOR A SPECIAL HEARING ON PROPERTY LOCATED ON GREENSPRING VALLEY RD., 930' WEST FROM CENTERLINE OF GREENSPRING AVENUE (1400 GREENSPRING VALLEY ROAD) 3RD ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 90-355-SPH

* * * * * * * * *

O P I N I O N

This matter comes before the Board from an appeal of the Zoning Commissioner's Order of July 16, 1990 denying the Petition for Special Hearing to approve and confirm the lawful, nonconforming residential, institutional and other uses requested by the Petitioner. Testimony was taken over a two-day period both by live witnesses and video tape deposition.

Mr. Eugene Raphel, a registered professional land surveyor, testified as an expert on behalf of the Koinonia Partnership. He advised the Board that the site consisted of approximately 45 acres located in the Greenspring Valley having a zoning designation of R.C. 2. Mr. Raphel reviewed the early blueprints and tracings for the subject site and indicated that these documents date back to 1955. Those tracings and site plans indicate at least eight individual buildings to exist on the site and named those buildings. Testimony throughout the hearing referred to those buildings by name and were further portrayed in Petitioner's Exhibit No. 9, a photographic layout of the site. The video tape deposition viewed by the Board of Marion Carnes further enlightened this Board as to these buildings and as to their history. Ms. Carnes, an 82-year-old resident of the Presbyterian Home and still active Koinonian, first arrived at the subject property in 1954 for

99-333-SPH Exh. #2 MICROFILMED

a brief visit. At that time she was a nurse employed in New York State who had been introduced to the Koinonia Foundation by a friend. She described the property usage in 1954 as that of a learning facility with religious values. She indicated that individuals and families were trained at the facility, living on the property while training before being sent overseas on their mission. She returned to the property in 1958 at age 49. During her stays on the property, she testified that at least 40 to 50 people constantly were living on the property. Ms. Carnes was a resident of the property until 1988, except for the few years she was on her mission in Laos. Using the Petitioner's Exhibit No. 9, Ms. Carnes in her deposition described the various buildings located on the site and gave their history.

Photograph A on the exhibit, a structure called the Hope Chest, has been, since her memory serves, a building which contained two apartment living units.

She further described Photograph B, California House, as another dwelling unit which contained two apartment living units.

Photograph C, Silver Lining, was also described as a two-apartment unit structure.

Photograph D, Chicken Coop, later called Acorn, was converted into a residence at a date uncertain; however, probably in the early 1960's.

Photographs E and F in Exhibit No. 9 depict the main building on the property known as Gramercy. This Building was originally constructed in approximately 1906 and has been the main residence house on the property.

Photograph G depicts the remains of what had been the Garden

House, which Ms. Carnes described as housing at least 14 people during 1955. However, that building was destroyed in the early 1980's and has not been rebuilt.

Photographs H and I of Exhibit No. 9 have never been occupied.

Photograph J depicts the building known as Literacy, and it was dedicated in 1958. The building came into use as a teaching building and later evolved into residential use. The building contains at least three apartments.

Photograph L is known as the Memorial Building and was specifically built for students and families to live in. The structure contains eight apartment units. It should be noted that Ms. Carnes advised that not only the student lived in this building but the family of the student along with their children resided there.

Building K on the exhibit is a trailer used by the worker who is employed for the farming activity of the subject site.

Ms. Carnes' records and memory and her position as the Sustainer gave great insight into the history of this unusual property.

Building M was originally a stable converted by Koinonia into meeting rooms, residences and other uses. The exhibits in Ms. Carnes' deposition indicated that the Literacy House construction and the eight-unit family apartments contained therein began prior to September 1959.

Further insight into the history of this property was supplied by Ms. Lane Berk, a resident of Greenspring Valley for at least 45 years. Ms. Berk told the Board that she has always been active in the community affairs of Greenspring Valley, and her memory dates

to at least 1952, recalling a number of residences at Koinonia, and buildings used as both residences and other multi purposes. She further recalls, although without a specific timeframe, that people lived on the site and worked off the site. She recalls the sale of the property in 1985 and feels that this property has been improved under its new ownership. She is further aware that educational workshops and conferences continue on the property. She feels that the property as it exists does not present a detriment to the surrounding area.

The Board next heard from Ann Marie Pomykala, who along with her husband, Dr. Ronald Pomykala, purchased the property at auction in 1985 from the Koinonia Foundation. When the property was purchased, it was in a run-down condition and their aim was to restore the property. The premises contained a print shop owned by outside ownership and a garage also owned by a non-resident. After the purchase of the property, the print shop and garage were removed from the premises. Also, at the time of the purchase of the property, tenants existed on the property and paid rent. A detailed description of the restoration of the property was given to the Board, as well as photographic evidence of the effort which has gone into the refurbishing of this property. Mrs. Pomykala indicated that some of the buildings are covered by the Maryland Historical Trust, and that the property now contains a mushroom and herb garden, and the workers for that garden live on the property.

Although the exclusive use for this property is not a private school, this site is rented out to private groups for seminars and other educational purposes throughout the year. Lynn Woodland indicated that she rents space on the property and has been doing

so for many years.

Christine Ritz, a resident in the Acorn House, told the Board she has lived on the property since 1975, and had worked elsewhere during that time period until she came to work for the herb garden function of the property in June 1990.

Dr. Pomykala told the Board that the only building which has been done on the property has been restoration and no new dwelling units have been placed upon the property. He said the use of the property has not intensified since his purchase.

Norman Gerber, an expert planner, told the Board he believed that this property contained two uses which date back to at least 1955. These uses are both residential and educational, and he feels that the current use of the property continues in that vein as both residential and educational. The special permit granted in the early 1950's for a private school has not expired and contains no expiration date. Exhibits produced by Petitioners indicate that from at least 1948 through 1951 portions of the property were rented to individuals by the previous owner, and that those rental uses continued through at least 1954. During the exclusive use of the Koinonia Foundation, the training center on the property continued to operate with multiple functions as a school, residence, and agricultural-type of establishment.

Mr. Jack Dillon, Senior Planner in the Office of Planning & Zoning for Baltimore County, differed from Mr. Gerber's previously stated opinion that the uses of the property are both residential and educational. Mr. Dillon believes the school permitted by special permit is the predominant use for that property and should that use not be in existence, then the R.C. 2 zoning regulations

will apply, and the use for multi-family dwellings must be pursued by special exception.

Jeffrey Long, of the Office of Planning & Zoning, also told the Board that when the school use on the site ceases the ability to have apartments on that property ceases also.

Daniel Twomey, a former member of the Koinonia Board and counsel to the corporation from 1975 to 1985, told the Board about the history of the Koinonia Foundation and as to how the property was operated during his affiliation with the Foundation. In reviewing Petitioner's Exhibit No. 9, Mr. Twomey indicated that the Acorn House, Photograph D, had not been living space prior to 1976, but was converted to living space in that year; further, that Photograph G, Garden House, had been instructional and then living area but as mentioned before, was removed due to natural causes. Mr. Twomey indicated that the Koinonia Board had discussed the possibility of renting units to tenants who were not affiliated with Koinonia. However, that Board rejected the idea since they were concerned with their tax-exempt status and the possibility of a conflict with any zoning regulation. Mr. Twomey did indicate that Koinonia did use the facilities to raise funds and these funds were derived from the sale of gifts, farm produce, and herbs, and the renting of the property to outside groups for educational and/or social purposes, and that these activities continued until the sale of the property. He described Marion Carnes, who testimony was outlined above, as a "grand lady."

Margaret Worrell, Executive Director of the Valleys Planning Council, submitted a letter indicating that the Valleys Planning Council was against the request of the Petitioners and asked that

the special hearing be denied.

People's Counsel presented a number of exhibits indicating the Baltimore County Zoning Regulations from 1945, 1955, 1969, and 1974. Also given to the Board were a number of newspaper articles regarding the Koinonia Foundation. These articles reflect that this property was used for brief training periods for those who participated in the Koinonia experience. However, as time changed, so did the Koinonia experience, and the property evolved from a site which was exclusive to those of the Koinonia following to one which became more open to the public in general. The Board is convinced that during the 1950's, 1960's, 1970's and 1980's, persons who were not affiliated 100 percent with the Koinonia Foundation resided on the property and paid rent to the Foundation. This belief is further bolstered by a March 1978 newspaper article indicating that some of the residents at Koinonia worked there while some worked elsewhere at regular jobs, and some went to school. Residents were described as people going through an adjustment due to divorce or realignment of professional goals or who wanted to be in a place where such reassessments were accepted and suppo_ted. This article further indicated that payment for these courses and the ability to become a resident for either a short term or up to one year ranged from $15.00 up to $220.00 per month.

A private school as defined by Black's Law Dictionary is one maintained by private individuals, groups, religious organizations, or corporations not at public expense, and open only to pupils selected and admitted by the proprietors or governors, or to pupils of a certain religion or possessing certain qualifications, and

generally supported, at least partly, by tuition fees or charges. A school is an institution or place for instruction or education. Clearly, this property continues in this Board's belief to function as an educational site, therefore falling within the definition of a school. The use of this property has changed little since the early 1950's. Although the Koinonia Foundation has faded from this property as owners, its spirit and legacy continue to inhabit this unusual property. The character of this property has not changed in over 40 years. No business that is conducted on this property can been seen or heard by its neighbors, nor do the comings and goings of the inhabitants affect the neighborhood. The Board finds as a matter of fact that multi-residential uses existed on this property during the 1970's, during the 1960's, and during the 1950's, and that these uses continued up to and through the 1980's and still continue to date, and that these uses are nonconforming uses which exist as a matter of right in the R.C. 2 zone as currently described in the Baltimore County Zoning Regulations. This property has been well-known to the neighborhood, and its general usage has continued throughout the last 45 years. A change in ownership does not destroy a nonconforming use. The use transferred to the succeeding owner will continue so long as the nature and character of that use is unchanged and substantially the same facilities are used. The Board finds that the nature and character of this property remains essentially unchanged, and the exact facilities are still being used. The Board finds substantial evidence on the record to support these findings. Accordingly, the Board will order as follows.

O R D E R

IT IS THEREFORE this 2 day of August, 1991 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Special Hearing to approve and confirm the lawful and nonconforming residential, institutional and other uses as shown on Petitioner's Exhibit No. 1 and the continuation of the approved special exception use for educational purposes be and is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett

William T. Hackett, Chairman

C. William Clark

C. William Clark

Arnold G. Foreman

Arnold G. Foreman

Section 402C
Residential Art Salons
[Bill Nos. 32-1978; 31-1984]

402C.1 A residential art salon may be allowed, by special exception, in an R.C.2, R.C.5, D.R.1 or D.R.2 Zone only outside the urban-rural demarcation line and only on a lot no smaller than one acre; in a D.R.16 Zone, a residential art salon is allowable only in a building originally constructed as a one-family dwelling that is situated in a historic district so designated by the National Register of Historic Places or the final landmarks list of the Baltimore County Landmarks Preservation Commission or on a lot with frontage on a Class I or Class II commercial motorway.

402C.2 No display or storage of merchandise shall be visible from any public street.

402C.3 Signs are permitted, subject to Section 450. **[Bill No. 89-1997]**

402C.4 Off-street parking spaces shall be provided in accordance with Section 409, except that, irrespective of any conflicting provisions of Section 409, off-street parking shall be provided for at least 10 cars in an R.C.2, R.C.5, D.R.1 or D.R.2 Zone and for at least 5 cars in a D.R.3.5 or D.R.5.5 Zone, and none need be provided in a D.R.16 Zone. All off-street parking spaces shall be screened in accordance with the Baltimore County Landscape Manual standards and criteria for commercial, office and industrial development.

402C.5 Hours of operation shall be not earlier than 10:00 a.m. and not later than 10:00 p.m. daily, or such shorter hours as the Zoning Commissioner may prescribe.

Section 402D
Conversion of Dwellings to Bed-and-Breakfast Home
or Bed-and-Breakfast in D.R. or R.C. Zones
[Bill No. 113-1988]

Upon application, the Zoning Commissioner may issue a use permit (under Section 500.4) for the use of land, subject to the following conditions:

402D.1 The converted dwelling shall be located on a lot that will meet all of the dimensional requirements for its size and zone as indicated in the following table:

Exh. #3
99-333-SPH

Zone	Width of Lot in Feet at Front Building Line		Lot Area in Square Feet		Side Yards in Feet	
	1 - 3 Rooms	Each Additional Room	1 - 3 Rooms	Each Additional Room	Minimum/ Side	Sum of Both
All R.C.'s or D.R.1	175	25	50,000	10,000	Int. 25 Cor. 50	Int. 60 Cor. 75
D.R.2	125	25	25,000	7,500	Int. 20 Cor. 35	Int. 50 Cor. 60
D.R.3.5	90	15	12,500	4,000	Int. 20 Cor. 30	Int. 40 Cor. 50
D.R.5.5	80	15	10,000	3,000	Int. 15 Cor. 25	Int. 35 Cor. 40
D.R.10 or D.R.16	70	10	Int. 8,050 Cor. 9,200	2,500	Int. 15 Cor. 25	Int. 30 Cor. 40

GRAMERCY
BED & BREAKFAST

1400 Greenspring Valley Road
Stevenson, MD 21153-0119
410-486-2405

1999 RATE SCHEDULE FOR WEDDINGS & PARTIES

GRAMERCY MANSION

	Prime	Mid-week
Basic Rental (As described below)	$2,200	$1100
Additional ½ hour	100	100
Additional hours	200	100
Fireplaces beyond 2 in season, each	30	30

Basic Rental: *Use of five public rooms, porches, gardens and ceremony sites of Gramercy B&B; shared use of the kitchen for approved caterer. Baby grand piano in living room may be played. Hours of rental include 4 hours for reception, 2 hours for caterer set-up and 1 hour for caterer clean-up.*

Prime Time: Fridays, Saturdays, Sundays, holidays and month of December.

Hours: Mondays-Fridays: 12 noon to 11p.m.
Saturdays (with noted exceptions): 2 to 11 p.m.
Sundays: 3 p.m. to 11 p.m.

Exceptions: Two weddings are held on Saturdays during the months of April, May, June, September, October and December. The following P.M. slots are available : 12-4, 1-5, 6-10, 7-11. The time slots are a guide line and can be adjusted in certain cases.

Caterer: Approved caterer only. See list below.
Note: When two weddings are held on Saturdays the same caterer must be used by both parties. Choice of caterer goes to the first scheduled lessee. Choice of caterer must be made within 8 weeks or within one month of notification of second event; if not, caterer of choice goes to first person notifying us of their decision of caterer.

Capacity: 150 people

Reservations: Date(s) for Gramercy Mansion will only be held by a $500 deposit, balance due one month prior to event. If canceled more than six months in advance there will be a $400 refund. If canceled between three and six months there will be a $50 refund. Three months and under, no refund.

Available For Use: Large dining room table (47" x 144") with 10 matching wood chairs and two high-back chairs.Ten Round Tables, 4-60" rounds, 4-54" rounds, 1-47" round, 1-42" round, 48" wrought iron table/6 chairs on side terrace, 60 white wooden chairs.

Gramercy Mansion and the Carriage House at Koinonia are shown *by appointment only*, Monday through Friday, between the hours of 10 a.m. and 6 p.m. Please call ahead to schedule a visit and get directions.

The CARRIAGE HOUSE at KOINONIA

For Weddings & Parties: $550.00

Use of Batik, Carriage, Conference Rooms & Courtyard, plus shared use of kitchen for your approved caterer; 5 hours for reception, 2 hours for caterer setup and 1 hour for clean-up.

Hours: Mondays-Fridays: 12 noon to 11p.m.
Saturdays: 2 p.m. to 11 p.m.
Sundays: 3 p.m. to 11 p.m.

Capacity: 150 people

Available for use: Podium, 8 - 8' tables, 40 mauve chairs, 16 green cloth chairs, coin operated phone.

****

Available to Rent:

110 White wooden chairs @ $2.00 each
200 White cloth napkins @ $.75 each
10 60 inch round tables @5.50 per table
6 Green tablecoths for 60" round tables @ $5.00 each
6 8 foot buffet tables @ $5.00 per table
20 White damask tablecloths for round tables @ $10.00 each
20 Cream sardina tablecloths @ $20.00 each (60" rounds)
1 Cream colored buffet cloth, draped & pleated to floor @ $35.00

Approved Caterers List & Contact Persons:

1. The Brass Elephant — Tammy (410) 547-8480
2. Classic Caterering — Alan Pressman, (410) 356-1666
3. Cuisine Caterering — Nick Sheridan (410) 281-1124
4. Mt. Vernon Caterers — Mary Ann Gray (410) 323-1995
5. Olie Richards Catering — Olie Richards (410) 243-6553
6. Peerce's Gourmet — Drew Sinnott (410) 561-2233
7. Putting on the Ritz — Bobby Mitchell 1-800-213-7427
8. Sacha's Caterering — Sacha Wolhandler (410) 539-6103
9. Simply Elegant Catering — Rob Skudrna (410) 363-3466
10. Truffles at the Belvedere — Jean Biscoe 1-800-432-7166
11. Wickey's — Paul Koontz 1-800-Wickey-1
12. Zeffert & Gold — Aaron Gold (410) 944-4481

Exh. #4

GRAMERCY MANSION

GRACIOUS ACCOMMODATIONS IN TURN OF THE CENTURY STYLE

Located 5 Minutes North of Rt. 695
in Greenspring Valley



Whether seeking a romantic retreat, a peaceful weekend getaway from today's busy lifestyle, or an elegant setting for a wedding or other milestone event, Gramercy Mansion offers exceptional hospitality with an Old World flavor. Set amid 45 acres of woods and meadowland, this 1902 Tudor style mansion welcomes you. Choose a room to suit your mood and prepare to indulge yourself with sumptuous gourmet breakfasts, swimming, tennis, long walks through woods and organic gardens, and quiet evenings spent by a glowing fire, or savoring intimate summer twilights on the terrace.

"The hospitality, atmosphere, food, etc., were top-notch."
Official Guide to American Historic Inns

"Like a surprise party at the end of a long and forested road...there are things to look at everywhere."
The Washington Post

"For a sense of bucolic well being nothing beats breakfast under the awning on the brick patio at Gramercy."
Mid Atlantic Country Magazine

"The service was great, the rooms and estate grounds beautiful and the breakfast superb! The best ever!"
AAA Member

"This place is amazing! I don't think you have to leave the grounds to enjoy Baltimore!"
Lisa & Chris K., N.Y.C.

"Coming back to Gramercy is truly delightful—a place full of charm...it captures your heart."
John & Melissa S., Baltimore, MD



Gramercy in the Spring

GRAMERCY, a majestic, Tudor style mansion and estate situated on 45 acres in Maryland's lovely Green Spring Valley, provides elegant living in the style of the early 1900s. Guests can enjoy a choice of fireplaces, jacuzzi baths and comfortable suites in bedrooms charmingly decorated with antiques. After a sumptuous gourmet breakfast by the dining room inglenook or out on the terrace, guests may wish to linger on the expansive porches overlooking Green Spring Valley. Or they may take advantage of the olympic size pool and tennis court, stroll along extensive woodland trails, by Honeybrook stream, through the orchard, flower and herb gardens, or visit the organic farm.

GRAMERCY Bed & Breakfast is located just 20 minutes from downtown Baltimore and the Inner Harbor. Fine restaurants, museums & historic sites, theatres, colleges & universities, shopping and all the cosmopolitan attractions of Baltimore are only minutes away. Its serene country ambience, tucked away in delightful seclusion in Greenspring Valley is all the more treasured for its easy convenience to these amenities.



BURWELL & BURWELL



COUNTRY FOLK ART MAGAZINE

In addition to five spacious main floor rooms with fireplaces, furnished with antiques, oriental carpets and artwork, the mansion offers high ceilings, a stunning grand staircase with 20' "picture" landing and magnificent chandelier, and a 17' x 53' terrace which is enclosed and heated in the wintertime.

Built in 1902 by Alexander J. Cassatt, owner of the Pennsylvania Railroad and brother of the American Impressionist painter, Mary Cassatt, Gramercy Mansion was presented as a wedding gift to his daughter, Eliza. Later owners included the prominent Senator Brewster family, descendants of Benjamin Franklin. In the 1950s the estate became home to the Koinonia Foundation, a predecessor of the Peace Corps, before being bought and restored by the Pomykalas.



COUNTRY FOLK ART MAGAZINE

GRAMERCY MANSION and the Carriage House at Koinonia are also available for weddings, meetings, seminars and parties. Inside and out, the main house is an unforgettable setting for weddings & other events, with its lovely, extensive, landscaped lawns and flower gardens.



PAUL JORDAN

The property offers a quiet and contemplative atmosphere perfect for seminars and executive retreats. Guests and seminar participants can refresh themselves with a stroll through the peaceful surroundings of open woods and meadows. They may also visit the working, certified organic, Koinonia Farm, which has been farmed organically since 1950, and continues to be conscientiously maintained in this tradition.



THE CARRIAGE HOUSE AT KOINONIA

Across the center circle from Gramercy Mansion, the Carriage House includes three large, ground floor rooms with French doors opening into a central courtyard, and has separate kitchen facilities. The Carriage Room, with its especially beautiful sunset views, has a hardwood floor, large, sunny windows and crystal chandeliers; it is 36' x 31'. The adjacent Conference Room is 16' x 22.5'. Additional space is available in the adjoining, carpeted Batik Room, 33' x 18'. All three may be rented with the courtyard and shared use of the kitchen.

A SAMPLING OF OUR BED & BREAKFAST ROOMS

* All rooms include TV, fresh flowers, robes, coffee, tea, soda and a full gourmet breakfast, as well as use of the pool, tennis court, trails, etc. All rooms are nonsmoking.

APHRODITE'S RETREAT: This intimate, sun filled room has a panoramic view of the valley. It is decorated in shades of white and mauve, with oriental carpets and French antiques, and boasts a modern shower with full body sprays.

AUNT MARY'S SUITE: Decorated in the Decorator's Show House, this Victorian hideaway includes a kingsize bed with ceiling canopy, sitting area with fireplace, and an old fashioned clawfoot tub with shower to luxuriate in.

HUNT ROOM: This elegant Gentleman's boudoir is reminiscent of Baltimore's historic past. The kingsize poster bed, handsome woodwork, period hunting prints and marble bath with its double jacuzzi make this an outstanding refuge from the workday world.

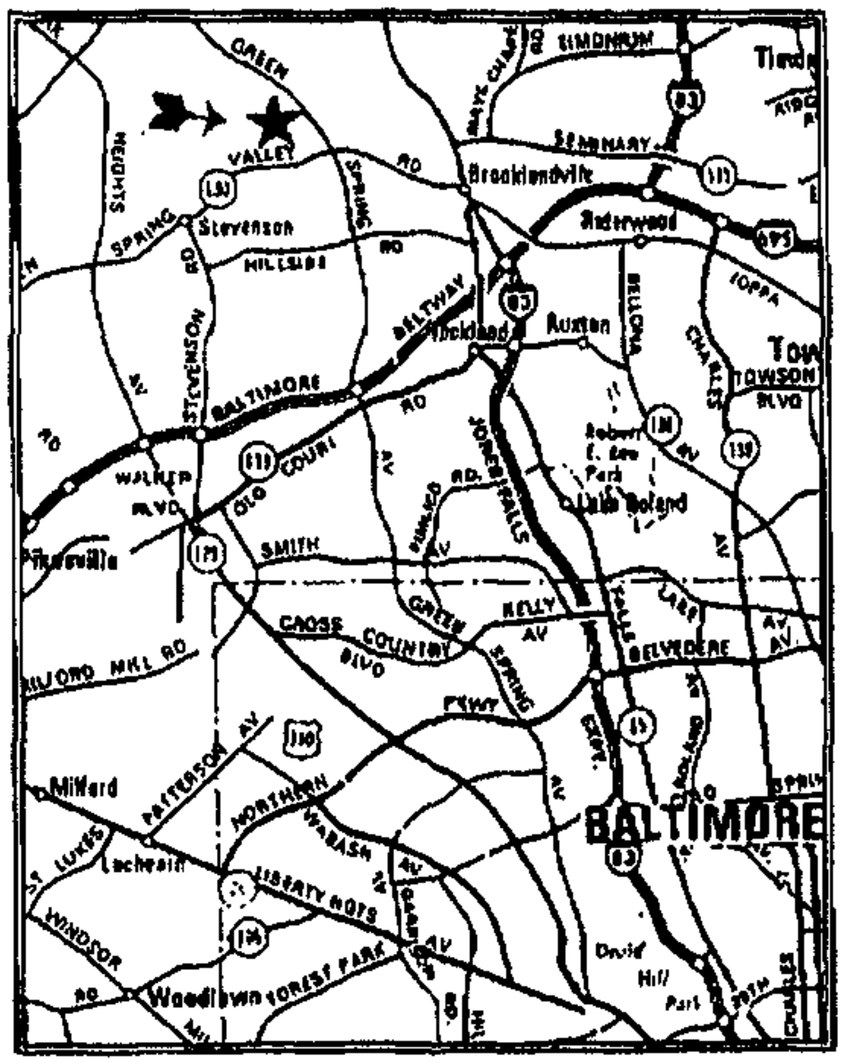
AMBASSADOR'S ROOM: A romantic tribute to the days of 19th century Eastern Empire, this guest room with its intricate blue and gold wallpaper, exquisite draperies and furnishings features a kingsize bed warmed by a fireplace in front, and a whirlpool bath with elegant statuary shower.

BLUE GARDEN SUITE: Wake up to song birds and sun in this beautiful three room & bath suite decorated with antique Louis XIV furniture. The sitting room in this private retreat comes with a fireplace and extra beds. The bright, airy sunporch overlooking the pool and garden is perfect for relaxing. with its game table, VCR and sofa for lounging.

~ Above Rooms Double Occupancy~

BACK HALL ROOMS: Nicely furnished small rooms with single bed and shared hall bath are also available.

EXTRA Adult - $25 or Child - $10
CORPORATE RATES - Call for information
(410) 486-2405



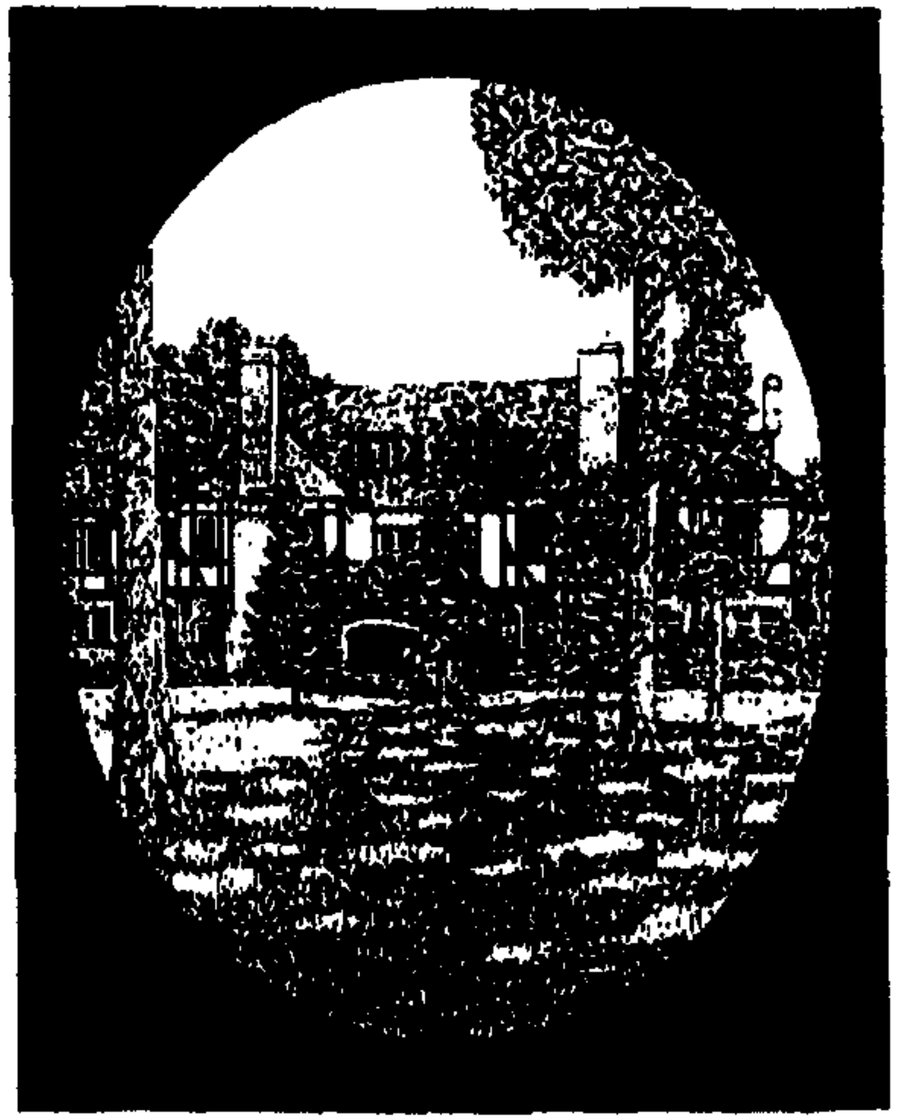
HOW TO GET THERE:

From downtown Baltimore: Take Rt 83 north (Jones Falls Expwy) to the intersection at Rt 695. Take left hand exit marked 695W, Falls Road. Take Falls Rd. to 2nd light. Left at light on to Greenspring Valley Rd. Go 1 mile, through the light at Greenspring Ave. to first driveway on right.

From points south & west: Take 695 towards Pikesville/Towson. Take Exit 22, Greenspring Ave. North to 1st light at Greenspring Valley Rd. Turn left onto Greenspring Valley to first driveway on right.

From points east & north: Take 695 west to Exit 23B (Falls Rd. North) Take Falls Rd. to 2nd light. Left at light on to Greenspring Valley Rd. Go 1 mile, through the light at Greenspring Ave. to first driveway on right.

Designed by: Ary VanSteamburg



GRAMERCY MANSION

Bed & Breakfast

1400 Greenspring Valley Road
Stevenson, MD 21153-0119
(410) 486-2405

PROPERTY DESCRIPTION SUBMITTED BY

PETITIONER JACK LUSKIN

AS PREVIOUSLY SUBMITTED FOR THE SAME

PROPERTY IN CASE NO. 90-355-SPH

PETITION OR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

90-139-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, THE KOINONIA FOUNDATION legal owner 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone; for the following reasons:

PETITIONER'S EXHIBIT 4A

90-355SPH

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for A Nursery School

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

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

ORDER RECEIVED FOR FILING
DATE March 3 1990
BY Jack Dillon
ADMINISTRATIVE ASSISTANT

Dorothy V. Grimm
Executive Director

Contract purchaser

Legal Owner

Address _____

Address 1400 Greenspring Valley Rd
Stevenson Md 21153
(Item 60)

Petitioner's Attorney

Protestant's Attorney

Address _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 197 __, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

IN RE: PETITION FOR SPECIAL HEARING
N/S Green Spring Valley Road, 930' W of
The c/l Green Spring Avenue
(1400 Green Spring Valley Road)
8th Election District
3rd Councilmanic District

Koinonia Partnership
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-333-SPH
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing for property located at 1400 Green Spring Valley Road, in the Green Spring Valley area of northern Baltimore County. The property is owned by the Koinonia Partnership, which took its name from the Koinonia Foundation, a previous property owner. However, it is not the property owner who has filed the instant Petition; rather, the Petition was filed by Jack Luskin, a neighbor who owns property at 2200 Green Spring Valley Road. Pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), Mr. Luskin requests that this Zoning Commissioner make a finding that the Respondents, Ronald and Ann Maria Pomykala (Principals of the Koinonia Partnership), are operating a catering hall in violation of the use permit issued in prior Case No. 96-230-SPHA and in violation of the B.C.Z.R.

The matter came in for public hearing before this Zoning Commissioner on May 10, 1999. At that time, Mr. Luskin appeared through his attorney, J. Carroll Holzer, Esquire. C. William Clark, Esquire, appeared as the legal representative of the Koinonia Partnership. There were no other interested persons present.

Interestingly, there was no live testimony presented nor any witnesses called. Instead, a series of documents were introduced as evidence in this case. Subsequent to the hearing, the parties submitted memoranda, and also completed the record of the case by filing the full transcript of the hearing involving the subject property in Case No. 90-355-SPH before the County Board of

Pet. Exhibit #9

Appeals. This Zoning Commissioner has reviewed the written memoranda of Counsel, and painstakingly read the entire transcript of the testimony and evidence offered to the County Board of Appeals in the above-referenced case. Also reviewed was the prior Order issued by me in another case involving the subject property (Case No. 96-230-SPHA), the relevant site plans (one filed in 1947 and another in Case No. 96-230-SPHA), and the other documents which constitute the overall record of this case. That examination results in the following findings and conclusions.

The subject property is approximately 44.8 acres in area, split zoned R.C.2 and R.C.5. The predominant zoning is R.C.2 (42.9 acres), with a small sliver of R.C.5 (1.9 acres) along the northwest tract boundary. The subject property is improved with a number of buildings, the main structure being the building known as Gramercy. That building is on the Maryland Historic Trust inventory and was apparently constructed around the turn of the century. Many of the other buildings on the property are also quite old. Each of these structures, which are accessory to the main building, have been labeled on the site plans previously submitted and are designated with somewhat unique names (e.g., Hope Chest, Honeybrook, Acorn, Quonset Hut, etc.).

The property was originally owned by the Koinonia Foundation and was utilized by that entity for many years. The business/purpose of the Koinonia Foundation was certainly unique and is difficult to characterize. As stated by the County Board of Appeals in their description of the property, the site was used as a "learning facility with religious values". Individuals and families came to the property and lived thereon while they received training for missionary work. The training was not only practical in nature (i.e., literacy), but also featured a strong religious component.

The Koinonia Foundation eventually disappeared from an active role on the property and the site fell into a state of disrepair. Ultimately, Dr. and Mrs. Pomykala, as the Koinonia Partnership, acquired the site through an auction in 1985. When the property was purchased, it was run down and the Pomykalas were determined to rehabilitate it. Indeed, a significant restoration of the site and buildings thereon has occurred. Dr. & Mrs. Pomykala are to be applauded for their efforts, in that the property has been restored to much of its prior luster.

The zoning history of the property is also significant. Originally, a special permit was granted for a school on the property in 1950. That permit was issued pursuant to an early version of the B.C.Z.R., which was adopted in 1945. The special permit granted is akin to a special exception, as defined in Section 502 of the present regulations. The permit allowed a school on the subject site. Indeed, the Koinonia Foundation as it existed at that time was a place of training and learning.

The next chapter of the zoning history of this site occurred by the filing of a Petition for Special Hearing in Case No. 90-355-SPH. In that case, the Koinonia Partnership requested a special hearing to approve and confirm the lawful, nonconforming residential, institutional, and other uses on the property as described in the Petition. The then Zoning Commissioner denied the Petition for Special Hearing; however, the matter was appealed to the County Board of Appeals. By Order dated August 2, 1991, the Board granted the Petition to approve and confirm a lawful and nonconforming residential, institutional and other uses on the property, as shown on Petitioner's Exhibit 1, and a continuation of the approved special exception use for educational purposes. Although appealed, the Board's Order was affirmed and remains in effect today.

The third and most recent chapter in the property's zoning history relates to a Petition which came before me in Case No. 96-230-SPHA. In that matter, special hearing relief was requested to approve a use permit for a bed and breakfast, pursuant to Section 402.B of the B.C.Z.R. Variance relief was also requested to permit parking spaces and drive aisle widths to be narrower than allowed, and to permit the area of a parking space to be smaller than required. Those Petitions were granted by my Order dated May 29, 1996. Moreover, I further ratified and confirmed the Board's prior Order of August 2, 1991 in Case No. 90-355-SPH to the extent that same was not expressly amended by my Opinion and Order.

Mr. Luskin now comes before me seeking relief pursuant to the instant Petition. Apparently, he believes that the activities occurring on the subject property go beyond the residential/institutional/educational uses permitted by the Board of Appeals in prior Case No. 90-355-SPH, and the bed and breakfast allowed by my Order in Case No. 96-230-SPHA. Although

no live testimony was offered, Mr. Luskin submitted a brochure published by the Koinonia Partnership. That brochure indicates that the property and facilities thereon are available for lease for wedding receptions and similar social/catering activities. Mr. Luskin avers that this use is not permitted under the B.C.Z.R. and prior Orders.

The threshold issue raised in this matter relates to Mr. Luskin's standing to bring the Petition. The property owners/respondents argue that Mr. Luskin lacks the standing to file the Petition and that same must therefore be dismissed. Mr. Luskin obviously argues to the contrary, and cites the authority set out in Section 500.7 of the B.C.Z.R. Indeed, that Section confers wide authority on the Zoning Commissioner to consider all Petitions filed with his office. That Section reads, in part, "The said Zoning Commissioner shall have the power to conduct such other hearings and pass such Orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing, after advertisement and notice, to determine the existence of any purported nonconforming use on any premises, or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations." (emphasis added) The first sentence of the quoted Section confers broad authority on the Zoning Commissioner to conduct hearings and pass Orders as may be deemed necessary or appropriate in his discretion. The second sentence further defines, but does not limit, the right of an interested person to Petition for a nonconforming use, or to determine any rights whatsoever arising from the use of a property. This Zoning Commissioner has frequently held that this Section confers wide authority and latitude to permit any person to file a Petition for Special Hearing seeking an interpretation of the zoning regulations as they relate to a given property. This concept of wide discretion has been upheld by the County Board of Appeals, the Circuit Court for Baltimore County, and Appellate Courts.

In their memorandum, the Respondents cited several Appellate cases which discuss the standing of individuals in the administrative hearing process. Although these cases were cited by

the Respondents, my reading of those opinions is supportive of Mr. Luskin's position that he has the authority to file the instant Petition. In Sugarloaf v. Department of Environment, 344 Md. 271 (1996), the Court noted the distinction between a party who appears in an administrative hearing, and the standing required of a party who attempts to bring an action for judicial review. The Court noted that there is a relatively lenient standard for a person to properly appear at an agency hearing and that the requirements for administrative standing are not very strict. (Page 286) Citing a variety of prior decisions from Maryland's Courts of Appeal, the Sugarloaf Court noted that any number of acts (e.g., submitting his/her name in writing as a Protestant, testifying at a hearing, submitting into evidence a letter of protest, identifying one's self on the record, etc.) were all sufficient to constitute administrative standing. (Page 286) In Maryland National Capital Park & Planning Commission vs. Smith, 333 Md. 3 (1993), the Court noted that "...the threshold for establishing one's self before an administrative agency is indeed low." (Page 10) The Court went on to hold that personal appearance and testifying at the hearing are not required.

In this case, it is undisputed that Mr. Luskin owns land near the subject property. Clearly, the use of the Koinonia property could result in an adverse impact on Mr. Luskin's property. Moreover, he appeared, through Counsel at the hearing and participated therein. In my judgment, these factors result in the unmistakable conclusion that Mr. Luskin has proper standing to participate in this matter and file the instant Petition for Special Hearing.

A second issue relates to the impact of both my prior decision and the Board of Appeals' decision in Case No. 90-355-SPH. Apparently, it is alleged that the decision in those cases has resolved the issues identified in the instant case and that the proper Petition is barred by res judicata/estoppel by judgment.

The doctrine of res judicata is well known. Essentially, that doctrine holds that a former adjudication on the merits is a bar to subsequent action between the same parties or their privies on the same claim or demand. See Board of County Commissioners v. Racine, 24 Md. App. 435 (1975). Moreover, although used sparingly, res judicata/collateral estoppel can be applied to administrative proceedings. See Racine, in fra. (Page 447)

It is easily found that the subject matter came before me in 1996 in Case No. 96-230-SPHA and the decision rendered therein does not bar the instant case. That case dealt with an entirely different subject matter (bed and breakfast) and Mr. Luskin was not a party thereto. Following a painstaking review of the record of the Board of Appeals in Case No. 90-355-SPH, I reach the same result regarding the Board's Order in that matter. The hearing before the Board of Appeals in that case consumed two full days and produced a number of witnesses. The witnesses included Gene Raphel (Surveyor), Mrs. Lane Berk (neighbor), Dr. Ronald Pomykala and his wife, Anne Marie Pomykala (Owners/Petitioners), Christine Ritz (Tenant), Lynn Woodland (Lessee), Norman Gerber (expert witness), Jack Dillon (Planner with the Baltimore County Office of Planning), Margaret Worrell (Valleys Planning Council), Jeffrey Long (Office of Planning and Zoning), Daniel Toomey (Attorney), and, through deposition, Marion Carnes (a long-time resident of Koinonia and the unofficial historian of same).

The case before the Board of Appeals was to determine the ability of the Koinonia Partnership to continue to lease (for residential purposes), many of the buildings on the property. Thus, the testimony and evidence presented in that case was as to the historic use of the site in terms of residential, institutional and educational purposes. The overwhelming weight of the testimony and evidence offered, was that the property had been used as a spiritual/educational haven. There was minimal evidence of any commercial activity on the site, but for a print shop and a small automobile repair business. Mr. Raphel, the Surveyor, described the property as follows: "It is improved with a main building and various just structures, many structures on the place which are used for residential and educational purposes." (Transcript, Page 20)[1]. Ms. Berk, a neighbor, indicated that Koinonia was used for residential purposes (Transcript, Page 49), and for cultural, educational purposes (Transcript, Pages 50-51). Mrs. Pomykala, when asked to describe the use of the property, characterized it as being residential. When asked if any commercial/business activity occurred thereon, she stated, "There were two businesses that were

[1] All references are to the transcript of the proceedings before the County Board of Appeals in Case No. 90-355-SPH or the deposition of Marion Carnes taken in that matter.

there. There was one that was a print shop that was operated commercially, not only for Koinonia, but other organizations as well..., the other business was a garage, which we subsequently got rid of." (Transcript, Page 70) There is no mention of any catering establishment or facility. Later in her testimony, Mrs. Pomykala described photos of the site and made no mention of weddings or catered activities on the property, only workshops and seminars. (Transcript, Pages 70-195)

Dr. Pomykala echoed his wife's testimony. In fact, he indicated that the use of the property was less intense following his acquisition than when the Koinonia Foundation occupied the site. The following exchange occurred: "*Question:* My question, Sir, Have you intensified any of the uses at Koinonia? Answer: No way. Just the opposite. It's less intense than it was from the time we were there...*Question:* Have you ever converted any of the buildings to a new use since 1985? Answer: Not that I know of." (Transcript, Pages 133-134)

Similar testimony was received from the other witnesses. Mr. Gerber testified about the educational activity on the property (Transcript, Page 159). He also noted that the property was operated as a religious retreat (Transcript, Page 190), and as residences (Transcript, Page 200). Mr. Dillon agreed, indicating that the property was used residentially (Transcript, Page 209). Other witnesses agreed.

However, perhaps the most accurate and credible testimony came from Marion Carnes, a long-time resident of the Koinonia property. Ms. Carnes, who was 82 years of age at the time of her deposition for the Board's case in 1990, resided on the property for many years and was the unofficial historian of the Koinonia Foundation. The 74-page transcript of her testimony and deposition is clear. The Koinonia Foundation was in the business of providing educational and spiritual growth, to prepare individuals to serve as missionaries. There is no indication anywhere in her testimony that the property was used for catering purposes or commercial activities. In fact, when asked pointedly, "Were there any industrial or other activities unrelated to the educational purpose", her answer was "No" (Page 67, Carnes' Deposition).

The only support for an allegation that the property was used for catering or similar purposes came through a single answer of Daniel Toomey, an attorney who represented the

Foundation. However, an examination of Mr. Toomey's testimony shows that this statement was inconsistent with other portions of his testimony. In one place, he does reference a brochure which suggests that the property could be "dressed up" for wedding receptions. (Transcript, Page 58) However, the primary thrust of his testimony focused on the educational/spiritual nature of the facility. (See, e.g. Pages 39, 45, 47, and 52 of the Transcript)

In my judgment, it is clear that the business of the Koinonia Foundation did not include catering. Simply stated, the Koinonia Foundation and the subject property were used as a place for religious contemplation, education, and training. Thus, I do not construe the Board's Order as permitting the use of the subject property for catering purposes, nor is it dispositive on the question presented at this time. It is clear that the Board received no persuasive testimony on that issue, and rather concentrated on the limited question before it, i.e., the continued residential use of the buildings on the property. Thus, consideration of the present Petition is not barred by the doctrine of estoppel by judgment.

That being the case, the question next is whether the use of the property for wedding receptions, banquets, and the like is permissible. Clearly, such use was not contemplated pursuant to the authority granted in prior Case No. 96-230-SPHA to permit a bed and breakfast. A bed and breakfast is defined in Section 101 of the B.C.Z.R. as "A tourist home that provides 4 to 12 rooms (limited to a maximum of 16 persons) for paying guests on an overnight basis for periods not to exceed 14 days, with breakfast being available on the premises at no additional cost." Clearly, a bed and breakfast is quite different than a place available to hold banquets, wedding receptions, and similar social activities. I find no authority within the definition of the bed and breakfast which would permit the property owners to lease the facility for such functions. Moreover, such functions cannot be considered as lawfully accessory to the bed and breakfast operation.

A similar result is reached as to the Board's identification of the use of this property. The Board approved a special hearing to permit the lawful nonconforming residential, institutional, and other uses as shown on Petitioner's Exhibit 1, and the continuation of the approved special exception use for educational purposes. Although the phrase "other uses" is vague, there is no

indication that the Board intended to permit a catering facility on the subject property. Instead, based on the record before it, the Board clearly intended to approve a continuation of those type of residential/educational/spiritual uses that had existed on this property. Moreover, as with the case with the bed and breakfast, I have no persuasive or compelling testimony before me that the operation of a catering hall on this site is lawfully accessory to those uses that the Board of Appeals approved.

Finally, and as importantly, it is clear that the B.C.Z.R. indeed defines the activity which the Koinonia Partnership now markets. Specifically, Section 101 of the B.C.Z.R. designates and defines that use entitled "catering hall". The definition reads, "A facility or part of a facility used regularly for serving beverages and food to groups who reserve the facility for banquets or gatherings before the day of the event. A catering hall is not a standard restaurant." Clearly, it is a catering hall which is advertised. Moreover, an examination of the R.C. regulations indicates that such a use is not permitted in the R.C. zone.

In conclusion, the Koinonia Partnership has lawful authority for continued use of the property as a bed and breakfast and/or for the education/residential purposes as permitted by the County Board of Appeals. However, the property owners do not have the authority to lease the premises for weddings, banquets, and generally operate the site in a manner which would fall under the catering hall definition.

Dr. Pomykala testified before the Board that he was not inclined to increase the intensity of the use of the property in 1990. Although that may have been his intent then, it is clearly not the practice of he and his wife's use of the property at the present time. The use of the site as a catering hall is impermissible and should be discontinued.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested in the Petition for Special Hearing shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of July, 1999 that the Respondents, Ronald and Anne Maria Pomykala (Principals

of the Koinonia Partnership), are operating a catering hall in violation of the use permit issued in prior Case No. 96-230-SPHA, and thus, are in violation of the B.C.Z.R., and as such, the relief requested in the Petition for Special Hearing be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the use of the property as a catering hall as set forth above shall cease and desist immediately; and,

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

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

RECEIVED
JUL 23 1999
NOLAN, PLUMHOFF & WILLIAMS

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE ZONING
(Greenspring Valley Road, 930' W From C/L of Greenspring Ave. 1400 Greenspring Valley Road 3rd Election District 3rd Councilmanic District)	*	COMMISSIONER OF BALTIMORE COUNTY Case No. 99-333-SPH
JACK LUSKIN Petitioner	*	Hearing:May 10, 1999 2:00 P.M.

* * * * * * * * * * *

RESPONDENT'S POST HEARING MEMORANDUM

Koinonia Partnership T/A Gramercy, Respondent, by its attorneys, Stephan J. Nolan, C. William Clark and Nolan, Plumhoff & Williams, Chartered files this Post Hearing Memorandum and says the following:

I. PETITIONER FAILED TO PROVE HE HAS STANDING TO PETITION FOR SPECIAL HEARING

The Baltimore County Zoning Regulations (hereinafter BCZR) in § 500.7 provide:

> "The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations." (*Emphasis added*).

The Court of Appeals, in Sugarloaf v. Dept. of

Pet. Exhibit #8

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

Environment, 344 Md. 271 (1996) held:

> "The cases in this Court, and the language of the Administrative Procedure Act itself, § 10-222(a)(1) of the State Government Article, *recognize* a distinction between standing to be a party to an administrative proceeding and *standing to bring an action in court for* judicial review of an administrative decision. Thus, a person may properly be a party at an agency hearing under Maryland's 'relatively lenient standards' for administrative standing, but may not have standing in court to challenge an adverse agency decision. Maryland-Nat'l v. Smith, 333 Md. 3, 11, 633 A.2d 855, 859 (1993)... The requirements for administrative standing under Maryland law are not very strict. Absent a statute or a reasonable regulation specifying criteria for administrative standing, one may become a party to an administrative proceeding rather easily. .. More recently, Judge McAuliffe for the Court in Maryland-Nat'l v. Smith, (*supra*), 333 Md. At 10, 633 A.2d at 859, summarized Maryland law relating to status as a party in administrative proceedings:
>
> > Morris and other cases of this Court indicate that the threshold for establishing oneself as a party before an administrative agency is indeed low. Although we have said that one's presence at the hearing and testimony in favor of an asserted position is sufficient, *id*, we have also said that personal appearance and testimony at the hearing are not required. Hertelendy v. Montgomery Cty., 245 Md. 554, 567,226 A.2d 672 (1967)"
> Sugarloaf, 344 Md. At 285-287.

An examination of the Hertelendy case, however, demonstrates

that the threshold is not so low as to allow a finding of standing in all cases when a person does not personally appear or testify at the hearing.

The Court of Appeals in Hertelendy (*supra*) noted:

> "It is clear to us that the record indicates that the appellant was a 'party' to the proceedings before the Board. The filing of the letter of August 26, 1965, by the appellant and its acceptance into evidence by the Board were sufficient to make Hertelendy a party to the proceeding. It is not required that he personally appear or personally testify at the hearing. He had registered his objections to the granting of the variance, his reasons for his objection and showed the location of his property across the street from Lot 23-B, as well as the resulting injury to the value of his property, which would allegedly result if the Board granted the variance. It is obvious that the Board considered Hertelendy to be a party and a party aggrieved..." 245 Md. at 567.

The Protestant in Hertelendy, although not personally appearing or testifying, submitted documentary evidence as to the reasons for his objection, the location of his property, its proximity to the subject site and the resulting injury to the value of his property if the zoning authority granted the requested variance. Compare the case of Holland v. Woodhaven Bldg., 113 Md. App. 274 (1996), in which the Court of Special Appeals affirmed the denial of standing to three persons seeking judicial review, since none of the three Protestants testified before the Board, nor offered any evidence of their

"aggrieved status" such as the proximity of their property to the subject site, or other allegations of special aggrievement.

In the instant case, Petitioner, not only did not personally appear, nor testify at the hearing, he did not submit any documentary evidence showing the proximity of his property to the subject site, his reasons for objecting to the uses of the subject property, or the resulting injury to him if the uses continue and that the same are not permitted by the BCZR.

Therefore, Petitioner failed to prove he meets the standard of "interested person" in § 500.7 of the BCZR and the Petition ought to be dismissed, as Respondent moved during the course of the hearing.

II. THE BOARD OF APPEALS DECISION IN CASE 90-355 SPH APPROVED AND CONFIRMED THE USES WHICH FORM THE SUBJECT MATER OF THIS CASE

The Petitioner seeks an order determining that certain uses of the Respondent's property meet the definition of "catering hall" found in § 101 of BCZR and that the regulations prohibit these activities on Respondent's property. The evidence demonstrated that, through a prior zoning case, 90-355 SPH, the County Board of Appeals issued an Opinion and Order affirming and confirming non-conforming uses existing on the property as of the date of its decision,

August 2, 1991. The evidence revealed that to be a final order of The Board, following appellate decisions in the case.

The issue raised by Petitioner generates the question as to the interpretation and application of The Board's decision, and its Opinion and Order announcing it.

In Relay v. Sycamore, the Court of Special Appeals wrote:

> "Despite the fact that administrative boards and officials are arms and instrumentalities of the Legislature, Dal Maso v. County Comm'rs., 182 Md. 200, 205-06, 34 A.2d 464)1943), it is firmly established that agencies may adjudicate legal disputes. *See, e.g.*, 4 ANDERSON, § 22.02, at 7 ('The powers of a board of adjustment are adjudicatory.')... Accordingly, the Court of Appeals has concluded that the Legislature may not vest administrative bodies 'with any judicial authority.' Dal Maso, 182 Md. At 206, 34 A.2d 464. Nonetheless, an agency may make factual determinations. It may also apply the pertinent law to those facts. The agency's exercise of those functions (does not alone vest [the agency] with judicial power in the constitutional sense). Attorney General v. Johnson, 282 Md.274, 284, 385 A.2d 57 (1978)...
>
> As a general rule, judicial review of an administrative decision is narrow, and the same standard applies in both this court and the circuit court. On appeal, we must determine whether the CBA's decision is 'in accordance with the law or whether it is arbitrary, illegal, and capricious.' Moseman v. County Council, 99 Md. App. 258, 262, 636 A.2d 499, *cert. denied*, 335 Md. 229, 643 A.2d 383 (1994). A reviewing court may not overturn an agency's factual findings or its application of law to facts if the

agency's decision is supported by substantial evidence. Ortimer v. Howard Research & Dev. Corp., 83 Md. App. 432, 441, 575 A.2d 750, *cert. denied*, 321 Md. 164, 582 A.2d 449 (1990). Substantial evidence means more than a 'scintilla of evidence,' such that a reasonable person could come to more than one conclusion. Moseman, 99 Md. App. At 262-63,, 636 A.2d 499 (citing Eqer v. Stone, 253 Md. 533, 542, 253 A.2d 372 (1969); Montgomery County v. Greater Colesville Citizens' Ass'n, 70 Md. App. 374, 382, 521 A.2d 770 (1987). In such a situation, the issue is considered to be 'fairly debatable,' and the reviewing court may not substitute its judgment for that of the agency. When reviewing issues of law, on the other hand, the standard of review is expansive, and we may reach our own conclusions without deference to the agency's opinion. Columbia road Citizens' Ass'n v. Montgomery County, 98 Md. App. 695, 698, 635 A.2d 30 (1994).

As the Court of Appeals explained in United Steelworkers v. Bethlehem Steel, 298 Md. 665, 679, 472 A.2d 62 (1984), a reviewing court may not uphold an agency order unless it can be sustained on the agency's factual findings and for the reasons stated by the agency. Accordingly, the CBA's decision here must be supported on the facts that were found by the CBA and stated in the CBA's opinion. Where the agency factual findings are inadequate, the necessary facts may not be supplied by the parties, and neither we nor the circuit court will scour the record in search of evidence to support the agency's conclusion. *See* Ocean Hideaway Condo. Ass'n v. Boardwalk Plaza Venture, 68 Md. App. 650, 661-62, 515 A.2d 485 (1986).

Relay v. Sycamore 105 Md. App. 701 (1995); *aff'd. on other grounds*, 344 Md. 57 (1996)."

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

The present posture of this case finds itself before the Zoning Commissioner and not on review by a trial court, but the same reasoning and standard should apply.

In Temmink v. Bd of Zoning Appeals, the Court of Appeals stated:

> "We recognize that on an appeal from a decision of a zoning board, the court should not substitute its own judgment as to the wisdom or soundness of action taken by The Board, but should decide only whether or not such action was arbitrary or discriminatory. It is not the function of the court to zone or re-zone, and it is only where there is no room for reasonable debate as to whether the facts justified The Board in deciding the need for its action, or where the record is devoid of supporting facts that the court is justified in declaring the action of The Board arbitrary or discriminatory and therefore void. Offutt v. Board of Zoning Appeals of Baltimore County, 204 Md. 551, 562, 105 A.2d 219. P. 496. As stated in American Oil Co. v. Miller, 204 Md. 32, 43, 102 A.2d 727, the question whether the action of a zoning board was arbitrary must be determined from the facts from which the conclusion was drawn, not from the conclusion itself. In reviewing the action of the zoning board, the court on appeal considers The Board's action, not the opinion of its members *(Emphasis added)*."
>
> Temmink v. Board of Appeals, 205 Md. 489, 497 (1954).

Well-reasoned and articulated administrative findings are so important that a reviewing court may not uphold an agency's

decision without them. Mortimer v. Howard Research & Dev. Corp., 83 Md. App. 432, 441, 575 A.2d 750, (1990). However, the appellate courts have not required an exact form or even expressed findings in affirming a decision. In Aubinoe v. Lewis, 250 Md. 645, 653-54, 244 A.2d 879 (1965), the Court of Appeals observed:

> "It is vitally important that the District Council make appropriate *express findings* based on adequate evidence that the purposes set forth in the Ordinance for the R-H zone exist and that the project is compatible with the existing uses in the general neighborhood. We held in Bujno v. Montgomery County Council, 243 Md. 110, 220 A.2d 126 (1966), however, that in a proper case-arising before our decision in *Beal v. Montgomery County Council*, 240 Md. 77 [212 A.2d 751] (1965) - we could *infer* that the necessary findings had been made by the District Council. In Bujno, the opinion of the District Council indicated the unique location of the site, the amount of lot coverage permitted in the R-H zone and most importantly that 'there was expert testimony submitted by the applicant that the R-H zone is most suitable for this tract.'" (*Emphasis added*).

When assessing the adequacy of findings of fact, Judge Bell, in Gray v. Anne Arundel County, 73 Md. App. 301, at p. 313, wrote:

> "Unlike the situation in Ocean Hideaway Condo. v. Boardwalk Plaza, 68 Md. App. 650, 515 A.2d 485 (1986), the Board's Opinion and Order, consisting of ten pages, made adequate findings of fact. Not only did The Board summarize

the testimony of the various witnesses that appeared before it, but it discussed the relevant ordinance, and made findings and drew conclusions, albeit some of the findings were made by reference back to the summarized testimony, and applied the law. Although the findings are not set out in the form that appellants would prefer, reviewing the opinion and order in context, and in its entirety, we are convinced that the decision in this case does not suffer from the deficiencies noted in the cases relied upon by appellants. Accordingly, we discern no error *(Emphasis added)*."

The Respondent contends that in order to properly evaluate and decide the special hearing request in this case, the Zoning Commissioner should review The Board of Appeals' decision in Case No. 90-355 SPH in its entirety, in context, recognizing that: The Board summarized testimony, discussed the relevant ordinances, made findings of fact, drew conclusions, made reference back to the summarized testimony and applied the law in approving the Petition for Non-Conforming uses, based on the facts presented to it, which constituted substantial evidence.

Petitioner, through counsel, introduced as Exhibit 4, a brochure distributed by Respondent through the mail, advertising, among other things, the availability of the buildings and grounds for rental for weddings, meetings, seminars, parties and other special occasions for up to 150 people. The brochure stated that only approved caterers could

be used, and it listed persons to contact.

The evidence offered by Respondent included the Opinion and Order of the County Board of Appeals in Case No. 90-355 SPH, as well as excerpts from the typed transcript of testimony and a deposition offered at the hearing before The Board in that case. Following the hearing, the Respondent offered, as requested by the Zoning Commissioner, the entire transcript of testimony and of the deposition of Marion Carnes.

In its Opinion at page 6, The Board summarized the testimony of Dan Twomey, a former member of The Koinonia Board and counsel to the corporation, which preceded Respondent in ownership and operation of the property.

In reviewing the testimony, The Board stated that it viewed a video tape deposition of Marion Carnes, which enlightened The Board as to the buildings and as to their history, as well as that of the property. An excerpt of her testimony, offered as Exhibit 6, showed that various parts of the buildings and property were used for workshops of up to 100 persons, for classes, and for meeting rooms, among other things.

On page 4 of its Opinion, The Board recounted that the site was rented out to private groups for seminars and other educational purposes and mentioned the testimony of Lynn

Woodland and Christine Ritz. Respondent offered as Exhibit 7 the excerpt of Mrs. Woodland's testimony, detailing her rental of parts of the property. Respondent offered the excerpt of Ms. Ritz's testimony regarding community meetings, shared meals and workshops as Exhibit 8.

On page 6 of its Opinion, The Board recited that Mr. Twomey indicated that Koinonia used the facilities to raise funds, including "...the renting of the property to outside groups for educational and/or social purposes, and that those activities continued until the sale of the property."

Mr. Twomey testified, as shown in Exhibit 3, that the property had been rented for conferences for up to 200 people, and that one of those brochures for Koinonia, Exhibit 4, (Ex. 28 in the prior hearing) mentioned wedding parties, catering and general occasions. The brochure mentioned retreats and stated that catering was available for any event, on or off the premises.

On page 8 of its Opinion, The Board found as a matter of fact that with residential uses existed on the property and that they continued to date, and that its general usage, well known in the community, continued throughout the last 45 years. The Board found that the nature and character of the property remained substantially unchanged, and that the exact facilities were still being used. The Board granted the

Petition.

In the Order attached to the Opinion at page 9, The Board approved and confirmed the lawful non-conforming residential, institutional and other uses, as shown on Petitioner's Exhibit No. 1.

That Exhibit, a Plat for Special Hearing, under the General Data section, lists The Existing Zone as RC2, the Existing Use as Residential and Educational, and the Proposed Zone as RC2 with non-conforming for existing use. It notes a special exception was granted for a nursery school.

§ 101 of the BCZR does not contain a definition for "religious", "institutional", or "other uses". §101 provides that any word or term not defined shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged. That dictionary contains the following definitions stated there:

> "Institutional"... of, relating to, involving, or constituting an institution.
>
> "Institution" ... Something that is instituted as: a significant and persistent element in the life of a culture that centers on a fundamental human need, activity, or value, occupies an enduring and cardinal position within a society, and is usually maintained and stabilized through social regulatory agencies (~ of

marriage)...

"Religious" ... relating to that which is acknowledged as ultimate reality: manifesting devotion to and reflecting the nature of the divine or that which one holds to be of ultimate importance...

Certainly wedding ceremonies conducted by the various ordained clergy of various religions, and the receptions that customarily, in this culture, follow them qualify as religious, institutional or other uses.

Taken in context and in its entirety, and based upon the facts presented to the Board, and the findings made by the Board, the evidence supported the decision affirming and confirming the non-conforming uses. The words in The Board's Order "...residential, institutional and other uses..." must be construed to include those items described on Petitioner's Exhibit 4.

Respectfully submitted,

Stephan J. Nolan

C. William Clark
Nolan, Plumhoff & Williams, Chartered
502 Washington Avenue, Suite 700
Towson, MD 21204
(410) 823-7800

CERTIFICATE OF SERVICE

We hereby certify that this 7th day of June, 1999, the foregoing Respondent's Post Hearing Memorandum was mailed, first class, postage prepaid, to the following counsel of record:

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21286

C. William Clark

D:\data\CWC\Clients\Koinonia Ptship\PostHearMemo-Gramercy.wpd

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
	*	ZONING COMMISSIONER FOR
THE PROPERTY LOCATED AT 1400 GREENSPRING VALLEY RD	*	OF BALTIMORE COUNTY
	*	CASE NO. 99-333-SPH
8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	
	*	
JACK LUSKIN PETITIONER		
	*	

* * * * * * * * * * * * *

MEMORANDUM IN LIEU OF FINAL ARGUMENT

Jack Luskin, 2200 Greenspring Valley Rd, Petitioner, by his attorney J. Carroll Holzer, Holzer & Lee, hereby submits this Memorandum in lieu of final argument in the above captioned matter and says:

STATEMENT OF THE CASE

The Petitioner, Jack Luskin, residing at 2200 Greenspring Valley Rd, filed a Petition for Special Hearing to request the Zoning Commissioner to determine pursuant to the B.C.Z.R., Sections 500.6 and 500.7, that the use of the subject property at 1400 Greenspring Valley Rd, by the Koinonia Partnership and Mr. and Mrs. Pomykala, as a "catering hall," is in violation of the "use" permit issued in Case No. 96-230-SPHA and is in violation of the findings of the County Board of Appeals (hereinafter "CBA") of a nonconforming use in Case No. 90-355-SPH. The case came before the Zoning Commissioner on May 10, 1999 and a hearing was held. Certain Motions were filed by the Respondents, Koinonia Partnership and evidence was submitted by way of written documents and exhibits by both parties. This Memorandum will serve in lieu of oral argument.

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX (410) 825-4923

Pet. Exhibit #7

STATEMENT OF FACTS

The Petitioner Jack Luskin, resides at 2200 Greenspring Valley Rd., in close proximity to the subject site, 1400 Greeenspring Valley Rd., known as Koinonia, located in the Third Councilmanic District of Baltimore County, in the Greenspring Valley.

The Respondents, Dr. Ronald and Anne Marie Pomykala, own and operate the Grammercy Bed and Breakfast, doing business in Koinonia, at 1400 Greenspring Valley Rd., pursuant to a bed and breakfast "use" permit, issued by the Zoning Commissioner in Case No. 96-230-SPHA on May 29, 1996. The Zoning Commissioner's decision in that case was marked as Petitioner's Exhibit No. 1. Exhibit No. 1 permitted the Respondents to operate, subject to a "use" permit, a bed and breakfast pursuant to Section 402.d of the Baltimore County Zoning Regulations (B.C.Z.R.). Nothing in the Opinion nor in the Order granting the "use" permit addressed the issue or permitted the operation of a "catering" operation for the subject site. In particular, the Zoning Commissioner limited the relief granted by specifically adopting, to the extent applicable, the Board of Appeals Decision of August 2, 1991 (which was Case No. 90-355-SPH). The Zoning Commissioner particularly found there that he did not intend to reverse or override the Board's decision and indicated that the terms and conditions of the prior CBA order were to remain in effect. After that qualification, he granted the Special Hearing for a use permit for a bed and breakfast under Section 402.d of the BCZR; granted a variance from Section 409.4 to permit parking in drive aisles; and granted a variance from Section 409.3 to permit a parking space minimum. The Petitioner here presented the Board of Appeals Decision of August 2, 1991 in Case No. 90-355-SPH as Petitioner's Exhibit No. 2. In the Opinion of the County Board of

Appeals, the Board reviewed the operations of Koinonia to determine and approve and confirm the lawful nonconforming residential and institutional uses requested by the Petitioner. In the course of the Opinion (p. 2), the Board characterized the property usage from Mrs. Carnes as a "learning facility with religious values." The CBA found that individuals and families were trained at the facility while living on the property. The CBA reviewed a number of photographs which showed the various structures on the site and the structures' use. Mrs. Layne Burke testified that Koinonia had been active and described the use as "educational workshops and conferences continued on the property"(Opinion p. 4). The Board also found facts that this site is rented out "to private groups for seminars and other educational purposes (Emphasis supplied) throughout the year" (Opinion p. 4). Norman Gerber, a planning expert is cited in the CBA Opinion testifying as to uses both "residential and educational," and his testimony before the CBA was that the current use of the property continues in that vein as both residential and educational (Opinion p. 5). The Board further found in the facts that during the exclusive use of the Koinonia Foundation, the training center continued to "operate with multiple functions as a school, residence, and agricultural-type of establishment" (Opinion p. 5). Further Jack Dillon, Senior Planner in the Office of Planning at that time challenged the use of the property and Gerber's testimony for the "residences" (Opinion p. 6). Jeff Long, of the Office of Planning told the Board that when the "school use on the site ceases, the ability to have apartments on that property ceases also" (Opinion p. 6).

To this point, no evidence suggests any type of commercial "catering" operation being permitted on the site. The only evidence that appears to come close is that of Mr. Twomy, a member of the Koinonia Board, whose testimony was recited by the Board in its Opinion on p. 6

stating that "Mr. Twomy did indicate that Koinonia did use the facilities to raise funds and these funds were derived from the sale of gifts, farm produce, and herbs, and the renting of the property to outside groups for educational and/or social purposes and that these activities continued until the sale of the property."

The CBA in its Opinion on p. 7 then began an analysis of their findings. The CBA said, "the Board is convinced that during the 1950s, 1960s, 1970s, and 1980s persons who are not affiliated 100% with the Koinonia Foundation resided on the property and paid rent to the Foundation (Opinion p. 7). The Board then discussed the definition of the school and the use of the institution as a place for instruction and education. The Board further found as a matter of fact that multiresidential uses existed on this property and are nonconforming uses which exist as a matter of right (Opinion p. 8).

It is important to note that nowhere in the Board's Opinion does it discuss the commercial ramifications of catering, renting the property for wedding receptions, etc.

In the Board's Order of August 2, 1991, the CBA found that "the Petition for Special Hearing to approve and confirm the lawful and nonconforming residential, institutional, and other uses as shown on Petitioner's exhibit No. 1. . . is granted."

The instant Petition then presented as Exhibit No. 3, the Baltimore County Zoning Regulation, Section 402.d, defining "bed and breakfast." The Petitioner then offered Exhibit No. 4 to his Petition, which was the advertisement for the Grammercy Bed and Breakfast located at 1400 Greenspring Valley Rd. In Petitioner's Exhibit 4, the attached documents indicate the "1999 rate schedule for weddings and parties." On p. 1 of the rate schedule, it indicates that the Grammercy Mansion can be utilized, as well as the kitchen for an approved caterer. It provides

for the caterers setup and cleanup time and it provides that "two weddings may be held on Saturdays during the months of April, May, June, September, October, and November." It indicates that approved caterers only may be utilized and defines when the choice of caterer must be made. It indicates a capacity of 150 people and then it indicates the approved caterers list and contact persons with telephone numbers, listing twelve approved caterers. The Carriage House on Koinonia is also setup for weddings and parties, again, sharing the use of the kitchen and again providing for setup and cleanup for the caterers. The Grammercy Mansion advertisement on p. 3 provides for "elegant settings for a wedding or other milestone events." Page 4 again defines the Mansion and the Carriage House as available for weddings, meetings, seminars, and parties. . . weddings and other events. . . . "

The subject property is zoned RC 2. The Baltimore County Zoning Regulations define "catering hall" as "a facility or part of a facility used regularly for serving beverages and food to groups which reserve the facility for banquets or gatherings before the day of the event. A catering hall is not a standard restaurant." The BCZR further defines "bed and breakfast inn" as "a tourist home that provides four to twelve rooms (limited to a maximum of 16 person) for paying guests on an overnight basis for periods not to exceed 14 days with breakfast being available and premises at no additional cost. A bed and breakfast inn is allowable only in a building originally constructed as a one-family dwelling pursuant to provisions and procedures prescribed in Section 402.d of these regulations." The BCZR distinguish a "catering" hall and a "bed and breakfast inn."

The Petitioner, Jack Luskin, requests the Zoning Commissioner to determine that the Respondents are operating a "catering hall" in violation of the use permit issued in case No. 96-

230-SPHA and in violation of any nonconforming use approved by the CBA in case No. 90-355-SP

The Respondent's claim that they are covered in this "catering" use by the approval of the County Board of Appeals in case No. 90-355-SPH as a nonconforming use, found pursuant to the CBA and they moved to dismiss the Petition for Special Hearing on the basis of res adjucata and collateral estoppel. The evidence submitted before the Zoning Commissioner, in the instant case, established that the Respondent's position is not correct for the reasons to be discussed in the Legal Argument Section of this Memorandum.

LEGAL ARGUMENT

During the hearing the Zoning Commissioner, Lawrence Schmidt, indicated that as the author of the findings of fact and conclusions of law in the Petition for Special Hearing in Case No. 96-230-SPHA, he simply granted the "use" permit for a bed and breakfast. The Zoning Commissioner's recollection was that he did not intend to expand, contract or in any way affect the Board of Appeals decision in Case No. 90-355-SPH. The Zoning Commissioner in his Opinion and Order of May 29, 1996, in fact did so qualify his Opinion (Opinion p. 4). If that is the case, then the issue as to whether or not the Respondent's are lawfully utilizing their facility for a catering hall is left to a review of the CBA Opinion and Order in case No. 90-355-SPH and what it found as permitted existing nonconforming uses.

This Memorandum, in the Statement of Facts, has already analyzed the Board's Opinion and Order. It was suggested during the introduction of evidence by the Respondents, that somehow the catering activities for purposes of weddings and other social events was covered as a nonconforming activity in the CBA's Order. The Petitioner does not believe that the Respondents' position is correct and believe Respondents' Exhibits 1-12 in fact verify the Petitioner's claim that the Board of Appeals

in Case No. 90-355-SPH did not intend to permit the kinds of "catering" activities that are currently being advertised and conducted by Respondents as shown on Petitioner's Exhibit No. 4.

First, a review of the evidence submitted to the CBA is helpful in this regard. The evidence before the Board will be summarized as follows. Generally, it appears from the Board's Opinion and Order that the issue debated by the parties before the Board related to the issue of whether or not the various buildings on the site had been previously utilized for residential use. The overwhelming analysis of the Board addressed the various buildings and their use as residences. In addition, the bulk of the testimony centered upon the use of the site as a "school, residence, agricultural-type of establishment." There was no effort by any witness other than the casual comment by Twomy to discuss any other type of nonconforming uses on the site.

The Petitioner has examined and reviewed not only the submitted portions of the transcript marked as the Respondents' Exhibits, but also the entire transcript and complete deposition of Mrs. Carnes submitted by counsel and believes that the record as a whole supports the position that "catering" activities were not covered.

In analyzing the deposition of Mrs. Marion Carnes, taken on April 19, 1990 and presented to the County Board of Appeals in this case, the overwhelming direction of the deposition centered on Mrs. Carnes' recollection of the use of various buildings on the site. She testified that the facility was used for special "workshops" (Depo p. 24); that buildings were used for "student families to live in" (Depo p. 42). She also identified photographs of various buildings which she described as being used for residences for the school (Depo p. 29-37). Nowhere in her testimony did she testify in regard to catering activities, wedding receptions, or social activities to be held for groups outside the facility. She was asked during the course of the deposition:

"You have described at length what the activities for the Koinonia Foundation were over the years of your affiliation. Aside from some incidental things you mentioned, were there any commercial activities that were unrelated to the Foundations educational purpose?" Answer: "I can't think of any." Question: "Were there any industrial or other activities unrelated." Answer: "No." Question: "To the educational purpose?" Question: "So would it be your testimony that all the activities that were conducted at Koinonia at this property during your familiarity with it, were in connection with the private school that was operating there." Answer: "I would think so." (Depo p. 67).

An overall review of the hearing conducted before the County Board of Appeals on July 24, 1991 and again on July 26, 1991, indicated that the main thrust of the Koinonia Partnership at the time was whether or not the uses of the various buildings on site for residential purpose (not connected with the school) was permitted as part of the nonconforming activity. Thus for example, Mr. Nolan, who represented the Petitioner/Applicant (Koinonia Partnership) outlined the reason for being there, "related to educational activities and the use of the buildings on the various properties as residences" (Transcript July 24, 1991 pp. 3-5). Again, in the same transcript at page 11, Nolan stated the reason for their being before the Board, "We are here to confirm the special exception that exists. And we are here because the Zoning Commissioner ordered that they cease using all of those rental cottages and they had to be closed down. And the Pomykalas feel that the law should not countenance that type of cessation, because it will undermine the historic value of that property."

The Koinonia Partnership presented its surveyor Gene Raphel, to introduce Developer's Exhibit No. 1, the plat to accompany the Petition for Special Hearing (Transcript July 24, 1991p. 19). Thereafter, Raphel described the plat and calls attention to all of the various buildings set forth on the plat. Again, no mention of the uses of the facility, and particularly no discussion of existing or continuing catering or commercial activities in regard to weddings. The Respondents have introduced portions of the testimony of various witnesses as Respondents Exhibits which can be utilitzed for

purposes of this Memorandum. For instance, a portion of the deposition of Marion Carnes was presented and her testimony supports the educational and residential use of the site and contains no discussion of weddings or commercial catering activities, and in fact, rejects any activities that were not connected with the educational purposes of the Koinonia Foundation. A portino of the testimony of Lynn Woodland was presented in Respondents' Exhibit No. 7. Her testimony in that Exhibit centered on her involvement leading educational seminars at Koinonia. She does not discuss anything at all related to catering or wedding activities such as being advertised today by the bed and breakfast. Christine Ritz's testimony was presented in Respondents' Exhibit No. 8 and again she testified about living in the various buildings, whether it be "Acorn," "Grammercy," "The Hope Chest," or "The Memorial Building." Her testimony related to buildings and the people residing therein (CBA testimony of July 24 at p. 114,115,116,117). There is nothing in her testimony related to weddings or catering activities. Again, a portion of Ann Marie Pomykala's testimony on July 24, at pages 63,81, and 82 was presented as a Respondents' Exhbit. Her testimony was also directed to the activities in the Carriage House and in the various buildings for purposes of "lectures or workshops" (p. 81). She further discussed the use of various buildings and the Carriage House for "training," "for the Peace Corp," and for "lecture use or workshop use" (transcript p. 83). Again, no mention of wedding or other social events or catering activities on the site (Respondents' Exhibit No. 9). Thereafter, Respondents' Exhibits 11 and 12 show the Court of Special Appeals review of the County Board of Appeals decision, but its Opinion was unrelated to the uses contained under the nonconforming use.

Finally, we have the testimony of Daniel Twomy (Transcript July 26, 1991 at p. 37). Twomy discussed the Koinonia Foundation as a corporation receiving Internal Revenue Service 501(C)(3)

tax exempt status. The only place in the course of his testimony that he discussed wedding parties was located at Transcript p. 58, when he testified:

> "we rent our conference facility to like minded organizations for their own meetings and conferences." Further on he testified the Carriage House has two open spacious rooms. . . . These facilities are comfortable settings for your next meeting or seminar, we can also dress up for wedding parties and handle every detail from the catering to the flowers, making the event a very special occasion" (Transcript, p.58). Further on p. 59 Mr. Twomy was asked about the activities from 1975 to 1981 and he said "Oh golly. There was educational programs. . . they were not religious in the sense of a religious denomination, but they were spiritual in the sense of those issues that were becoming into community awareness in 70's that we take for granted, such as holistic healing in the sense of the right ways of living spiritually. And emotionally there was mediation there in the vein of perhaps the early Christia as well as the Fathers of the Eastern Gerus or whatever you would call them. I would say those are two dominant types of programs that were given there. . ". (Transcript, pp. 59,60).

Twomy further described the brochure he was reading from with this language as having been prepared in the late 1970's or 1980 (transcript p. 63). He testified he had no knowledge when it was prepared and he had no knowledge as to whether it were ever circulated to anyone outside of Koinonia's structure (p. 63).

Twomy stated that these activities continued until the sale of the property, implying that they ceased. Evidence was presented to the CBA about continued educational activities and rent of buildings but, no evidence was supplied that social activities continued. In order for a non-conforming use to remain valid it must continue without an interruption of a year and a day (BCZR, Sec. 104.1). These social uses did not continue after the sale of the property. Based on the evidence supplied in the 1991 case social activities do not retain a non-conforming status.

Additionally, Mr. Twomy described these activities as fund raisers for Koinonia. Based on testimony in that 1991 case, the foundation use ceased, making fund raisers for the foundation no

longer legal under any circumstances. Therefore, his testimony about social events is irrelevant to this case.

As was previously stated, the Board in its Opinion on page 6, mentioned Mr. Twomy's testimony. But the more important question is presented as to whether or not while mentioning all of the testimony, they found or confirmed that catering for weddings and other commercial and social purposes was in fact a nonconforming use that had been proven. In this aspect, Petitioner suggest that they did not, on the basis of their final Order of August 2, 1991.

Having examined the evidence before the Board, by review of the CBA transcript, one must then look at the Boards' decision and order to determine what they found as a nonconforming use. Petitioner believes that the Board only found as nonconforming," residential uses, institutional uses", and "other uses as shown on Petitioner's Exhibit No. 1." To determine the extent of what the Board's order meant, Petitioner was required to search the records and file of Case No. 90-355 SPH. After reviewing microfilm, Petitioner was able to determine that Petitioner's Exhibit No. 1 was the plat sent under cover of separate letter to the Zoning Commissioner and Counsel for the Respondent. While it has not been marked as a separate Exhibit in this case, it was in fact offered by Petitioner Luskin when Counsel asked to introduce the entire file of Case No. 90-355-SPH. It was therefore admitted by inclusion in that record.

Petitioner's Exhibit No. 1 for Case No. 90-355 is captioned "Plat for Special Hearing" prepared by Gene Raphel. Petitioner's Exhibit No. 1 is so marked in the lower left hand corner of the plat (Attached to this Memorandum as Exhibit A). In the upper right corner it presents a vicinity plat showing the Koinonia site. Below that it presents the "General Data" of the site showing existing zone R.C.2. An examination of the plat shows the property boundary along Greenspring Valley Rd

to its western boundary, then north and east to Greenspring Ave., and then south back to Greenspring Valley Rd. It defines various buildings which were the subject of the testimony before the Board of Appeals insofar in existing residency and use was concerned. It lists "Acorn, Honeybrook, California House, Hopechest, Maintenance Building, Quancent Hut, Carriage House, Memorial Building, Modular Home, Tool House, Ice House, Garden House, Gramercy Building. The only labeling for purposes of use is "special exception granted for nursery school."

It can be seen by the Zoning Commissioner that if the Board's Order in Case No. 90-355 granted nonconforming uses for "residential" use, "institutional" use, and "other uses as shown on Petitioner's Exhibit No. 1"; the "other uses as shown on Petitioner's Exhibit No. 1" associated with the buildings that were the source of the discussion throughout the course of the CBA testimony and does not in any way affirm, or grant a nonconforming use for catering of wedding receptions or other milestone events. There is no mention of "catering" facilities or "catering use" anywhere on the plat.

In conclusion, Petitioner believes that the evidence before the County Board of Appeals did not in any way define "catering activities for purposes of wedding or other social events" as a non-conforming use that had been continuing and which were being requested to continue before the Board of Appeals in 1990. The thrust of the case dealt with the educational and residential uses of the buildings on Koinonia. The testimony of Twomy, while being recited by the CBA was not accepted by them. Secondly, it is clear from the Board's Order that they were only finding as nonconforming uses the "residential and institutional" use of the site. The "other uses as shown on Petitioner's Exhibit No. 1" related to the uses of the buildings shown on Petitioner's Exhibit No. 1 for nowhere on that Exhibit does there appear to be notation as to catering uses for purposes of social events or wedding receptions.

Therefore, it is clear that the Gramercy Bed and Breakfast was not authorized pursuant to Case No. 96-230-SPHA to conduct catering activities; that it was not a permitted nonconforming use under Case No. 90-355-SPH; and that it is not permitted under the R.C.2 zone. Catering is an activity that is not permitted pursuant to the Baltimore County Zoning Regulations in section 1A01.2. It is requested that the Zoning Commissioner determine that the rights of Jack Luskin, Petitioner, are affected by the violation of the aforesaid Sections of the BCZR, by the Respondents' use of their facilities for catering purposes.

MOTION ISSUES

The Respondents' submitted an oral Motion to Dismiss the Petitioner's Special Hearing request on the basis of res judicata and collateral estoppel. The fundamental basis for this claim was that the Board of Appeals in Case No. 90-355-SPH had already reviewed, acted, and decided, the subject matter of this Petition. Petitioner Luskin believes he has established in this Memorandum that that is not the case. Therefore, collateral estoppel and res judicata would not be relevant defenses to the subject matter of this Petition for Special Hearing.

Secondly, Respondent moved to Dismiss the Petition on the basis that Luskin was not a "interested person" in that he did not appear at the hearing. There is no requirement that the Petitioner appear at the hearing. He signed the Petition for Special Hearing raising the issues contained therein and he retained counsel to represent him at the hearing. The Luskin address of 2200 Greenspring Valley Rd., is located in close proximatey to* 1400 Greenspring Valley Rd. The Zoning Commissioner may take judicial notice of both locations. Under the case law for purposes of administrative review, Jack Luskin is an "interested person" (See prior decisions of the Zoning Commissioner in the cases of Pickersgill ; Orville Jones v. Long Green Valley; and Mission Helpers).

The second argument by Respondent is that there is no evidence of actual use of the property by Respondents as a "catering facility". Petitioner believes that the evidence submitted by way of Petitioner's Exhibit No. 4 attached to the Petition, clearly establishes that a 1999 rate schedule published by Gramercy Bed and Breakfast, is indicative of the activities that have been, are, and are continuing to take place. Evidence by Luskin that he stood on Greenspring Valley Road and observed a wedding reception take place on a Saturday afternoon on Koinonia would not be required to establish the basis of Petitioner Luskin's Petition for Special Hearing. There was no evidence presented to contradict that the Respondents' were not conducting wedding receptions and catering on the site. To the contrary, the defense of the Respondents is that they are entitled to perform such activity on the site based upon the nonconforming uses granted to them in 1990 by the CBA.

Therefore Respondents' argument fails on this issue.

CONCLUSION

Petitioner respectfully requests the Zoning Commissioner to determine that the Respondents are not permitted to conduct "catering" activities as defined in Petitioners Exhibit No. 4 on the subject site.

Respectfully submitted,

J. Carroll Holzer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of June, 1999, a copy of the foregoing Protestants Memorandum was mailed first-class, postage pre-paid to William Clark, Esquire, Nolan Plumhoff & Williams, Suite 700, Nottingham Centre, 502 Washington Avenue, Towson, Maryland 21204-4528.

J. Carroll Holzer

a:memos9\luskin.mem

the zoning commissioner for a use permit, upon such form as the zoning commissioner may prescribe. If such use is permissible the zoning commissioner may issue a use permit, conditioned by other provisions contained in the regulations which shall indicate that it authorizes particular[6] use applied for. [B.C.Z.R., 1955; Resolution, November 21, 1956.]

500.5--In cases of petitions for special exceptions under Section 502 of these regulations, the zoning commissioner shall receive such petitions in such form as he may prescribe. He shall hold a public hearing thereon after giving public notice of such hearing as above provided with respect to petition[7] for reclassification. After such a hearing he shall pass his order granting or refusing such special exception.[8] [B.C.Z.R., 1955.]

500.6--In addition to his aforesaid powers, the zoning commissioner shall have the power, upon notice to the parties in interest, to conduct hearings involving any violation or alleged violation or non-compliance with any zoning regulations, or the proper interpretation thereof, and to pass his order thereon, subject to the right of appeal to the Board of Zoning Appeals[9] as hereinafter provided. [B.C.Z.R., 1955.]

500.7--The said zoning commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the zoning commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

With respect to any zoning petition other than a petition for a special exception, variance, or reclassification, the zoning commissioner shall schedule a public hearing for a date not less than 30 days after the petition is accepted for filing. If the petition relates to a specific property, notice of the time and place of the hearing shall be conspicuously posted on the property for a period of at least 15 days before the time of the hearing. Whether or not a specific property is involved, notice shall be given for the same period of time in at least two newspapers of general circulation in the county. The notice shall describe the property, if any, and the action requested in the petition. Upon establishing a hearing date for the petition, the zoning commission-

Pet Exhibit #10

Building Height: The height of the highest point on a building or other structure as measured by the vertical distance from the highest point on the structure to the horizontal projection of the closest point at exterior grade. In instances where it is obvious that the exterior grade has been artificially built up above natural or surrounding finished grade, the vertical distance will be measured by projecting the natural or surrounding finished exterior grade to the closest point (foundation wall). [Bill No. 151, 1988.]

Building Line: The line established by law beyond which a building shall not extend. [B.C.Z.R., 1955.]

Building Materials Storage and Sales Yard: The use of any space, whether inside or outside a building used principally for the storage or sale of building materials or supplies. [Bill No. 149, 1987.]

Bus Terminal: A station for common carrier vehicles having a carrying capacity of ten or more passengers. In addition to providing passenger services such as ticket sales, boarding and alighting, a bus terminal has areas for short term storage of busses during layover periods not exceeding one night. This definition does not include mass transit administration vehicles or Baltimore County public school busses. [Bill No. 91, 1990.]

Car Wash: An area of land and/or a structure with machine or hand-operated facilities used for the cleaning, washing, polishing, or waxing of motor vehicles as a principal or accessory use. [Bills No. 108, 1964; No. 172, 1993.]

Car Wash, Full-Service: A car wash providing automated exterior washing or waxing services, or which provides cleaning, washing, waxing, drying, or interior cleaning by hand. For the purpose of these regulations, a facility which provides complete interior and exterior detail cleaning that takes more than approximately two hours per car shall not be considered a full-service car wash. {Bill No. 172, 1993.}

Car Wash, Roll-Over: A car wash where exterior-only cleaning, washing or waxing services are provided on a roll-over basis with the vehicle in a stationary position during the servicing. {Bill No. 172, 1993.}

Car Wash, Self-Service: A car wash where equipment or facilities are provided for the self-service cleaning and washing of motor vehicles. {Bill No. 172, 1993.}

Catering Hall: A facility or part of a facility used regularly for serving beverages and food to groups which reserve the facility for banquets or gatherings before the day of the event. A catering hall is not a standard restaurant. {Bill No. 110, 1993.}

Petitioner's Exhibit #11

additional cost. A bed and breakfast home is allowable only in a building originally constructed as a one-family dwelling pursuant to the provisions and procedures prescribed in Section 402D of these regulations. [Bill No. 113, 1988.]

Bed and Breakfast Inn: A tourist home that provides four to twelve rooms (limited to a maximum of 16 persons) for paying guests on an overnight basis for periods not to exceed 14 days with breakfast being available on premises at no additional cost. A bed and breakfast inn is allowable only in a building originally constructed as a one-family dwelling pursuant to the provisions and procedures prescribed in Section 402D of these regulations. [Bill No. 113, 1988.]

Bedroom: The term "bedroom" includes a bedroom, any other room used principally for sleeping purposes, an "all-purpose room," a study, or a den, provided that no room having less than 100 square feet of floor area shall be considered a bedroom. [Bill No. 100, 1970.]

Billiard or Pool Room: A business establishment where the principal use is the playing of pool or billiards and at least 75 percent of the net floor area of the establishment's interior space is devoted exclusively to this use. The net floor area does not include space that is not available for use by the public. [Bill No. 30, 1983.]

Boarding or Rooming House: A building:

A. 1. Which is the primary residence of the owner and in which rooms with or without meals are provided, for compensation, to three or more adult persons not related by blood, marriage or adoption to the owner; or

2. Which is not the owner's residence and which is occupied in its entirety by three or more adult persons not related by blood, marriage or adoption to each other.

B. The term does not include a hotel, motel, apartment building, or a facility for foster care (as defined in the Family Law Article, Section 5-501(F) of the Annotated Code of Marylandand COMAR 07.02.17). The term does include a care home (as defined in the Health General Article, Section 19-307(B) of the Annotated Code of Maryland. {B.C.Z.R., 1955; Bills No. 44, 1982; No. 124, 1993.}

Boat Yard: A commercial or non-profit boat basin with facilities for one or more of the following: sale, construction, repair, storage, launching, berthing, securing, fueling, and general servicing of marine craft of all types. [Bill No. 64, 1963.]

Building: A structure enclosed within exterior walls or fire-walls for the shelter, support, or enclosure of persons, animals, or property of any kind. [B.C.Z.R., 1955.]

Pet. Exhibit #12

Section 402D--CONVERSION OF DWELLINGS TO A BED AND BREAKFAST HOME OR BED AND BREAKFAST IN D.R. OR R.C. ZONES. [Bill No. 113, 1988.] Upon application, the zoning commissioner may issue a use permit (under Section 500.4) for the use of land, subject to the following conditions:

402D.1--The converted dwelling shall be located on a lot that will meet all of the dimensional requirements for its size and zone as indicated in the following table:

ZONE	WIDTH OF LOT IN FEET AT FRONT BUILDING LINE		LOT AREA IN SQUARE FEET		SIDE YARDS -- FEET	
	1-3 ROOMS	EACH ADD. ROOM	1-3 ROOMS	EACH ADD. ROOM	MIN./SIDE	SUM OF BOTH
ALL R.C.'S OR D.R.1	175	25	50,000	10,000	INTERIOR--25 CORNER--50	INTERIOR--60 CORNER--75
D.R.2	125	25	25,000	7,500	INT.--20 COR.--35	INT.--50 COR.--60
D.R.3.5	90	15	12,500	4,000	INT.--20 COR.--30	INT.--40 COR.--50
DR.5.5	80	15	10,000	3,000	INT.--15 COR.--25	INT.--35 COR.--40
D.R.10 OR D.R.16	70	10	INT.--8,050 COR.--9,200	2,500	INT.--15 COR.--25	INT.--30 COR.--40

402D.2--The converted dwelling shall be:

A. Situated on a lot with frontage on a principal arterial; or {Bill No. 172, 1993.}

B. Officially designated as historic or located in a historic district, as identified on the zoning maps (or eligible for identification on the zoning maps); or {Bill No. 172, 1993.}

C. On a property located outside the urban-rural demarcation line (URDL). {Bill No. 172, 1993.}

Petitioners Exhibit #13

402D.3--Individual rooms which are rented may not contain cooking facilities.

402D.4--The owner shall reside on the premises.

402D.5--One sign in addition to those permitted under Subsection 413.1 may be displayed, provided that it shall show only the name of the business, shall be single-faced, stationary, and non-illuminated, and shall not exceed five (5) square feet in area.

402D.6--Parking shall conform to provisions in Section 409 of these regulations.

402D.7--Screening shall be provided in accordance with the Baltimore County landscape manual.

402D.8--If the requirements for parking would require the elimination of existing amenities, the zoning commissioner may approve a modified plan under provisions in Subsection 409.12 of these regulations.

402D.9--Any structures established as a bed and breakfast facility and in operation of the date of enactment of this section shall be considered a lawful existing use provided that the owner of such a facility applies for a use permit within 30 days of the enactment of this section and provides sufficient documentation to the satisfaction of the zoning commissioner that the facility has operated as a bed and breakfast facility according to the definitions in Section 101 and the provisions of 402F.

402D.10--Only structures constructed prior to the date of adoption of this section are eligible to apply for a use permit.

KOINONIA

building health through Spirit



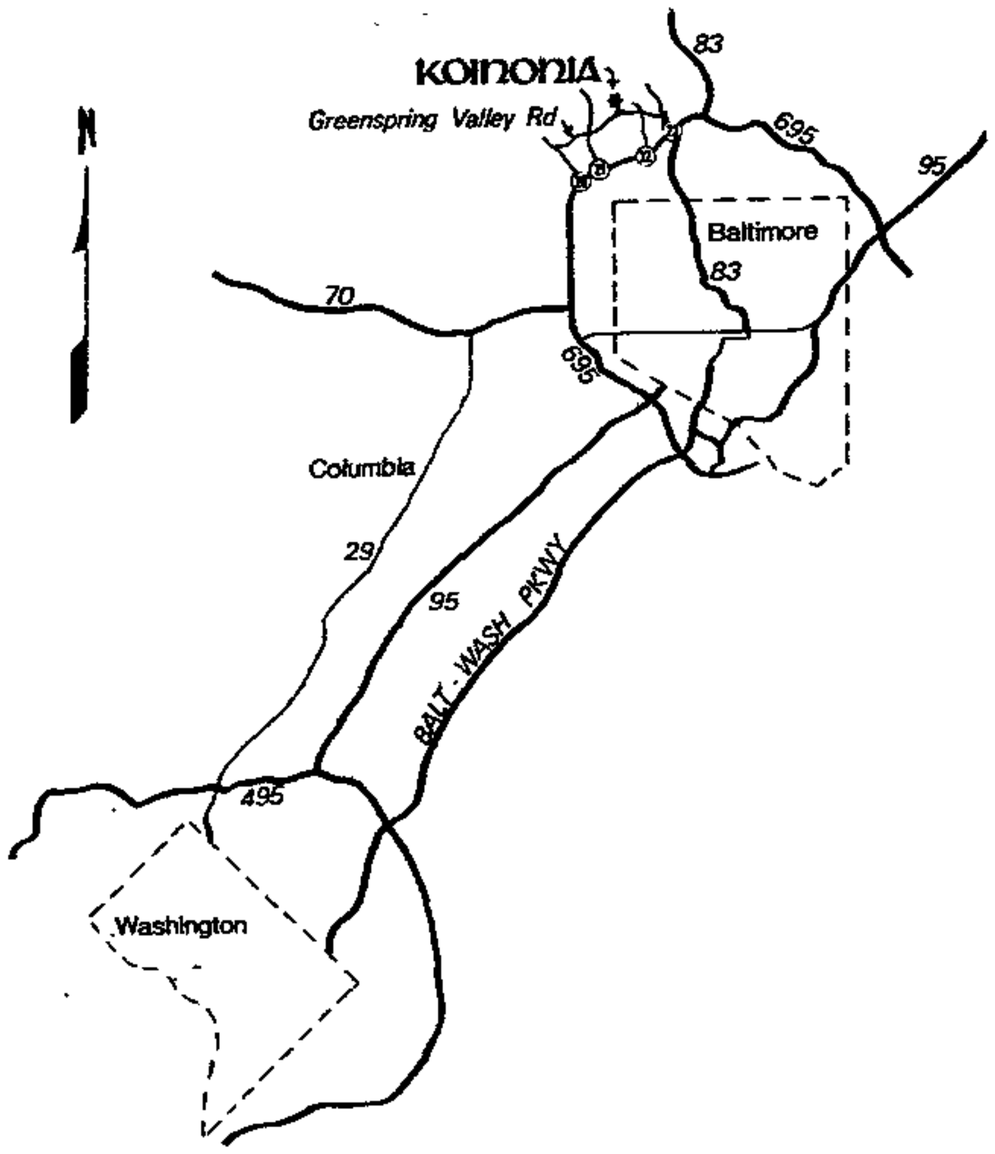
Summer Program 1980

intensives/workshops/classes

KOINONIA

1400 Greenspring Valley Rd.
Stevenson, Maryland 21153
(301) 486-6262

Non Profit Org.
U. S. Postage
PAID
Baltimore, Md.
Permit No. 2061



Petitioners Exhibit List
#14

About Koinonia...

Koinonia (koy-no-NEE-a) is a place for healing and growth. We believe that healing is the movement toward wholeness, an increasing awareness that the Spirit manifests itself through every aspect of our living and of our person. We seek to provide a variety of classes, workshops, demonstrations, and experiences by which God's guidance can come alive in our bodies, our minds, our emotions, and our inner lives. It is our belief that, as consciousness of this integrating Spirit grows, we can as individuals become part of the healing of nations and the world.

On 45 acres of beautiful natural woodland, meadow and garden, we offer an experience of that integration of all life. Our staff are chosen for their own dedication to this growth in wholeness of spirit, and so offer an experience of daily interaction with seeking, growing people. From our own organic gardens, in large part, our cooks are able to prepare nutritious meals of natural foods. Chapel, meditation room, woodsy meditation hut, paths for roaming, pool and games for relaxation provide a balance of opportunities for growth and expression.

Koinonia provides a deeply religious atmosphere of life, work and human relationships, but offers no single religious or creedal "system." Among our programs will be found spiritual, mental and physical wisdom learned through the centuries within Christianity and Judaism, but also wisdom and physical and dietary practices developed within Hinduism, Buddhism, and other traditions. We have found that Spirit is truly One, and the wisdom of God has been offered to all peoples in the manner and to the degree that they have been able to open themselves.

Koinonia is not designed to be a clinic or a treatment center, but a unique living experience. We offer to people in transition the opportunity to find their own way and make their own choices in a meditative and healthy environment. We also offer to professionals in the healing and helping professions the opportunity both to protect themselves against burn-out and to supplement their technical learnings with skills and practices of spiritual wellness that can be transmitted to patients and to clients.

All of the artwork in this booklet is by DOROTHEA BLOM, artist, lecturer, teacher and resident of Koinonia. Her gifts frequently appear in our publications and are often on display in Koinonia's public rooms. The relationship she experiences between art and the human growth process is beautifully manifested by her work.

Residentials: A Unique Experience

The Koinonia Experience is offered at three levels of involvement. The full term fall, spring, and summer residencies of eight and twelve weeks are described in a separate brochure for which we invite you to write. Shorter residencies of one week or weekend are described in this booklet.

The 8 and 12 week residencies are carefully planned, integrated experiences wherein participants are able to live in that atmosphere of wholeness we are all seeking to create within our individual lives. In addition to special daytime classes and sharing especially designed for the residents, the one week, weekend, and evening events are options for them. These shorter experiences explore in depth special approaches, disciplines or learnings. All are taught by people carefully selected for their broad vision of the spiritual wholeness which unites individual techniques or practices.

We are a non-profit, tax-exempt educational community founded in 1951. Koinonia is accredited by the State of Maryland as a college-level, non-degree granting institution. The present 8 and 12 week residential programs provide a unique opportunity for growth and learning and practical application of the integrated health model. Please write or call requesting our brochure for further details.

TABLE OF CONTENTS

Calendar of Events ..... p. 2

Intensives ..... pp. 3-7

Weekend Workshops ..... pp. 8-15

Classes ..... pp. 16-20

Class Calendar ..... p. 22

Registration ..... p. 23

Staff Openings ..... p. 21

General Information ..... p. 25

~CALENDAR~

June

beg. 16	T'AI CHI: MOVEMENT AS MEDITATION, 6 classes, p. 16.
beg. 17	YOGA AND MEDITATION, 8 classes, p. 16.
" "	SELF-DISCOVERY THROUGH CHINESE ART, 4 classes, p. 17.
beg. 18	MASSAGE THERAPY, 4 classes, p. 17.
" "	TAKING HOLD OF YOUR LIFE, 8 classes, p. 18.
" "	DREAMS AND MEDITATION, PT.I., 8 classes, p. 19.
" "	VACATION FROM CAN'TS, 6 classes, p. 19.
beg. 19	CREATIVE MOVEMENT FOR THE ADULT BEGINNER, 4 classes, p. 16.
21	SPIRITS IN THE GARDEN, one day, p. 8.
"	SUMMER SOLSTICE CELEBRATION, one day, p. 8.
- 28	EVERYDAY USE OF SPIRITUAL POWER, p. 3.
beg. 26	THE PROPHETIC SEARCH FOR WHOLENESS, 6 classes, p. 17.
beg. 28	ORGANIC HOME GARDENING, 6 classes, p. 20.
"	WATERCOLOR AS MEDITATION, one day, p. 9.

July

- 15	FROM GARDEN TO TABLE, p.4.
- 11	ORGANIC SPIRITUAL GARDENING, p. 5.
- 13	NEWCOMER'S GUIDE TO NATURAL FOODS, pp.6,9.
- 15	WHOLE FOODS COOKERY, pp. 6,10.
beg. 17	WORLD RELIGIONS, MYSTERIES AND MYTHS, 4 classes, p. 20.
- 20	MEDITATION AND SPIRITUAL HEALING,p. 11.
- 27	WOMAN'S SPIRIT/WOMAN'S BODY, p.12.
- 26	LIFE PLANNING, p. 12.
- 8/9	VACATION IN SELF-HEALING, p. 7.

August

- 3	DREAMS AND IMAGES: UNVEILING PERSONAL SYMBOLOGY, p.13.
- 17	EYE CLASSES, p. 14.
- 24	LIFE HERE AND HEREAFTER, p. 15.

~ INTENSIVES ~

June 22 - 28

Everyday Use of Spiritual Power

Dorothy and Will Samuel, Otto Zingg, Koinonia Staff

Spiritual power can be applied to the decisions and needs of each day. It is in the regular daily thoughts, activities and growth opportunities that the spiritual life is realized. So grounded and practiced, spiritual power can blossom into healing of oneself and others.

This practical workshop is devoted to the application of spiritual power to the decisions and needs of daily life--family relations, finances, work, health, and problems of self-image and tensions. It will demonstrate and explain the little daily routines and exercises by which our highest conceptions are made conscious and operative hourly and daily. Meditation, prayer, visualization, affirmation, physical stance-ing, relaxation are among the techniques to be experienced. There will be sharing and discussion in groups, as well as opportunity for personal consultation with the leaders.

Three evenings will be spent "Dialoguing with Scripture" with Otto Zingg, a method of relating the "old stories" to the present experiences of the participants.

DOROTHY and WILL SAMUEL have been leading spiritual healing groups and training sessions since the 1940's. Dorothy, teacher, author, former TV and radio commentator, is Executive Director of Koinonia. Will, a former Methodist minister, presently teacher at Friends School, is active in wider Friends Meetings, training and study activities. OTTO ZINGG, campus minister at Towson State University, is well known as a teacher of journal, experiential theology, meditation, and T'ai Chi.

SUNDAY/7:30pm through SATURDAY/12:30pm
COST/$80 Tuition/additional $100 Room and Board (optional)





Sycamore fireworks at Koinonia. Dorothea

July 6 - 15
From Garden to Table

From Garden to Table is a nine day adventure in organic gardening and vegetarianism comprised of three consecutive workshops: Organic Spiritual Gardening Intensive, Newcomer's Guide to Natural Food, and Whole Foods Cookery. Each unit may be taken separately, or in any combination, though we encourage the entire offering for a unique and complete experience in organic gardening, whole foods nutrition and vegetarian cooking. Discounts are available for taking two or more units. Call for details.

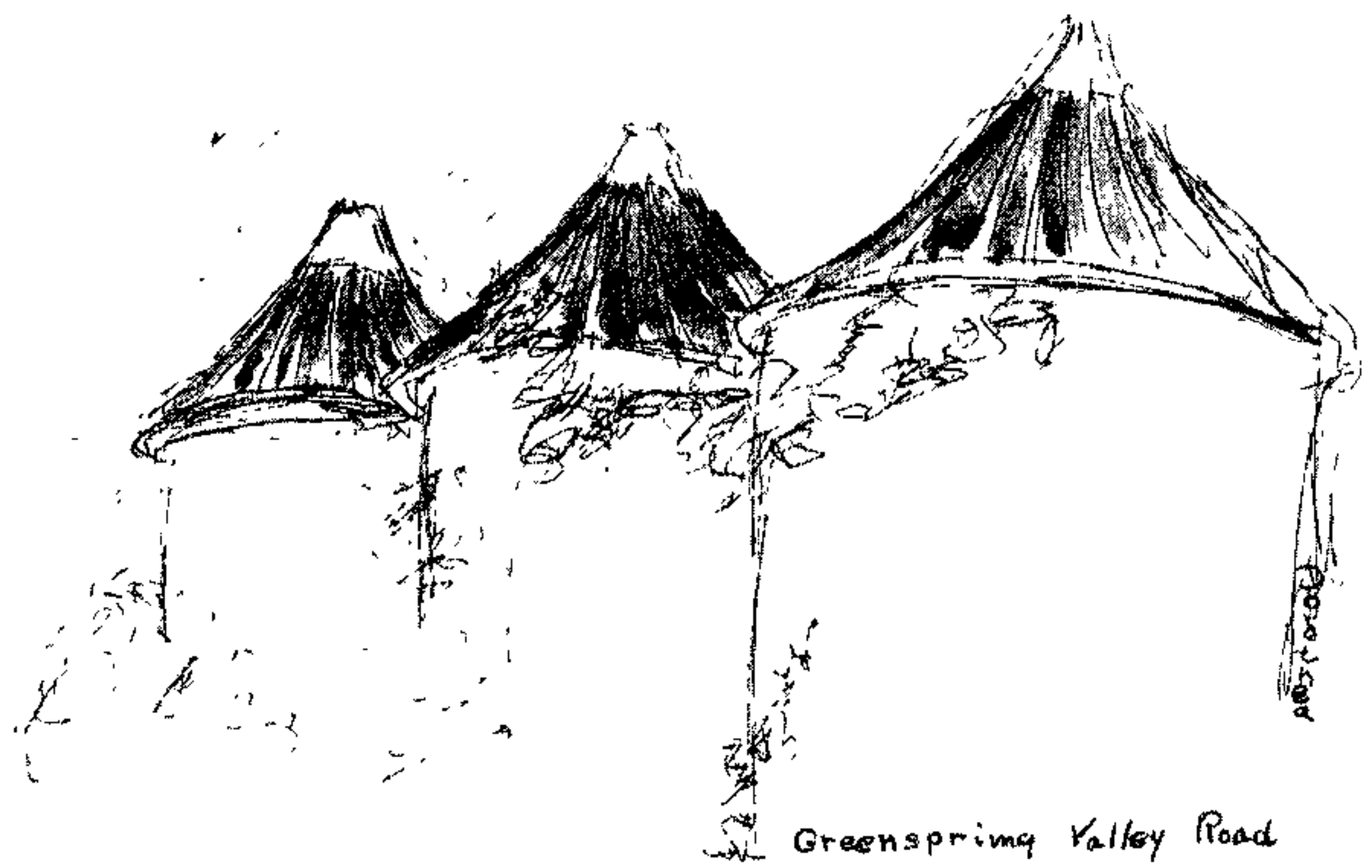
July 6 - 11
Organic Spiritual Gardening - Robby Halpern

Organic gardening is an art that can save money, improve physical health and stamina, and facilitate spiritual growth and awareness. This week-long intensive presents the principles of gardening by organic methods within the atmosphere of respect for Nature and the environment. Lecture, discussion, films, field trips, demonstrations, meditation periods, and experiences in the Koinonia gardens will be offered. Specific topics to be covered include: garden planning and companion plants, French Intensive raised beds, introduction to BioDynamics, introduction to Findhorn, attunement to Nature Forces, insect and pest relationships, composting, mulch, starting seeds and transplanting, the Fall garden, harvest and storage, cover crops, and other topics of interest to participants.

This Intensive is also an opportunity to experience Koinonia and community life on a daily basis. Daily morning meditation with the staff and other students, communal meals, and light household responsibilities will enable participants to taste something of the lifestyle of wellness. Participants should bring clothing for garden work, swimming and play, plus any musical instruments, readings, etc., that they would like to share with the group.

ROBBY HALPERN, Koinonia's Garden Coordinator, has been organic gardening for five years.

SUNDAY/July 6, 5:00pm to Friday, July 11 at 5:00pm
COST/$75 Tuition/additional $95 Room and Board



Greenspring Valley Road

July 12 -13

Newcomer's Guide to Natural Foods

—Susan Dunlap

This workshop is for those concerned with obtaining a basic understanding of natural foods and how they contribute to a healthy body, mind and spirit. The what, where, why and how of whole foods and nutrition will be presented. Basic facts about the nutrients contained in whole foods and their function in sustaining life will be discussed. Information on how to prepare balanced vegetarian dishes, based on basic food groups and protein complementarity, menu planning, purchasing and easy to prepare "convenience" natural foods will be presented. See same course title in workshop section for a more complete description.

SUSAN DUNLAP was the former head of the Koinonia kitchen. She continues her work with natural foods in the Virginia Shannon Farm community.

SATURDAY/9:00am through Sunday, 8:00pm
COST/$45 Tuition/additional $25 Room and Board (optional)

July 14 - 15

Whole Foods Cookery —Dixie Mullineaux

This introductory workshop is for those who want to become familiar with using the basic ingredients of vegetarian cooking. A vegetarian diet presents a whole new range of foods from which to choose, and may seem confusing to the novice. Grains, beans, nuts, seeds and dairy products will be used in preparing new and delicious meals. Vegetable proteins tofu and seitan will also be introduced. See same course title in workshop section for a more complete description.

DIXIE MULLINEAUX, Koinonia's vegetarian cook and kitchen coordinator, brings her years of experience from natural food stores, vegetarian cooking classes and catering special occasions to this class.

MONDAY/10:00am through Tuesday, 8:00pm
COST/$45 Tuition/additional $25 Room and Board (optional)

July 31 - August 9

Vacation in Self-Healing

—Koinonia Faculty and Staff

Vacation in self-healing offers a unique opportunity to enjoy and develop one's own health program. Mornings will begin with yoga (for those who are interested) followed by a quiet period of guided inner attunement. SIGRID DREYFUSS, healer and teacher of metaphysics, will guide participants each morning in the basic understanding for designing their own integrated self-health program. This will provide a foundation for utilizing the varied experiences. Afternoon recreation and exercise will allow time for swimming, walking, games, or adventures in the garden. There will also be time just to relax—to sun, to sleep, to visit—on the beautiful grounds of Koinonia. Evenings will feature sharing groups, classes in journal keeping, contemplative writing, or prayer groups. Frequently music or creative movement will close the day's schedule.

Faculty will include resource persons in all approaches to wholistic health. The opportunity to experience both foot and body massage will be provided. The weekend of August 1-3, Kay Green will present a workshop in Dreams and Images as a delightful counterpoint to the regular activities.

Meals are deliciously prepared with healthful, vegetarian, organically grown produce. Individual consultation time in designing one's own diet for individual nutritional needs will be available.

One fee covers all optional classes and activities. Join us for a real vacation — one of self-healing and re-creation.

THURSDAY/July 31, 10:00am through Saturday, August 9, 7:00pm
COST/$280 Tuition, Room and Board inclusive



~WORKSHOPS~

June 21
Spirits in the Garden — Robby Halpern

All of creation participates in and shares the same spiritual energy. The recognition of this silent unity enables us to know ourselves better. The experience of this silent unity enables us to know the Divine better. This one day workshop focuses on experiencing unity with the Nature Forces. Using chants, visualization, memory, techniques for attuning to plants, animals, and other beings, we will learn about ourselves and about those others who share this life on our planet. Some time will be spent in Koinonia's gardens, but this is not a program limited to gardeners or focusing on the art of gardening. There will be discussion of how these practices can be used for gardening, healing, and living with awareness of the unity of all life. The date for this program is the Summer Solstice, a day of great power and joy in the Nature Kingdom. Participants are invited to remain following the workshop for the Summer Solstice Celebration (described below). ROBBY HALPERN has been organic gardening for 5 years and is Koinonia's Garden Coordinator.

SATURDAY/ 9:30am — 5:30pm
COST/$25 Tuition/$3.00 Lunch and $3.00 Supper (optional)

June 21
Summer Solstice Celebration

The Summer Solstice or Midsummer Night celebrates the beginning of summer and the height of the powers of the forces of nature and growth. Join the Koinonia family for an evening of meditation, prayer, music and merriment to pledge our cooperation with these forces. The evening will begin in the Koinonia garden at 7:15 p.m. with a period of attunement to the devas and elementals who make up the Nature Kingdom. We ask that you bring homemade treats or juices to share for the informal dessert following a concert by Teresa Whitaker.

(In case of rain, please call before coming.)

SATURDAY/JUNE 21, beginning at 7:15pm
FREE — Open to the Public.

June 28
Watercolor as Meditation — Dorothea Blom

Both experienced artists and those with no background in art will find this an uplifting experience, discovering a new approach to art and meditation. Watercolor is particularly appropriate for meditation because of its natural beauty and luminosity, and because its techniques can be learned quickly. The morning session is devoted to working with the six characteristics of transparent watercolor. In the afternoon the group will explore watercolor as a form of, and an aid to, concentrating on a life-relating image or symbol to help that image take part in the integrative growth process. Please bring transparent watercolors (we recommend the boxes of eight pans, costing about $2). Sketch paper will be available at the workshop at cost, and those who wish may bring watercolor paper. DOROTHEA BLOM, of the Koinonia staff, has taught, lectured, and written on the relationship of art and human growth for many years.

SATURDAY/9:30am—4:30pm
COST/$25 Tuition/additional $3.00 Lunch (optional)

July 12 - 13
Newcomer's Guide to Natural Foods — Susan Dunlap

This workshop is for those concerned with obtaining a basic understanding of natural foods and how they contribute to a healthy body, mind and spirit. The what, where, why and how of whole foods and nutrition will be presented. Basic facts about the nutrients contained in whole foods and their function in sustaining life will be discussed. Information on how to prepare balanced vegetarian dishes, based on basic food groups and protein complementarity, menu planning, purchasing and easy to prepare "convenience" natural foods will be presented. Time will be available for people to share their individual concerns in open discussion. Participants will have the opportunity to dine from and visit the Koinonia kitchen, where vegetarian natural foods make up the daily fare. All are encouraged to sign up for the "Whole Foods Cookery" workshop immediately following for practical experience and training in actual preparation and cooking of natural foods. SUSAN DUNLAP was the former head of the Koinonia kitchen. She continues her work with natural foods in the Virginia Shannon Farm community.

SATURDAY/9:00am through Sunday, 8:00pm
COST/$45 Tuition/additional $25 Room and Board (optional)

July 14 - 15

Whole Foods Cookery —Dixie Mullineaux

This introductory workshop is for those who want to become familiar with using the basic ingredients of vegetarian cooking. A vegetarian diet presents a whole new range of foods from which to choose, and may seem confusing to the novice. Grains, beans, nuts, seeds and dairy products will be used in preparing new and delicious meals. Vegetable proteins tofu and seitan will also be introduced. Instruction will consist primarily of kitchen demonstration and preparation of dishes with the above ingredients. *Meal planning* will also be discussed to prepare participants to serve balanced, nutritious meals at home. This class may be taken as a follow-up to organic gardening and whole foods nutrition, but may also be taken as a single unit. DIXIE MULLINEAUX, Koinonia's vegetarian cook and kitchen coordinator, brings her years of experience from natural food stores, vegetarian cooking classes and catering special occasions to this class.

MONDAY/10:00am through TUESDAY, 8:00pm
COST/$45 Tuition/additional $25 Room and Board (optional)



July 18 - 20

Meditation and Spiritual Healing

—Herbert Puryear

PUBLIC LECTURE: (Friday evening)

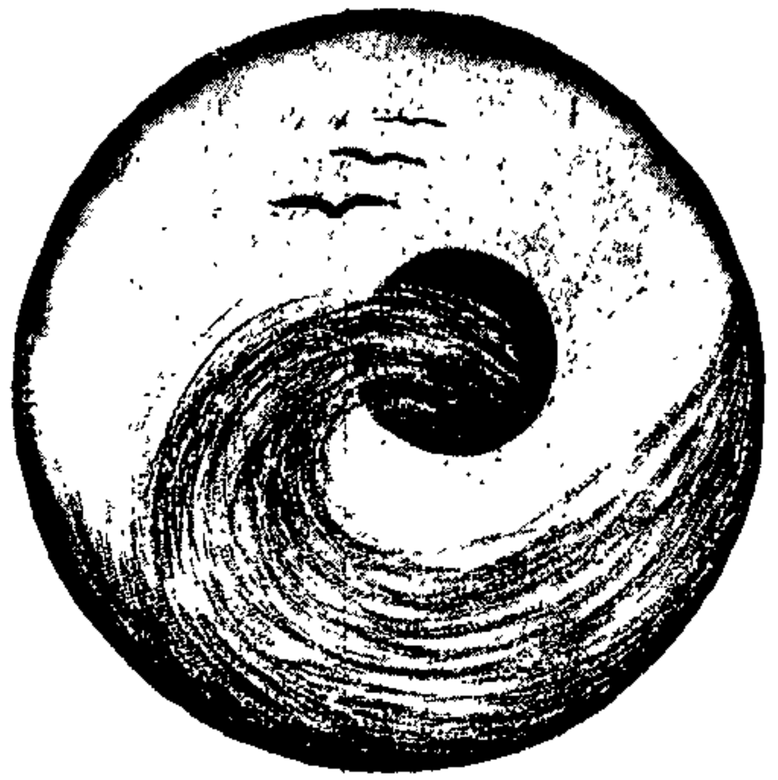
This introduction to meditation covers physiology, practice and preparation for meditation, patterns of meditation, and understanding of the manifestation of power through spirit. The benefits found by those who meditate will be discussed.

FRIDAY/8:00pm/ OPEN TO THE PUBLIC/ ADMISSION $3.50

WORKSHOP

The workshop will focus on issues and experience in how to meditate, with a discussion of archetypal symbolism as it occurs in *meditation. The use of mantras and affirmations, bodily dispositions* and reactions during meditation will also be examined. The laws of spiritual healing will be described, with emphasis on prayer, using meditation and prayer for healing. Participants will have an opportunity to experience the practice of meditation and receive individual help and guidance. HERBERT PURYEAR, Ph.D., President of Atlantic University and Director of Research for the Association for Research and Enlightenment, is a clinical psychologist and writer. He is featured on the program, "Who is Man?," a nationally shown educational series which relates findings of parapsychology to an understanding of the nature of man.

FRIDAY/8:00pm through Sunday/12:30pm
COST/$50 Tuition/additional $30 Room and Board (optional)



July 24 - 27

Woman's Spirit: Woman's Body

—Dorothy Samuel and Kathleen (Kay) Carter

Women, more than men, have often been unable to see themselves as self-controlling entities; yet women, like all living beings, create their physical form whether consciously or not. The body intimately reflects the spirit and emotions and the mental patterns which govern the life experience of each being. This weekend will offer tools, techniques, practices and resources for releasing and changing that inner spirit to reflect into our physical lives the values, goals, health and vigor we deliberately choose. DOROTHY SAMUEL, Executive Director of Koinonia, lecturer and author, has been practicing self-creation of her own health and bodily form for over a quarter of a century. KATHLEEN (KAY) CARTER is known for her organizing work in the foundation and development of the Maryland Commission on Women for which she served as vice-president for some 14 years. She has served on several presidential committees and is founder and President of Human Relations Concepts and administrator at the Women's Growth Center.

THURSDAY/7:30pm through SUNDAY/12:30pm
COST/$55 Tuition/additional $40 Room and Board (optional)

July 25 - 26

Life Planning

—Otto Zingg

Many people do not think of creating their future; they just let it happen. When concrete plans are made, they are often in certain practical areas, such as education or career. Other aspects of life, such as relationships, leisure and life-style are neglected. This workshop is designed to help individuals consider unique future goals and influence present situations. The objective is movement into greater self-awareness and the beginning of a specific, but flexible, plan for tomorrow. OTTO ZINGG is presently a campus minister at Towson State University and is teaching journal, experiential theology, meditation, and T'ai Chi. He has worked for several years with the life planning process.

FRIDAY/7:30pm through SATURDAY/9:00pm
COST/$35 Tuition/additional $20 Room and Board (optional)

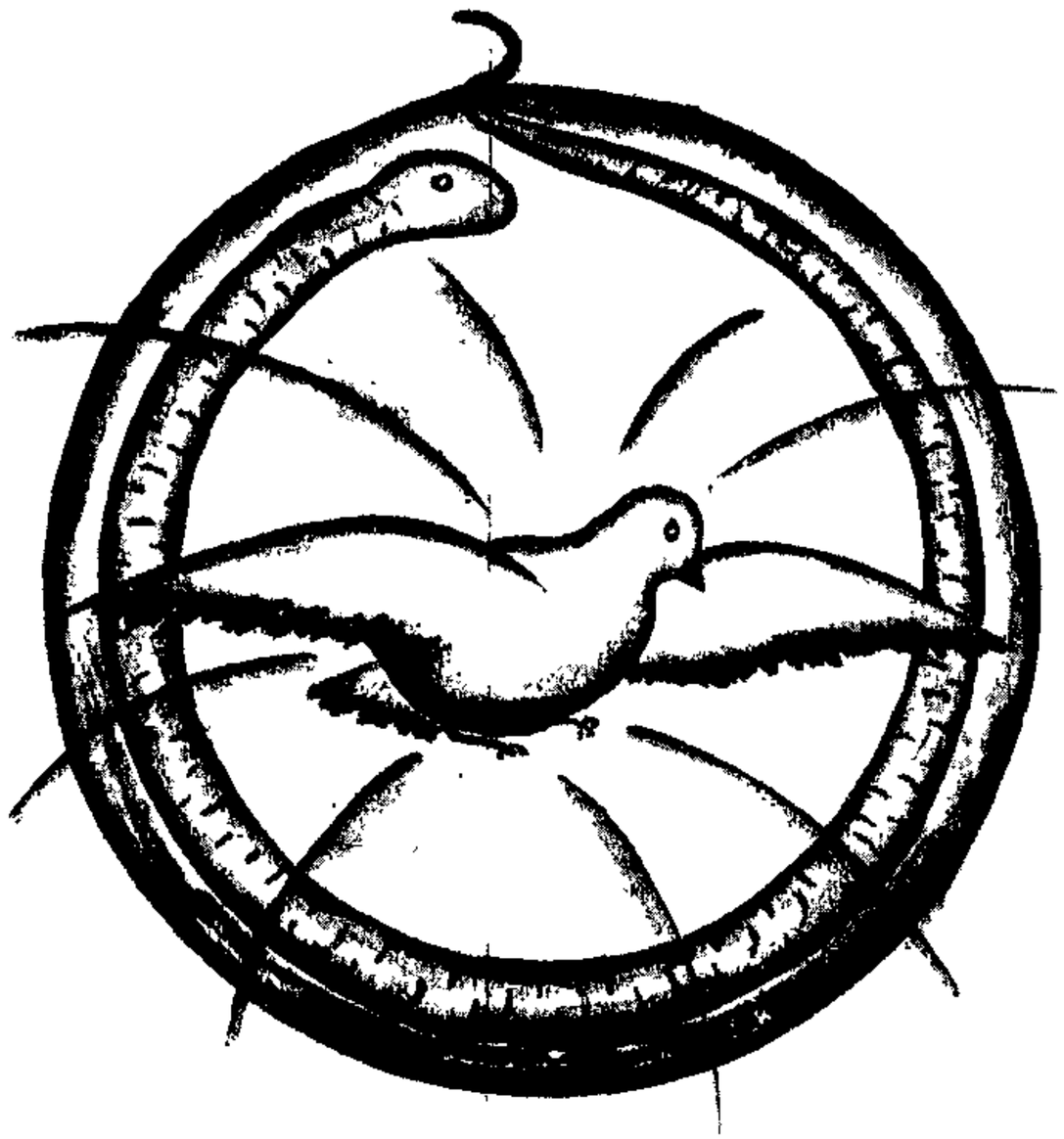
August 1 - 3

Dreams and Images: Unveiling Personal Symbology

—Kay C. Green

The creative experiences of this weekend are designed to open consciousness to inner language through which the soul, the higher self, and God speak. Participants will be guided into discovering these inner messages and will examine their personal symbolism revealed in images. Inner language, dream and image interpretation will be explored using meditation, creative writing, imagery, dream incubation, contemplation with music, and mandalic art. The workshop is a creative experience in learning the meaning of inner experiences. KAY C. GREEN, M.A., psychotherapist, has studied with Dr. Ira Progoff, Dr. Helen Bonny, at the Psychosynthesis Institute, and at the Carl Jung Center. She is a teacher, lecturer and writer on the subject of dreams, imagery, fantasy, symbology, creative writing and music and art techniques for self-expression and healing.

FRIDAY/8:00pm through SUNDAY/12:30pm
COST/$45 Tuition/additional $30 Room and Board (optional)



August 15 - 17

Eye Classes —Tom Boyer and Marty Sussman

Eyeclasses is a 2-1/2 day program offering effective methods for improving eyesight and eliminating or reducing the use of glasses or lenses. It is a 20 hour exploration into the miracle of seeing. This is a highly involving, in-depth experience with one-to-one, small group and full groups discussions. There are also short lectures and groups discussions. The entire program is designed to show how ALL levels of consciousness (physical, emotional, mental and spiritual) enhance or reduce our ability to see clearly. An important point that runs through the course is the understanding that vision is more than a purely physical phenomenon—that there are many levels to the process of seeing. This understanding contributes to improvement in how well a person can read, see the eye-chart or recognize people across the street.

A major purpose is for participants to experience moments of clear or significantly clearer vision. This is achieved by more than 90% of all those taking Eyeclasses. Vast reduction in time spent wearing glasses is reported by people who take this course. It is an experience in visual transformation grounded in assuming personal responsibility for our visual acuity. Those who continue practicing exercises and techniques learned in Eyeclasses have steady and measurable improvement in their vision. Also, people find that improving vision changes their self-image and broadens their overall outlook.

This intensive program is designed for improvement of functional disorders of the eye: i.e., myopia, hyperopia, presbyopia, astigmatism, strabismus or amblyopia. It is not designed for people with medical disorders such as detached retina, cataract, macular degeneration,etc. Even people with 'normal' vision take Eyeclasses to envision. TOM BOYER, co-founder of Eyeclasses, has been working on the growth and development of the Eyeclasses visual training since 1977. Marty Sussman has led courses in meditation, movement exercise and human relations. He is also co-founder of Eyeclasses.

FRIDAY/6:30pm through SUNDAY/8:00pm
COST/$70 Tuition/additional $30 Room and Board (optional)

August 23 - 24

Life Here and Hereafter

Cathleen Fanslow and Janet McGuigan

This weekend aims at providing participants with an understanding of themselves and an awareness of the dying process — before and after death. Participants will be assisted in a gentle, supportive manner to take an inward journey and unearth their thoughts, feelings and fears of death and the dying process. From this experience may come increased knowledge and skills to effectively relate to and communicate with dying persons and their families; to know how to help oneself or one's family die well; to understand what happens in the transition from death to life. The workshop will involve some lecture, time for sharing experiences, small group work, discussions, role play, use of excellent and sensitive audio-visual material to instruct and sensitize the group, meditation exercises to help participants experience themselves as more than physical beings.

CATHLEEN FANSLOW, R.N., M A., is a clinical nurse specialist at Nassau Hospital in New York and professor at SUNY, who has lectured and taught on Death and Dying and Therapeutic Touch since 1972. JANET McGUIGAN, R.N., B.S., is a psychiatric nurse therapist and healer who has been gifted with higher sense perception since birth. Both Ms. Fanslow and Ms. McGuigan have studied with Dr. Elizabeth Kubler-Ross and been trained by her in Death/Dying Counseling.

SATURDAY/9:30am through SUNDAY, 12:30pm
COST/$35 Tuition/additional $20 Room and Board (optional)



CLASSES

T'ai Chi: Movement as Meditation

—Otto Zingg

T'ai Chi Chu'an is a series of slow, meditative body movements which free and strengthen "chi," the healing and life energy of the body. This result is greater awareness of the body and its environment. The experience of T'ai Chi Chu'an provides a clearer sense of one's own center, a way to be "at home" in the midst of life's transitions. This introductory course will cover the principles behind T'ai Chi and the first third of the traditional Yang form. OTTO ZINGG, a campus minister at Towson State University, has taught this art at Koinonia for three years.

MONDAYS/8 weeks beginning June 16/ 8:00-10:00pm/ $40

Yoga and Meditation —Ramesh Bishop

Yoga is a Sanskrit word meaning "union" or wholeness. It consists of a variety of practices oriented to "head," "heart," and "action" personalities. Fundamental is the practice of "hatha yoga" or physical postures, and meditative techniques to train the mind. This class, which is intended for beginners, focuses on hatha yoga while exploring and offering experiences in breath control, deep relaxation, chanting, meditation and philosophy. Each student will be free to develop at his or her own pace. Please bring a mat (blanket or towel), wear loose-fitting clothing for easy movement, and refrain from eating two hours before each class. RAMESH BISHOP brings many years of experience teaching yoga at schools, prisons, camps, mental clinics, and to the general public. He was co-founder and executive director of the Washington, D.C. branch of the Integral Yoga Institute.

TUESDAYS/ 8 weeks beginning June 17/ 8:00-10:00pm/ $50

Creative Movement for the Adult Beginner

—Dawn Pruess

This course emphasizes exercising the body and imagination to promote better body mechanics, body awareness, and body actualization. The student not only learns to move, but also moves in order to learn about him/herself, others and the environment. DAWN PRUESS is an experienced teacher, choreographer and performer presently with the Cultural Arts Institute in Baltimore.

THURSDAYS/ 4 weeks beginning June 19/ 7:00-8:15pm/ $30

Self Discovery Through Chinese Art

—Dorothea Blom

Exploring the art of China from the Shang Dynasty (over 3000 years ago) to the present, these sessions focus on art as a non-verbal language. Using reproductions mounted on a board, the class includes training in an approach to art by which imagery educates where reason never reaches. The series has a double purpose: to develop an awareness of the gestalt of China - where it comes from and seems to be going; and to know experientially (as well as in life relationships) characteristics inherent to that culture. The inner personal world and the outer world meet and mutually transform each other. DOROTHEA BLOM is a writer, lecturer, artist and teacher.

TUESDAYS/ 4 weeks beginning June 17/ 7:30-9:30pm/ $30 (optional)

The Prophetic Search for Wholeness

— Benet Hanlon

Hebrew prophets, because of their awareness of the divine presence and promises, confronted imbalances and injustices in their lives. They sought peace and wholeness within their own lives and within society through their teaching and deeds. In the light of the Hebrew prophets, each participant will come to an understanding of a particular injustice which touches his or her life and will develop a prophetic stance toward this injustice. Primary attention will be given to Elijah, Micah, Hosea, Jeremiah, and Isaiah. BENET HANLON, student and teacher of theology, has particular interests in Semitic and Egyptian languages and literature.

THURSDAYS/ 6 weeks beginning June 26/ 7:30-9:30pm/ $40

Massage Therapy —Allyson German

This course for men and women aims at helping participants develop sensitivity to their bodies while learning a specific technique to promote the health and wholeness of family and friends. Basic massage skills for the release of stress, location of bodily tensions, relaxation and improvement of energy flow will be covered. Participants will learn by experience, giving and receiving a partial massage each week. Participants will also learn how to massage their own bodies. Please wear comfortable clothing. ALLYSON GERMAN has taught at Koinonia and at the Ruscombe Lane Institute.

WEDNESDAYS/ 4 weeks beginning June 18/ 7:30-9:30pm/ $30

Taking Hold of Your Life

—Kathleen (Kay) Carter

This course provides an opportunity to assess capabilities and discover strengths with a view toward developing a heightened sense of awareness of self and a clearer sense of direction and purpose in life. Experiences will include techniques in creative problem solving, building self-esteem, stress reduction, guided imagery, quicker learning, and journal keeping. KAY CARTER is a licensed clinical social worker and member of the Woman's Growth Center. She is former Commissioner and Vice-Chairperson of the Maryland Commission of Women and has consulted, taught and lectured widely on women's issues. Ms. Carter is founder and president of Human Relations Concepts, Inc.

WEDNESDAYS/ 8 weeks beginning June 18/ 7:30-9:30pm/ $50

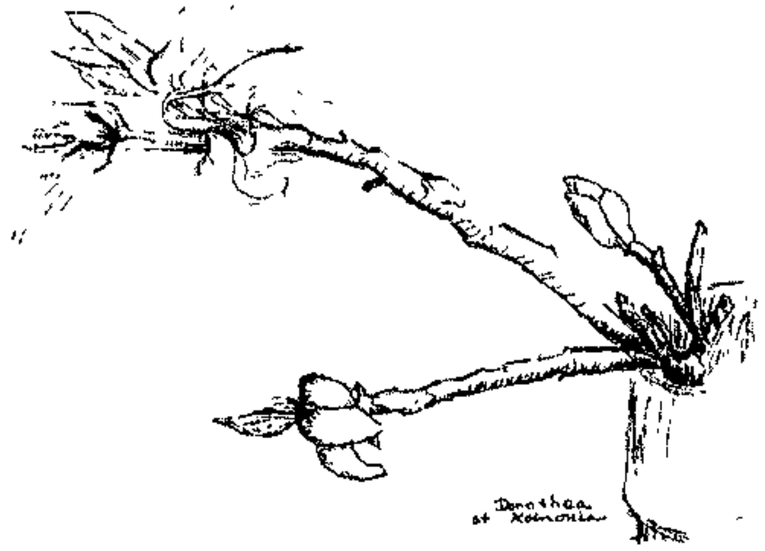


Vacation from Can'ts

—Sigrid Dreyfuss

This is a mini-course in joyful and positive living. Walking the path to wholeness on practical feet, participants will follow positive guideposts and turn "can'ts" into either "won'ts" or "of course, I can." Methods used will include a positive approach to prayer, visualization techniques, developing the energy and will to do the things we want to do, and overcoming obstacles with a loving acceptance of those things we cannot change. Emphasis will be placed on non-traditional and self-healing techniques with demonstrations, lectures and discussion concerning prayer therapy, meditation and visualization, hermetic healing and chant healing, and development of imagination and will. SIGRID DREYFUSS, M.A., healer and metaphysical teacher, has studied and worked professionally both in psychology and journalism. She is a sensitive, a writer and lecturer, and creator of a "Dynamic Relaxation" philosophy.

WEDNESDAYS/6 weeks beginning June 18/7:30-9:30pm/$40



Dreams and Meditation, Part I

—Jim McLaughlin

Dreams are a "breaking through" of our spiritual nature and are the counterparts of waking "visions." The emphasis in the course will be on dream symbols as a language comprised of universal analogies. The study of this language will reveal explanations of prayer, meditation, and the "higher sense perceptions" such as ESP as methods which can be used to encourage soul growth and aid in dream work. Class sessions will include lecture, small group work, and sessions of meditation. Participants are asked to keep a structured dream book during the course. Part II offered in the fall. JIM McLAUGHLIN, M.R.E., has experience in many counseling settings, has served as a certified social worker, theology teacher, and alcoholism therapist.

WEDNESDAYS/ 8 weeks beginning June 18/ 7:15-9:30pm/ $50

Organic Home Gardening — Robby Halpern

This class is an introduction to the principles of organic gardening for the home gardener, covering all features of the productive garden, step by step. Weekly classes will combine presentations and discussions with laboratory work in the Koinonia gardens. Some topics to be covered are: garden planning and companion planting, controlling pests and other problems, composting, mulching, starting seeds and transplanting, container growing, French Intensive raised beds, culture and harvest for specific vegetables, summer and fall garden tasks, and other topics of interest to participants. Techniques for attuning to the Nature kingdom will be shared and practiced. Each class will begin with meditation for attunement and conclude with a tour of Koinonia's gardens. ROBBY HALPERN has been gardening organically for five years and is the Garden Coordinator on the staff of Koinonia.

SATURDAYS/ 6 weeks beginning June 28/ 9:00am—noon/ $40



World Religions: Mysteries and Myths

— Nargis Paul Bunce

This course will study the origin of four great religions: Hinduism, Buddhism, Islam, and Zoroastrianism, and will examine some of the legends and stories in their great histories. It will consider both the facts and fancies of their emergence and how they became powerful world forces. The power in these stories will translate into practical patterns to discover how this power may be implemented in our own lives. NARGIS PAUL BUNCE, native of Lucknow, India, was Dean of Students and taught biochemistry and nutrition at Isabelle Thoburn College. Presently she teaches chemistry at Loyola High School and religions of the world at Dundalk Community College.

THURSDAYS/ 4 weeks beginning July 17/ 7:30-9:30pm/ $30

Staff Openings At Koinonia

During the past few months Koinonia has been blessed with several excellent additions to the staff. We are grateful for the increased capacity to serve our commitment to healthy, integrated living these new people provide. There are still other positions available for individuals interested in using their skills to promote healing and growth. Housing and food are provided in addition to a moderate stipend. We are looking for a full charge bookkeeper now, and a housekeeper to begin in the fall. Another fall staff position need will be a Program Coordinator well versed in spiritual healing and particularly talented in transforming educational visions into day-by-day well organized manifestation.

If you have a deep commitment to your own growth process and are interested in community-of-work living in the country, call or write for details on position openings.



~Schedule of Classes~

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	SATURDAY
T'ai Chi 8:00-10:00pm	Yoga & Meditation 8:00-10:00pm Self-Discovery through Chinese Art 7:30-9:30pm	Massage Therapy 7:30-9:30pm Taking Hold of Your Life 7:30-9:30pm Dreams & Meditation, Part I 7:15-9:30pm Vacation from Can'ts 7:30-9:30pm	Creative Movement 7:00-8:15pm Prophetic Search for Wholeness 7:30-9:30pm World Religions: Mysteries & Myths 7:30-9:30pm	Organic Home Gardening 9:00am-noon

In addition, everyone is invited to Healing Prayer Group each Monday evening from 8:00 - 9:00 p.m.

REGISTRATION FORM

Please pre-register at least one week before classes begin.

Please enclose a non-refundable $10 deposit along with your registration for each class. You may pay the balance at the time of the first class. Please check the appropriate category:

☐ Non-Resident

☐ Resident (A short-term resident application will be sent.)

TO: KOINONIA, 1400 Greenspring Valley Rd., Stevenson, MD 21153

No. of persons	Class/ Workshop/ Resident Program	Date(s)	Price

Total for all programs _____

Total enclosed _____

NAME _____

ADDRESS _____

_____ ZIP _____

PHONE: Home _____ Office _____



General Information

REGISTRATION: Register in advance by sending a check for $10 per evening class, or 1/2 tuition per workshop or resident program along with the form on the preceding page. A $10 processing fee is non-refundable in the event that you cancel your registration at least one week prior to the program. Workshop, Intensive, or Resident Programs canceled by you within one week prior to the event forfeit the full deposit.

DISCOUNTS: Registrations for spring, summer and fall resident programs received at least one month before the program may be discounted 5%.

ACCOMMODATIONS: Rooms at Koinonia are simple and comfortable. Most are single rooms, although for brief programs some double rooms may be used. Rooms are furnished with all necessary furniture and linens. Bathrooms are shared. Dress at Koinonia is casual and comfortable. Our kitchen serves a mostly vegetarian diet of natural and organic foods in nutritious combinations.

PETS cannot be accommodated.

WORSHIP: There is a variety of meetings for meditation and prayer each week. These include 9:00 a.m. Attunement with the Staff (week days), Prayer Group on Tuesdays (7:30 p.m.), and Quaker Meeting (9:30 a.m. Sundays). All are invited.

HEALING PRAYER GROUP: The public is invited to join the Koinonia family for healing prayer Mondays, 8:00 — 9:00 p.m. We welcome you to submit prayer requests by mail or phone if you are unable to attend.

SCHOLARSHIPS: Some limited work scholarships are available for participants in the Resident Program. Please address inquiries to Jo Lawrence.

VISITS AND PERSONAL RETREATS: You are welcome to visit Koinonia for a day longer (up to two weeks) at a cost of $19 per day (room and meals) or $130 per week (room and meals). This fee does not include participation in daytime or evening classes, or weekend events. Please make arrangements in advance.

MAILING LIST: Announcements of classes, workshops and special events are all described, along with reflections on community life and wholistic living, in our quarterly Newsletter and three Class Booklets. To be added to our mailing list, please send us your name and address. If you are able, please include a contribution to cover printing and postage costs.

RE: PETITION FOR SPECIAL HEARING
(Greenspring Valley Road, 930' W From C/L of Greenspring Ave.
1400 Greenspring Valley Road
3rd Election District
3rd Councilmanic District)
KOINONIA Partnership
Petitioner

: BEFORE THE
: ZONING COMMISSIONER OF
: BALTIMORE COUNTY
: Case #90-335SPH
: Item #209
: Hearing: May 15,1990
: 9:30 a.m.

April 19, 1990

APPEARANCES:

STEPHEN J. NOLAN, Esq.,
In behalf of the Petitioner, Dr. Pomykala

JOHN P. MACHEN, Esq.,
In behalf of Ledger Hill Neighbors

PHYLLIS COLE FRIEDMAN, Esq.
People's Counsel for Baltimore County

ALSO PRESENT:
MITCHELL S. ORCUTT, Television Recording Operator

Deposition of MARION CARNES, taken in behalf of the Petitioner before Bernard Danker, a Notary Public in and for the State of Maryland, County of Baltimore, at the offices of the Presbyterian Home of Maryland, Inc., 400 Georgia Court, Towson, Maryland 21204, at 10 o'clock, a.m., April 19, 1990.

Reported by: Bernard Danker

Petitioner's Exhibit #4

INDEX

MARION CARNES — PAGE

Direct-Examination by Mr. Nolan	3
Cross-Examination by Mr. Machen	65
Redirect-Examination by Mr. Nolan	68

EXHIBITS

CARNES DEPOSITION EXHIBIT	
1-7	50
8	66

MR. ORCUTT: Is everyone ready?

MR. NOLAN: Yes, sir.

MR. ORCUTT: My name is Mitchell S. Orcutt. My address is 10404 Conover Drive, C-o-n-o-v-e-r, Silver Spring Maryland, Zip Code is 20902. I'm an employee of Video-Ed Productions, Incorporated. My address is 4301 East-West Highway in Hyattsville, Maryland, Zip Code 20782; the date is April 19th; the time is 10:13, and we are at the Presbyterian Home of Maryland at 400 Georgia Court, Towson, Maryland.

MR. NOLAN: Now, if counsel has no objections, we can just continue. Thank you.

MR. ORCUTT: I'll continue. Okay, Caption of the Case.

This is a petition for a Special Hearing, Greenspring Valley Road, 930 degrees west, from C/L of Greenspring Avenue, 400 Greenspring Valley Road, Third Election District, Third Councilmanic District.

The Koinonia Partnership is the Petitioner. Case Number 90-355-SPH.

The name of the deponent, Marion Carnes.

The name of the party giving notice of deposition is --

MR. NOLAN: Nolan, Plumhoff and Williams.

MR. ORCUTT: Okay, is the law firm of Nolan, Plumhoff and Williams.

Now, the officer before whom the deposition is being taken.

THE REPORTER: My name is Bernard Danker, Court Reporter.

MARION CARNES

a witness produced on call of the Petitioner, was duly sworn and testified as follows:

THE REPORTER: State your full name and address, please.

THE WITNESS: Marion Carnes -- that's M-a-r-i-o-n C-a-r-n-e-s -- and I live at the Presbyterian Home of Maryland, Incorporated, 400 Georgia Court, Towson, Maryland, 21204.

MR. NOLAN: Now, before we get started, Miss Carnes, I wanted to ask Mr. Orcutt whether Mrs. Pomykala, who is one of the principals in Koinonia Partnership, is she, also, a principal in Video-Ed Productions, Incorporated, your company?

MR. ORCUTT: Yes, sir.

MR. NOLAN: Does counsel have any objection?

MR. MACHEN: No objection.

MR. NOLAN: Is there any objection from either counsel?

MR. MACHEN: I have no objection.

MS. FRIEDMAN: I have no objection.

MR. NOLAN: Thank you, and I want to thank counsel for cooperating --

MR. MACHEN: We should introduce ourselves.

MR. NOLAN: -- with us in the scheduling of this case, and, for the record, would counsel please identify themselves?

MR. MACHEN: My name is John P. Machen of the law firm of Piper and Marbury, 1100 Charles Center South, 36 South Charles St., Baltimore, Maryland 21201.

I am representing a group of Ledger Hill neighbors, who are the neighbors of the subject property.

MS. FRIEDMAN: My name is Phyllis Friedman. I am People's Counsel for Baltimore County. My office is in the County Office Building in Towson.

DIRECT EXAMINATION

BY MR. NOLAN:

Q Good morning, Miss Carnes.

A Good morning.

Q How long have you resided here at the Presbyterian Home?

A I came here in July of '88.

Q Where did you live before residing here at the Presbyterian Home of Maryland?

A At the Koinonia Foundation on Valley Road.

Q And, is the Koinonia Foundation located at 1400 Greenspring Valley Road?

A Right.

Q How long had you lived at the Koinonia property before you moved in July of 1988?

A Since January 15th of 1964 when I first was employed there. I had been at Koinonia before then as a student.

Q Miss Carnes, would you just briefly describe what your educational background was?

A From high school I went to Otterbein College and

was graduated there. Then I went directly to the University of Rochester and completed the nursing course for an R. N. And, some years later, I went to Teachers' College, Columbia and obtained a Masters.

Q What year did you obtain your Masters Degree at Teachers' College of Columbia?

A Let's see, '30, I think it was '38, '37 or '38.

Q And, --

A I was going part time.

Q Did you pursue a nursing profession after you completed your Masters Degree Program?

A Well, before and after. I finished my nursing course in 1932, and I worked for twenty-six years at Strong Memorial Hospital and the University of Rochester.

Q Would you spell the first name of the hospital for the record?

A S-t-r-o-n-g Memorial.

Q Did you specialize in any particular field of nursing at that time?

A Yes, in Obstetrics. The first years I worked on general duty, and then I was supervisor and instructor in

Obstetrical Nursing, and, then, later, the instructor only. The business became so busy that all the positions were divided, and I had only the instruction.

Q And, what was the last year that you did any nursing at Strong Memorial?

A 1958, the Summer of 1958.

Q Miss Carnes, when did you first learn of Koinonia and will you describe your initial involvement with the Koinonia property?

A Well, I heard about it in the early '50s through the Camps Farthest Out, the spiritual organization from which Koinonia, really, had its beginning, and one of the directors of Koinonia lived in Rochester and I knew him, and sometime in '54, '55, he brought three of us down with him when he came to a trustees' meeting, so I had a weekend at Koinonia at that time, and I knew I wanted to come back, and, so, in the summer of '56, I took a leave of absence from my work and came down for the Summer Session as a student.

Q With regard to your first weekend visit in 1954 or '55, would you tell us who the director was that you accompanied? What was the name of the director?

A Mark Greenberg.

Q Was he one of the founders of Koinonia Foundation?

A I don't think so, but he was one of the early directors.

Q Who founded Koinonia Foundation?

A Well, Glen Clark was the principal one, although there were others involved. Star Daily, and Frank Laubach were two others that were quite involved in the beginning, but Glen Clark was the principal one.

Q What was Mr. Laubach's background, if you know?

A He was a minister missionary to the Philippines, and later a world famous literacy person. He helped start literacy programs in hundreds of places.

Q What was the purpose of the Koinonia Foundation when you arrived there in '54 or '55?

A Right from the beginning, it was started to have a training center for people to go overseas and give a different imagine than some of the people going overseas had given. It was a Christian training center for overseas workers, and when we came as students we were, really, expected to have a commitment that if God called us, we would go overseas to

work, and a great many did, but others, of course, found their work in this country.

Q In 1954 and '55, approximately how many students and faculty were at the Koinonia Community at that time?

A From that weekend visit, I really can't answer that. In '56, there would, probably, have been, oh, probably, about ten instructors of one type or another, and the number of people there varied a great deal from time to time. For example, the group that I was with numbered about fifteen, but, on weekends, there would often be more people there, and others coming, and there were some students not on the Special Summer Program so that we often had about fifty to a hundred people there.

Q Were the students and faculty just from Maryland or were they from throughout the country?

A All over the country.

Q Was the training center in '54 and '55, was it affiliated with any church or organized religion?

A No, it was always interdenominational, and there were no -- in fact, there was no emphasis on church affiliation. Lots of times you wouldn't even know to what

church a person belonged. We had, I think, one Jewish staff member when I was there, and one or two Catholic, but the majority were Protestants.

Q In the mid-'50s, when you first visited Koinonia, were there only single students and faculty or were there any families who resided at the property?

A Oh, families, also. Whenever anyone was going overseas, especially, it was so important that the whole family come, and they encouraged families to come as a unit, and sometimes, if there were people who were interested who were going out on State Department work and didn't have the time to come, they might be having their orientation in Washington and the family would come out to Koinonia and get the Koinonia part of it, and the husband would join them on weekends at Koinonia. We had quite a few that came out that way.

Q Do you recall a gentleman by the name of Hugo Hoffman back at this time or do you know who Hugo Hoffman was?

A I don't recall that name.

Q Do you know, from your personal knowledge, when the Foundation actually started, how much prior to 1954 or '55

the Foundation --

A It would be, either, December of '51 or just the first months in '52.

Q Before we go on with this early period, I would just like to ask you, for the record, whether you have any official capacity at the present time on behalf of the Koinonia Foundation and would you tell us what that capacity is?

A Well, when Koinonia was sold, and ever since it was sold and before, I have been what would be commonly called Alumni Secretary. At Koinonia, the title was Sustainer, and I published, edited these Newsletters, and kept the files and so on, and when the property was sold -- I still have the files; they are downstairs right now; and I am the contact person for people who want information and give changes of address and ask about other people, and I still furnish the material for one or two newsletters a year.

Q Do you, also, coordinate, as the secretary, an annual reunion at the property?

A We have had, for two or three years, a get-together just after Thanksgiving.

Q Which includes alumni?

A Yes.

Q Is it correct to say, Miss Carnes, that you are the custodian of the records for the Koinonia Foundation at this time?

A Of this type of records. The trustees took some of the, like, the trustees' reports and these events, things of that sort. They are stored in a different area, but I do have the file of the Epistles, which is the name for our newsletter.

Q When you refer to the Epistles, what is the full name, The Epistles to the Koinonians?

A Right, and I do have all the files of the people who lived at Koinonia.

Q Thank you. Now, you mentioned, earlier, that after your weekend visit, I think you stated that you returned during the Summer of 1956?

A That's right.

Q And, how long were you at the property in 1956?

A Six weeks; it was for the Summer Session.

Q Was there a tuition for attending the Summer

Session?

A Yes. They kept the prices as low as they could, but there was a fee for all of the courses.

Q Do you recall what your curriculum was during that first Summer?

A A lot of it had to do with personal spiritual growth and, also, the cultural orientation about different countries.

We had an Indian specialist, Dr. Joardar, who had a very good knowledge of countries, and he would help so that when you went to an overseas assignment, you didn't do things that were against their culture.

Q And, if you recall, approximately, how many students and faculty were there in '56?

A Well, I think there were about fifteen in our class, and there were a few others who were there on a longer-term basis, and, then, I think it would be, if you counted everybody, probably, about ten people that would give classes of one sort or another, and then we often went into Washington to some of the specialists there for special lectures and field trips and so on; to the United Nations,

also.

Q What were the sources of funding for the Koinonia Foundation at this time, if you know?

A A little, of course, from what the students contributed, but a big part of it were contributions from the people in the Camps Farthest Out who were interested in Koinonia and supported it in that way.

Q And, was the organization, the Camps Farthest Out, was that organization still in existence in the '50s?

A It is still in existence today, very much so.

Q Where is that based?

A In Minnesota, and what to me is, I think, very enlightening, the director or the founder of the Camps died in 1956, but now there are about twice as many people as there were then, and it has gone all over the world. There are Camps all over the world.

Q With regard to your summer study in 1956, after that summer you returned to nursing at Strong Memorial Hospital, and when was the next time you had occasion to return to Koinonia?

A I knew I wanted to come back and go into full-time

Christian work, and, so, in the Summer of '58, I resigned and I came to Koinonia in the Fall of '58 for the Fall Session, and that was a four or five-month session. That was especially for the literacy. By that time, we had a very good Literacy Program and I was interested in studying that.

Q Was the literacy work being done in this country or was there literacy work mostly abroad?

A Both. We had our practice teaching, so to speak, in Baltimore. We would go in twice a week to -- we would have a group in a church or settlement house or place like that where we would teach a group. And, then, one night a week we would go into the home of a foreign-speaking family. I had a Hungarian student that I worked with, so you got your practical training there and, then, of course, you would use it when you did go overseas.

Q When you returned for the Fall Term in 1958, how old were you at that time?

A Fifty. Well, forty-nine, actually. I was fifty just after when I arrived. Many people thought I was very foolish to give up a good job and do that, but I knew it was what I was supposed to do.

Q During the time, during the intervening time between your first visit in 1954 or '55 and the Summer Session of '56 and your return in '58, what, if any, continuing contact did you have with Koinonia during those intervening years?

A Well, once you went to Koinonia and lived there for any length of time, even as much as two or three weeks, you became a member of the Koinonia Family, and you continued forever after as a member of the Koinonia Family, so that beginning when I went home after that '56 summer here, I would receive the Epistle and we also had many personal letters and so on, but I always had the Epistle and any of the literature from Koinonia from that time on.

Q Did the Epistle newsletter that you received, was that a newsletter that also went out to the general public at large or interested public?

A No, it went to all Koinonians whether they were overseas or in this country, but it was only for people who had lived at Koinonia. There were other publications. This magazine, for instance, went to the public, to anyone that was interested.

Q All right. We will come back later to that magazine. But, I would just ask you, could you briefly describe the types of courses that you studied during the Fall Term of 1958?

A The emphasis then was on literacy. We continued to have spiritual growth classes, and we would have quite a few in cultural background for the different countries, but the main emphasis was on literacy, learning how to teach an illiterate person to read, learning how to make publications. We all had to write a little booklet and produce it in some way or other and illustrate it, which was my hard time, but that was all part of it. We had to try and get all the literacy training that you would need to publish things if you went overseas.

Q Did there come a time when you went overseas?

A Yes.

Q And when was that?

A That was in the Summer of '59. I went to Laos for four years.

Q And, what did you do in Laos?

A I was a nurse at a school which was actually

based, or, a U.S. Aid school, so you folks were helping to do that. It was our government aid program, but I went under International Voluntary Services. I was connected with them and then we worked with the U.S. Aid people, so that I was a nurse at the school. And, then, on the side, we taught a great many people the literacy work.

Q Was this at all connected with the Peace Corps?

A No, but when the Peace Corps started, they based theirs on Koinonia methods.

Q Their training methods?

A Yes. They have had people come and find what we had done, so that there was quite a bit of the Peace Corps that really found their basis in what we did.

THE REPORTER: Use aid, is that U.S. --

THE WITNESS: U.S. A-i-d or U.S.O.M. Depending on the country, they used those initials.

Q Those were the U.S. agencies that sponsored your work?

A No. They sponsored the school where I worked, but my employer was International Voluntary Services.

Q Was International Voluntary Services connected

with Koinonia?

A No, they were based in Washington, and they sent out people to under-developed countries, but they knew Koinonia as a good source for trying to find people, and when they were getting a team ready to go to Laos or the second team, actually, to go to Laos, the nurse on the team was not able to go, and they called Koinonia for a replacement and that is how I --

Q You were the replacement?

A I was the replacement.

Q Did you remain a part of the Koinonia Family between 1959 and the four-year period that you remained in Laos?

A Very much so.

Q What, if any, contact did you have with Koinonia during the time you were overseas?

A Well, the newsletters would come, and many letters, and, then, I had a brief vacation between terms. It was really two two-year terms and I had a few weeks in between, and I had a very brief visit at Koinonia at that time, just a very brief visit, but I was in continual contact

because of the newsletters.

Q Did you spend a couple nights on the property during that visit?

A Yes.

Q When you returned from Laos, what did you do? Did you return to your hospital work or would you tell us what you did?

A No. I was doing a little visiting. I returned in November, and was doing a little visiting, and when I went to Koinonia, they asked me to come on the staff there, so that arrangements were made that I would start work there on January 15th of '64, and, in the time between when I came home and going to Koinonia, I was resting up from four hard years.

Q And, when you say that you returned in November, that would have been November of 1963?

A Right.

Q What was your first position at Koinonia when you began full-time work in January of 1964?

A It was really as an assistant in two different departments. I worked as a helper in Sustaining and, also, in Literacy, roughly, half time in each department.

Q And, where were these departments physically based on the property?

A Sustaining was up on the third floor of Gramercy, the main building, and Literacy was in Literacy House.

Q What was the purpose of the Sustaining Department?

A It would be all the functions that you would think of for an alumni association, but it was on a much deeper level.

Working overseas is not easy, and some of the people really had severe problems. They would write back for support. We would give them support and letters and all the help that we could; a lot of prayer, prayer support for the people that were working overseas.

Q Did you have any nursing responsibilities or duties when you returned in January of '64?

A Yes. Yes, that was part of it, also.

Q And, did there come a time when your helper status changed any or that you assumed anymore responsibilities?

A Yes, in '66 I became the Sustainer and no longer worked in Literacy, but was full-time in Sustaining, beginning in '66.

Q And, as a Sustainer, were you, also, an editor?

A Yes.

Q And, what publications did you edit?

A That was the Epistle, the newsletter that went out to all of the people.

Q For how many years, Miss Carnes, were you the editor of the Epistle?

A From '66 to the present.

Q All right.

A I'm still putting out one or two newsletters a year now.

Q Between the time that you left to go overseas in '59 and the time you returned in '64, could you describe, approximately, how many faculty and students were involved at Koinonia in 1964 when you returned?

A It was, actually, '63, of course, when I came back to the country. I can't really give you figures on that. A lot of the time there would be, roughly, forty to fifty people in residence there, but it varied so much because there would be programs where there would be, maybe, an additional forty or fifty people come for two weeks or for a weekend or for

varying periods, so it was definitely an up-and-down number of people who were there.

Q Based upon your last statement, is it correct to say that, generally, there may have been fifty people there, but that, at times, for special workshops, that number could rise to ninety or a hundred?

A Yes, frequently.

Q Frequently, which means?

A Yes. We had a lot of groups that came in.

Q Can you describe the frequency a little more; would it have been once a month?

A Quite likely more than that.

Q Were the visitors that would come in on these special occasions, would they be single men and women or would these be couples or families?

A It could be any of those.

Q And, about in 1964, approximately how many people were on the administrative and teaching staff at Koinonia apart from students, people that were --

A Probably, about ten. Some of them would -- it was sort of a mixture of duties, sometimes, but probably about ten

that had some administrative or teaching work.

Q Was Koinonia during the time you were there in the Fall of '58 and when you returned in '64, was it a businesslike organization?

A Yes. Yes, a very businesslike and very busy. There was a lot going on all the time.

Q Were there trustees in residence at the property or were there trustees' meetings at the property during this period?

A There were none in residence, but they had several trustees' meetings each year and they would do all the official business at that time, but none of them were in residence. We had the executive director in residence.

Q I believe you said that you became a Sustainer in 1966. Did you continue your nursing duties at that time?

A Yes.

Q How long did you remain the nurse for Koinonia?

A Until the property was sold.

Q All right. And, would you describe the progress or changes that occurred at Koinonia after 1966? What happened with the Foundation?

A Well, it would be, probably, later than that. Toward the end of the time, the leaders that we had were not the caliber of the ones that had been there earlier, and Koinonia was not as successful and did not have the impact upon people in the world that it had had before.

Q And, when, if you know, was the decision made to sell the property?

A Probably, within the year before it was sold. I don't know exactly.

Q Do you recall when it was sold?

A It was '85, I think.

Q Were you living at the property at the time of the sale?

A Yes.

Q And, were you involved in the business of the Foundation up until the sale?

A That's right. Actually, in the last years that I was there, I was working part time. I can't remember exactly when I started that, but I was getting a little grown up at that point, so I was only working part time, but I still continued to do the same things only I didn't put in as many

hours.

Q When you say you were working part time, you were working part time on behalf of the Koinonia Foundation?

A Very definitely.

Q And you continued to reside at the Koinonia property?

A Right.

Q Why was the property sold in 1985 based upon your experience and understanding?

A Well, I think a big part of it was financial problems, and then it just wasn't succeeding well; it wasn't accomplishing much.

Q In 1985 and 1984, the year prior that you mentioned, were there any financial difficulties in maintaining the property?

A Yes, yes. They had increasing financial problems during those last years.

Q After the sale in 1985, Miss Carnes, what was your involvement with the property? Did you continue to reside there?

A Yes. I moved out of the main house into the Hope

Chest, another one of the buildings on the grounds, and lived there until I came here in '88.

You just referred to a chart, and I would ask the operator if the chart is in the camera or can it be seen by the camera?

MR. ORCUTT: It can.

Q Perhaps I can move the chart over a little bit.

A I moved into Building A, according to the chart here.

Q Will you describe, for the record, what the center plat depicts in the middle of the chart? What is shown there in the plat? Is that a --

A That is a map, a map of the grounds, I think, is what it is.

Q I refer your attention to this upper block here and, for the record, the witness is looking at a plat for Special Hearing dated December 20, 1989. The indication in the upper right that describes the area of the site is forty-four point eight acres. Is that generally accurate --

A Yes.

Q -- to the best of your information?

A Uh-huh.

Q In the 1950s, Miss Carnes, when you visited the property, was the property configured much the same way as it is shown on this plat?

A Yes. There may have been -- during my residence there, there were some changes in some of the buildings.

Q Well, we will get back to the changes in some of the buildings. But, at this point in time, I would ask you to describe what is depicted in each of the photographs that are on this exhibit?

MS. FRIEDMAN: Could we identify when these photographs were taken?

Q Well, I would proffer that these photographs were taken within the last two months, and I would ask the witness, have you had an opportunity to see these photographs earlier today?

A Yes, briefly.

Q Do these photographs reasonably and accurately depict the buildings that are shown in the photographs?

A Yes.

Q Would you tell us, for the record, starting with

Photograph A, what is depicted in Photograph A?

A This is a little two-story building, one of the original buildings when the property was bought by Koinonia, and it has just the two floors, two apartments.

Q What is the name of that building or what was that building called?

A It was known as the Hope Chest. Three single ladies were the first residents, and that is where it got its name. And, B was another of the original buildings that were there when the place was bought, and it, also, was changed a little to accommodate people and now it has the two apartments.

Q And, what is the name of the building that is depicted?

A That was California House.

MR. MACHEN: Can you repeat that?

Q California House?

A Uh-huh.

Q Before I ask you anything more about California House, with regard to Hope Chest, you mentioned there were three single females. Did they reside on the second floor?

A Uh-huh.

Q And, who resided on the ground floor of Hope Chest?

A I think, at that time, it was one of the maintenance men and his wife that lived there.

Q Did they have any children?

A No, not there. They were an older couple. I think they had children but not in residence.

Q So, there was a couple living on the first floor of Hope Chest and three single women on the second floor?

A Yes. Later the printer was living there, but, in the time I knew it, there was always a couple in the ground floor, on the first floor.

Q Has the appearance of Hope Chest, which is depicted in Photograph A, has that substantially changed?

A The outside stairway was added at sometime. Originally, it had been, there had been an inside stairway, but the outside stairway was added. Otherwise, as far as I know, it's about the same.

Q Do you recall approximately when the outside stairway would have been added to Hope Chest?

A I think, probably, in March of '56. That was before my time, but I think that was when it occurred.

Q And, how do you know that?

A From -- these Epistles, really, are a history of Koinonia.

Q With regard to California House, was that house there in the '50s, in the mid-'50s, when you first visited Koinonia?

A Yes.

Q And, what was the type of occupancy of that house?

A There had been different people there. I think some of the times students were there and, then, at least on the ground or the main floor there, a couple who were employed there.

Q Was it, generally, a two-apartment house?

A In the beginning, it was more than that. They often, I think, -- you see, we were very, very, very crowded in the the '50s and '60s, and people did not have a lot of space and, I think, originally, there were two or three couples that were upstairs in that building. I don't recall about downstairs.

Q Would you describe, Miss Carnes, what is depicted in Photograph C?

A That was in the dim dark past a barn, and the first use for it -- one of the employees who wanted a little privacy -- community living has its disadvantages sometimes. She wanted a little privacy, and, so, she fixed up the upstairs a little bit and, actually, it was aluminum foil that she used as a lining, so it was known as the Silver Lining, and she used it just as a hideaway in the beginning.

Q Who was that that gave it the name of the Silver Lining?

A Evelyn Haynes, one of the staff.

Q And, approximately, what year was it that people were living in the Silver Lining?

A Well, let me check on this. In May of '57, I think it was, that another staff member, Bertha Jarrett, fixed up the main floor, not the upstairs, the main floor into a nice little apartment and she lived there for the rest of her time at Koinonia.

Q And, approximately, how long was that?

A It would be several years. I can't tell you the

exact time she left, but it was several years that she lived there.

Q Did Miss Jarrett ever give that house a different name than Silver Lining?

A Yes, she called it Honeybrook because of the creek that is out here.

Q Will you tell us, please, what is depicted in Photograph D?

A Well, this is a building. These two are very close together down by the garden, and another one of the people, Dorothy Knaur, K-n-a-u-r, wanted to have a private dwelling, so she took this, which they think probably was a chicken coop, and made it into a nice little dwelling place for herself.

Q Did that occur in the mid-'50s or --

A That was after -- let's see. I can't think exactly. It was a little after, probably, in the '60s, but I'm not sure on that right now.

Q Would that have been in the early '60s or the mid-'60s or the late '60s?

A Probably, the early '60s. I can't recall right

now just when that happened.

Q You had mentioned that Bertha Jarrett had fixed up that downstairs in about '57, I believe you said?

A Yes.

Q Was it shortly after that or long after that that Acorn came into being?

A I would guess that it was shortly afterwards, but I'm not sure.

Q Shortly after 1957?

A That's a guess.

Q And, at that time, the building would have been converted from a farm building to a residence, isn't that correct?

A Yes. She said that she took a chicken coop and made it into a hen house for herself, was the way she described it. She was quite a character.

Q What is depicted in Photographs E and F?

A Those are Gramercy, the main building, the front and back views of the main building. That was called Gramercy, and before the property was bought by Koinonia.

Q Do you know how old Gramercy is?

A About, what was it, about 1906? I think it's right around there.

Q What is depicted in -- before I go onto Photograph G, let me ask, the orientation of E, does that show the front or rear of Gramercy, Photograph E?

A It shows the front and F shows the rear.

Q Thank you. What is depicted in Photograph G, Miss Carnes?

A That is what remains of the Garden House. Back in '55, they took what was a garden wall, it had been an enclosed garden, and built a one-story residence on it, and that was the Garden House.

Q And, approximately, how many people lived in the Garden House in 1955?

A Fourteen. There were seven rooms, and most of the times they were double rooms.

Q And, --

A Plus the public rooms, lounge and little kitchenette and bathrooms.

Q How long did Garden House remain in existence as a residence for fourteen people?

A Oh, dear, I can't remember exactly on that. It would be into the -- would it be into the '80s or into the '70's? I cannot pinpoint that. They were considering making it into a two-story building and had partly demolished it when a tree fell over the full length of it, and it has not been used as a residence since that time, but I cannot give you that date.

Q When you were still living at the property in '86 and '87, what use was being made of this foundation area of Garden House?

A I think it's a mushroom, isn't it? I think it's mushroom growing.

Q Miss Carnes, a few minutes ago you had referred to the garden. Were there gardens at Koinonia and will you describe the extent of the gardens?

A Yes. A great deal of time and effort went into making good gardens, and, right from the beginning, they had those. At first they had them up near the main building on the slope back there. That didn't work well, and then they moved down over the hill in a different location where they are now, and always we had very, very good gardens and raised

a great deal of the food that we used. We canned food and froze it for future use.

Q Did this rise to the level of a vegetable farm?

A Well, in the time that I was there, it was not sold, it was all used for the family, but a great deal was produced.

Q Do you recall when the mushroom farming began?

A I would say between '85 and '88, but I can't tell exactly when in that time.

Q That is okay. I was just interested in what you could personally recall.

Would you describe what is depicted in Photograph H?

A Let see, that is the Ice House, isn't it?

Q Well, take a minute to look at it. Is that the Ice House that was on the property?

A I think it is.

Q And, was there anybody living in the Ice House?

A No. They talked about it different times when housing was very tight but it never materialized.

Q What is depicted in Photograph I?

A That's a little -- one of the original buildings

that was not used at all, as I recall, until almost the end of Koinonia, and then it was made into a Meditation Hut and was used, briefly, during some of the last year there.

Q Had it ever been used as a Cooler House or --

A I really don't know on that. I don't remember any mention of it one way or the other when I was at Koinonia.

Q The surveyor has described it on the plat, the blueprint, as a Tool House. Do you believe that that accurately describes that house?

A I don't know. I never saw it used for anything until the Meditation time.

Q You mentioned that the building depicted in Photograph I was there from the beginning of the property. How old is the outbuilding that is depicted in H which you called the Ice House?

A That dates back before the purchase of the building.

Q And, that would be before '51?

A Uh-huh.

Q Would you describe, Miss Carnes, what is depicted in Photograph J?

A That is what turned out to be Literacy Building, but that came to be in two installments. This has a long history, really.

The foundation for the left-hand part of the building was originally intended to be what they call a Monadobe Building, a type of housing for very poor people, and one of the people who were studying there, and others were going to build it as a, more or less, as a demonstration.

I think what happened was that the people involved were not able to stay on, and the foundation was there but not the building, and then, later on, the left-hand part of the building was made into a little two-story, just like single apartments in each story, but was used very shortly then for Literacy work, and then the right-hand addition was added later because Literacy needed more room.

Q When was Literacy House first dedicated, to your knowledge?

A Well, let's see, it was authorized back in October, '58 and I don't -- let's see.

Q But, in the late '50s?

A Yes.

Q And, after the addition, is the addition shown in Photograph J?

A Yes. The right-hand part is the addition.

Q In about 1984, were there people living in Literacy?

A Yes. At one time the director had three children and at that time he used the whole house, and it was known as the Grist Mill because his name was Grist, and, then, after that, there were more people living in there, but it was quite a few years back that Literacy, the number of people interested declined, and, so, during the latter years at Koinonia, we did not have the Literacy Department, and, at that time, people were living there.

Q After the decline of the Literacy Department, it became used more for --

A For a residence.

Q For a residence?

A For a residence.

Q Do you recall, approximately, how many people were living in that house in the '80, in the early '80s --

A Well, --

Q -- or how the house is configured?

A -- it was divided up into, it would be, three units, so I think there was, probably, three to four people, at least, in there.

Q And, it had three apartment units?

A Yes.

Q What is depicted in Photograph L?

A That is the Memorial Building, a building of eight apartments that was built because we were so crowded and these were built for student families to live in.

Q When you say student families, were these couples or --

A Yes.

Q -- couples with children?

A Couples with children.

Q So, there were eight families?

A Uh-huh.

Q Do you have any literature here with you today that mentions or describes the building of Memorial Building?

A Yes. This issue of the Koinonia Magazine, which was published for general use, this shows the layout and tells

more about the proposed building, and this, also, shows the addition for Literacy House.

Q And, what is the date of that publication, is there any date?

A It is late '59. Let's see, December, '59.

Q Do you recall, was Literacy House completed in 19602 1960?

A Yes, I am sure it must have been by then.

Q We will come back to the newsletter that you just referred to, and would it be okay if we made copies of it for purposes of this deposition or copies of the portions of it that deal with the Memorial Building?

A I am perfectly willing for copies to be made of anything, but I do not want my file copies to leave the building.

Q Yes, ma'am. I would direct your attention to a newsletter dated February, 1960. Do you have that newsletter with you?

A Yes.

Q Could you refer to that, please?

A Yes. This is the February, '60.

Q 1960. Does that newsletter refer at all to the Memorial Building?

A Yes. I'm trying to find the -- yes, this is --

"The building in repair summary was of greatest interest in the financial report. It was studied with great attention and noted with delight that contributions to the program, as of December 1st, were the first ten percent that we needed. Everyone was amazed at the amount we are receiving for the money spent. Even with the unforeseen extras as were necessary in meeting certain County ordinances, we are winding up the program just under the proposed budget."

Q Were there extras that were necessitated in order to meet County ordinances?

A I take it from that -- I don't recall the details of that, but that is what is in the record here.

Q And, the record that you are referring to, would you just give the title of that particular Epistle?

A This is the Epistle to the Koinonians for February, 1960.

Q And, --

A And, this particular part was written by Jane

Klanke, and, at this particular time, there was always one staff member who went to the trustees' meetings, and she was the staff representative who was reporting at this time and she was also the one who handled the finances, so that she would know very definitely on this score.

Q Did you know Miss Klanke?

A Oh, yes.

Q Is this original newsletter part of the business records of the Koinonia Foundation?

A I don't know as you would call it business records, but it definitely is an official record --

Q Official record?

A -- of the Koinonia.

Q The segment that you read to us, was that part of an article?

A It was her report.

Q Her report, and what is her report entitled?

A Your Staff Representative Reporting.

Q Thank you. Did you ever have occasion to live in Memorial Building?

A No. I always lived in Garden House or the main

building.

Q Until you moved to Hope Chest?

A Uh-huh. No. Practically all of the people, I think, in Memorial were couples or families because they had the space planned for them.

Q Was there a laundry facility there?

A Yes, at the end there. Those were the laundry facilities for the whole --

Q Community?

A Yes, everybody used them.

Q Do you recall who the architect was for the Memorial Building?

A I couldn't tell you that.

Q If the newsletter records reflected that the architect was a Mr. Moehle, M-o-e-h-l-e, does that refresh your recollection at all?

A No. I had nothing to do with that part of it, and it's doesn't --

Q It doesn't indicate there?

A It doesn't mean anything to me.

Q Miss Carnes, I next refer your attention to

Photograph M, and I would ask you to describe, please, what is depicted in Photograph M?

A Well, originally, before the purchase by Koinonia, that was the stable, and it was used after Koinonia purchased it for quite a few different purposes. The right wing had the print shop on the main floor there. The left side had, first, a little room that was used as an office, and then a big meeting room that was used for a recreation or library or classes or a great many uses. There were two other meeting rooms, and, then, upstairs, there were residences, rooms, where a lot of the students lived.

Q In the late '50s and in about 1964 when you returned full time to reside and work at Koinonia, approximately how many students were residing on the second floor?

A Probably, it was full. How many rooms are there?

Q You have to tell us based upon your knowledge. You could, if you would rather, give us a range.

A Well, thirteen or fourteen or somewhere, maybe, more. I'm not sure exactly.

Q Thirteen or fourteen students?

A Yes. But, of course, some of those were double rooms. The majority might be used as double rooms.

Q Was the first floor of that building -- what was the name of that building?

A For most of that time, it was called the Annex, and then some people wanted to call it the Carriage House, and it went by both names after that.

Q Either the Annex or the Carriage House?

A Uh-huh, a very useful building.

Q Was the first floor ever used for conferences or workshops?

A Yes. The meeting rooms there were used for him for many, many, many different rooms.

Q Would it also be correct to say that it was used for lectures?

A Yes.

Q Was the first floor, aside from the printing area and the office area, was the first floor of the Annex principally devoted to educational uses?

A Yes, except that the biggest room also was used quite a bit for recreation in the beginning.

Q Were there educational uses made of this first floor in the 1960s?

A I think all of the time that I was in residence there, it was used that way.

Q Even up until 1988 when you left that property?

A Uh-huh.

Q When was the last time you had the opportunity to visit Koinonia?

A Saturday after Thanksgiving last year. That was when we had the little get-together.

Q The alumni reunion?

A Yes.

Q Now, Miss Carnes, I would ask you to look at the colored pin dots on the plat and ask if they reasonably and accurately depict the location of those buildings that are shown in the photographs?

A Yes, I would say that.

Q I note that Photograph J, that the little block on the site plan is not designated as Literacy House, but, to the best of your recollection, is Literacy House located where that orange pin is?

A Yes.

Q Or, excuse me the yellow pin. And, could you just point it out with your finger where the Literacy House is?

A (Indicating).

Q Thank you. I still have several questions for you, but I see that we have gone about a hour and ten minutes, and, perhaps, we could use a break and use the break in order for me to get some copies made.

A All right.

MR. ORCUTT: We will now be taking a short break.

MR. NOLAN: Any objection to a five-minute break?

MS. FRIEDMAN: Not at all.

(Carnes Deposition Exhibit # 1 through 7, inclusive, so marked by the reporter)

(Whereupon the deposition recessed at 11:10 o'clock, a.m. and reconvened at 11:45 o'clock, a.m.)

MR. ORCUTT: We will now continue with the taping. It is 11:45.

MR. NOLAN: Thank you.

DIRECT-EXAMINATION CONTINUED

BY MR. NOLAN:

Q Miss Carnes, I'd like to show you at this time -- there was just an announcement on the P.A. System, so I will repeat my question.

Earlier, when I was referring you to the photo exhibits to your left, I neglected to mention one of the photographs that are depicted there, and I see that the court reporter, at my request, has marked that photo exhibit Carnes Deposition Exhibit Number One in the upper right-hand corner, and, near that notation, I would direct your attention to the building depicted in Photo K, and can you just describe what that building is?

A Well, that is one of the residences that is a much later addition. We did have two trailers there at one time, and, then, both of those went, and I don't remember just when this came, but it was much, much later. It's not one I'm really familiar with.

Q And, who lived in that trailer that is shown in Photo K? Were they involved with the Koinonia grounds?

A I don't think so.

Q You mentioned there were two trailers. I'd like to show you -- and I will show counsel first. I think I have

copies for counsel -- I'd like to show you what has been marked Carnes Deposition Exhibit Number Seven, and ask you to look at that and tell me what that is?

A These were the place mats that we had.

Q And, when you say the place mats we had, these were place mats that were produced and made available at Koinonia?

A Yes. We used them all the time. They were printed there in the print shop and we used them in the dining room.

Q Is there any trailer depicted on that particular place mat?

A It shows a tiny one to the right of Literacy House, and we had, at one time, two. There was a larger one there in the same general location for a little while.

Q The larger trailer that you just mentioned, did that precede the trailer that is shown on Photo K?

A Yes.

Q Is the earlier trailer that you just mentioned, is that about the same size as the mobile home that is shown in K?

A No. Both of the ones that were there were smaller; one a little smaller and one considerably smaller, as I recall them.

Q Was the modular home that is shown in Photo K, was that there in 1984 before the property was sold?

A Somehow, it doesn't look the same to me. There was one there at that time but I won't guarantee it is the same one that is in the picture.

Q You are not sure?

A I'm not sure, no.

Q Was the one that is in Photo K there in July, 1988 when you left?

A I'm not sure whether it is the same one or not.

Q Fine. Thank you. I would next like to show you a document that has been marked Carnes Deposition Exhibit -- bear with me one second -- Exhibit Four. I will first show that to counsel, and then I will pass it to you.

I propose that, at the end of the deposition, I will maintain custody of these deposition exhibits and then see that counsel are provided complete copies. Is that agreeable?

MR. MACHEN: It is agreeable.

MR. NOLAN: Thank you.

Q Miss Carnes, I want to hand you Deposition Exhibit Four and ask you to look at Deposition Exhibit Four and tell me what that is?

A It is the August, 1959 Epistle to the Koinonia, and it showed the map of the grounds, the place mat that preceded this one.

Q And, when you said this one, you are referring back to Deposition Exhibit Seven?

A Yes.

Q Is there a date on Deposition Exhibit Four, the place mat, in the newsletter that is reprinted in the newsletter of --

A I don't know dates. This one, the older one, was in the August, '59 Epistle. I don't know what time we had this one. I can't recall.

Q And, in the one that you don't know the date of, is Exhibit seven?

A Uh-huh.

Q Can you look on Deposition Exhibit Four, the place mat portion in the lower corners, and tell whether there are

any dates on Exhibit Four?

A Oh, yes, 7/59.

Q By 7/59, what do you believe that refers to?

A July, '59.

Q And, is Deposition Exhibit Four a true and accurate copy of the original newsletter that you have to your right?

A Yes, it is.

Q Thank you. I next refer your attention to Deposition Exhibit Number Two, and ask you to tell us what that document is?

A This is a Koinonia Magazine which was published several times a year -- I couldn't tell you how many years -- and this went out to a big mailing list, anyone that was interested in Koinonia.

Q Is that a copy, is Deposition Exhibit Number Two a partial copy of the green and white brochure that you referred to earlier?

A Yes, yes, it is. This was a special Literacy Issue.

Q Does Deposition Exhibit Two contain the

information with regard to the fund-raising effort for Memorial Building?

A Right. And it also shows a picture of the Literacy House Addition.

Q Was that a part of the same campaign?

A Yes, the two are. Both of them are represented here.

Q Thank you.

A The Epistle went out only to the Koinonia family, but the Koinonia Magazine had a very wide distribution.

Q I'd next like to show you what has been marked Carnes Deposition Exhibit Three and ask you to look at that and tell us what that document is?

A This is the February, '55 Koinonia Partner. The Koinonia Partners were people who were showing special interest in Koinonia, not residents but people out in the various areas who would work for Koinonia where they lived, and this Koinonia Partner Magazine would go out to them.

Q Thank you. On the second page of Deposition Exhibit Three, there is a reference to an Experimental Building or Experimental House. Do you recall the

circumstances behind that particular building in 1955?

A Yes. This was the beginning, really, of what, eventually, was the Literacy House. We had a trainee, a student there, who had this, what they called Monadobe method of building low-cost housing, and they were planning to build a home there at Koinonia to show people who would be going overseas. The foundation was built. It is a reinforced-type house, and I don't recall just what happened, but the people involved were no longer there at Koinonia, and, eventually, that foundation was used for the left-hand part of the Literacy House construction, but the Monadobe house was never built, only the foundation.

Q I would next like to you a show you a copy of what has been marked Carnes Deposition Exhibit Five, and it's only a one-page document, and, after counsel looks at that, I will pass that to you for your review. Thank you, Mr. Machen.

Miss Carnes, I will show you what has been marked Deposition Exhibit Number Five, and ask you if that picture depicted on the front of that Epistle is a picture of the early stages of Literacy House?

A Well, it is the -- it shows the construction of

the second part of Literacy House and the beginning of the Memorial Building.

Q And, what year was that, ma'am?

A That would have been '50 -- let's see.

Q Or, if you could just tell us what year is that particular Newsletter?

A September, '59.

Q Thank you.

A Uh-huh.

Q Miss Carnes, earlier you referred to the February, 1960 issue, and you read from a portion of Miss Klanke's article with regard to the board meeting. I'd like to show you what the reporter has marked as Carnes Deposition Exhibit Number Six and ask you to page through that copy and tell me, please, whether that is a complete copy of the newsletter or Epistle from February, 1960?

A It seems to be complete.

Q Thank you. I did have have one other question with regard to Deposition Exhibit Number Two. Deposition Exhibit Two is the Koinonia magazine that showed the Memorial Building capital campaign. I show you the back page of

Deposition Exhibit Two, and is that addressed to you?

A Yes.

Q And, where were you living at the time you received that particular --

A That is when I was in Laos.

Q And, your mailing address at that time was an A.P.O. box in San Francisco?

A Yes.

Q Thank you. Miss Carnes, you mentioned the extent of the living accommodations in many of these buildings, but I think I neglected to ask you about the living accommodations at Gramercy in the main building. Can you describe, in 1964, approximately how many people were living in Gramercy?

A At that time, there would, probably, be, let's see, probably, eight or ten living there all the time, but, on the third floor, we had two big dormitories and a four-bed room, and they would be full many, many weekends and special times, but they usually weren't full all the time. They were used when the groups came in, but, on the second floor, usually all the rooms would be full.

Q And, they would be occupied by, approximately, ten

people?

A More than that. There was one four-bed room and, then, I think in the smaller dorm they probably had ten, at least, and then the larger dorm was sometimes double bunks; they would have twenty people in there.

Q How many people?

A I think about twenty on the rare occasions.

Q At its maximum, what could Gramercy and what did Gramercy hold in the way of --

A I think when everything was used, it was a hundred or a little over a hundred.

Q That is in the main building?

A No, I'm sorry, the whole grounds.

Q But with regard to the main building, the main house of Gramercy, is it your testimony that on a full-time basis, ten people would be living there?

A About that, probably, most of the time. Sometimes there would be a guest room empty on the second floor but, in general, the rooms were pretty well used all the time.

Q Was that the case, also, in the 1970s?

A Uh-huh.

Q When you were still living there in 1984 and before the sale in 1985, how many people were living in Gramercy, the main house?

A About the same.

Q I think you may have mentioned a Quonset Hut earlier. Where was the Quonset Hut?

A That was directly back of M, the Annex or Carriage House. That was one of the later buildings, about '65, and was built back there for, well, it's used sometimes for storage, and various workers were back there at different times.

Q Do you have any personal recollection of any county inspectors visiting the Quonset?

A Well, I think they must have because I do recall that something had to be rebuilt. I think it was the foundation, or had something to do with the foundation. Anyway, I know that something had to be redone, and, I assume, it was because it didn't pass inspection. I don't remember other details, but that I do recall.

Q This something that had to be done, was that to bring it into compliance with County requirements?

A That is as I recall.

Q Yes, ma'am. Miss Carnes, in referring your attention to 1980, did there come a time when the Annex was used for a nursery school?

A Oh, yes. For, I think, several years, we had a small group there.

Q Was that run by an off-site operator or was the nursery school run by the Koinonia Foundation?

A No, no, that was a rental

Q That was a rental?

A Uh-huh.

Q In the later '80s, in the mid-'80s when you were still living there, did the Annex continue to be used for workshops and conferences?

A Most of the time. There was one period that it was also rented for offices for a group, but that was a rather limited period, and then we needed the space again, so that most of the time, it was available for groups.

Q Had the girl scouts ever used the Annex Building for meetings?

A I think they may have after '85; I'm not sure. I

don't recall anything before then.

Q Yes, ma'am. Miss Carnes, with the exception of the building shown in Photo K, which you said you weren't as familiar with, do you place any historical importance on the other buildings that are shown on deposition Exhibit One?

A Well, to me they are all very important. They all --

Q Could you describe --

A Oh, I see, you are thinking of officially historical. Yes, the Gramercy and the Annex are -- what do they call it -- historical trusts or in that program.

Q There is a historical easement?

A Yes.

Q Do you know whether either of those buildings are on the Landmark List?

A I think that is what they call it, but I know it's an official historical part.

Q Well, aside from the Landmark List you started to mention earlier, do you attach any personal historical significance to these buildings even aside from the Landmark List?

A They all mean a great deal to me. My years there were very, very important to me, and I spent over twenty years, and everything there has meaning for me, the grounds, the buildings, the people who were there, everything.

Q Was Koinonia set apart from the rest of the Greenspring Valley Community or did Koinonia blend in with the Greenspring Valley Community in the '60s?

A I would say they blended to some extent, at least. I don't know just how much. We had various activities with the Villa Julie people, I know, at different times, and I think participated in some of the county's, what is it, cleaning up the creek and things of that sort. So, I think there was some there. I couldn't really tell you how much.

Q Yes, ma'am. Just bear with me for one minute. Was the print shop in the Annex still there when you left? Was the equipment still there in July of '88?

A I think something was sold. I'm not sure on that.

Q Lastly, Miss Carnes, as the secretary for the Foundation, is it your intention to return to Koinonia next year for another annual reunion?

A Probably.

MR. NOLAN: Thank you. That is all the questions I have. Now, I think one of the other counsel may have some questions.

MR. MACHEN: Do you have any?

MS. FRIEDMAN: No.

MR. NOLAN: And, I will change seats with you.

MR. MACHEN: That is okay. May I ask you a question, Steve? I have got the plat from the 1950 special exception --

MR. NOLAN: You may want to show it --

MR. MACHEN: -- hearing.

MR. NOLAN: -- to the witness.

MR. MACHEN: Yes.

MR. NOLAN: I'm not sure.

CROSS-EXAMINATION

BY MR. MACHEN:

Q Miss Carnes, I want to show you a plat which I believe is part --

MR. NOLAN: Mr. Machen, could we have that marked?

MR. MACHEN: Yes. This is the 1950 plat of the property which was submitted in connection with the special

permit which the Koinonia Foundation was granted in connection with the use of the property for a private school.

(Carnes Deposition Exhibit #8 so marked by the reporter).

Q Miss Carnes, I realize the date of this plat pre-dates your familiarity with the property, but I would like you to just take a look at it just the same. I don't know whether you can see this very clearly on the videotape. Could you read down in the lower right-hand corner what this survey is described as?

A Gramercy, May 26, 1950.

Q And, you see on the survey, it shows only very few buildings. And, can you describe what you see on the plat as to how they are described?

A The main building and the -- they call it the Barn which would be the Annex, and then the dwellings which would be the California House and the Hope Chest.

Q Okay. That was really my question as to what you think those two buildings would be based on this 1950 plat?

A But, there are other buildings there that are not shown here.

Q Okay. I just have a couple other general

questions for you.

You have described at length what the activities of the Koinonia Foundation were over the years of your affiliation. Aside from some incidental things you mentioned, were there any commercial activities there that were unrelated to the Foundation's educational purpose?

A I can't think of any.

Q Were there any industrial or other activities unrelated --

A No.

Q -- to the educational purpose?

A The rental of the nursery school, that would still be considered educational, wouldn't it? And the rental to the, -- well, it was a placement for Christian workers. I can't think of any.

Q So, would it be your testimony that all the activities that were conducted at Koinonia at this property during your familiarity with it, were in connection with the private school that was operating there?

A Yes, I would think so.

MR. MACHEN: Okay, I have no further questions.

MS. FRIEDMAN: I have none either.

MR. NOLAN: I just have a couple follow-up questions based on Mr. Machen's questions.

REDIRECT-EXAMINATION

BY MR. NOLAN:

Q Did there come a time, Miss Carnes, in the late 1970s, early '80s, when the buildings were rented to people that weren't directly involved in the educational programs at Koinonia, that some of the houses were occupied by people just on a rental basis?

A Yes. I think there may have been a few that either weren't related or had a rather vague relationship. It's hard for me to pinpoint that.

MR. NOLAN: Bear with me one second.

Q Do you recall whether there was a service garage for automotive repairs on the property?

A Oh, that's right. The garage, which is to the left of M up there, left, that was rented to a man who had a repair --

Q And, did he take in work, repair work, from people that were outside the Koinonia Community?

A Yes.

Q When Koinonia Partnership and Dr. and Mrs. Pomykala bought the property in 1985, did they terminate that service garage? There was another announcement on the P.A. so I think I better repeat my question.

When Dr. and Mrs. Pomykala and the Koinonia Partnership acquired the property in 1985, did they terminate the service garage use?

A Eventually, not immediately.

Q Would you describe, based upon your visit in November of last year, 1989, would you describe the extent of improvements, if any, which you observed had been made by Dr. and Mrs. Pomykala to the buildings, generally, and the main building since the property was sold in 1985?

A Well, to be absolutely accurate, that visit was an evening one so that I didn't see much of that type of improvement, but from other sources and other visits, I know that there have been improvements and that the buildings have been kept in good shape.

MR. NOLAN: Thank you. I have no further questions. Thank you, Miss Carnes. I see it's about 12:15

and I appreciate your appearing today for this deposition.

If counsel has no objection, I would propose that I would obtain an original and be the custodian of the original copy of the videotape, and produce that at the hearing on May 15, and, if counsel likes, I'm sure copies of that videotape can be made available upon request.

And, Miss Carnes, under the Maryland rules that we are trying to abide by for purposes of this deposition, you have the right to read and sign your deposition, and I am going to suggest to you, although I don't represent you, that you may wish to do that, and the court reporter will make that original transcript available to you, so that you do have the opportunity to read and sign your deposition. Thank you again.

MR. ORCUTT: This now concludes the videotape deposition, and it's 12:15.

* * * *

I, Bernard Danker, Court Reporter, do hereby certify that the videotape is a true and accurate recording of the proceedings contained herein.

April 25, 1990
DATE

Bernard Danker
BERNARD DANKER
Notary Public

My commission expires
July 1, 1990

I, MARION CARNES, do hereby certify that the aforegoing testimony as transcribed and/or corrected by me on the enclosed errata sheet, is true and correct to the best of my information, knowledge and belief.

April 26, 1990
Date

Marion Carnes
MARION CARNES

ERRATA SHEET

ALL CORRECTIONS ARE TO BE MADE ON THIS ERRATA SHEET

PAGE	LINE	DESIRED CORRECTION
9	1	Mort Greenberg
9	6	Glenn Clark
12	20	This statement is correct but I did not coordinate the reunion.
34	3	Mrs. Jarrett
44	4	Building and repair summary
45	6	Mrs. Klantе

April 26, 1990

Marion Carnes

PLEASE DATE AND SIGN AFTER LAST ENTRY HEREON

STATE OF MARYLAND:

COUNTY OF BALTIMORE:

I, Bernard Danker, a Notary Public in and for the State and County aforesaid, do hereby certify that the within MARION CARNES personally appeared before me at the time and place herein set out and after having been duly sworn by me according to law, was interrogated by counsel.

I further certify that the examination was recorded by me stenographically and with the aid of a computer and then transcribed from my computer in a true and accurate manner.

I further certify that I am not counsel to any of the parties, nor employee of counsel, nor related to any of the parties, nor in any way interested in the outcome of this action.

As witness my hand and Notary Seal this 27th day of April, 1990.

Bernard Danker

BERNARD DANKER, Notary Public

My commission expires

July 1, 1990.

The Valleys Planning Council, Inc.

207 Courtland Avenue, Towson, Maryland 21204
Mailing Address: P.O. Box 5402, Towson, Maryland 21285-5402
Phone: 410 337-6877, *Fax:* 410 296-5409

May 7, 1999

C. William Clark, Esquire
Nolan, Plumhoff & Williams, Chartered
502 Washington Avenue, Suite 700
Towson, MD 21204

RE: Koinonia/Gramercy Property

Dear Bud:

At your request, I have reviewed our files in connection with Koinonia/Gramercy Property and the hearing held on the Pomykala's Petition to establish a bed and breakfast inn use in 1996.

Enclosed please find the two-page memorandum bearing a date of April 30, 1996, prepared by The Valleys Planning Council representative about the hearing and placed and kept in our file.

If you need any further information, please do not hesitate to contact me.

Very truly yours,

Jack Dillon
Executive Director

JJD/vw
Enclosures
cc: J. Carroll Holzer, Esquire

Respondent's Exhibit List #1

Koinonia
Special Hearing for a Use Permit
for a Bed & Breakfast Inn
4/30/96

Prior to this hearing, The VPC mailed a letter to Zoning Commissioner Lawrence J. Schmidt stating that The VPC would not oppose this particular request for a bed & breakfast inn with 12 rooms.

The owners of Koinonia, Dr. & Mrs. Pomykala, have operated a bed & breakfast under the name Gramercy for several years, but never applied for the necessary use permit. Generally, use permits do not require special hearings; however, the zoning office required a public hearing in this case because other uses currently exist on the property as nonconforming uses. John Lewis brought this to the attention of Arnold Jablon, because Lewis was concerned about "piling" uses on top of one another.

Several neighbors attended the hearing -- Thomas & Maryann Brundidge, Lucy Howard, Steve Howard, Lynne Ellis, and Mary Arnold. VPC president Dick Buck also attended.

The VPC asked that Schmidt clarify that the Board of Appeals order, which legitimized a broad spectrum of nonconforming uses, is the only reason the Pomykalas can use their property for catered events, parties, and conferences. Such functions are not an accessory use to the bed & breakfast.

The petitioners' engineer, David Thaler, prepared a map which highlighted the area subject to the bed & breakfast permit, which includes the driveways, parking, main house, swimming pool, and tennis courts. The remainder of the property is not included in the bed & breakfast permit. ***However***, the Pomykalas clearly utilize the entire site for the bed & breakfast, because they encourage guests to birdwatch, and to learn more about their organic farming operation. I did not bring this up at the hearing, because I thought it might backfire somehow.

Stuart Kaplow testified in favor of the bed & breakfast on behalf of the Baltimore County Chamber of Commerce.

Anne Pomykala testified that she and her husband have lived at Koinonia, 1400 Greenspring Valley Road, for 10 1/2 years. They call themselves the Koinonia Partnership, which has no relation to the property's former owners, the Koinonia Foundation. Anne Pomykala runs the bed & breakfast with her daughter Kristin, and they employ two housekeepers. All of the bed & breakfast rooms are located in the main house.

With the exception of providing guests with hot pots for tea, the Pomykalas serve only breakfast -- no lunch or dinner.

Pomykala also testified that the grounds are inspected on a yearly basis for compliance with the fire code and on a monthly basis for water quality. Since the Pomykalas purchased the property, they have upgraded the septic system and installed 4 new septic fields.

Although the parties are not directly related to the bed & breakfast, the neighbors are disturbed by the noise and traffic they generate. Brundidge asked Pomykala about various aspects of the catered parties. Pomykala stated that they only permit music indoors. Brundidge testified, however, that he can hear the music in his house.

Brundidge also asked whether the residents of the accessory buildings are students at Villa Julie College. Seven full-time farm workers live on the property. Two students live on the property, but they do not attend Villa Julie College. Pomykala did not state that these nine people comprise all of the property's rental residents.

Lucy Howard asked Pomykala if the county or state requires a special kitchen/septic facility for a bed & breakfast. Although Pomykala replied in the negative, Schmidt clarified that the state may have some health regulations which apply but are outside the scope of the zoning hearing. In response to Howard's question, Pomykala replied that the pool is fenced in.

All of the neighbors voiced concern about the heightened commercialization of this property, stressing that they hoped the county would look at *all* of the uses on the property as a whole. Unfortunately, Schmidt felt confined to review only the request for the bed & breakfast.

The Valleys Planning Council, Inc.

207 Courtland Avenue, Towson, Maryland 21204
Mailing Address: P.O. Box 5402, Towson, Maryland 21285-5402
Phone: 410 337-6877, *Fax:* 410 296-5409

May 7, 1999

C. William Clark, Esquire
Nolan, Plumhoff & Williams, Chartered
502 Washington Avenue, Suite 700
Towson, MD 21204

RE: Koinonia/Gramercy Property

Dear Bud:

At your request, I have reviewed our files in connection with Koinonia/Gramercy Property and the hearing held on the Pomykala's Petition to establish a bed and breakfast inn use in 1996.

Enclosed please find the two-page memorandum bearing a date of April 30, 1996, prepared by The Valleys Planning Council representative about the hearing and placed and kept in our file.

If you need any further information, please do not hesitate to contact me.

Very truly yours,

Jack Dillon
Executive Director

JJD/vw
Enclosures
cc: J. Carroll Holzer, Esquire

Koinonia
Special Hearing for a Use Permit
for a Bed & Breakfast Inn
4/30/96

Prior to this hearing, The VPC mailed a letter to Zoning Commissioner Lawrence J. Schmidt stating that The VPC would not oppose this particular request for a bed & breakfast inn with 12 rooms.

The owners of Koinonia, Dr. & Mrs. Pomykala, have operated a bed & breakfast under the name Gramercy for several years, but never applied for the necessary use permit. Generally, use permits do not require special hearings; however, the zoning office required a public hearing in this case because other uses currently exist on the property as nonconforming uses. John Lewis brought this to the attention of Arnold Jablon, because Lewis was concerned about "piling" uses on top of one another.

Several neighbors attended the hearing -- Thomas & Maryann Brundidge, Lucy Howard, Steve Howard, Lynne Ellis, and Mary Arnold. VPC president Dick Buck also attended.

The VPC asked that Schmidt clarify that the Board of Appeals order, which legitimized a broad spectrum of nonconforming uses, is the only reason the Pomykalas can use their property for catered events, parties, and conferences. Such functions are not an accessory use to the bed & breakfast.

The petitioners' engineer, David Thaler, prepared a map which highlighted the area subject to the bed & breakfast permit, which includes the driveways, parking, main house, swimming pool, and tennis courts. The remainder of the property is not included in the bed & breakfast permit. ***However,*** the Pomykalas clearly utilize the entire site for the bed & breakfast, because they encourage guests to birdwatch, and to learn more about their organic farming operation. I did not bring this up at the hearing, because I thought it might backfire somehow.

Stuart Kaplow testified in favor of the bed & breakfast on behalf of the Baltimore County Chamber of Commerce.

Anne Pomykala testified that she and her husband have lived at Koinonia, 1400 Greenspring Valley Road, for 10 1/2 years. They call themselves the Koinonia Partnership, which has no relation to the property's former owners, the Koinonia Foundation. Anne Pomykala runs the bed & breakfast with her daughter Kristin, and they employ two housekeepers. All of the bed & breakfast rooms are located in the main house.

With the exception of providing guests with hot pots for tea, the Pomykalas serve only breakfast -- no lunch or dinner.

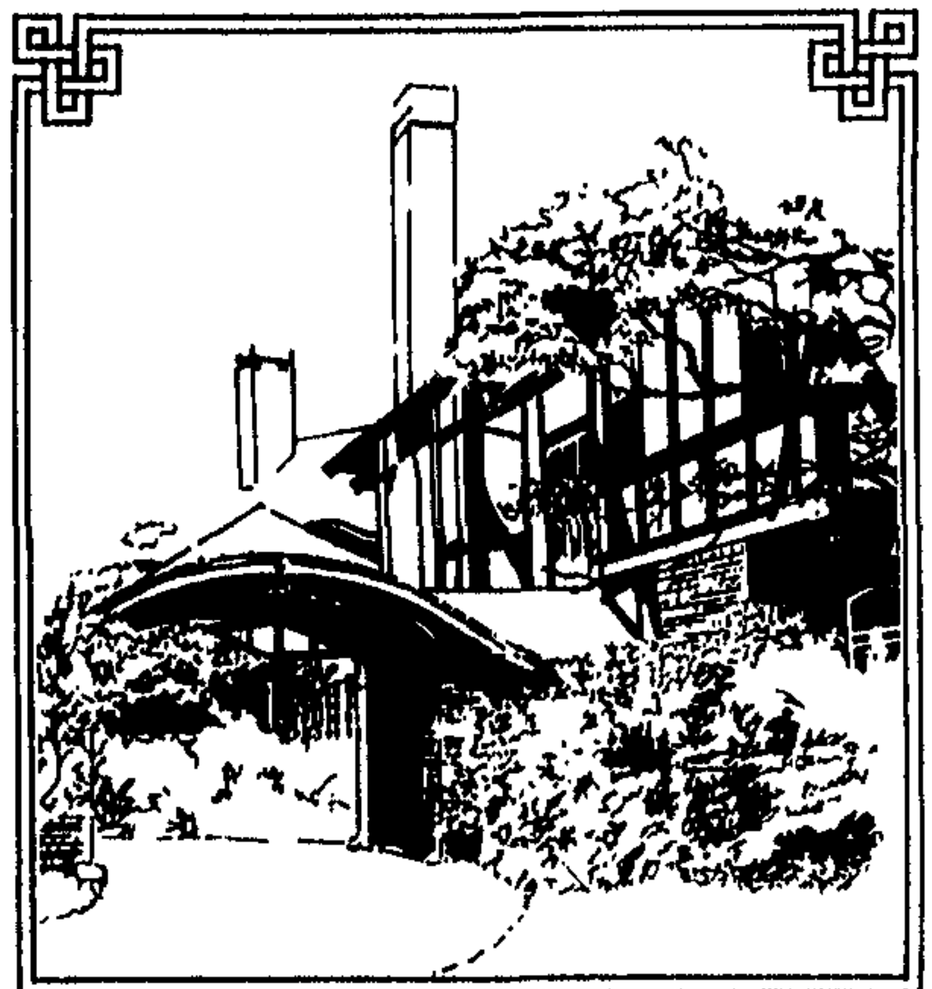
Pomykala also testified that the grounds are inspected on a yearly basis for compliance with the fire code and on a monthly basis for water quality. Since the Pomykalas purchased the property, they have upgraded the septic system and installed 4 new septic fields.

Although the parties are not directly related to the bed & breakfast, the neighbors are disturbed by the noise and traffic they generate. Brundidge asked Pomykala about various aspects of the catered parties. Pomykala stated that they only permit music indoors. Brundidge testified, however, that he can hear the music in his house.

Brundidge also asked whether the residents of the accessory buildings are students at Villa Julie College. Seven full-time farm workers live on the property. Two students live on the property, but they do not attend Villa Julie College. Pomykala did not state that these nine people comprise all of the property's rental residents.

Lucy Howard asked Pomykala if the county or state requires a special kitchen/septic facility for a bed & breakfast. Although Pomykala replied in the negative, Schmidt clarified that the state may have some health regulations which apply but are outside the scope of the zoning hearing. In response to Howard's question, Pomykala replied that the pool is fenced in.

All of the neighbors voiced concern about the heightened commercialization of this property, stressing that they hoped the county would look at *all* of the uses on the property as a whole. Unfortunately, Schmidt felt confined to review only the request for the bed & breakfast.



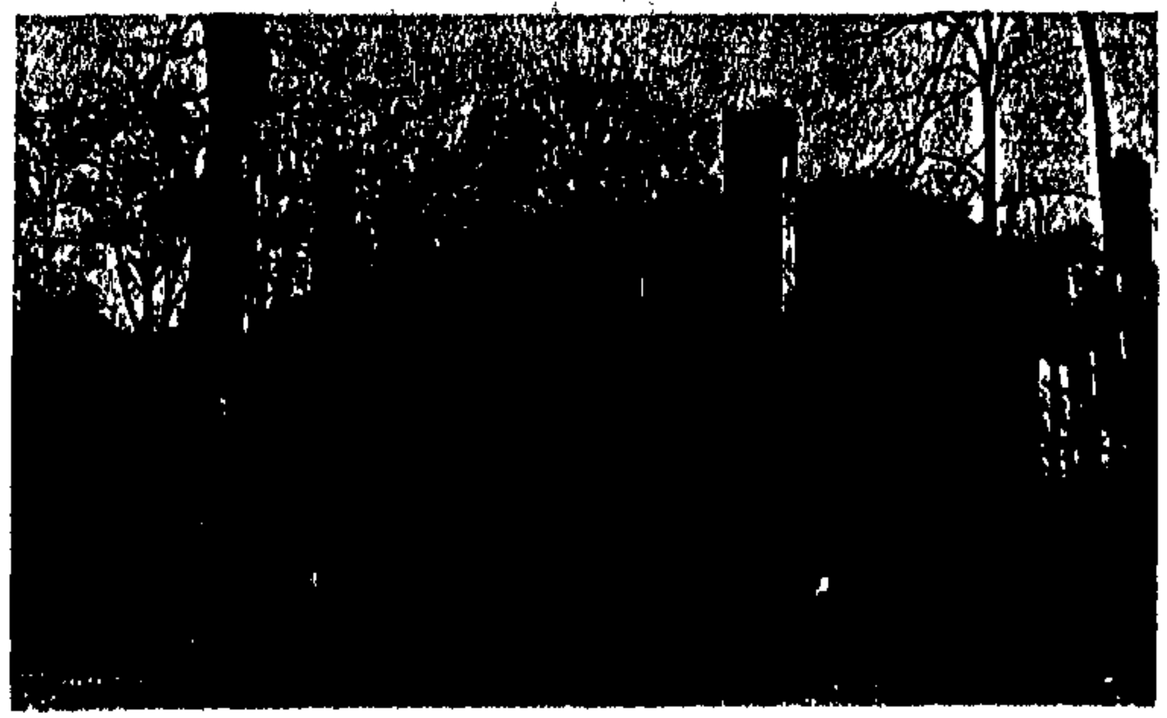
KOINONIA

Respondent's
Exhibit
#2

In the quiet of the country...

In just minutes you can escape the bustle of downtown Baltimore and step into a pastoral delight called Koinonia. Koinonia takes its name from the Greek word meaning "a place where people gather together" and has charmed visitors for nearly a century. Part of Maryland's heritage, this Tudor style mansion and Carriage House has been recently restored with the help of the Maryland Historical Trust. Tucked away in the heart of Maryland horse country, Koinonia captures the spirit of the country inn with its wood carvings, leaded glass and fine furnishings. Lovingly cared for by its staff, the Koinonia facilities offer guests a unique alternative with its tranquil dignity and atmosphere

Our pleasant country style bedrooms can accomodate about 25 guests and special dormitory arrangements are available for large group retreats. The large dining hall with its oak beams and handcrafted tables provides sit down service for 100 and buffet for many more. We specialize in delicious gourmet vegetarian fare that is tasteful and imaginatively presented – a delight to the palate and the eye. Fruits, vegetables and herbs are harvested daily from Koinonia's organic garden, enhancing our varied menu with the freshest possible ingredients. Catering is available for any event, on or off the premises. Business people looking for a restful break and secluded meeting place have discovered Koinonia's daily lunches and dinners a pleasant and wholesome dining alternative. Drop in for lunch and an afternoon of shady woodland paths and discover for yourself the kind of charm that is Koinonia.







Grammercy, the main house offers five newly decorated meeting rooms; 2 living rooms, 2 reception halls, a large dining room with enclosed porch, outdoor terrace and pool area.

The Carriage House has 2 open space rooms plus a small lounge, each intercommecting with the others, providing intimate or larger areas as desired for up to 200 people.

These facilities are a comfortable setting for your next meeting or seminar. We can also dress up for weddings and parties, and handle every detail from the catering to the flowers, making your event a very special occasion.

Our forty five acres of woods and meadows include an orchard and large organic garden, all easily accessible for leisurely walks. Koinonia invites you to enjoy these facilities at your convenience. (Koinonia is a runner's delight)

Special features include
large outdoor swimming pool
tennis court
natural food store
print shop
gift shop
craft shop
ongoing educational programs on a variety of subjects

RE: PETITION FOR SPECIAL HEARING
(Greenspring Valley Road, 930' W From C/L of Greenspring Ave.
1400 Greenspring Valley Road
3rd Election District
3rd Councilmanic District)
KOINONIA Partnership
Petitioner

: BEFORE THE
: ZONING COMMISSIONER OF
: BALTIMORE COUNTY
: Case #90-335SPH
: Item #209
: Hearing: May 15,1990
: 9:30 a.m.

: : : : : : :

April 19, 1990

APPEARANCES:

STEPHEN J. NOLAN, Esq.,
In behalf of the Petitioner, Dr. Pomykala

JOHN P. MACHEN, Esq.,
In behalf of Ledger Hill Neighbors

PHYLLIS COLE FRIEDMAN, Esq.
People's Counsel for Baltimore County

ALSO PRESENT:
MITCHELL S. ORCUTT, Television Recording Operator

Deposition of MARION CARNES, taken in behalf of the Petitioner before Bernard Danker, a Notary Public in and for the State of Maryland, County of Baltimore, at the offices of the Presbyterian Home of Maryland, Inc., 400 Georgia Court, Towson, Maryland 21204, at 10 o'clock, a.m., April 19, 1990.

Reported by: Bernard Danker

Respondent's Exhibit #3

Q And, as a Sustainer, were you, also, an editor?

A Yes.

Q And, what publications did you edit?

A That was the Epistle, the newsletter that went out to all of the people.

Q For how many years, Miss Carnes, were you the editor of the Epistle?

A From '66 to the present.

Q All right.

A I'm still putting out one or two newsletters a year now.

Q Between the time that you left to go overseas in '59 and the time you returned in '64, could you describe, approximately, how many faculty and students were involved at Koinonia in 1964 when you returned?

A It was, actually, '63, of course, when I came back to the country. I can't really give you figures on that. A lot of the time there would be, roughly, forty to fifty people in residence there, but it varied so much because there would be programs where there would be, maybe, an additional forty or fifty people come for two weeks or for a weekend or for

varying periods, so it was definitely an up-and-down number of people who were there.

Q Based upon your last statement, is it correct to say that, generally, there may have been fifty people there, but that, at times, for special workshops, that number could rise to ninety or a hundred?

A Yes, frequently.

Q Frequently, which means?

A Yes. We had a lot of groups that came in.

Q Can you describe the frequency a little more; would it have been once a month?

A Quite likely more than that.

Q Were the visitors that would come in on these special occasions, would they be single men and women or would these be couples or families?

A It could be any of those.

Q And, about in 1964, approximately how many people were on the administrative and teaching staff at Koinonia apart from students, people that were --

A Probably, about ten. Some of them would -- it was sort of a mixture of duties, sometimes, but probably about ten

Q -- or how the house is configured?

A -- it was divided up into, it would be, three units, so I think there was, probably, three to four people, at least, in there.

Q And, it had three apartment units?

A Yes.

Q What is depicted in Photograph L?

A That is the Memorial Building, a building of eight apartments that was built because we were so crowded and these were built for student families to live in.

Q When you say student families, were these couples or --

A Yes.

Q -- couples with children?

A Couples with children.

Q So, there were eight families?

A Uh-huh.

Q Do you have any literature here with you today that mentions or describes the building of Memorial Building?

A Yes. This issue of the Koinonia Magazine, which was published for general use, this shows the layout and tells

more about the proposed building, and this, also, shows the addition for Literacy House.

Q And, what is the date of that publication, is there any date?

A It is late '59. Let's see, December, '59.

Q Do you recall, was Literacy House completed in 1960?

A Yes, I am sure it must have been by then.

Q We will come back to the newsletter that you just referred to, and would it be okay if we made copies of it for purposes of this deposition or copies of the portions of it that deal with the Memorial Building?

A I am perfectly willing for copies to be made of anything, but I do not want my file copies to leave the building.

Q Yes, ma'am. I would direct your attention to a newsletter dated February, 1960. Do you have that newsletter with you?

A Yes.

Q Could you refer to that, please?

A Yes. This is the February, '60.

Q 1960. Does that newsletter refer at all to the Memorial Building?

A Yes. I'm trying to find the -- yes, this is --

"The building in repair summary was of greatest interest in the financial report. It was studied with great attention and noted with delight that contributions to the program, as of December 1st, were the first ten percent that we needed. Everyone was amazed at the amount we are receiving for the money spent. Even with the unforeseen extras as were necessary in meeting certain County ordinances, we are winding up the program just under the proposed budget."

Q Were there extras that were necessitated in order to meet County ordinances?

A I take it from that -- I don't recall the details of that, but that is what is in the record here.

Q And, the record that you are referring to, would you just give the title of that particular Epistle?

A This is the Epistle to the Koinonians for February, 1960.

Q And, --

A And, this particular part was written by Jane

Klanke, and, at this particular time, there was always one staff member who went to the trustees' meetings, and she was the staff representative who was reporting at this time and she was also the one who handled the finances, so that she would know very definitely on this score.

Q Did you know Miss Klanke?

A Oh, yes.

Q Is this original newsletter part of the business records of the Koinonia Foundation?

A I don't know as you would call it business records, but it definitely is an official record --

Q Official record?

A -- of the Koinonia.

Q The segment that you read to us, was that part of an article?

A It was her report.

Q Her report, and what is her report entitled?

A Your Staff Representative Reporting.

Q Thank you. Did you ever have occasion to live in Memorial Building?

A No. I always lived in Garden House or the main

building.

Q Until you moved to Hope Chest?

A Uh-huh. No. Practically all of the people, I think, in Memorial were couples or families because they had the space planned for them.

Q Was there a laundry facility there?

A Yes, at the end there. Those were the laundry facilities for the whole --

Q Community?

A Yes, everybody used them.

Q Do you recall who the architect was for the Memorial Building?

A I couldn't tell you that.

Q If the newsletter records reflected that the architect was a Mr. Moehle, M-o-e-h-l-e, does that refresh your recollection at all?

A No. I had nothing to do with that part of it, and it's doesn't --

Q It doesn't indicate there?

A It doesn't mean anything to me.

Q Miss Carnes, I next refer your attention to

Photograph M, and I would ask you to describe, please, what is depicted in Photograph M?

A Well, originally, before the purchase by Koinonia, that was the stable, and it was used after Koinonia purchased it for quite a few different purposes. The right wing had the print shop on the main floor there. The left side had, first, a little room that was used as an office, and then a big meeting room that was used for a recreation or library or classes or a great many uses. There were two other meeting rooms, and, then, upstairs, there were residences, rooms, where a lot of the students lived.

Q In the late '50s and in about 1964 when you returned full time to reside and work at Koinonia, approximately how many students were residing on the second floor?

A Probably, it was full. How many rooms are there?

Q You have to tell us based upon your knowledge. You could, if you would rather, give us a range.

A Well, thirteen or fourteen or somewhere, maybe, more. I'm not sure exactly.

Q Thirteen or fourteen students?

A Yes. But, of course, some of those were double rooms. The majority might be used as double rooms.

Q Was the first floor of that building -- what was the name of that building?

A For most of that time, it was called the Annex, and then some people wanted to call it the Carriage House, and it went by both names after that.

Q Either the Annex or the Carriage House?

A Uh-huh, a very useful building.

Q Was the first floor ever used for conferences or workshops?

A Yes. The meeting rooms there were used for him for many, many, many different rooms.

Q Would it also be correct to say that it was used for lectures?

A Yes.

Q Was the first floor, aside from the printing area and the office area, was the first floor of the Annex principally devoted to educational uses?

A Yes, except that the biggest room also was used quite a bit for recreation in the beginning.

RE: PETITION FOR SPECIAL HEARING
(Greenspring Valley Road, 930' W From C/L of Greenspring Ave.
1400 Greenspring Valley Road
3rd Election District
3rd Councilmanic District)
KOINONIA Partnership
Petitioner

: BEFORE THE
: ZONING COMMISSIONER OF
: BALTIMORE COUNTY
: Case #90-335SPH
: Item #209
: Hearing: May 15,1990
: 9:30 a.m.

: : : : : : :

April 19, 1990

APPEARANCES:

STEPHEN J. NOLAN, Esq.,
In behalf of the Petitioner, Dr. Pomykala

JOHN P. MACHEN, Esq.,
In behalf of Ledger Hill Neighbors

PHYLLIS COLE FRIEDMAN, Esq.
People's Counsel for Baltimore County

ALSO PRESENT:
MITCHELL S. ORCUTT, Television Recording Operator

Deposition of MARION CARNES, taken in behalf of the Petitioner before Bernard Danker, a Notary Public in and for the State of Maryland, County of Baltimore, at the offices of the Presbyterian Home of Maryland, Inc., 400 Georgia Court, Towson, Maryland 21204, at 10 o'clock, a.m., April 19, 1990.

Reported by: Bernard Danker

Q And, as a Sustainer, were you, also, an editor?

A Yes.

Q And, what publications did you edit?

A That was the Epistle, the newsletter that went out to all of the people.

Q For how many years, Miss Carnes, were you the editor of the Epistle?

A From '66 to the present.

Q All right.

A I'm still putting out one or two newsletters a year now.

Q Between the time that you left to go overseas in '59 and the time you returned in '64, could you describe, approximately, how many faculty and students were involved at Koinonia in 1964 when you returned?

A It was, actually, '63, of course, when I came back to the country. I can't really give you figures on that. A lot of the time there would be, roughly, forty to fifty people in residence there, but it varied so much because there would be programs where there would be, maybe, an additional forty or fifty people come for two weeks or for a weekend or for

varying periods, so it was definitely an up-and-down number of people who were there.

Q Based upon your last statement, is it correct to say that, generally, there may have been fifty people there, but that, at times, for special workshops, that number could rise to ninety or a hundred?

A Yes, frequently.

Q Frequently, which means?

A Yes. We had a lot of groups that came in.

Q Can you describe the frequency a little more; would it have been once a month?

A Quite likely more than that.

Q Were the visitors that would come in on these special occasions, would they be single men and women or would these be couples or families?

A It could be any of those.

Q And, about in 1964, approximately how many people were on the administrative and teaching staff at Koinonia apart from students, people that were --

A Probably, about ten. Some of them would -- it was sort of a mixture of duties, sometimes, but probably about ten

Q -- or how the house is configured?

A -- it was divided up into, it would be, three units, so I think there was, probably, three to four people, at least, in there.

Q And, it had three apartment units?

A Yes.

Q What is depicted in Photograph L?

A That is the Memorial Building, a building of eight apartments that was built because we were so crowded and these were built for student families to live in.

Q When you say student families, were these couples or --

A Yes.

Q -- couples with children?

A Couples with children.

Q So, there were eight families?

A Uh-huh.

Q Do you have any literature here with you today that mentions or describes the building of Memorial Building?

A Yes. This issue of the Koinonia Magazine, which was published for general use, this shows the layout and tells

more about the proposed building, and this, also, shows the addition for Literacy House.

Q And, what is the date of that publication, is there any date?

A It is late '59. Let's see, December, '59.

Q Do you recall, was Literacy House completed in 1960?

A Yes, I am sure it must have been by then.

Q We will come back to the newsletter that you just referred to, and would it be okay if we made copies of it for purposes of this deposition or copies of the portions of it that deal with the Memorial Building?

A I am perfectly willing for copies to be made of anything, but I do not want my file copies to leave the building.

Q Yes, ma'am. I would direct your attention to a newsletter dated February, 1960. Do you have that newsletter with you?

A Yes.

Q Could you refer to that, please?

A Yes. This is the February, '60.

Q 1960. Does that newsletter refer at all to the Memorial Building?

A Yes. I'm trying to find the -- yes, this is --

"The building in repair summary was of greatest interest in the financial report. It was studied with great attention and noted with delight that contributions to the program, as of December 1st, were the first ten percent that we needed. Everyone was amazed at the amount we are receiving for the money spent. Even with the unforeseen extras as were necessary in meeting certain County ordinances, we are winding up the program just under the proposed budget."

Q Were there extras that were necessitated in order to meet County ordinances?

A I take it from that -- I don't recall the details of that, but that is what is in the record here.

Q And, the record that you are referring to, would you just give the title of that particular Epistle?

A This is the Epistle to the Koinonians for February, 1960.

Q And, --

A And, this particular part was written by Jane

Klanke, and, at this particular time, there was always one staff member who went to the trustees' meetings, and she was the staff representative who was reporting at this time and she was also the one who handled the finances, so that she would know very definitely on this score.

Q Did you know Miss Klanke?

A Oh, yes.

Q Is this original newsletter part of the business records of the Koinonia Foundation?

A I don't know as you would call it business records, but it definitely is an official record --

Q Official record?

A -- of the Koinonia.

Q The segment that you read to us, was that part of an article?

A It was her report.

Q Her report, and what is her report entitled?

A Your Staff Representative Reporting.

Q Thank you. Did you ever have occasion to live in Memorial Building?

A No. I always lived in Garden House or the main

building.

Q Until you moved to Hope Chest?

A Uh-huh. No. Practically all of the people, I think, in Memorial were couples or families because they had the space planned for them.

Q Was there a laundry facility there?

A Yes, at the end there. Those were the laundry facilities for the whole --

Q Community?

A Yes, everybody used them.

Q Do you recall who the architect was for the Memorial Building?

A I couldn't tell you that.

Q If the newsletter records reflected that the architect was a Mr. Moehle, M-o-e-h-l-e, does that refresh your recollection at all?

A No. I had nothing to do with that part of it, and it's doesn't --

Q It doesn't indicate there?

A It doesn't mean anything to me.

Q Miss Carnes, I next refer your attention to

Photograph M, and I would ask you to describe, please, what is depicted in Photograph M?

A Well, originally, before the purchase by Koinonia, that was the stable, and it was used after Koinonia purchased it for quite a few different purposes. The right wing had the print shop on the main floor there. The left side had, first, a little room that was used as an office, and then a big meeting room that was used for a recreation or library or classes or a great many uses. There were two other meeting rooms, and, then, upstairs, there were residences, rooms, where a lot of the students lived.

Q In the late '50s and in about 1964 when you returned full time to reside and work at Koinonia, approximately how many students were residing on the second floor?

A Probably, it was full. How many rooms are there?

Q You have to tell us based upon your knowledge. You could, if you would rather, give us a range.

A Well, thirteen or fourteen or somewhere, maybe, more. I'm not sure exactly.

Q Thirteen or fourteen students?

A Yes. But, of course, some of those were double rooms. The majority might be used as double rooms.

Q Was the first floor of that building -- what was the name of that building?

A For most of that time, it was called the Annex, and then some people wanted to call it the Carriage House, and it went by both names after that.

Q Either the Annex or the Carriage House?

A Uh-huh, a very useful building.

Q Was the first floor ever used for conferences or workshops?

A Yes. The meeting rooms there were used for him for many, many, many different rooms.

Q Would it also be correct to say that it was used for lectures?

A Yes.

Q Was the first floor, aside from the printing area and the office area, was the first floor of the Annex principally devoted to educational uses?

A Yes, except that the biggest room also was used quite a bit for recreation in the beginning.

RE: PETITION FOR SPECIAL HEARING
(Greenspring Valley Road, 930' W From C/L of Greenspring Ave.
1400 Greenspring Valley Road
3rd Election District
3rd Councilmanic District)
KOINONIA Partnership
Petitioner

: BEFORE THE
: ZONING COMMISSIONER OF
: BALTIMORE COUNTY
: Case #90-335SPH
: Item #209
: Hearing: May 15,1990
: 9:30 a.m.

April 19, 1990

APPEARANCES:

STEPHEN J. NOLAN, Esq.,
In behalf of the Petitioner, Dr. Pomykala

JOHN P. MACHEN, Esq.,
In behalf of Ledger Hill Neighbors

PHYLLIS COLE FRIEDMAN, Esq.
People's Counsel for Baltimore County

ALSO PRESENT:
MITCHELL S. ORCUTT, Television Recording Operator

Deposition of MARION CARNES, taken in behalf of the Petitioner before Bernard Danker, a Notary Public in and for the State of Maryland, County of Baltimore, at the offices of the Presbyterian Home of Maryland, Inc., 400 Georgia Court, Towson, Maryland 21204, at 10 o'clock, a.m., April 19, 1990.

Reported by: Bernard Danker

Q And, as a Sustainer, were you, also, an editor?

A Yes.

Q And, what publications did you edit?

A That was the Epistle, the newsletter that went out to all of the people.

Q For how many years, Miss Carnes, were you the editor of the Epistle?

A From '66 to the present.

Q All right.

A I'm still putting out one or two newsletters a year now.

Q Between the time that you left to go overseas in '59 and the time you returned in '64, could you describe, approximately, how many faculty and students were involved at Koinonia in 1964 when you returned?

A It was, actually, '63, of course, when I came back to the country. I can't really give you figures on that. A lot of the time there would be, roughly, forty to fifty people in residence there, but it varied so much because there would be programs where there would be, maybe, an additional forty or fifty people come for two weeks or for a weekend or for

varying periods, so it was definitely an up-and-down number of people who were there.

Q Based upon your last statement, is it correct to say that, generally, there may have been fifty people there, but that, at times, for special workshops, that number could rise to ninety or a hundred?

A Yes, frequently.

Q Frequently, which means?

A Yes. We had a lot of groups that came in.

Q Can you describe the frequency a little more; would it have been once a month?

A Quite likely more than that.

Q Were the visitors that would come in on these special occasions, would they be single men and women or would these be couples or families?

A It could be any of those.

Q And, about in 1964, approximately how many people were on the administrative and teaching staff at Koinonia apart from students, people that were --

A Probably, about ten. Some of them would -- it was sort of a mixture of duties, sometimes, but probably about ten

Q -- or how the house is configured?

A -- it was divided up into, it would be, three units, so I think there was, probably, three to four people, at least, in there.

Q And, it had three apartment units?

A Yes.

Q What is depicted in Photograph L?

A That is the Memorial Building, a building of eight apartments that was built because we were so crowded and these were built for student families to live in.

Q When you say student families, were these couples or --

A Yes.

Q -- couples with children?

A Couples with children.

Q So, there were eight families?

A Uh-huh.

Q Do you have any literature here with you today that mentions or describes the building of Memorial Building?

A Yes. This issue of the Koinonia Magazine, which was published for general use, this shows the layout and tells

more about the proposed building, and this, also, shows the addition for Literacy House.

Q And, what is the date of that publication, is there any date?

A It is late '59. Let's see, December, '59.

Q Do you recall, was Literacy House completed in 1960?

A Yes, I am sure it must have been by then.

Q We will come back to the newsletter that you just referred to, and would it be okay if we made copies of it for purposes of this deposition or copies of the portions of it that deal with the Memorial Building?

A I am perfectly willing for copies to be made of anything, but I do not want my file copies to leave the building.

Q Yes, ma'am. I would direct your attention to a newsletter dated February, 1960. Do you have that newsletter with you?

A Yes.

Q Could you refer to that, please?

A Yes. This is the February, '60.

Q 1960. Does that newsletter refer at all to the Memorial Building?

A Yes. I'm trying to find the -- yes, this is --

"The building in repair summary was of greatest interest in the financial report. It was studied with great attention and noted with delight that contributions to the program, as of December 1st, were the first ten percent that we needed. Everyone was amazed at the amount we are receiving for the money spent. Even with the unforeseen extras as were necessary in meeting certain County ordinances, we are winding up the program just under the proposed budget."

Q Were there extras that were necessitated in order to meet County ordinances?

A I take it from that -- I don't recall the details of that, but that is what is in the record here.

Q And, the record that you are referring to, would you just give the title of that particular Epistle?

A This is the Epistle to the Koinonians for February, 1960.

Q And, --

A And, this particular part was written by Jane

Klanke, and, at this particular time, there was always one staff member who went to the trustees' meetings, and she was the staff representative who was reporting at this time and she was also the one who handled the finances, so that she would know very definitely on this score.

Q Did you know Miss Klanke?

A Oh, yes.

Q Is this original newsletter part of the business records of the Koinonia Foundation?

A I don't know as you would call it business records, but it definitely is an official record --

Q Official record?

A -- of the Koinonia.

Q The segment that you read to us, was that part of an article?

A It was her report.

Q Her report, and what is her report entitled?

A Your Staff Representative Reporting.

Q Thank you. Did you ever have occasion to live in Memorial Building?

A No. I always lived in Garden House or the main

building.

Q Until you moved to Hope Chest?

A Uh-huh. No. Practically all of the people, I think, in Memorial were couples or families because they had the space planned for them.

Q Was there a laundry facility there?

A Yes, at the end there. Those were the laundry facilities for the whole --

Q Community?

A Yes, everybody used them.

Q Do you recall who the architect was for the Memorial Building?

A I couldn't tell you that.

Q If the newsletter records reflected that the architect was a Mr. Moehle, M-o-e-h-l-e, does that refresh your recollection at all?

A No. I had nothing to do with that part of it, and it's doesn't --

Q It doesn't indicate there?

A It doesn't mean anything to me.

Q Miss Carnes, I next refer your attention to

Photograph M, and I would ask you to describe, please, what is depicted in Photograph M?

A Well, originally, before the purchase by Koinonia, that was the stable, and it was used after Koinonia purchased it for quite a few different purposes. The right wing had the print shop on the main floor there. The left side had, first, a little room that was used as an office, and then a big meeting room that was used for a recreation or library or classes or a great many uses. There were two other meeting rooms, and, then, upstairs, there were residences, rooms, where a lot of the students lived.

Q In the late '50s and in about 1964 when you returned full time to reside and work at Koinonia, approximately how many students were residing on the second floor?

A Probably, it was full. How many rooms are there?

Q You have to tell us based upon your knowledge. You could, if you would rather, give us a range.

A Well, thirteen or fourteen or somewhere, maybe, more. I'm not sure exactly.

Q Thirteen or fourteen students?

A Yes. But, of course, some of those were double rooms. The majority might be used as double rooms.

Q Was the first floor of that building -- what was the name of that building?

A For most of that time, it was called the Annex, and then some people wanted to call it the Carriage House, and it went by both names after that.

Q Either the Annex or the Carriage House?

A Uh-huh, a very useful building.

Q Was the first floor ever used for conferences or workshops?

A Yes. The meeting rooms there were used for him for many, many, many different rooms.

Q Would it also be correct to say that it was used for lectures?

A Yes.

Q Was the first floor, aside from the printing area and the office area, was the first floor of the Annex principally devoted to educational uses?

A Yes, except that the biggest room also was used quite a bit for recreation in the beginning.

COPY

IN THE MATTER OF: * BEFORE THE

KOINONIA PARTNERSHP * COUNTY BOARD OF APPEALS

Case No. 90-355-SPH * OF BALTIMORE COUNTY

* July 24, 1991

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the County Office Building, on July 24, 1991, at 10 o'clock a.m.

* * * * *

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman

ARNOLD FOREMAN

C. WILLIAM CLARK

Reported by:

C.E. Peatt

Respondent's Exhibit #4

Court and General
600 Baltimore Avenue, Suite 201
(301) 828-4148

further questions.

THE CHAIRMAN: Thank you. May may step down.

MR. NOLAN: I would like to call Lynn Moreland.

L Y N N W O O D L A N D,

having been called as a witness, was duly sworn and testified as follows:.

Q. Good afternoon, Mrs. Moreland.

A. Woodland.

Q. Excuse me. Could you state you address, please, for the record.

A. 15 Kitzbuehl Road, Parkgon, Maryland 21120.

Q. What is your profession?

A. I lead seminars.

Q. How long have you been involved in that profession?

A. One form or another, about 16 years.

Q. What has been your involvement with the Koinonia property?

A. I lead an ongoing weekly group there every week, and I used to hold my more intensive day-long seminars, and have been doing that for three or four years now.

Q. Would you please describe, when you say an intensive program, would you describe what that is and what it's entitled?

A. It's called In Roads, and it's a five-day long seminar that has a personal growth, personal development transformational type of focus.

Q. Is there a shorter program? Or are there workshops that are not as long that you also conduct?

A. Yes, I do, all different kinds of workshops on different themes for two or three days, perhaps four days, and then a weekly group that meets for three hours a week. And I am actually about to start a second biweekly group there in August.

Q. Are you licensed or certified in any particular profession, or are you trained in any particular field?

A. Before I did this, I worked for about thirteen years with the first Maryland state certified drug program as a counselor, and then with a group, private practice, doing general counseling work.

Q. And what is the fee that you pay to Koinonia Partnership for the use of the facility?

A. It's very reasonable for my weekly group. I pay $25 dollars for use of the room for the evening. For a five day intensive, I think it's 625 for the whole downstairs area for those five days.

Q. In in what area of the property do you conduct this?

A. The Carriage House building.

Q. Are you aware of any other educational programs that take place at the Carriage House?

MRS. FRIEDMAN: Objection.

THE CHAIRMAN: That question is not objectionable. The next one may very well be.

Q. Are you --

A. I see a professor who comes through before our group every week, and I don't know what she does, but she offers some kind of program. I know seminars are offered there. And often people call me and ask for the number so they can set something up to do there.

Q. Did you have any contact with this property prior to 1985?

A. Yes. I was aware of Koinonia and visited it from

time to time. In fact, I than worked for the Waldorf School before I moved to Koinonia.

Q. You mention the Waldorf School. Is that --

A. I used to bring the kids out.

Q. -- the nursery schooling we heard about earlier?

A. Right.

Q. Was the Waldorf School operated by Koinonia Foundation, or was that --

A. Oh, no. That was a completely separate entity. It's still in existence, the Waldorf School. That was in it's early formative days.

Q. So Koinonia leased the Carriage House to the Walforf School for the use as a nursery school?

A. I assume there was a lease relationship. I wasn't part of the school, but I am pretty sure -- I was friends with people who taught there. And that's my understanding.

MR. NOLAN: Thank you, Ms. Woodland. Witness with you.

CROSS EXAMINATION

BY MRS. FRIEDMAN:

Q. Ms. Woodland, how do you get participants for

our seminar program?

A. Primarily word of mouth at this point. I have done some advertising in the past. I don't do as much of that now. Actually, a few Koinonia residents have been coming to the group.

Q. Do yo charge for that?

A. I do it on a self-determined fee basis. People give what they want.

Q. But there is a fee?

A. Yes. Self-determined. Some people pay nothing.

Q. Do you have a business that you use to handle these fees and the other income?

A. This is what I do for a living. I do have a corporation and have been in the process -- well, I don't really do it that way anymore. I have turned over the business to someone else to manage, so they pay me now.

Q. So you have a corporation --

A. Yes.

Q. -- that you own?

A. Yes.

Q. Have you ever applied to Baltimore County for a

special exception for permission to hold these seminars?

A. No.

Q. You have not. And if you couldn't hold them here, where would you have to hold your seminars?

A. To tell you the truth, I haven't the faintest idea. That's why I'm here. I haven't really found an alternative space that fits our need.

Q. Have you looked?

A. Yes, I have looked around.

Q. Where have you looked?

A. I have looked at the hotel ballroom space. I called churches. There's usually problems of one sort or other in those kind of spaces.

Q. What kind of problems?

A. Well, one is hotel ballroom as well as many churches tend to be in either neighborhoods or with enough people around so that the noise factor of the workshops are a problem. And a lot of hotel ballrooms don't have the same -- well, they are a little bit too formal for my taste.

Sometimes they are prohibitively expensive.

COPY

IN THE MATTER OF: * BEFORE THE

KOINONIA PARTNERSHP * COUNTY BOARD OF APPEALS

Case No. 90-355-SPH * OF BALTIMORE COUNTY

* July 24, 1991

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the County Office Building, on July 24, 1991, at 10 o'clock a.m.

* * * * *

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman

ARNOLD FOREMAN

C. WILLIAM CLARK

Reported by:

C.E. Peatt

Respondent's Exhibit #5

Court and General
600 Baltimore Avenue, Suite 201
(301) 828-4148

ving been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BYMR. NOLAN:

Q. Good afternoon, Miss Ritz.

A. Good afternoon.

Q. Would you state your full name and address, for the record, please?

A. Christine Clare Ritz. I live at 1400 Greenspring Valley Road. And that's Stevenson, 21153.

Q. Maybe just to orient us and the Board, could you just tell us in what house you live?

A. I live in the small cottage right down here which borders the garden, and that's called the Acorn.

Q. The Acorn is marked on this Exhibit 9 as letter "D"?

A. Correct.

Q. How long have you live in the Acorn?

A. I lived in the Acorn since the Pomykakas took residence of the Grammar C building.

Q. Before the Pomykakas came to Grammar C, where

re you living?

A. In the Hope Chest. I also lived in Grammar C, and lso lived in the Memorial building.

Q. Just so the record is clear, would you identify nd point to where was the first place that you lived?

A. The first --

Q. -- when you came to Koinonia.

A. The first place I lived was the apartment building, the Memorial building.

Q. What year was that?

A. I believe it was 1975.

Q. And who else was living in the apartment building at that time?

A. At that time, there were people who were employed by the Koinonia Foundation as well as people who were called "participants," meaning they came to take part in a three month program that was offered for the sake of personal growth and renewal. And then additional people who were termed as "householders," who were unable to take part of the programs, but made their living on the outside.

Q. So a "householder" would be someone who lived at Koinonia, but worked off site?

A. That's correct. Many of these people were professionals and had careers, but they were looking for an enriching personal experience and an opportunity to live in a community.

Q. When you say "live in community," would you just describe what that means?

A. That would be sort of difficult for me to do because, for us, Koinonia, it was a very complicated concept, a community that was intended as a means for enabling people to experience personal growth and transformation and, hopefully, peace, because it evolved out of the concept that peace comes with personal transformation.

By "community," I mean that we experience life in an integrated kind of way. We met for daily prayer and meditation. We were given the opportunity to share community meals. We participated in community meetings. we were all responsible for community work assignments that furthered the maintenance of the buildings or the

orchard or the gardens or preservation of food.

We took part in community activities that were structured and ongoing and developed for the purpose of imaginative recreation of the human spirit.

Q. Was there also training and workshops?

A. Absolutely. The workshops were a very vital part and they there were workshops that took place and seminars conducted by people from -- by leaders from around the world as well as from around the nation. And there were also classes being conducted by some of the most well respected writers and figures in American culture.

Q. When you came to the property in 1975, where were those workshops concentrated?

A. I would have to say they were housed in different places. They did -- the Carriage House is the easiest facility. However, many of them took place in the open circles. Many of them took place in Grammar C proper, in the living room or dining room. Programs such as bread baking and vegetarian cooking that took plce in the kitchen.

Q. Is it fair as to say the Carriage House was the

COPY

IN THE MATTER OF:	*	BEFORE THE
KOINONIA PARTNERSHP	*	COUNTY BOARD OF APPEALS
Case No. 90-355-SPH	*	OF BALTIMORE COUNTY
	*	July 24, 1991

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the County Office Building, on July 24, 1991, at 10 o'clock a.m.

* * * * *

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman

ARNOLD FOREMAN

C. WILLIAM CLARK

Reported by:

C.E. Peatt

Respondent's Exhibit #6

Court and General
600 Baltimore Avenue, Suite 201
(301) 823-4148

Q. Do you know whether the people who lived there assumed responsibility for the maintenance and upkeep of the property as a whole?

A. I'm not sure how it was organized and I don't know what was formal and informal. I think, as human beings, everything one was helpful.

MRS. FRIEDMAN: I have no further questions.

MR. NOLAN: No further questions.

THE CHAIRMAN: You may step down.

THE WITNESS: Will you be needing me? Or may I be excused?

MR. NOLAN: She can be excused, from the petitioner's standpoint.

THE CHAIRMAN: Yu may be excused.

MR. NOLAN: Thank you. Mrs. Pomykakas.

A N N M A R I E P O M Y K A K A S,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. NOLAN:

Q. Would you state your full name and address,

udents from.

Q. What use did you make of the first floor of the arriage House?

A. It has meetings and seminars on a regular basis.

Q. And building "L?

A. Building "L" is the Memorial Building erected by Koinonia and in 1959 and it presently houses single people. There are eight singles, and one of them is a woman with a child. And "K" is the mobile home which has one of my employees and his family.

Q. You referred to some workshops and other uses in the Carriage House. After showing counsel, I would just like to show you another exhibit. Do you recognize that document?

A. It's a list that I had prepared for the last hearing that had the people who had rented the Carriage House, and the dates.

Q. During what time of day are these lectures or workshops held?

A. Generally, they are on the weekends with an all-day thing on the weekend, and then Lynn Woodland and

her group regularly use it every Tuesday evening.

Q. Did there come a time when you and your husband moved into the Carriage House from the main house, or you had to move out of the main house?

A. No. We moved out of the main house where the Baltimore Symphony Associates -- when it was used as a show to support the Baltimore Symphony. At that time I had moved into the trailer which was there on the property.

Q. You mentioned the Baltimore Symphony Associates. Was that sometimes referred to as the Decorator Showhouse project?

A. Yes, it was.

Q. Was your home the Decorator Showhouse in 1986?

A. Yes, it was.

MR. NOLAN: I'd like to introduce this as the next exhibit.

MRS. FRIEDMAN: Petitioner's Exhibit 12 is the Carriage House rental?

MR. NOLAN: Yes.

Q. Referring you to Exhibit 12, which groups utilize

e Carriage House for lectures or workshops on a regular
sis?

A. Baltimore Holistic Health does. Lynn Woodland's
roup, or In Roads; Tom Brightman and his group also use
it on a regular basis.

Q. What kind of training does his group do?

A. All three of them are involved in probably what you call new wave philosophy, more of a self-improvement group, which was what Koinonia was doing in the years when they lost their teaching literacy and agricultural methods in foreign countries. The Peace Corp came in.

Q. And based upon your personal knowledge, are any of the groups shown on Exhibit 12, groups that had used the Carriage House before you bought it in 1985?

A. Yes. I know that -- yes, some of them were.

Q. Why is the Carriage House conducive to the lecture use or workshop use?

A. Koinonia or -- I can't even say for sure, because I never saw -- it had been converted into three large rooms for seminar use. The old carriage room is a huge room. I read in one of the early numbers that it had room

for two cars and three carriages in the large carriage room and then they had made them very suitable for seminar use.

Q. What, if any, restrictions or easements apply to the Carriage House building and the main house?

A. They are covered on the exterior by the Maryland Historic Trust. Nothing can be done without their permission for those two buildings and within 25 feet of the circular drive.

Q. You were made aware of that condition and restrictions before you purchased the property?

A. Yes. It was in all of the auction material.

Q. Have you ever sought to remove that trust or to have the property released from that trust?

A. No. On the contrary, we have tried to put the property, the rest of it in the trust. But either it's not old enough yet to preserve what I think is a very important movement, Koinonia movement. It's definitely a predecessor of the Peace Corp, developed much input into that and definitely a leading cursor of the New Wave philosophy.

EXHIBIT 2

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 288

September Term, 1992

CHARLES J.E. ARNOLD, et al

v.

KOINONIA PARTNERSHIP

Moylan,
Bishop,
Bloom,

JJ.

Per Curiam

Filed: October 21, 1992

Respondent's Exhibit #1

The Baltimore County Board of Appeals ("Board") granted a petition of Appellee, Koinonia Partnership ("Partnership"), to continue nonconforming uses on its property. Neighboring property owners, the "Ledger Hill Neighbors," appealed the order of the Board to the Circuit Court for Baltimore County, and after a hearing, the court granted the Partnership's Motion to Dismiss. The trial court denied the neighbors' subsequent Motion to Alter or Amend Judgment and granted the Partnership's Motion to Strike Amended Order for Appeal and Amended Petition for Appeal. Appellants, Charles J. E. Arnold, et al. ("Arnold"), appealed the trial court's dismissal to this Court which dismissed the appeal. This appeal is now before us pursuant to an order reinstating Arnold's appeal.

Issue

> I. Did the Circuit Court commit reversible error in (1) refusing to allow the Appellants to amend their Order for Appeal and Petition for Appeal to substitute their individual names as appellants in place of the collective misnomer that appeared on those pleadings and, instead, (2) dismissing their appeal, even though the individual Appellants were parties to the proceedings before the Board of Appeals aggrieved by its decision?

Facts

Since 1985, the Partnership, composed of Dr. and Mrs. Ronald A. Pomykala, owned property in Baltimore County. Located on the property are the Pomykala's home and nearly a dozen buildings, including apartments that are rented to college students and facilities used for meetings and educational purposes.

On January 21, 1990, the Partnership filed a petition with the Baltimore County Zoning Commissioner, seeking approval of nonconforming uses on its property. The Commissioner denied the petition, and the Partnership appealed the decision to the Board. On July 26, 1991, a hearing was held, and counsel for Arnold identified the names of Ledger Hill neighbors for the record.

> Mr. Machen: As a matter of housekeeping, I want to make clear who the Ledger Hill neighbors are in this. There are a number of individuals who could not be here. I want to make sure their names are on the record. The Leger [sic] Hill neighbors are comprised of Mr. and Mrs. Robert Levy --
>
> The Chairman: You want this on the record, or on the record as an exhibit?
>
> Mr. Machen: I have not prepared an exhibit. I am simply identifying who the neighbors are, the protestants in this case.
>
> The Chairman: Mr. and Mrs. Levy.
>
> Mr. Machen: They are my clients. Mr. and Mrs. Charles J. Arnold, Dr. Hamilton Moses, Miss Lucy Howard, W. James Howard, Mr. Thomas W. Brundiget, 3d. and Nathanial Prentice. These are all neighbors either on Greenspring Avenue or living on Greenspring Valley Road. I don't have the street addresses. They live in close proximity to the Koinonia property.

The Board granted the Partnership's petition, and on August 29, 1991, "Ledger Hill Neighbors," as "appellant," (we believe it is significant that, in the petition for appeal, counsel for Ledger Hill Neighbors used the singular "appellant", which signifies to us that the appeal was taken by the group entity rather than an individual member) filed an appeal with the Circuit Court for Baltimore County. On November 14, 1991, the court granted the

Partnership's Motion to Dismiss; on December 13, 1991, it denied the appellants' Motion to Alter or Amend Judgment and granted the Partnership's Motion to Strike Amended Order for Appeal and Amended Petition for Appeal.

Discussion

In People's Counsel v. Mangione, 85 Md. App. 738 (1991), this Court made clear the standard of review where an abuse of discretion is alleged.

> While the "clearly erroneous" standard applies to the court's findings of fact, the "abuse of discretion" standard applies to the court's determinations of legal questions or conclusions of law based upon its findings of fact. We will not interfere with such determinations without a clear showing of abuse of discretion.

Id. at 744 (*quoting* Alston v. Alston, 85 Md. App. 176 (1991)).

Arnold contends that the trial court abused its discretion by dismissing the appeal and denying the individuals leave to amend the order for appeal and petition for appeal. Specifically, Arnold argues that the individuals who filed the appeal were proper parties, each having standing to appeal, and that the use of the collective name, "Ledger Hill Neighbors," constituted a mere misnomer.

We disagree. For the reasons that follow, we affirm the court's dismissal of Arnold's appeal and its denying leave to amend the order for appeal and petition for appeal.

In the case sub judice, counsel for Arnold stated that not all individuals comprising the Ledger Hill group were present at the

Board hearing. In fact, the record shows that only W. James Howard, Lucy A. C. Howard, Mrs. Charles J. E. Arnold, and Dr. Hamilton Moses, III, as well as James P. Machen, Esquire, counsel for the neighbors, were present at the hearing. Machen identified the Ledger Hill neighbors as also including Mr. and Mrs. Robert Levy, Charles J. Arnold, Thomas W. Brundiget, III, and Nathaniel Prentice. Brundiget did not participate in filing the appeal to the circuit court, and Mrs. Nathaniel Prentice, a protestant-neighbor, was not identified as such by Machen at that the hearing.

In Southland Hills Improvement Ass'n v. Raine, 220 Md. 213, 215 (1959), the Association was the only named party, and the Court of Appeals held that the trial court properly dismissed the appeal on the grounds that it was "neither a party aggrieved nor a taxpayer and has no standing to maintain its appeal." The Court found that "the Improvement Association's contention that certain of its individual members who testified at the hearings before the Board are parties to these suits is not tenable." Id. at 217 (emphasis added).

The record in Raine did not "disclose either the joinder or the intervention or the attempted joinder or intervention of a single individual or taxpayer as a party plaintiff in the Circuit Court." Id.; see Windsor Hills Improvement Ass'n v. Mayor of Baltimore, 195 Md. 395, 394 (1950) (The association was not in existence, and was not a "person aggrieved" or a "taxpayer," and although a party plaintiff intervened, his petition was filed late.

The Court held that the trial court properly dismissed the association's appeal).

In Largo Civic Ass'n v. Prince George's County, 21 Md. App. 76 (1973), this Court stated that "[w]e find nothing in Bryniarski . . . holding that a person must testify before the administrative agency in order to be a 'party to the proceeding before the' agency. *Indeed*, there is no requirement that he do so provided the record shows he was in fact a party." Id. at 81 (*citing* Bryniarski v. Montgomery Co., 247 Md. 137 (1967)).

In the case sub judice, persons identified by counsel as Ledger Hill neighbors were not all present at the Board hearing. Among those present, not one testified. *See* Raine, 220 Md. at 217. Furthermore, there is nothing in the record indicating who was "in fact a party," other than counsel's mere listing members of a group. Largo, 21 Md. App. at 81. More important to the outcome of this case, there was no joinder or intervention by any neighbor as a party before the Board or in the circuit court. See Raine, 220 Md. at 217. Arnold's contention that the neighbors were parties to the Board hearing is untenable.

Even if we determine that the neighbors established themselves as parties to the proceeding before the Board, the appeal was not filed by any of them, it was filed by the "Ledger Hill Neighbors." "Ledger Hill Neighbors" is a descriptive title; it is not a legal entity. "[I]t is clear that an association or corporate body representing only the viewpoint of its members is not itself

aggrieved merely because its members are." City of Greenbelt v. Jaeger, 237 Md. 456, 463 (1965).

Moreover, not all members of the group identified at the hearing participated in the appeal, and one individual was added to the group. Contrary to Arnold's position, substituting appellants' names for "Ledger Hill Neighbors" does not correct the pleading to conform to the underlying facts. Rather, use of the title includes persons not present at the hearing, adds a person not listed at the hearing, and does not include a person identified at the hearing as a party. Thus, this is not a matter of a mere misnomer. "Ledger Hill Neighbors" lack standing to appeal.

We hold that the trial court did not abuse its discretion in dismissing the appeal and denying appellants leave to amend the order for appeal and petition for appeal.

JUDGMENT AFFIRMED; COSTS TO BE PAID BY APPELLANTS.

CHARLES J.E. ARNOLD et al.	*	In the
	*	Court of Appeals
	*	of Maryland
v.	*	Petition Docket No. 578
	*	September Term, 1992
KOINONIA PARTNERSHIP	*	No. 288, September Term, 1992 Court of Special Appeals

ORDER

Upon consideration of the petition for a writ of certiorari to the Court of Special Appeals and the answer filed thereto in the above entitled case, it is

ORDERED, by the Court of Appeals of Maryland, that the petition be, and it is hereby, denied as there has been no showing that review by certiorari is desirable and in the public interest.

/s/ ROBERT C. MURPHY
Chief Judge

Date: March 10, 1993

Respondent's Exhibit #8

Clark

COPY

IN THE MATTER OF: * BEFORE THE

KOINONIA PARTNERSHP * COUNTY BOARD OF APPEALS

Case No. 90-355-SPH * OF BALTIMORE COUNTY

* July 26, 1991

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the County Office Building, on July 26, 1991, at 10 o'clock a.m.

* * * * *

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman

ARNOLD FOREMAN

C. WILLIAM CLARK

Reported by:

C.E. Peatt

Respondent's Exhibit #9

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. MECHAN:

Q. Mr. Tuomey, could you state your name, address and occupation, please.

A. Daniel Tuomey, and I am an attorney, and my address is 36 South Charles Street, Suite 2400, Baltimore 21201.

Q. Were you ever affiliated with the Koinonia Foundation?

A. Yes, I was.

Q. What is the Koinonia Foundation?

A. Koinonia Foundation is a corporation organized under the laws of the District of Columbia which has received 501 C 3 tax exempt status from the internal revenue service, and it is -- it owned at one time, the Koinonia, the property known as Grammar C, referred to as Grammar C, which is the subject of that matter.

Q. What was the nature of your affiliation with Koinonia?

absolutely. I would seriously question the sanity of anyone who would take issue with her. I will agree with that. Thank you, sir. As a person. Not necessarily what she may believe. But as a person, she was wonderful.

MR. NOLAN: Can I have Petitioner Exhibit NO. 28.

Q. Mr. Tuomey, I am going to show you the originals of Petitioner's Exhibit No. 28 which are a series of -- seems like the one was marked.

MR. NOLAN: They are three copies of the same thing, and I think I might have handed up the wrong thing. Let me just show counsel -- I had given you three separate brochures, I believe.

BEAR with me one minute, Mr. chairman.

THE CHAIRMAN: Certainly.

Q. I am going to show you the three brochures that have been received in evidence as Exhibit No. 28, and I have here in a couple instances the original brochures from which these copies were made.

And, sir, I'd like to show you what is entitled Koinonia and refer you to the second page of this portion of Exhibit 28 under the word "resources?" And would you

read that paragraph, sir?

A. Koinonia is blessed with 45 acres of woods, meadows, and organic garden. We have facilities from music, dance, meditation, pottery and swimming and spacious meeting rooms. As part of Koinonia's outreach and service to the public, we rent our conference facility to light-minded organizations for their own meetings and conferences. We are located just north of Baltimore, Maryland, in the Greenspring Valley.

Q. Thank you, sir. And now I'd like to just direct your attention to this other portion of Exhibit No. 28 and ask you to read, sir, the third paragraph on the back page. I am sorry. Could you just start reading with the second paragraph?

A. The Carriage House has two open spacious rooms plus a small lounge, each interconnected with the others providing implicit or larger areas as desired for up to 200 people. These facilities are a comfortable setting for your next meeting or seminar. We can also dress up for wedding parties and handle every detail from the catering to the flowers, making event a very special

occasion.

Our 45 five acres of woods and meadows does include an orchard, a large organic garden, all easily acessible for leisurely walks.

Koinonia invites you to joint these facilities at your convenience. Koinonia is a runner's delight.

MR. NOLAN: Thank you very much. No further questions.

MR. MACHEN: Nothing further.

THE CHAIRMAN: Mr. Foreman has a question.

MR. FOREMAN: Mr. Tuomey, what activity from 1975 to 1981 are you familiar with that went on on the premises?

THE WITNESS: Oh, golly. There was educational programs. They would be -- they were not religious in the sense of a religious denomination, but they were spiritual in the sense of those issues that were becoming into community awareness in the 70's that now we take for granted, such as holistic healing in the sense of the right ways of living spiritually. And, emotionally, there was meditation there in the vein of perhaps the early

Christia fathers as well as the eastern gerus, or whatever you would call them.

I would say those are two dominant types of programs that were given there. There was at one point they had Lobach literacy program which is used throughout the world in solving the problem of illiteray. The originator practice, Frank Lobach, if I recall correctly, had been a board member out there.

Let's see, whatever else they might have had. Properly prepared food in the sense of organic gardening and preparing it in a helpful way. Golly, they had a very extensive series of programs over time and the only way I can give you anything more specific would be to do a review.

Q. Following along with the programs you had, how many people do you have working at their foundation?

A. Golly, I would say that there was -- I would be surprised if ever there was less than five people. And, you know, it might have at times gone as high as 20 people.

Q. Did those people reside on the premises?

A. I believe almost all of those people resided there. We had -- I do know we had at one time an accountant who was a bookkeeper who did not reside on the premises, but my recollection was it was pretty close to a hundred percent. And one of the reasons for that was that it was a way that we could afford to have people support the organization, and because of the very limited budget, we were dependent on public support.

Q. How did the organization support itself?

A. It was literally donations. It was through bequests. We are listed in the internal revenue's bulletin which lists all tax exempt organization, so that people would leave bequests to us in their wills and when they passed on, we would be contacted. We also received money from people who participated in the program. And there were some people there that did not reside -- I'm sorry. That did reside on the premises and participated in its program in addition to paying there for their food, they would pay for their accommodation as you pay if you were a resident in any college.

Q. In these brochures, were you familiar with these

at all?

A The first one, I am familiar with. And I do -- which was the one that you have, sir, in your hand now which has the -- what I would call the front side and artist rendering of a magnificant tree on the property and the bamboo on the right side. The other two, I do not have any recall of those, so I cannot tell you if they were ever circulated. And if so, when they were circulated from the people that came on the property to use, outside people were invited onto the property, they paid a service fee. To my knowledge, they were light minded organizations because they had to have that index into our tax exempt purpose, because if we just brought on a group that was not indexed into our purpose, we are not extending our tax exempt purpose. So I cannot speak for any other group. That's why in the first one, it looks that light minded organizations qualifier. They did pay for the use and it was consistent with Koinonia's tax exempt purposes.

I can't speak to any other.

Q. These brochures that are listed as Exhibit No. 28, do you have any idea as to their date of origin?

A. The only one that I am aware of, as I indicated to you before, was the very first one. And that, my memory, puts it at perhaps the late seventies, maybe 1980. The other two, as I said before, I have no knowledge when they were prepared, and I have no knowledge as to whether they were ever circulated, you know, to anybody outside of Koinonia's structure. So I can't comment on the other ones.

Q. The question I have, based on these brochures, do you have any knowledge as a board member from the president of the organization about the giftshop or a printshop or a draftshop or anything like that on the premises?

A. Yes, sir. There was -- we had a printshop because of the educational purposes that had been going on, as Mr. Nolan alluded to. Koinonia got its driving energy out of setting up the training program to send people over to Europe after the Second World War to rebuilt it.

But to rebuild it from a viewpoint of not just physical, but also for from the spirtual viewpoint. It

was by way of a footnote the Episcopal bishop, Bishop Layton ton served on the board, I believe in the early 70's, so it had that sense of a clearly define spiritual purpose of the world.

We had the printshop that supported that originally so as to create the literacy program documents, what have you, and then it went on to support other printed material needs that Koinonia had. The giftshop was a small room more like perhaps a large closet that had books that were kind of historical from that actiity, as I recall. It might have had some pottery that had been prepared on the site.

Q. The natural food store, was that part of the garden?

A. That's my recollection. But we are going back into the late seventies, early eighties.

Q. Strain your recollection. Did you realize any income or do you remember realizing any income from these at all?

A. It was extremely modest, but there was no questions some transaction occurred in which there were

sales and there would have been some money received from it for not only the premises which derives some income from the various activities.

Q. Was there also an endowment for the foundation?

A. In the sense that we received bequests and at one time there was a fair amount. It might have been as as close to a million dollars. As I recall, it was a considerable sum. A million sounds high. It was a considerable sum that had been.

But what happened, we got on that spiral where so many of the things we were doing were of an advant guarde, have now moved into the mainstream of society today and are now less and less of a unique position in the community. And we wound up going back, and that was a driving energy for having to terminate what we were doing.

Q. Was part of the board function at the time the board was in existence with the property to raise money also?

A. There is no question as part of our tax exemption, it required that we be supported by the public. There's no question that we had to do that, and that was

another thing we had to do to maintain our tax exempt status, was to make sure we were supported by the public.

Q. Did you, as a board member, also review any of the income statement of the foundation on a yearly basis or quarterly basis?

A. Absolutely. And each quarter, an annual report.

Q. Do those quarterly terms and annual reports, in your memory, going back quite sometime, would you be able so cite various sources from the premises that drew income other than the craft shop and the things like that which are moderating? Anything else that may have drawn income?

A. It would be the activities of the programs. It would be gifts. And we had also had a membership type of program which was a way the people could hopefully identify with us on a regular basis and contribute annually, like many nonprofit organizations have, but would have been from those sources, as best I can recall.

Q. Do you recall whether or not any income was derived from the groups that came in and used the property?

A. I am certain absolutely it would have been some

to the extent we had people coming out there using the property. It would have been some money paid by people there.

Q. Do you know how many times other groups may have used the property?

A. Mr. Foreman, I cannot tell you that with any specificity on that.

MR. FOREMAN: Thank you.

THE WITNESS: You are welcome.

THE CHAIRMAN: Mr. Clark?

MR. CLARK: No. You asked the questions I was going to ask.

THE CHAIRMAN: You may step down, Mr. Tuomey.

MRS. FRIEDMAN: I would like to call Margaret Worral.

M A R G A R E T W O R R A L L,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MRS. FRIEDMAN:

Q. Would you state your name, for the record,

IN THE MATTER OF THE APPLICATION OF KOINONIA PARTNERSHIP FOR A SPECIAL HEARING ON PROPERTY LOCATED ON GREENSPRING VALLEY ROAD, 930' WEST FROM CENTERLINE OF GREENSPRING AVENUE (1400 GREENSPRING VALLEY ROAD) 3RD ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
LEDGER HILL NEIGHBORS, PLAINTIFFS CASE NO. 90-355-SPH	*	CG Doc. No. 98 Folio No. 162 File No. 91-CG-3731

* * * * * * * * *

PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Arnold G. Foreman, and C. William Clark, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Office of the Zoning Commissioner and the Board of Appeals of Baltimore County:

No. 90-355-SPH

January 17, 1990	Petition filed by Stephen J. Nolan, Esquire, on behalf of Koinonia Partnership for a Special Hearing to approve and confirm the lawful non-conforming residential, institutional and other uses as shown on plat.
April 17	Amended Petition filed by Mr. Nolan to include the continuance of the approved Special Exception use for educational purposes.
March 8	Comments from Baltimore County Zoning Plans Advisory Committee.
February 22	Publication in newspapers.

Respondent's Exhibit #10

April 23, 1990	Certificate of Posting of property.
March 16	Hearing held on Petition by the Zoning Commissioner.
July 16	Order of the Zoning Commissioner DENYING Petition.
August 10	Notice of appeal received from Stephen J. Nolan, Esquire on behalf of Koinonia Partnership.
July 24, 1991	Hearing on appeal before the Board of Appeals.
July 26	Continued Hearing before the Board.
August 2	Opinion and Order of the Board GRANTING the Petition for Special Hearing.
August 29	Order for Appeal filed in the Circuit Court for Baltimore County by John P. Machen, Esquire on behalf of Protestants.
August 29	Certificate of Notice sent to interested parties.
September 5	Petition to accompany appeal filed in the Circuit Court by Mr. Machen.
October 4	Transcript of testimony filed.

Petitioner's Exhibit No.
1 -Site Plan (12/20/89)
2 -Zoning Order (5/25/50)
3 -Blue Print (IN BOARD'S CLOSET)
4 -Tracing (IN BOARD'S CLOSET)
5 -Petition & Order for Spec. Exc.
6 -Letter (8/14/79)
7 -B.C. Zoning Comments
8 -List of photos to go with #9
9 -Photo Board w/map & photos
(IN BOARD'S CLOSET)
9A-List
10-Pamphlet to go with #2
11-Lease Agreement
12-Carriage House Reserv. List
13-Photos A-N
14-Photos A-F
15-List of people in favor
16-Letter (5/4/88) zoning
17-Letter (7/24/91) Md. Hist. Trust
18-Gerber C.V.
19-Aerial Photo

Petitioner's Exhibit No.
20-Comments -Planning & Zoning
21-Time Line
22-Decision #89-171-SPH
23-Art. 83B Sec. 5-601 Annotated Code of Md.
24-Video tape
24-A-Transcript of tape
25-List of Customers & Sales
26-Articles
27-Letter from Greenspring Valley Assoc. (I.D. only)
28-Brochures
29-Picture of Memorial Bldg.

Protestants Exhibit No.
1-Certificate of Incorporation
2-Letter from Treas. Dept. - Exempt status

People's Counsel Exhibit No.
1 -Petition for Rezoning
2 -Auction detail packet
3 -Zoning Regs. 1955
4 -Zoning Comm. dec. 90-428-SPH
5 -Rule 8, Letter 2/1/91
6 -Letter 7/24/91
7 -B. Co. Zon. Reg. (1948)
8 -B. Co. Zon. Reg. (1955) R6-R40
9 -B. Co. Zon. Reg. (1969) R-40
10-B. Co. Zon. Reg. (1975) RDP
11-B. Co. Zon. Reg. RC2 current regs.
12-Excerpt from the Green Spring Valley Book
13-Article - Sun
14-Article - News American
15-Article - 3/31/78
16-Zoning Comm. File

October 4, 1991 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board. However, all tangible material or evidence of an unwieldy or bulky nature will be retained in the Board of Appeals' office and upon

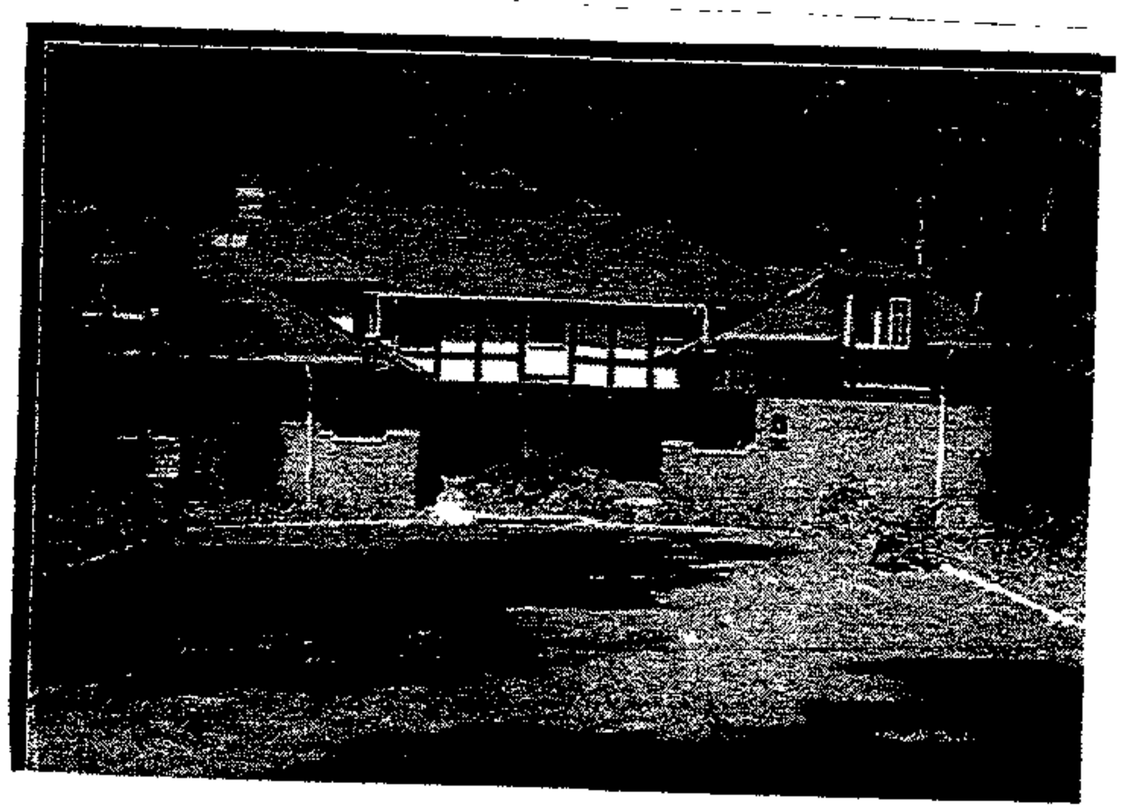
request of the parties or the Court will be transmitted to the Court by whomever institutes the request.

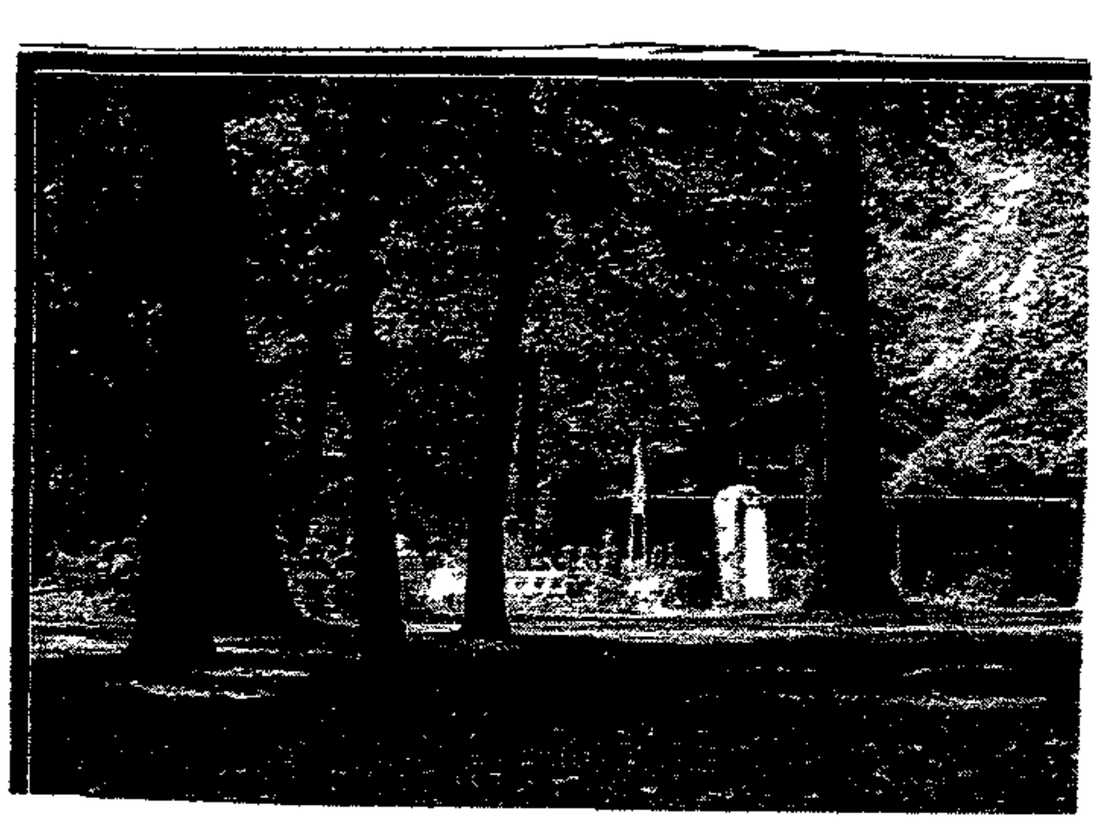
Respectfully submitted,

LindaLee M. Kuszmaul

LindaLee M. Kuszmaul
Legal Secretary
County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 (301) 887-3180

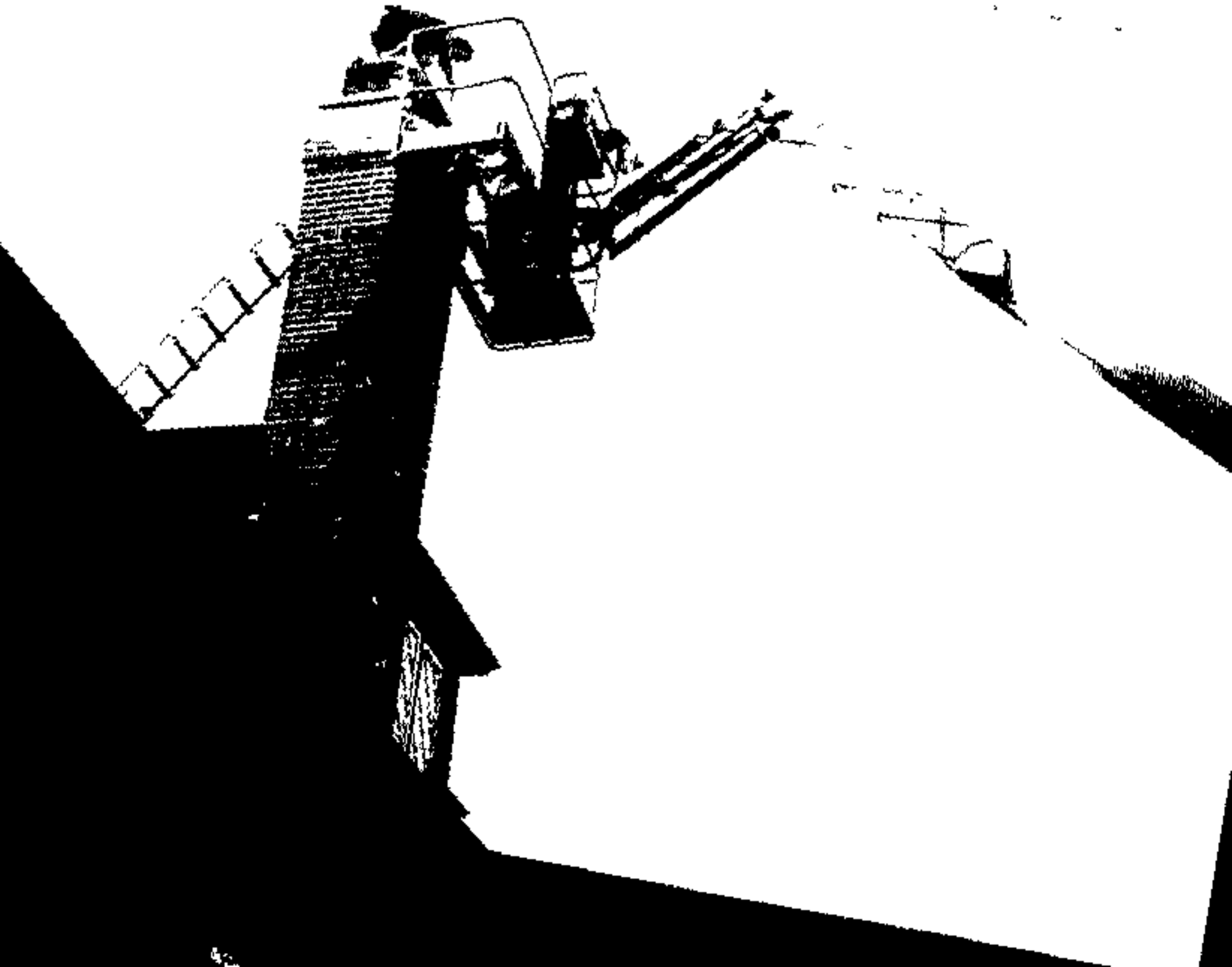
cc: John P. Machen, Esquire
Stephen J. Nolan, Esquire
Newton A. Williams, Esquire
Mr. Ronald A. Pomykala - Koinonia Part.
People's Counsel for Baltimore County





Respondent Exhibit 11B





Late October 98
putting caps on the
Chimneys
Roman

Respondent
Exhibit
11

AMENDED PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve .....

and confirm the lawful non-conforming residential, institutional and other uses as shown on the attached plat and the continuation of the approved special exception use for educational purposes.

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

I, or we, agree to pay expenses of the 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:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

KOINONIA PARTNERSHIP
(Type or Print Name)

By:
Signature
Ronald A. Pomykala, General Partner
(Type or Print Name)

Signature

Attorney for Petitioner:

Stephen J. Nolan
(Type or Print Name)

Signature
Nolan, Plumhoff & Williams 4/17/90
210 W. Pennsylvania Ave
Address

Towson, Maryland 21204
City and State

Box 119, 1400 Greenspring Valley Rd
Address Phone No. 486-24(

Stevenson, MD 21153
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Stephen J. Nolan
Name

210 W. Pennsylvania Ave 823-7800
Address Towson, MD 21204 Phone No.

Attorney's Telephone No.: (301) 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this ..... day of ....., 19....., that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the ..... day of ....., 19....., at ..... o'clock .....M.

.....
Zoning Commissioner of Baltimore County.

Z.C.O.—No. 1

(over)

Respondent's Exhibit #12

koinonia

A Center for Holistic Learning

HEALTH AND HEALING
JOSEPH CHILTON PEARCE
AMRIT DESAI
YOGA
SINGLES & SENIORS
SUFI DANCING
PARENTS & CHILDREN
DREAMS
PIR VILAYAT KHAN
THE ARTS
ASTROLOGY
CHRISTIAN AND JEWISH STUDIES

Program Guide

1984

SEPT. / DEC.

Respondent's Exhibit #14

TABLE OF CONTENTS

For description of programs see inside pages under date given below.

SPECIAL EVENTS

SEP 21: **JOHN RICHARD TURNER**-Psychotherapy & Past Life Recall
SEP 22: **DEV KETU**-Advanced Yogic Disciplines and Yoga for All
SEP 23: **PETER CADDY**-The Challenge of Change:Findhorn to Mt Shasta
SEP 27: **BHAGAWAN ANTLE**-Energy and Mind Power(Yoga & Magic)
SEP 28: **GRETA WOODREW**-Close Encounters of the Fourth Kind
SEP 29: **JOSEPH CHILTON PEARCE**-The Bond of Power
SEP 29: **PSYCHIC FAIR**-including Magic Show with Bhagawan Antle & Tiger
OCT 13: **ZECHARIA SITCHIN/ANDRIJA PUHARICH**-Encounters with the Divine-Fact of Myth?
OCT 27: **PIR VILAYAT KHAN**-A Day of Retreat and Reflection-'The Emerging Spirituality'
NOV 16: **JOHN SCHUMACHER**-Hatha Yoga Intensive For All Levels
NOV 17: **YOGI AMRIT DESAI**-Network of Light Weekend Retreat
NOV 17: **HENRY NAGORKA**-Psychotronics:The Science of the Future
DEC 1: **HIMAYATI INAYATI**-Spiritual Healing and Psychology
DEC 7: **ANN WIGMORE**-Living Food for a New World



HEALTH AND HEALING

SEP 20: Body Toning,Aura Tuning
SEP 29: Metamorphic Massage
OCT 2: What's Good Nutrition?
OCT 8: Iridology-The Iris of the Eye as Window to the Whole Body
OCT 16: Childbirth the Natural Way
OCT 19: Total Wellbeing-Health & Massage
OCT 26: Deep Muscle Massage
OCT 28: Light Works-Stress Reduction for Wholistic Health Practitioners
NOV 6: Eating-The Great American Pastime
NOV 7: Ways to Look Better,Feel Better,Be Better
NOV 8: Healing Touch & the Chakras
NOV 19: Nerves,Stress,and Cutting Through the Static
NOV 21: Color Awareness
DEC 1: Spiritual Healing & Psychology
DEC 4: Metabolism:Resetting the Computer
DEC 7: Living Food for a New World

10% DISCOUNT FOR PRE-REGISTRATION

NOV 2: Deepening Your Vocation:For People in the Spiritual Ministry
NOV 11: Crystal Healing & Meditation
NOV 12: A Course in Miracles
NOV 17: Network of Light Retreat with Amrit Desai
DEC 1: Spiritual Healing & Psychology



THE PSYCHIC WORLD

SEP 21: Psychotherapy & Past Life Recall
SEP 26: Channeling Those From Other Dimensions
SEP 27: Energy and Mind Power through Yoga and Magic
SEP 28: Close Encounters of the Fourth Kind
OCT 3: Discovering your Inner PSI Senses
OCT 9: Developing your Psychic Ability for Personal Success in Life
NOV 11: Crystal Healing & Meditation
NOV 30: Psychic Children
DEC 15: Hauntings in Maryland

PSYCHOLOGY AND PERSONAL GROWTH

SEP 19: The Silva Method
SEP 21: Psychotherapy and Past Life Recall
OCT 3: Wholistic Parenting
OCT 3: C.G.Jung and the Inner Journey
OCT 4: The Ten Commandments of Insanity(or How to Drive Yourself Sane)
OCT 5: Body Communication
OCT 6: Coupling:How to Make Love Stay
OCT 9: Developing Your Psychic Abililty for Personal Success in Life
OCT 10: Dromenon-To Explore the Ideas of Jean Houston
OCT 14: Living Politics-A New Kind of Game
OCT 16: Fat Long Enough:Now It's Up to Me!
OCT 18: Weekend Encounter
OCT 18: Living Politics(3 Fridays)
OCT 22: Dare To Be Alive
NOV 1: Feeling Good About Yourself:Assertiveness Training
NOV 2: Substance Free Socializing: Having Fun Without Alcohol
NOV 2: Deepening Your Vocation: For People in the Spiritual Ministry
NOV 2: Sensuality and Spirituality
NOV 3: Gestalt Intensive/All Levels
NOV 3: Man in Transition(men only)
NOV 4: Successful Marital Styles
NOV 7: Ways to Look Better, Feel Better, Be Better
NOV 10: Jung, Storytelling, Dreams and the Inner Journey
NOV 11: Aliveness is Your Birthright-Rebirthing
NOV 19: Nerves, Stress, and Cutting Through the Static
NOV 24: From Roots to Treetops
NOV 27: Getting Free of Alcohol and Other Drug Problems
DEC 2: Confident Public Speaking
DEC 15: Hauntings in Maryland

MASSAGE, BODY WORK AND AWARENESS

SEP 13: T'ai Chi All Levels(Ongoing)
SEP 20: Body Toning, AuraTuningSEP 29: Metamorphic Massage
OCT 2: Introduction to T'ai Chi
OCT 13: Self Defence for Women
OCT 19: Total Wellbeing-Health and Massage for Singles and Couples
OCT 26: Deep Muscle Massage

YOGA

SEP 17: Bhakti Yoga
SEP 20: Hatha Yoga for all Levels & Conditions(George Curnoles)
SEP 22: Advanced Yogic Disciplines and Yoga for All(Dev Ketu)
SEP 27: Energy and Mind Power Through Yoga and Magic(Bhagawan Antle)
OCT 13: Be a Snake, a Star, the Sun - Have Fitness & Fun. Yoga for Parents, Teachers & Children
NOV: 10 Yoga and Expressive Movement for Children
NOV: 16 Hatha Yoga Intensive

FOR SINGLES

OCT 5: Body Communication
OCT 6: Coupling:How to Make Love Stay
OCT 14: Living Politics-A New Kind of Game
OCT 19: Living Politics
OCT 21: Baltimore Storytellers
NOV 1: Feeling Good About Yourself: Assertiveness Training
NOV [illegible]nsuality & Spirituality



SPIRITUAL STUDIES

SEP 17: Bhakti Yoga
SEP 18: Radical Healing
SEP 28: The Bond of Power(Joseph Chilton Pearce)
OCT 2: A.R.E Study Group.Money-It's All in the Mind!
OCT 7: Dances of Universal Peace
OCT 13: Introduction to Zen Buddhism
OCT 13: Encounters With the Divine:Fact or Myth?
OCT 20: At-One-ment with God:A Christian Prayer Workshop
OCT 20: InnerTuning-Science of Sound & Mantra
OCT 23: Introduction to Judaism
OCT 23: Bahai Study Group
OCT 27: Pir Vilayat Khan-A Day of Retreat and Reflection
OCT 28: A Day for Dowsers

THE ARTS

SEP 20: Making Pottery & Ceramics
SEP 26: Carving,Dream Shields and Symbols to Wear
SEP 27: Energy and Mind Power Through Yoga and Magic
SEP 29: Psychic Fair & Magic Show
OCT 1: Guitar For Beginners
OCT 7: Dances of Universal Peace
OCT 7: The Mandala and Cosmo-Dynamics
OCT 21: Baltimore Storytellers

NOV 10: Carving For Christmas: Dream Shields & Symbols
DEC 21: A Night of Storytelling and Dance (Winter Solstice)



ASTROLOGY, TAROT, NUMEROLOGY, etc.

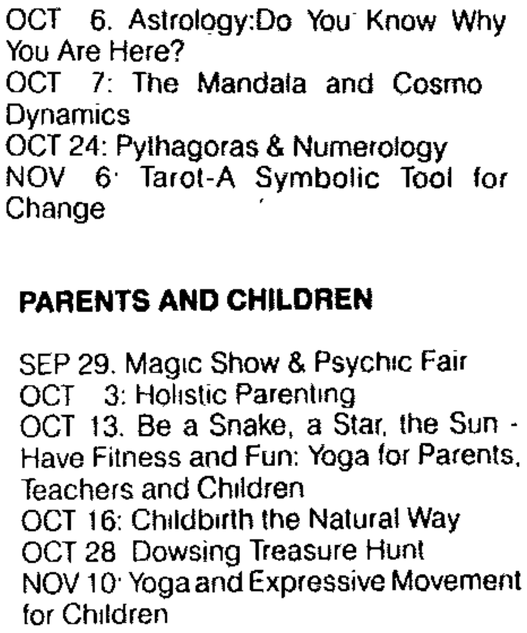
OCT 6. Astrology:Do You Know Why You Are Here?
OCT 7: The Mandala and Cosmo Dynamics
OCT 24: Pythagoras & Numerology
NOV 6: Tarot-A Symbolic Tool for Change

PARENTS AND CHILDREN

SEP 29. Magic Show & Psychic Fair
OCT 3: Holistic Parenting
OCT 13. Be a Snake, a Star, the Sun - Have Fitness and Fun: Yoga for Parents, Teachers and Children
OCT 16: Childbirth the Natural Way
OCT 28 Dowsing Treasure Hunt
NOV 10: Yoga and Expressive Movement for Children

FOR SENIORS

SEP 20: Hatha Yoga for All Levels and Conditions
OCT 8: For Ladies Only(With Kay Carter)
OCT 13. Self Defense for Women



Cover photo by Gladys M. Morrow of Baltimore, Md.
Courtesy of the Maryland State Arts Council

INFORMATION

KOINONIA

Publishers: Adrian Gregor, Joseph Koster

Editors: Adrian Gregor, Joseph Koster, Ruth Raziel

Program Director: Ruth Raziel

Graphics/Design/Photography Director: Robert McKenney

Advertising & Publicity
Gary Chalmers. Janice Levin

Conceptual Editor: Daniel Muffoletto

Koinonia Press is located at the Koinonia Foundation, 1400 Greenspring Valley Rd. Stevenson, Maryland 21153. Circulation of the seasonal Program Guide is 50,000. 40,000 are mailed quarterly. 10,000 are distributed to local organizations and commercial outlets in the Baltimore/Washington/Northern Virginia area.

The Koinonia Foundation is a non-profit organization. Neither the Koinonia Foundation nor its employees are responsible for any damages or claims made against it/them. The Koinonia Foundation and its employees propose to serve as an alternative source of information and not as medical or legal authorities. We do not make any such claims, and advise participants to discuss their program selection with competent professionals before registering for classes or events.

In the exercise of our editorial prerogatives, The Koinonia Press will not knowingly list events conducted unprofessionally to the detriment of participants or the general public. Accordingly we rely heavily on feedback from the community in determining future listings. Liability for advertising of listing errors is limited to rerunning the ad or listings in a consecutive issue, or partial credit toward a future advertisement - at our discretion.

KOINONIA'S BOARD OF TRUSTEES

Sister Trinitas Bochini (Chairperson)
Dr. Valerie Bigelow
Ms. Alison Carter
Ms. Sigrid Dreyfuss
Mr. Morton Foster
Dr. Alan Goldberg
Mr. Nick Lambros
Mr. Louis Mobley

PATHS

Through its diversity of programs, Koinonia offers many paths to follow in the search for the truth, life's meaning and spiritutality. According to the path selected the scenery varies along the way and the disciplines change with the terrain that the path takes. Here at Koinonia we explore some of these paths.

We examine the power of the mind in some of its unrecognised forms. We observe the movements of the heavens and their relationships to our cosmic selves. We sense our beings and our vibratory fields and we acknowledge our emotions and try to order them. Sometimes, for a fleeting instant, we catch a glimpse of some reality - in the turn of a spoken phrase, the pitch of a vibrating chord, in the depths of a brilliant crystal JOIN US IN THE WONDER OF THE JOURNEY!

KOINONIA IS...

A CENTER WHICH SEEKS TO PROMOTE UNITY AND WHOLENESS IN A FRAGMENTED WORLD.

UNITY IN THE SPIRIT AMIDST DIVERSE RELIGIOUS BELIEFS.

WHOLENESS OF THE PLANET THROUGH PEACE AND ECOLOGY.

WHOLENESS OF THE INDIVIDUAL IN BODY, MIND AND SPIRIT THROUGH HEALING AND HOLISTIC HEALTH.

WHOLENESS OF CONSCIOUSNESS THROUGH THE ARTS AND EXPLORATIONS OF THE HUMAN POTENTIAL.

WHOLENESS OF RELATIONSHIPS THROUGH COMMUNITY.

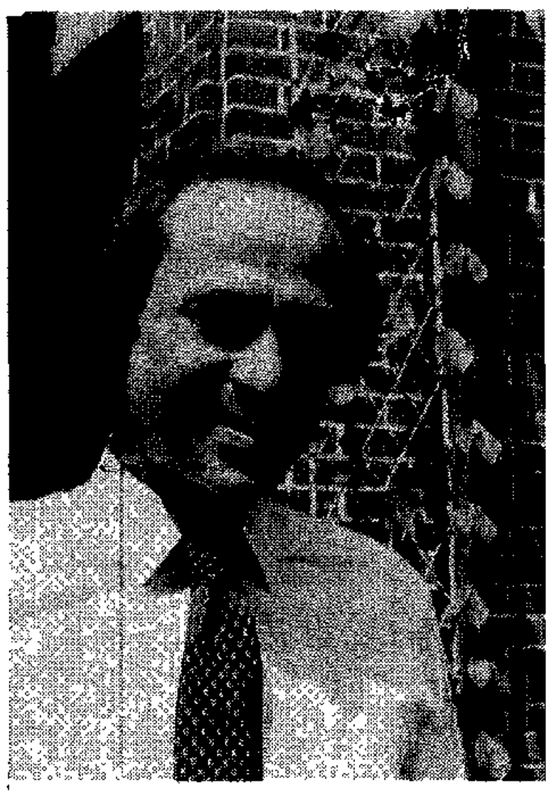
JOSEPH KOSTER SAYS 'GOODBYE'

It is with some nostalgia and a considerable amount of optimism and trust in Koinonia's future that I say 'goodbye' as Executive Director and ask you to welcome Adrian Gregor and Michael Herman. Both bring to their positions years of successful business and management experience. Their approach to life is a practical expression of spirituality.

The first year of Koinonia's 'Renaissance' has come to a successful completion. In recent months, income as a measure of workshop, class and conference participation is up over 200% and our refurbishing proceeds apace.

I appeal to you to help Michael and Adrian by simply coming to Koinonia. Choose events from this greatly enriched Fall Program Guide and ATTEND. **Introduce someone to Koinonia who has not been here before**...and be generous. It's virtually impossible for an institution such as this to exist without donations.

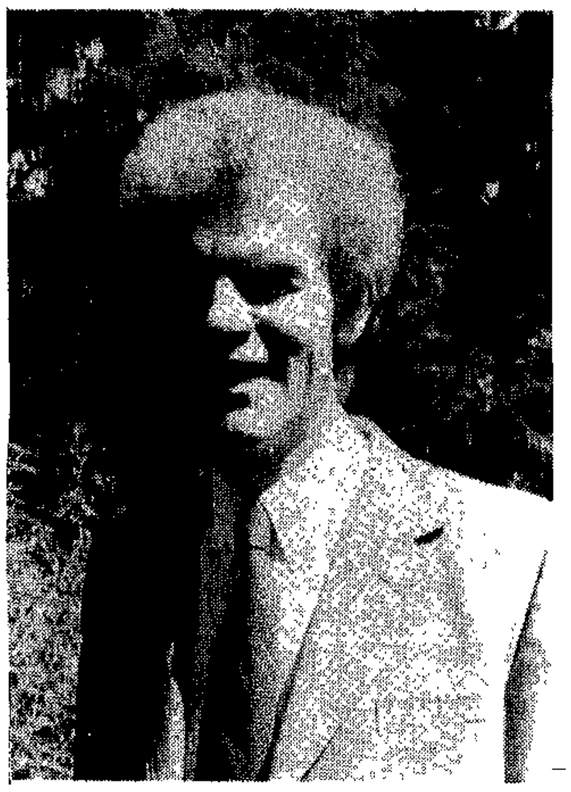
Join with us - make your contribution - volunteer your time: We need to build new buildings, to reinstate the old elegance and to provide the best teachers in the world. This is and must increasingly become a Centre for Learning and Light. Let's help one another. Without help, it can't be done, and perhaps this is what we are on this planet to realize.



F.MICHAEL HERMAN is now responsible at Koinonia for Finance, Personnel and Administration. For the past ten years he has been living and working as an international business consultant in Eastern and Western Europe, Asia and the Middle East. His consulting orientation has been finance, productivity, and automation and banking. Prior to this period he spent ten years in banking - culminating with his position as Treasurer of the Maryland National Bank/Corporation. Michael is also a certified Public Accountant.

He has also worked with the Universities of Wisconsin, Belgrade (Yugoslavia) and Baltimore, as well as at Loyola College, Baltimore. He won academic degrees and certificates from the Universities of Baltimore, Wisconsin, and Split (Yugoslavia).

Michael's studies of the metaphysical world began 27 years ago and have included the religions and cultural life of the people of Asia and the Middle East, as well as the Kabbalah. He brings a richly diverse technical and personal background to Koinonia.



ADRIAN GREGOR

Adrian Gregor has now assumed overall responsibility at Koinonia for programming, buildings and facilities. He brings to Koinonia an international business background. He has lived and worked in Europe, the Middle East, India and Africa. He brings also over 30 years of interest in the parasciences and esoteric teachings. He is the President of a recently-founded astrological book publishing company. He lists among his wide-ranging interests: the power of meditation, prayer, and the mind; psychology, reincarnation, evolution and karma, world economics and the problem of feeding the world's exploding population.

Adrian has four children - three sons by a former marriage and a fourth (Jamie) with his present wife MARIANNE ALEXY, a teacher, nurse and counsellor, involved in the esoteric sciences and psychic studies for over 20 years. She has given lectures and workshops in the US and Britain. Her particular interests are child rearing, cultural conditioning, psychology, astrology and the development of the intuition.

KOINONIA

was born 34 years ago as a non-profit educational foundation with the purpose of peaceful activitism. Koinonia's statement in the 1950s is even more valid today: 'Half of our nation's budget goes for defence and to pay for past wars and for mutual military assistance. No thinking person can ever again expect war really to solve anything. We must identify ourselves with all humanity. Humanity must be delivered into the hands of God.'
The image that Koinonnia has projected to the outside world has changed considerably since the 50s - from a uniquely Christian training center for Third World teachers at its outset, to an eclectic focus for holistic studies today. However, the early ideal of identifying Koinonia with all of humanity,focused on universal principles, is clearly revealed still by the broad scope of our programs and by the Koinonia Ideal, adopted by our present Board of Trustees, TO PROMOTE UNITY AND WHOLENESS IN A FRAGMENTED WORLD.

One means to that end Koinonia has chosen is to seek unity of spirit amidst diverse religious beliefs. Acknowledging that many pathways lead to the same Truth, we welcome this Fall program teachers in the Jewish, Christian, Hindu, Sufi, Bahai, Siddha, Bhakti Yoga and other traditions. We are delighted that such inspiring leaders as Pir Vilayat Khan, Yogi Amrit Desai, Himayat Inayati , Shyam Bhatnagar, Joseph Chilton Pearce, Peter Caddy and others will be here this season. At the same time we acknowledge the vital role played by our local presenters - our roots in the Baltimore/Washington wider commu Their contributions will include studi psychology, the arts, nutrition, p /child and man/woman relationship psychic world, health, healing, fit and special programs for seniors an singles - to name just a few.

To those who expect very much of us w say:'What you want is what we a becoming. Our natural inter connectedness with everyone every where helps us to reflect in our small way what is happening in human consciousness on the wider screen. This inter-dependence spurs us to reflect, not only in our outer face, but also in our internal organization and community life, the longing we all have for wholeness: of the planet, of the individual, of consciousness, of relationships.

The essense of Koinonia is its insistence on pursuing these high motives and its readiness continually to adjust course to reach nearer to them.

We invite you to join us this Fall, in whatever way you choose, to link your intention of personal growth with our clear goal of offering a source of unity and wholeness in a fragmented world.

INFORMATION

GETTING HERE - NO PROBLEM!

KOINONIA IS NO MORE THAN 25 MINUTES FROM DOWNTOWN BALTIMORE AND AN HOUR FROM THE CENTER OF WASHINGTON DC. WE ARE EASY TO REACH FROM THE BALTIMORE AND WASHINGTON BELTWAYS. THE AMTRAK BALTIMORE TRAIN STATION AND THE BALTIMORE-WASHINGTON-INTERNATIONAL AIRPORT ARE ONLY ABOUT 30 MINUTES AWAY. (If you need to be picked up, let us know a few days ahead. We can do this for a small charge.)

TRANSPORTATION

Koinonia can furnish round trip automobile transportation at a reasonable cost, with at least three days notice. Call Ingeborg at 486-2961 for more information.

KOINONIA INVITES YOU TO LUNCH OR DINNER

Koinonia's bevy of gourmet vegetarian cooks can now offer health-food: breakfasts, lunches and dinners most days of the week at $5 a meal. (PLEASE PRE-BOOK). The latter would usually include a soup, at least one imaginative hot vegetable dish with sauce, salads, home-baked bread, desert and drink. You'd be welcome to join residents, staff and other visitors at the grand oak tables made from our own trees this year. Or if it's warm enough you may prefer the outside terrace overlooking garden and swimming pool. The vegetables are from our own organic gardens, preserves are made from our own fruit, and the bread is home-baked. If you like what you eat so much that you want to take some home (and many do!) Visit the Koinonia Whole Foods Coop (next to the kitchen) and see what takes your fancy. It's open on Tuesdays 2-8pm, and Fridays 5-8pm and Saturdays 9am-5pm. New members are welcome.

TIMES: Breakfasts (8am), Lunches (12:30) and Dinners (6pm) are served help-your-self buffet style Monday through Friday and often Saturdays and Sundays. Breakfast is $3.50, other meals are $5. Please call (301) 486-6262 weekdays 9:30-5:00 to pre-book.

ENSURING AN ENVIRONMENT FOR LEARNING

The Koinonia administration seeks to provide the best environment possible for its workshops, classes and special events. Occasionally, individuals who find themselves out of agreement with an activity have been known to try to disturb it. This cannot be permitted: we therefore, reserve the right to refuse admission or to request anyone to leave any part of the property who behaves inappropriately, in the judgement of the Koinonia administration.

10% DISCOUNT FOR PRE-REGISTRATION

VOLUNTEERS NEEDED: COME GROW WITH US!

Koinonia needs your help to be able to provide the enormous diversity of programs and events that take place each week. If you live within 30 minutes of us, we invite you to volunteer some of your time to help Koinonia grow. You will meet our dedicated staff and make friends with them and program participants.

4 hours per week (accumulating to 20 hours) will earn you a 10% discount off the published price of 3 programs with a maximum total value of $80. Come grow with us!

To talk it over, call Bonnie Lombardi or Karen at (301) 486-6262.

CANCELLATIONS AND REFUNDS

Cash Refunds are available if you give notice of your wish to cancel your registration AT LEAST 7 DAYS before a workshop, course or event (less $5 processing fee).

Credit Vouchers (to be applied towards Koinonia program events) are available if you give notice of cancellation AT LEAST 3 DAYS before an event (less $5 processing fee). In certain cases credit vouchers may be obtained after the first session of a multi-week course, but no later. No cash refund or credit voucher is available if you fail to give proper notice or if you do not show up or if you leave an event early.

10% DISCOUNT FOR PRE-REGISTRATION

Jobs at Koinonia

IF YOU WOULD LIKE A JOB AT KOINONIA PLEASE GET IN TOUCH WITH MICHAEL. THERE ARE OCCASIONALLY VACANCIES FOR MEN OR WOMEN WHO SHARE OUR IDEALS, ARE SELF-ORGANIZED, AND ENJOY HARD WORK. CALL (301)486-6262.

DONATIONS

Any donation of any size is warmly appreciated at Koinonia. We recognize each one as an infusion of caring energy that will not only help make Koinonia more comfortable, well-equipped, efficient, or beautiful, but will enable us more effectively to offer our unique blend of programs and facilities to those who come seeking them.

MAKING NEW AGE VIDEOS

Group to be formed

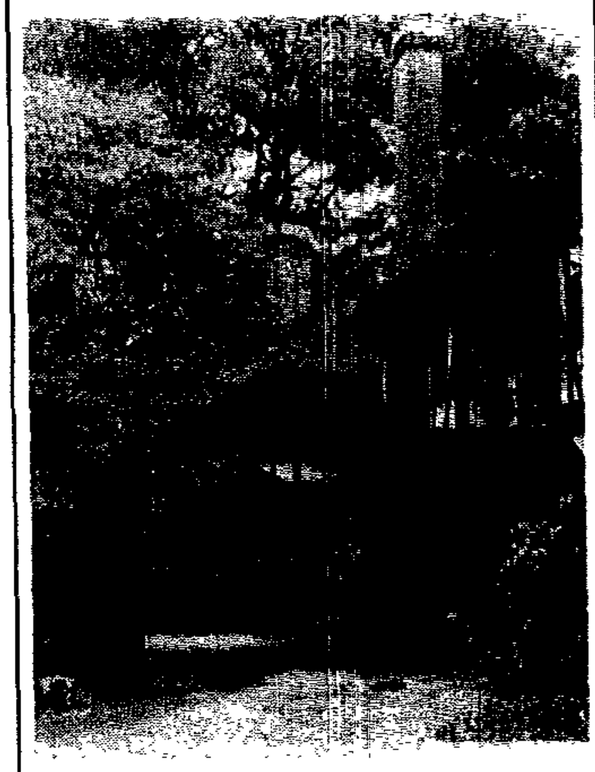
Anyone interested in pooling resources - creative and material - to make videos at Koinonia for television and other purposes that reflect positive New Age values and are of high entertainment quality are invited to contact Ruth Raziel at (301) 486-6265.

KOINONIA'S FACILITIES ARE FOR RENT

Koinonia has traditionally rented meeting space to like-minded organizations and individuals and we continue to welcome them. Our historic estate buildings and 45 acres of wood, garden, orchard and stream can handle retreats, conferences, family gatherings and other events for up to 150-200 people. Full-course vegetarian meals are available. So is limited overnight guest space in the two main buildings, in single or multi-bed rooms.

WEDDINGS have become increasingly popular at Koinonia, using the manor house's well-appointed living rooms, reception halls, dining hall, terrace and surrounding lawns. For such special events the very finest of gourmet cooking and professional floral arrangements are available.

CALL THE RENTAL DEPARTMENT to schedule a tour or to book space.
MEETING SPACE IS STILL AVAILABLE FOR THE YEAR-END HOLIDAYS.



SUNDAY SERVICES AT KOINONIA

Members of the public are invited to share in the Sunday morning services at Koinonia. There is no charge. Afterwards, we hope you will stay to enjoy the beauty of the grounds and the buildings.
On some Sundays (see listings by date) lunch is served.

PRAYER AND MEDITATION GROUPS AT KOINONIA

Visitors are invited to join the fellowship prayer and meditation groups. There is no charge.

Monday through Friday:
8:00-8:30am Silent Meditation (Marion's Room, 2nd floor,main building)
5:45-6:15pm Silent Meditation and Shared Meditations (Carriage Room, Carriage House, weekdays)
8-9pm Mondays, Healing Prayer Group (Marion's Room)

Sunday:
9:30-10:15 Quaker Meeting (Marion's Room)
11-12 Universal Life Church service

Healing Meditation led by Janet McGuigan at 7-7:30pm, September 18 & 25.

HOLISTIC PRACTITIONERS AVAILABLE THROUGH KOINONIA

Bobby Patterson - Body Toning, Aura Tuning, Massage and Nutrition
Carl Merrill - Deep Muscle Massage
Dr. Ann Reed - Chiropractic
Arlyn Kline - Healing Touch and the Chakras
Dr. David Mitts - Traditional Chinese Acupuncture
Newton and Cathaleen Bunce - Iridology, Nutrition, Herbology

Although Koinonia has confidence in the instructors / holistic health practitioners who are invited here, we do not vouch for their expertise or credentials and are only offering them as an opportunity to appear in the sense of a public forum. Moreover, their primary function here is to introduce to the public, both individuals and groups, their particular disciplines through workshops and demonstrations so that individuals coming to Koinonia may gain knowledge and/or decide to enter the health care profession by studying one of the disciplines they encounter

WHEELCHAIR ACCESS

Koinonia offers good wheelchair access to most of our main conference rooms.

VISITORS ARE ALWAYS WELCOME

We are placed on a hill in the beautiful Greenspring Valley and have 45 acres of woodland, garden, orchard and fields. They offer peace and loveliness away from the bustle of the world.

We have a large rustic mansion and converted carriage house, and can accommodate 65 people including families. Our vegetarian dining room offers delicious food - the vegetables coming from our organic garden in the summer and fall months. Our SWIMMING POOL is again like new and our TENNIS COURT is great for friendly games.

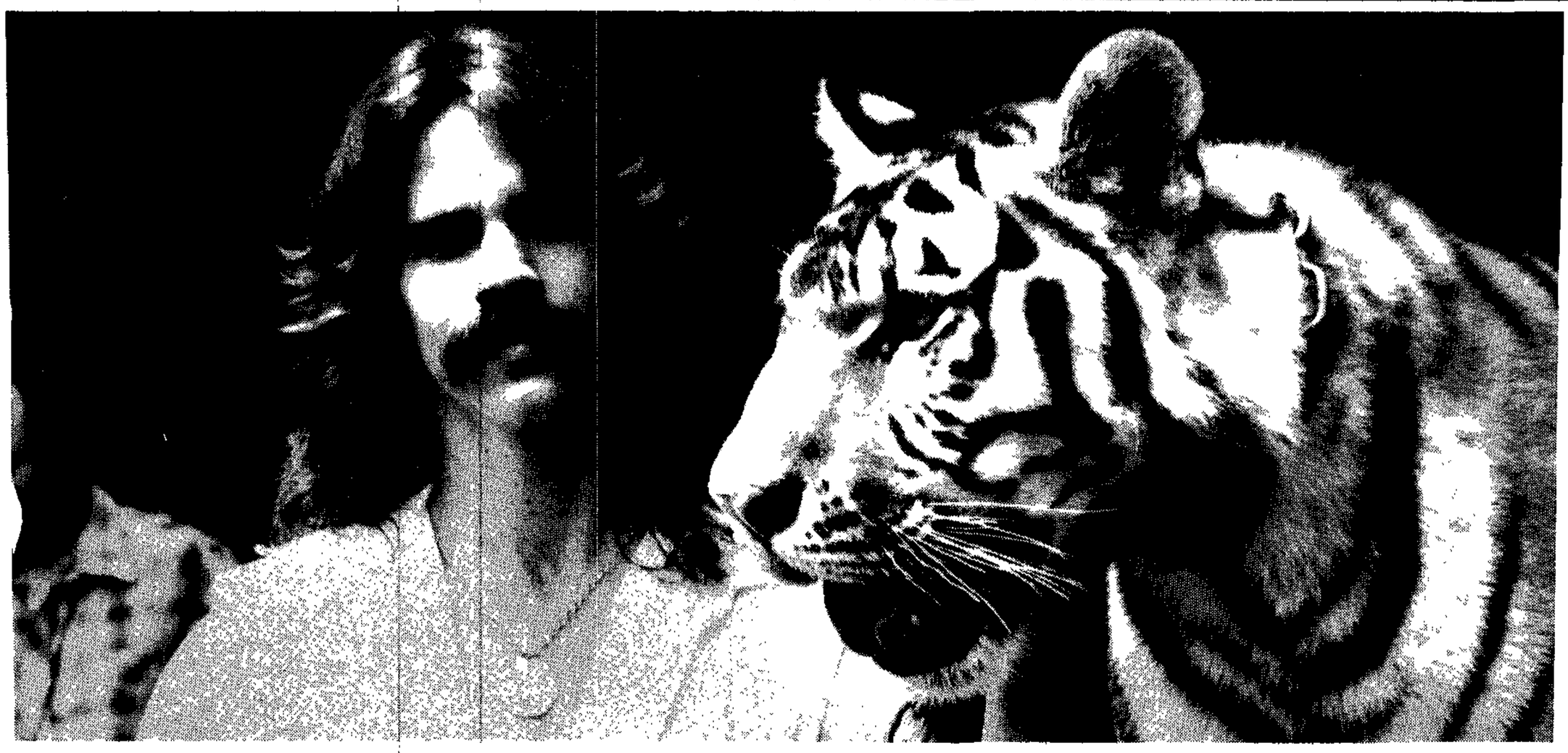
IT'S NOT IN THE PROGRAM GUIDE? START A NEW STUDY GROUP!

If you have a yen to study something and it's not in the Fall Program Guide, how about starting a study group yourself, (we'll get you started) and study and share the subject with others? All it takes is a minimum of five people to commit themselves to support such a group and it's on. If you have a subject in mind and you'd like a notice posted to possibly attract others, give Karen a call at (301) 486-6262. The cost is minimal.

You may like to select a subject from the following list:

J Krishnamurti
Rudolph Steiner
Edgar Cayce
Kabbala
Transformation & the Arts
Sufism
Humor & Healing
Inspirational Poetry
Jung
Mystery Schools & Religion

SEPTEMBER—SPECIAL—EVENTS



ENERGY AND MIND POWER
through YOGA and MAGIC
with
DR. BHAGAWAN ANTLE AND TIGER

Introductory class: THURSDAY SEPTEMBER 27: $5
1st Weekend: FRIDAY-SUNDAY OCTOBER 12-14: $45
2nd Weekend: FRIDAY-SUNDAY NOVEMBER 2-4: $45
3rd Weekend: FRIDAY-SUNDAY DECEMBER 7-9: $45
THREE WEEKENDS: $100
Thursday and Fridays 7-9pm. Saturdays/Sundays 10am-5pm.

THE PURPOSE: Bhagawan's course aims to bring participants to the realization that yoga, meditation and self-purification lead to a spiritual, joyful life in harmony with the universal Spirit of God. To help break through students' conditioning, Bhagawan will demonstrate his abilities by walking across a bed of red-hot coals barefoot without feeling their heat and by lying between two beds of nails with class-members weighing several hundred pounds standing on top. And he will stand up unscathed! He will sometimes read minds, project his thoughts to your minds and levitate objects. He emphasises that such powers are not important in themselves: they are used only to help others realize that this is not a reductionist mechanical universe.
MAJOR FOCUS: Disciplines and exercises to increase ENERGY and to funnel, focus and control it. The dynamics of using earth, water, fire and air and the etheric energies so as to learn courage and strength. Technique without energy is self-delusion. Energy without technique is dangerous. Learn to accumulate and control prana, the energy of life and the source of magic.

Bhagawan will teach at a simple, very practical level, using the same processes we all use everyday with varying degrees of success.

NOTE: A RARE OPPORTUNITY is offered by this course.

DR. BHAGAWAN ANTLE has studied including China. He holds a Doctorate of Acupuncture and Chinese Medicine. He researched magic and medicine in Nepal, Thailand, India and elsewhere. Bhagawan, is a disciple of Sri Swami Satchidananda, currently lives in Buckingham, Virginia, with three Siberian tigers and various other exotic animals and big cats that are members of endangered species. He has trained them with yoga and meditation techniques. A Siberian tiger will accompany him.

CLOSE ENCOUNTERS OF THE FOURTH KIND
Are Extraterrestrials Reaching Out to Us?

DR. GRETA WOODREW
Psychic and author of the mind expanding new book ON A SLIDE OF LIGHT

FRIDAY, September 28, 7:30-9:30pm: FROM ESP (Extra Sensory Perception) to ETI (Extra Terrestrial Intelligence). Lecture, Questions and Answers. Admission $5. U.M.B.C. 5401 Wilkins Ave Catonsville, Md. (Lecture Hall 2, Chemistry/Physics Building) Exit 12 from 695 Baltimore Beltway.
SATURDAY, September 29, 10am to afternoon, Free: AVAILABLE ONLY FOR THOSE PERSONS WHO ATTEND FRIDAY LECTURE. At Koinonia. Relaxed, informal conversation with Greta about ETI, ESP, lucid dreams etc.

PRIVATE LUNCH WITH GRETA $6.50. PLEASE PRE-BOOK.

Dr Greta Woodrew is a channel for extra-terrestrials and an acknowledged psychic expert in the field of psi-phenomena. Her book ON A SLIDE OF LIGHT, published by MacMillan in 1981, received rave notices, including this endorsement in Publishers Weekly: 'The message of this book is amazing-...the material revealed is tantalizingly related!'

In ON A SLIDE OF LIGHT, Dr Woodrew offers dozens of provocative and utterly convincing accounts of her on-going decade of contact with Extra Terrestrial Intelligence and the remarkable psychic, healing and PK abilities that have ensued.

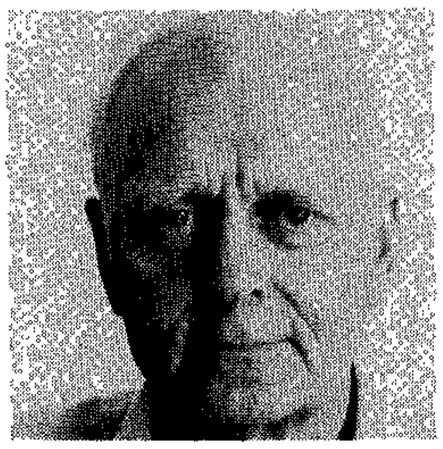
In her lecture, she will discuss her years of experience and experiments in metal bending, psychic healing, telepathy, psychometry and psychokinesis (PK). From first-hand knowledge, she takes her audience from NSP (Normal Sensory Perception) to ESP (Extra Sensory Perception) to ETI (Extra Terrestrial Intelligence).

The lecture will cover events to come in the two decades ahead. Dr Woodrew takes the audience on a simple progression into the wonderful, understandable, intriguing world of psi.

Dr Woodrew addresses such organizations as THE YOUNG PRESIDENTS CLUB and AMERICAN STOCK EXCHANGE.

JOSEPH CHILTON PEARCE

THE BOND OF POWER



Raising Collective Consciousness
'There is a way to reject the emptiness of modern culture'
Two-day Seminar: Saturday September 29, 7-10pm. Sunday September 30, 10am-5:30pm. $10 Saturday night, $40 Sunday, $45 both days. Lunches and dinners ($5 each) and accommodation available.
Call (301) 486-6262. PLEASE REGISTER EARLY.

The seminar will be conducted by Joseph Chilton Pearce in the form of lectures with some group participation. After he wrote MAGICAL CHILD, Pearce stepped back from public life to explore his ideas on human insight and intelligence. The result is this seminar, based on his book THE BOND OF POWER, a compelling examination of the process by which the human race raises its collective consciousness. Using examples from physics, poetics and the practice of meditation, he does more than point out dilemmas: he shows that there is a way to reject the emptiness of modern culture.

Pearce asserts that we are each born with a biological blueprint for spirituality, a powerful bond to each other, to God, and the physical world. He explains how we can reclaim this birthright and re-establish the bond with our fundamental Selves.

JOSEPH CHILTON PEARCE, internationally-acclaimed author of CRACK IN THE COSMIC EGG, MAGICAL CHILD and THE BOND OF POWER, has been touring the world for the last several years presenting his workshops. He is an extremely exciting speaker whose energies inevitably awaken insights for participants.

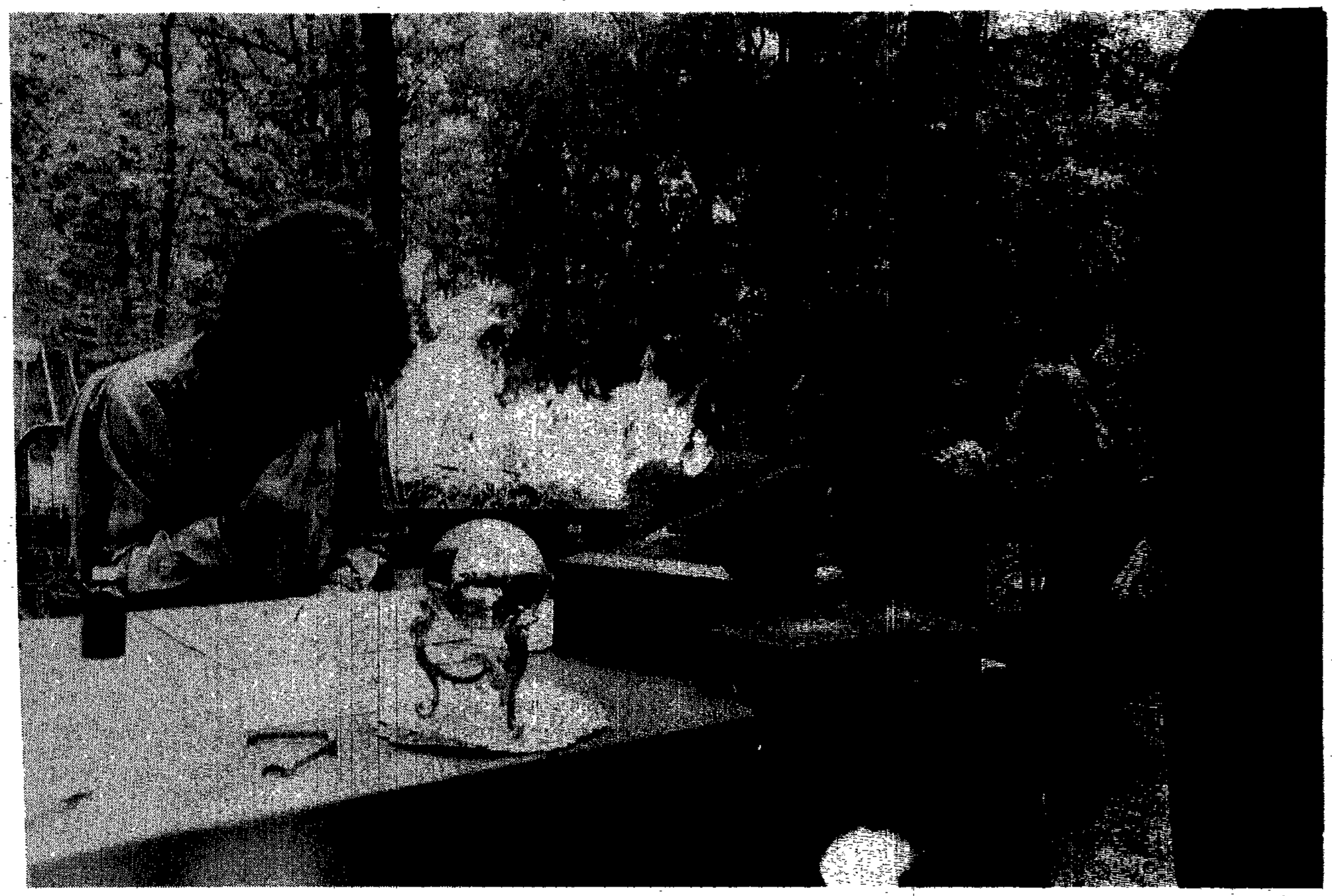
10% DISCOUNT FOR PRE-REGISTRATION

SEPTEMBER — PSYCHIC — FAIR

ALL DAY SATURDAY SEPTEMBER 29

including

DR. BHAGAWAN ANTLE AND HIS TIGER



MAGIC SHOW at 5 pm

Bhagawan does two kinds of magic - some REAL and some ILLUSION. (You figure out which is which!) He'll show you levitations, make animals appear and disappear, and beautiful girls vanish before your eyes, multiply ferrets, change a leopard into pythons and many other feats. And there's also the demonstration of walking barefoot on red-hot coals and lying between two beds of nails while a large rock is smashed on top! The Magic Show is the highlight of the PSYCHIC FAIR. Don't miss it!



THE FAIR is a fiesta of booth people - psychics, astrologers, clairvoyants, palmists, fortune tellers with crystal balls, numerologists, people who will read your aura, your dreams, or your tea leaves, crafts people, book people, reflexologists, iridologists, and those with jewels and baubles from near and far. All manner of other folk with talent will be there. (Are there also musicians and storytellers out there who'd like to come?) Here is an opportunity to browse and buy and get your fortune told. If you didn't ask for a reading, how would you know what exciting adventures awaited you?



***KOINONIA'S VEGETARIAN CHEFS WILL PREPARE A BUFFET LUNCH FOR YOU AT A MODEST CHARGE WITH FRESH VEGETABLES FROM OUR OWN ORGANIC GARDENS, HOME BAKED BREAD, CAKES AND COOKIES AND NATURAL FRUIT JUICES. SNACKS AVAILABLE ALL DAY.**

GENERAL ADMISSION including the Magic Show at 5pm and car parking is $2.50 per adult, $1 per child under 10.

TO RENT A BOOTH (outdoors in the Center Circle or main house if it rains) send $18 without delay to Karen and call to reserve the space: (301) 486-6262. Booth rental includes admission.

TO USE THE SWIMMING POOL (during lifeguard duty hours only):$2.50 And while you're here - why not explore Koinonia's 45 acres of woods and gardens, swing in a swing, go to sleep in a hammock. Why not?

TO RENT TRANQUILITY in the Isolation Float Tank, available 12-6pm at $8 per hour call Koinonia.

10% DISCOUNT FOR PRE-REGISTRATION

SEPTEMBER

T'AI CHI CLASSES FOR HEALTH AND FITNESS

HARRIET LYNN

T'ai Chi means 'Supreme Ultimate' and is an ancient Chinese exercise system based originally on self defense. Today it is practiced for its extraordinary preventative and curative benefits. The practice of the slow, rounded and relaxed movements of T'ai Chi can improve blood circulation, strengthen the muscles and spine and help persons with such ailments as hypertension, ulcers, respiratory problems, arthritis. It is an excellent alternative fitness program for persons of all ages and levels. No previous training is required. No Special clothing or equipment is needed.

INTRODUCTION TO T'AI CHI
Tuesdays 6:30-8pm
4-Week courses, each course $40.
Dates as follows:
October 2-23
November 6-27
3-Week course $30:
December 4-18
T'AI CHI (ONGOING CLASSES)
Thursdays 6:30-8pm.
All levels welcome.
Fall Session (Sept 13-Dec 27)
15 Fall sessions (omit Nov 22): $120.
Introduction fee $5. Session $10.

HARRIET LYNN is a communications and stress management consultant specializing in T'ai Chi. She has been studying T'ai Chi under George Curnoles since 1975, and has an extensive teaching and professional performing arts career as well.



BHAKTI YOGA—THE PATH OF LOVE

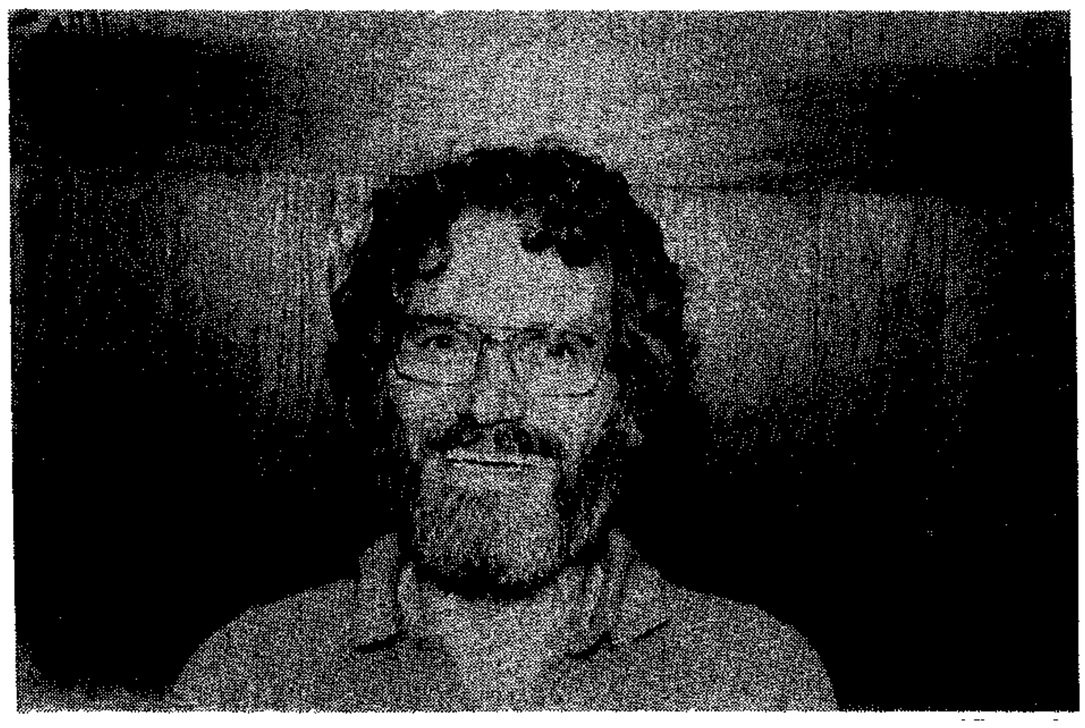
MAHANIDHI DAS

10 Mondays September 17 - November 19

7-8pm: No charge.
The tenth session will feature a last supper love-feast. ($6)

Participants are not obligated to join this course in the beginning, or to attend all subsequent sessions.

MAHANIDHI DAS has toured extensively in India, learning the mysteries of the ancient Sanskrit Vedas. After meeting several enlightened masters and studying various disciplines includ- ing: hatha, karma, dhyana, and jnana, he read BHAGAVAD-GITA AS IT IS, by A.C. Bhaktivedanta Swami Prabhupada. From this philosophical text he learned the science of bhaki-yoga, the path of pure loving devotion to the Supreme Person Being inspired and impressed by meeting A.C. Bhaktivedanta Swami, he took spiritual initiation from him.



BODY TONING AND AURA TUNING

Simplified Holistic Body Therapy

BOBBIE PATTERSON

Thursday September 20, 7:30pm: Free demonstration and talk.
For private consultations and treatments at Koinonia call 323-5366 or 486-6262.

BOBBIE PATTERSON teaches easy-to-understand methods anyone can practice to achieve greater well-being of body, mind and spirit for oneself and others. His techniques include acupressure, reflexology, visualization, energy and aura balancing, toning, fasting and nutrition. Body toning is a means for learning how to function in the vibrations of advanced spiritual and intellectual realms. His methods free tension and torque 'imprints', sometimes held for years, deep within the muscles.

RADICAL HEALING

A seminar and six video presentations from THE LAUGHING MAN INSTITUTE

THE SEMINAR: TUESDAY SEPTEMBER 18, 8-10:30pm: $5.

A presentation by Drs. Steve & Ellen Cutler based on the spiritual principles of health and healing as taught by Master Da Free John. Topics include:
* the presumption of separation and recoil from life as the root of all stress and disease.
* the specific practices that Da Free John recommends to purify, balance, and rejuvenate the body in the areas of diet, emotion, exercise, personal hygiene, sexuality, and general health.
* the ancient spiritual art of laying on of hands.
* personal accounts of experience with Radical Healing.

These are introductory video presentations entitled 'The Glorious Option' on the life and teaching of the Western-born adept Da Free John.

FOR FURTHER INFORMATION ABOUT THE LAUGHING MAN INSTITUTE CALL (301) 256-8541

THE VIDEO PRESENTATIONS
Thursdays September 13 & 27
Mondays October 8 & 22
Mondays November 12 & 26
All 6 at 8pm.
Admission $3 for each.

THE SILVA METHOD FOR MIND DEVELOPMENT

FRANK INGO

The opportunity to attend a 4-day Intensive on either OCTOBER 25-28 or NOVEMBER 29,30 & DECEMBER 1,2. Cost of an Intensive: $345.

The Intensives are preceeded by FREE INTRODUCTORY TALKS at 7:30pm as follows:

Wednesdays September 19 & 26
Tuesdays October 2 & 16
Tuesdays November 6,13,20

PLEASE BE SURE TO PRE-REGISTER BY CALLING (301) 486-6262.

The Silva Method is a stress management, self improvement course based on 39 years of research by Dr. Jose Silva, a research scientist in the field of electronics and mind study. It enables students to develop use of both sides of their brain in such a way as to increase brain capacity. The intuitive aspects of the Right Brain Hemisphere are particularly fostered. During the 4-Day Intensive participants will learn techniques for mind expansion that could result in increased self confidence, improved memory, overcoming smoking and over-eating habits, developing extra-sensory perception (ESP), diminished stress and tension, and increased earning power. The Silva Method claims over 4 million graduates of its programs in 55 countries, of whom 2,000 are medical doctors.

FRANK INGO is Director of Silva Method for Baltimore and Washington who has been a professional therapist and teacher for over 10 years.

TYPICAL DAILY MENUS FROM THE KOINONIA KITCHEN

BREAKFAST: 8am. $3.50
* Freshly-baked whole-grain breads or muffins with sweet creamery butter and jam.
* Fruit bowl in season.
* Roasted granola with nuts and fruit. Yoghurt.
* Tofu paties and home-fried potatoes.
* Organic coffee, black and herbal teas.

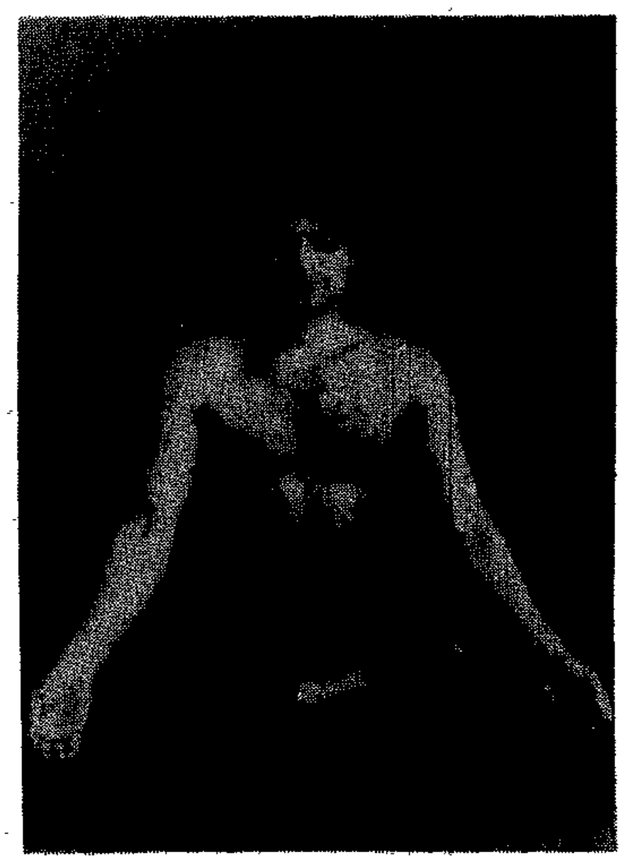
LUNCH: 12:30. $5
* Soup du jour.
* Mandala salad with choice of house dressings.
* Freshly baked breads/rolls with sweet creamery butter.
* Tempeh triangles in filo pastry.
* Millet casserole with golden vegetables.
* Steamed broccoli with lemon butter.
* Cranberry/pear crunch.
* Organic coffee, black and herbal teas.

DINNER: 6PM. $5
* Soup du jour.
* Freshly picked garden vegetables for mixed salad with choice of house dressings.
* Rice Pilaf with stuffed Turban Squash.
* Tempeh in Tahini Sauce with Mushrooms and Herbs.
* Lightly steamed Swiss Chard with lemon butter.
* Fresh baked breads.
* Apple nut cake.
* Organic coffee, black and herbal teas.

A SOUP/SALAD/BREAD combination costs $3.50.

10% DISCOUNT FOR PRE-REGISTRATION

SEPTEMBER



DEV KETU

Advanced Hatha and Raja Yogic Disciplines and Yoga for All

We are delighted to announce that Dr. Dev Ketu ('Yogi Dev') will be a regularly scheduled teacher at Koinonia from September 22. He will conduct special classes in Advanced Yogic Disciplines and on separate days in Yoga for All Levels. The authentic training he offers is rarely available outside India. Dr. Dev - who came to the U.S. just 2 1/2 years ago - received rigorous training in Hatha and Raja yoga (since the age of 10) at India's most ancient yoga institute. At the age of 27, in 1982, he received his doctorate in Sanskrit.

Known in India for his mastery of psychic strength, he specializes in a unique form of yoga postures, breathing, relaxation and meditation training. Demonstrating that strength, he has appeared on such national television shows as 'That's Incredible' holding back two jeeps accelerating in opposite directions with wire ropes twisted around his arms. During his recent visit to Koinonia he demonstrated how to bend a solid iron bar by pressing against one end with his eyeball and how to tear a 15 inch brass plate like paper.

Dr. Ketu will show how yoga disciplines can help people draw on the great untapped strength which lies within everyone.

HIS SCHEDULE:
1st Weekend SEPTEMBER 22/23
2nd Weekend OCTOBER 6/7
3rd Weekend NOVEMBER 10/11
Cost: $35 for 2 days/$12 Sunday only
$100 for 3 weekends.

1st WEEKEND
Saturday, September 22: ADVANCED LEVEL ONLY. 8AM-2PM: Water Purification (Eat very lightly on Friday. Arrive Saturday with an empty stomach). 6-8pm: Yoga Philosophy, Questions and Answers.
Sunday, September 23: ALL LEVELS. 10am-12noon: Yoga postures, Sutra Neti, Breathing Exercises (Come with empty stomach)

2nd WEEKEND
Saturday, October 6: ADVANCED LEVEL ONLY. 8-9am: Cloth swallowing to stimulate liver, remove mucus, clean lungs, balance stomach chemistry. Cloth is 18ft. X 2in. and is made in India especially for the purpose. Purchase cost $25. It lasts a lifetime. Each participant must receive prior approval from Dr. Ketu before taking class. Koinonia requires a signed medical release from each participant. 9:30-11am: Yoga Exercises. 2:30-4pm: Advanced Yoga Exercises and Meditation. 8:30-10pm: Tantric Yoga Breathing Exercises.
Sunday October 7: 10am-12noon YOGA FOR BEGINNERS Postures and Controlled Breathing.

3rd WEEKEND
Saturday November 10: ADVANCED LEVEL ONLY. 9am-4pm. Evening Session optional. Theory and practice of Naturopathic Medicine. (Working with water, air, clay, steam and fasting) for everyday illnesses, to enable people to heal themselves without medication. Also yoga postures, controlled breathing and meditation.
Sunday, November 11: ALL LEVELS. 9-11am. Ayurvedic medicine. Use of herbs and spices in daily life to treat specific problems. 11-12noon: Questions and Answers re treatment of specific ailments.

NOTE: PRE-REGISTRATION ESSENTIAL. Groups will be small. Vegetarian meals available if prebooked (Lunches and Dinner $5 each) Call (301) 486-6262.

10% DISCOUNT FOR PRE-REGISTRATION

CARVING, DREAM SHIELDS & SYMBOLS TO WEAR

6 Wednesdays of hands-on workshops:
September 26, October 3, 10, 17, 24, 31.
7-10pm: $40 or $7 per class.

ROBIN RAINDROP

Location: Artists in Residence Studios, Long House, behind the Carriage House.

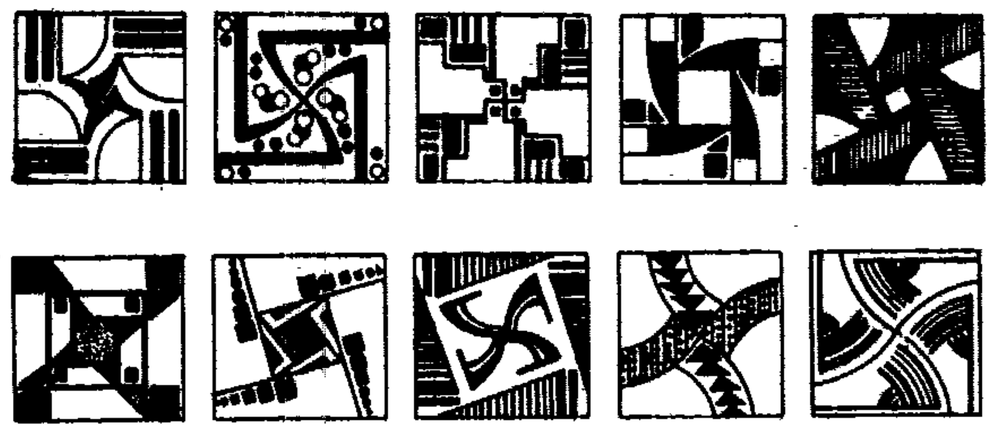
Everyone has a personal symbol which sums up an important pathway or passage in life. It could be a tree, a flower, a wheel, a un
icorn, a waterfall, a geometrical shape, an animal, a totem, a mandala. In this course students will be helped to translate their mental pictures into creative objects such as shields, buckles, pendants, marquetry veneer woodwork, leather tooled items. Sculpture-like jewelry and other objects of beauty can be made in clay or wax and afterwards cast in metal.

At the introductory class, students will select the materials they wish to use and be informed of their cost.

NOTE: For those who wish to complete their work and new students who want to learn how to create original seasonal gifts, there will be an all-day workshop on Saturday November 10. (See listings in November)

ROBIN RAINDROP, a resident at Koinonia, is a talented 'Renaissance artist' equally at home as master carver, designer, shoemaker, jeweller, furniture maker, astrologer and symbolist. He is Co-Founder and Charter Member of the Holistic Design Guild of Washington DC. It is his hope to establish a Guild of Artists and Craftsmen on traditional lines, to carry out a spiritual purpose.

NOTE: A variety of arts and crafts made by Artists in Residence are on sale in the Long House and at Koinonia's Gift Shop in the Main Building.



KOINONIA MEMBERSHIP

IT COSTS $60 PER YEAR TO BECOME A MEMBER OF KOINONIA. THIS ENTITLES YOU TO A 10% DISCOUNT ON ALL WORKSHOPS, COURSES AND EVENTS.

A $250 MEMBER RECEIVES ONE FREE $80-$90 SEMINAR (including tuition, meals, and shared room) PLUS 10% DISCOUNT ON ALL OTHER CLASSES, WORKSHOPS, EVENTS. (Seminar fees in excess of $90 to be paid by member.)

Members will receive numbered membership cards which should be presented or referred to when registering for any event. The discount does not apply to meals.

To. KOINONIA, 1400 Greenspring Valley Rd., Stevenson, MD. 21153

I wish to become a Member of Koinonia. I enclose check/money order for $.....
Kindly send me my membership card to the address below:

Name..... Phone .....

Address .....

At Koinonia, I am particularly interested in.....

Office use only· Membership No.. ... Expiration Date .....

SEPTEMBER

HATHA YOGA
For all levels and conditions

GEORGE CURNOLES

Ongoing classes every Thursday from September 20, 6:30-8pm: $30 for 6 classes or $6 per class.

Hatha Yoga has been recognized for centuries as an excellent means for strengthening and relaxing the body and mind. In these classes students will learn postures, movements and breathing exercises aimed at greater body awareness and flexibility and the relief of tension, stiffness and nervousness. The instructor will guide each person to proceed at his/her individual comfortable pace without straining. He will give particular attention to those with physical problems. Hatha Yoga is recommended for stress relief, for firming and toning the body and for greater vitality.

GEORGE CURNOLES has taught yoga to thousands of students over the past 19 years, including specialized work with actors and dancers. He has given classes in many places including Goucher College,the Theosophical Society, the Society of Friends, the Antioch Theatre Project and Heritage United Church of Christ.



The human heart can go to the lengths of God
Dark and cold we may be, but this
Is no winter now. The frozen misery
Of centuries breaks, cracks, begins to move,
The thunder is the thunder of the floes,
The thaw, the flood, the upstart Spring.
Thank God our time is now when wrong
Comes up to face us everywhere,
Never to leave us till we take
The longest stride of soul men ever took.
Affairs are now soul size
The enterprise
Is exploration into God.
Where are you making for? It takes
So many thousand years to wake,
But will you wake for pity's sake?

Christopher Fry
(A Sleep of Prisoners)

MAKING POTTERY AND CERAMICS

JEFF DRINKWATER

6 Thursdays from September 20, 7-10pm: $30 (excluding materials)
Location: Artists in Residence Studios, The Long House, behind the Carriage House.

Making pottery and ceramics in Koinonia's intimate Pottery Studio. Earth, air, fire and water have been combined to produce functional and non-functional ceramics since the beginning of civilization. This class will explore basic handbuilding, throwing and firing techniques that have been utilized through the ages. The actual objects to be made (and taken home) will be decided during the classes. They will be both functional and decorative.

JEFF DRINKWATER is a Biologist / Potter who has lived and worked at Koinonia for 2 1/2 years, with many fine creations to his credit.

PETER CADDY
Co-Founder of the Findhorn Community in Northern Scotland

THE CHALLENGE OF CHANGE: FINDHORN TO MT. SHASTA
Community and Leadership in the New Age

Sunday, September 23, 10am-5pm: $45

PETER CADDY is internationally known for his work in co-founding Findhorn, one of the first and most successful New Age communities, which he directed for 18 years. Following his inner guidance, Peter Caddy decided to leave Findhorn so that it could grow in responsibility and maturity on its own. He has since started a educational, healing and rejuvenation centre near Mt.Shasta in Northern California, and is now co-focalizing a new community.

With his unique story-telling ability, Peter will share his recent experience of starting a new center and community in the energy field of Mt.Shasta, one of the sacred mountains of the world.He feels that the balancing of masculine/femine principles is of vital importance and will help bring about the New Age. He will tell of his experiences in his quest for wholeness, and the many spiritual lessons he has learned that are applicable to daily life. These include trusting inner guidance, the power of positive thinking, attunement, the laws of manifestation, and co-operation with nature

Peter will relate the principles for building relationships and community and effective networking. He will also discuss the challenges of the 80s and some of the various prophesies of earth changes. Finally he will share with us his understanding of how we co-create a more positive future together

CHANNELING THOSE FROM OTHER DIMENSIONS
Millenium Group meets
Every Other Wednesday, September 26, October 10,24, November 7, 21, December 5, 19.

HELEN WASHBURN, JOIE BOURISSEAU, BEVERLY JOHNSON

7:30pm. Reservations Necessary.
Limited to 40 persons.
$10 channeling. $5 for 6pm dinner (pre-book).

Artist and homemaker Helen Washburn began to consciously receive communication from other dimensions in 1983. She was given daily lessons on the inner planes which enabled her to ascertain and accept only entities of white light vibration. To date she has channeled Daniel (of the Loin's Den), Joshua (as in Jericho), Commander Monka (of the Ashtar Command), and others.

Two ongoing classes have been established by a teacher of the Christ light vibration. Most channelings provide an introductory message, exercise geared towards clearing, balancing and receiving feelings of divine love, instruction on meditation techniques,as well as opportunities for questions and answers.

Energy Therapists Joie Bourisseau and Beverly Johnson assist Helen in anchoring and balancing the energies during the channelings.

10% DISCOUNT FOR PRE-REGISTRATION

SEPTEMBER

CLOSE ENCOUNTERS OF THE FOURTH KIND
Are Extraterrestrials Reaching Out to Us?

DR. GRETA WOODREW
Psychic and author of the mind expanding new book ON A SLIDE OF LIGHT

FRIDAY, September 28, 7:30-9:30pm: FROM ESP (Extra Sensory Perception) to ETI (Extra Terrestrial Intelligence). Lecture, Questions and Answers. Admission $5. U.M.B.C. 5401 Wilkins Ave Catonsville, Md. (Lecture Hall 2, Chemistry/Physics Building) Exit 12 from 695 Baltimore Beltway.
SATURDAY, September 29, 10am to afternoon. Free: AVAILABLE ONLY FOR THOSE PERSONS WHO ATTEND FRIDAY LECTURE. At Koinonia. Relaxed, informal conversation with Greta about ETI, ESP, lucid dreams etc.

PRIVATE LUNCH WITH GRETA $6.50. PLEASE PRE-BOOK.

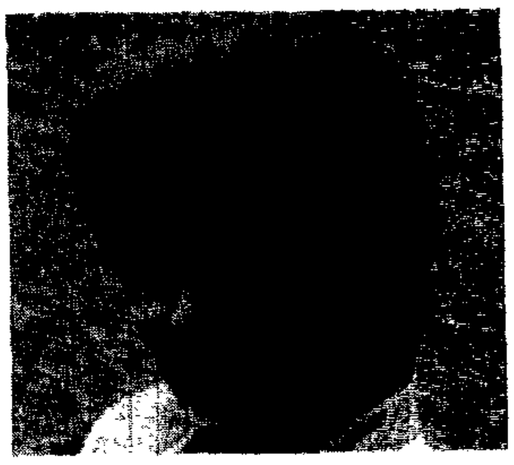
Dr Greta Woodrew is a channel for extraterrestrials and an acknowledged psychic expert in the field of psi-phenomena. Her book ON A SLIDE OF LIGHT, published by MacMillian in 1981, received rave notices, including this endorsement in Publishers Weekly: 'The message of this book is amazing-...the material revealed is tantalizingly related!'

In ON A SLIDE OF LIGHT, Dr Woodrew offers dozens of provocative and utterly convincing accounts of her on-going decade of contact with Extra Terrestrial Intelligence and the remarkable psychic, healing and PK abilities that have ensued.

In her lecture, she will discuss her years of experience and experiments in metal bending, psychic healing, telepathy, psychometry and psychokinesis (PK). From first-hand knowledge, she takes her audience from NSP (Normal Sensory Perception) to ESP (Extra Sensory Perception) to ETI (Extra Terrestrial Intelligence).

The lecture will cover events to come in the two decades ahead. Dr Woodrew takes the audience on a simple progression into the wonderful, understandable, intriguing world of psi.





Dr Woodrew addresses such organizations as THE YOUNG PRESIDENTS CLUB and AMERICAN STOCK EXCHANGE.

METAMORPHIC MASSAGE: CHANGE FROM WITHIN

BESS NEILD

All day seminar, Saturday, September 29, 9:30am-4pm: $40

The pattern of life that evolves from the very moment of conception and through the birth experience is a significant factor in our development during the rest of our lives. Metamorphosis, or Pre-Natal Therapy, is a method of foot massage based on traditional Chinese principles of treatment through the feet. Gentle massage of the feet brings this pre-natal experience into focus, loosens it and revitalizes the experience. Since the change is from within, and is change of the person as a whole, it tends to be permanent. The method affects psychological conditions as well as physical ones and can be used to bring about a more harmonious state of well being.
BESS NEILD R.N., M.S. learned Metamorphic Massage from its developer, Robert St. John, in England. She has taught obstetrical nursing at the University of Maryland Hospital. Bess is active in a local Dromenon group and has worked with Jean Houston for the past three years.

10% DISCOUNT FOR PRE-REGISTRATION

JOSEPH CHILTON PEARCE

THE BOND OF POWER

Raising Collective Consciousness
'There is a way to reject the emptiness of modern culture'

Two-day Seminar: Saturday September 29, 7-10pm. Sunday September 30, 10am-5:30pm. $10 Saturday night, $40 Sunday, $45 both days.
Lunches and dinners ($5 each) and accommodation available.
Call (301) 486-6262. PLEASE REGISTER EARLY.

The seminar will be conducted by Joseph Chilton Pearce in the form of lectures with some group participation. After he wrote MAGICAL CHILD, Pearce stepped back from public life to explore his ideas on human insight and intelligence. The result is this seminar, based on his book THE BOND OF POWER, a compelling examination of the process by which the human race raises its collective consciousness. Using examples from physics, poetics and the practice of meditation, he does more than point out dilemmas: he shows that there is a way to reject the emptiness of modern culture.

Pearce asserts that we are each born with a biological blueprint for spirituality a powerful bond to each other, to God, and the physical world. He explains how we can reclaim this birthright and re-establish the bond with our fundamental Selves.

JOSEPH CHILTON PEARCE, internationally-acclaimed author of CRACK IN THE COSMIC EGG, MAGICAL CHILD and THE BOND OF POWER, has been touring the world for the last several years presenting his workshops. He is an extremely exciting speaker whose energies inevitably awaken insights for participants.

PSYCHIC FAIR

ALL DAY SATURDAY SEPTEMBER 29

including

DR. BHAGAWAN ANTLE AND HIS TIGER

in a full dress

MAGIC SHOW at 5 pm

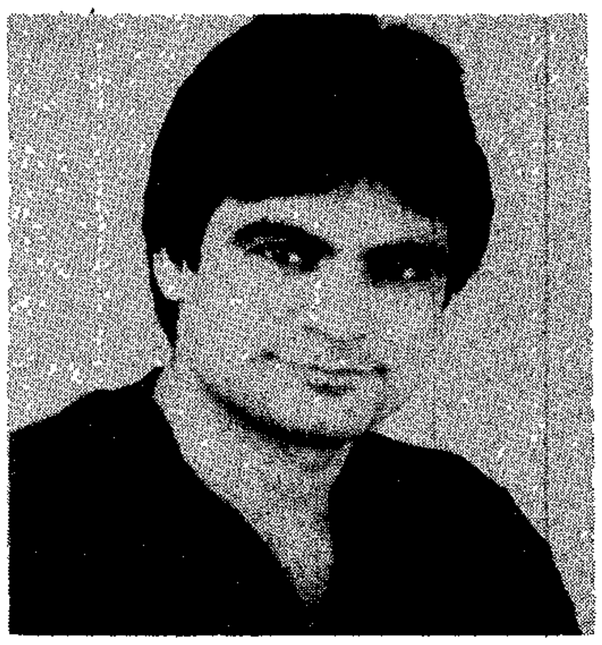
THE FAIR is a fiesta of booth people - psychics, astrologers, clairvoyants, palmists, fortune tellers with crystal balls, numerologists, people who will read your aura, your dreams, or your tea leaves, crafts people, book people, reflexologists, iridologists, and those with jewels and baubles from near and far. All manner of other folk with talent will be there. (Are there also musicians and storytellers out there who'd like to come?) Here is an opportunity to browse and buy and get your fortune told. If you didn't ask for a reading, how would you know what exciting adventures awaited you?

***KOINONIA'S VEGETARIAN CHEFS WILL PREPARE A BUFFET LUNCH FOR YOU AT A MODEST CHARGE WITH FRESH VEGETABLES FROM OUR OWN ORGANIC GARDENS, HOME BAKED BREAD, CAKES AND COOKIES AND NATURAL FRUIT JUICES. SNACKS AVAILABLE ALL DAY.**

GENERAL ADMISSION including the Magic Show at 5pm and car parking is $2.50 per adult, $1 per child under 10

TO RENT A BOOTH (outdoors in the Center Circle or main house if it rains) send $18 without delay to Karen and call to reserve the space: (301) 486-6262. Booth rental includes admission.

OCTOBER—SPECIAL—EVENTS





DEV KETU

Advanced Hatha and Raja Yogic Disciplines and Yoga for All

We are delighted to announce that Dr. Dev Ketu ('Yogi Dev') will be a regularly scheduled teacher at Koinonia from September 22. He will conduct special classes in Advanced Yogic Disciplines and on separate days in Yoga for All Levels. The authentic training he offers is rarely available outside India. Dr. Dev - who came to the U.S. just 2 1/2 years ago - received rigorous training in Hatha and Raja yoga (since the age of 10) at India's most ancient yoga institute. At the age of 27, in 1982, he received his doctorate in Sanskrit.

Known in India for his mastery of psychic strength, he specializes in a unique form of yoga postures, breathing, relaxation and meditation training. Demonstrating that strength, he has appeared on such national television shows as 'That's Incredible' holding back two jeeps accelerating in opposite directions with wire ropes twisted around his arms. During his recent visit to Koinonia he demonstrated how to bend a solid iron bar by pressing against one end with his eyeball and how to tear a 15 inch brass plate like paper.

Dr. Ketu will show how yoga disciplines can help people draw on the great untapped strength which lies within everyone.

HIS SCHEDULE:
1st Weekend SEPTEMBER 22/23
2nd Weekend OCTOBER 6/7
3rd Weekend NOVEMBER 10/11
Cost: $35 for 2 days/$12 Sunday only
$100 for 3 weekends.

1st WEEKEND
Saturday, September 22: ADVANCED LEVEL ONLY. 8AM-2PM: Water Purification (Eat very lightly on Friday. Arrive Saturday with an empty stomach). 6-8pm: Yoga Philosophy, Questions and Answers.
Sunday, September 23: ALL LEVELS. 10am-12noon: Yoga postures, Sutra Neti, Breathing Exercises (Come with empty stomach)

2nd WEEKEND
Saturday, October 6: ADVANCED LEVEL ONLY. 8-9am: Cloth swallowing to stimulate liver, remove mucus, clean lungs, balance stomach chemistry. Cloth is 18ft. X 2in. and is made in India especially for the purpose. Purchase cost $25. It lasts a lifetime. Each participant must receive prior approval from Dr. Ketu before taking class. Koinonia requires a signed medical release from each participant. 9:30-11am: Yoga Exercises. 2:30-4pm: Advanced Yoga Exercises and Meditation. 8:30-10pm: Tantric Yoga Breathing Exercises.
Sunday October 7: 10am-12noon YOGA FOR BEGINNERS Postures and Controlled Breathing.

3rd WEEKEND
Saturday November 10: ADVANCED LEVEL ONLY. 9am-4pm. Evening Session optional. Theory and practice of Naturopathic Medicine. (Working with water, air, clay, steam and fasting) for everyday illnesses, to enable people to heal themselves without medication. Also yoga postures, controlled breathing and meditation.
Sunday, November 11: ALL LEVELS. 9-11am. Ayurvedic medicine. Use of herbs and spices in daily life to treat specific problems. 11-12noon: Questions and Answers re treatment of specific ailments.

NOTE: PRE-REGISTRATION ESSENTIAL. Groups will be small. Vegetarian meals available if prebooked (Lunches and Dinner $5 each) Call (301) 486-6262.

INNERTUNING

Science of Sound and Mantra

SHYAM BHATNAGAR

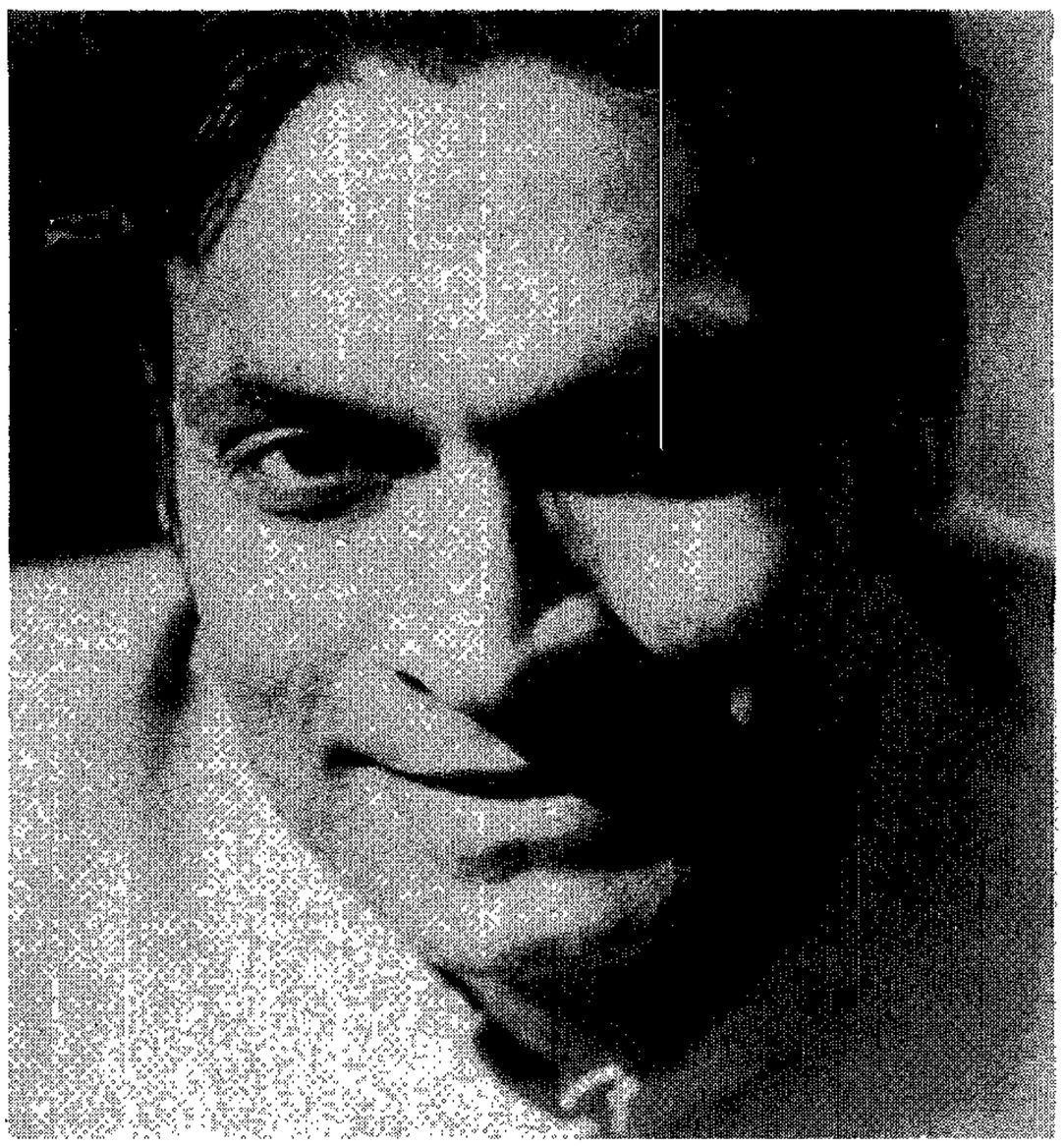
Saturday & Sunday October 20 & 21, 10am-6pm.
Cost: $55. Lunch $5 (please pre-book).

The ancient science of sound and mantra will be elaborated on by Professor Shyam this weekend. Innertuning, developed by Shyam, is a unique methodology utilizing chakra psychology and sound for therapeutic use and spiritual development.

This program will cover the basics of chakra psychology and include: the function of chakras in physical health, psychological growth, and spiritual development: how to optimize their functioning; synchronizing left and right brain hemispheres; and nasal cycles in tantric meditation practice. He will introduce and demonstrate several intriguing sound techniques, and share how vibration, tone and timbre influence certain chakras.

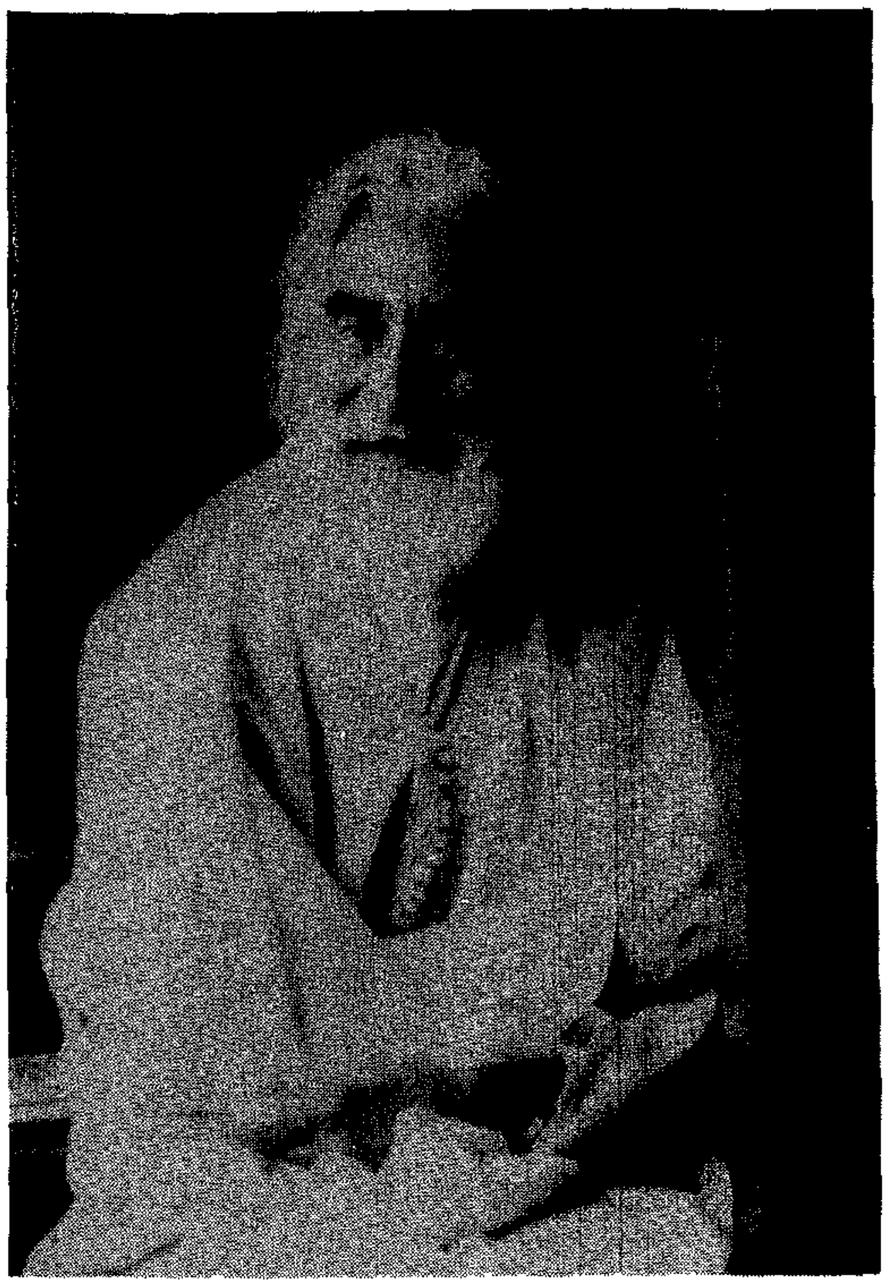
Shyam has the special ability to detect with his fingertips which of the 49 points within the seven chakras of a particular individual are 'open' or activated and which are not. He provides specific sanskrit mantras to 'open' or vivify those points which are dormant or only slightly open. He will provide a chart of these points and their status in private sessions.

SHYAM BHATNAGAR is the founding director of Sri Center International, a network of healing growth centers in the U.S. and Europe intending to synthesize knowledge of the East and West. InnerTuning has developed out of 14 years of work. Shyan is currently Director of Chakra Studies at the University of Lugano, Switzerland.



10% DISCOUNT FOR PRE-REGISTRATION

OCTOBER—SPECIAL—EVENTS



PIR VILAYAT KHAN

Head of the Sufi Order in the West

will lead

A DAY OF RETREAT AND REFLECTION

on

THE EMERGING SPIRITUALITY

SATURDAY OCTOBER 27, 9am-6pm

Cost: $35

THE DAY OF RETREAT AND REFLECTION in the quiet environment of Koinonia's woods and gardens, will include talks, guided meditation and Sufi esoteric practices suitable for all at any level of experience. Attention will be given to the role of meditation in effecting the mastery of one's transformation. Pir Vilayat sees the sheer determination it takes to reverse the human machine and become attentive to what is coming through from inside as a victory of will, which unleashes intense magnetism. This energy shifts consciousness, enabling the transforming forces of life eventually to take over.

KINDLY ARRIVE EARLY AND BE SEATED BY OR BEFORE 8:45am.

Vegetarian lunch ($5) and private room or dormitory sleeping accomodation available. PLEASE PRE-BOOK: (301) 486-6262

PIR VILAYAT INAYAT KHAN combines his in-depth experience in meditation and retreats with a background in psychology, philosophy and music. He holds a degree from Paris University, conducted post-graduate work at Oxford University and studied at L'Ecole Normale de Musique de Paris. His synthesis of the mystical tradition of the East and the heritage of the West finds rich expression in his books: INTRODUCING SPIRITUALITY INTO COUNSELING AND THERAPY, THE CALL OF THE DERVISH, THE MESSAGE IN OUR TIME, TOWARD THE ONE and THE SUFI MASTERS.

ENCOUNTERS WITH THE DIVINE

FACT OR MYTH?
THE OLD TESTAMENT AS HISTORY.
E.T. BASE IN SINAI DESERT CONFIRMED.

Are we descended from a superior race from another planet? Riddle of the Pyramids of Giza and the great Sphinx resolved.

ZECHARIA SITCHIN AND ANDRIJA PUHARICH

Saturday October 13, 10am-5pm: $40 with lunch
SPACE LIMITED: PLEASE REGISTER EARLY.

The third in a series of special seminars devoted to cosmic riddles, prophesies, secret societies, pyramids, the Bible, the 'true' origin of Earth people, and the Millennium. Each seminar has been headed by scholars and psychics of international repute. The combination of Zecharia Sitchin (author of THE STAIRWAY TO HEAVEN and THE 12TH PLANET) and Andrija Puharich (who wrote THE SACRED MUSHROOM and URI GELLER) is promise of a fascinating day of learning and insights.

ZECHARIA SITCHIN, the distinguished Biblical scholar, historian and linguist wrote in his best-selling books that we are descended from superior beings from a 'lost' planet known to the ancient Sumerians (and recently researched by NASA). He writes also of man's pursuit of immortality and afterlife with the gods, identifying the Sinai Peninsula as the land of the gods.

In this seminar he will look at the Old Testament: did the Almighty and his emissaries really do all that is claimed in that book? Did God really speak to Joshua? Did Jacob really struggle with an angel? What if it really happened just as it was written?

ANDRIJA PUHARICH, physician and psi researcher, will present his own experiences of encounters with a giant extra-terrestrial space craft that followed his jeep in the Sinai Desert and which, in his opinion, confirms Sitchin's theories. 'It cast no shadow, was absolutely silent, had no windows, was smooth and shiny: definite evidence of E.T. contact in Sinai'.

ANDRIJA PUHARICH, one of the world's foremost authorities in parapsychology, a physician and honorary LL.D., has written and lectured extensively on psi research. In the 1950s he made one of the earliest investigations into psychedelic substances, resulting in his trail-blazing book, THE SACRED MUSHROOM.

ZECHARIA SITCHIN was raised in Israel where he acquired a profound knowledge of Hebrew, other Semitic and European languages, the Old Testament and the history of archaeology of the Middle East. A leading journalist and editor in Israel for many years, he now lives and writes in New York City.

GUITAR FOR BEGINNERS

FERNANDO GOMEZ

6 Mondays, October 1 - November 5
7:30-8:30 pm: $35 for 6 lessons
First session only may be taken independently for $8.
LIMIT OF 6 STUDENTS.

The basics of guitar playing - fingering, identifying keys, chords, chord progressions and different chord positions - will all be included and applied to learning popular American songs. Because the group will be small, Fernando can give considerable personal attention to each member and will willingly comply with requests to learn specific techniques or songs. Bring any accoustic guitar. The course will provide an excellent grounding for the aspiring player.

FERNANDO GOMEZ was born and brought up amid the sound of guitars in Brazil. In Sao Paulo he trained for 8 years in classical guitar at the city's principal guitar academy. In the U.S he spent two years at the famous Berklee College of Music in Boston, studying jazz guitar. He is now studying classical Indian music at the University of Maryland and adapting that traditional style to progressive jazz. He is an outstanding sitar player also, and performs publicly on that instrument frequently.

DANCES OF UNIVERSAL PEACE
(INCLUDING SUFI DANCING)
First Sunday of Every Month
7:30-9:30pm: $2 donation

A.R.E. Study Group

MONEY - IT'S ALL IN THE MIND!

LARRY VAN HOOSE

Tuesday October 2, 7:30-9:30pm: $5

This study/discussion group is for anyone with anxieties around the subject of money, income, business success or how to balance the household budget. The views of Edgar Cayce on the subject of economic healing will be presented and some attention will be given to the connection between money and the spiritual path (Can you be spiritual and rich?) and the meaning of conscientious capitalism. The belief that one only receives what one gives away will be looked at in terms of the laws of tithing.

LARRY VAN HOOSE is a member of the Baltimore Speakers Team of the Association for Research and Enlightenment (A.R.E.) who attributes his personal success in business to having given away 10 percent of his income. He is president of New Age Builders, a home remodelling business. He graduated from the University of Baltimore in social science

OCTOBER

WHAT'S GOOD NUTRITION?

NEWTON & KATHLEEN BUNCE

Tuesday October 2, 7-9pm
$5 ($8 for a couple)

What's a good diet? Do we get everything we need in our daily food? Should we supplement with vitamins, minerals, herbs and if so why? What about special diets: vegetarian, fruitarian, sproutarian, macrobiotics...which is best? What should we know about food groups: An evening that takes a 'different' approach to nutrition and just might shed some light on a very controversial subject.

INTRODUCTION TO T'AI CHI
4-Week courses, each $40. Dates as follows:
September 4-25
October 2-23
November 6-27
3-Week course $30:
December 4-18

BHAKTI YOGA - THE PATH OF LOVE
10 Mondays September 7 - November 19:
7-8pm: FREE.



DISCOVERING YOUR INNER (PSI) SENSES
PSYCHIC DEVELOPMENT & TRANCE READINGS

BARBARA GLICKSTEIN

6 Wednesdays, October 3,10,17,24,31 and
November 7. 7:30-9pm: Total cost $65. Optional dinner at 6pm ($5) please pre-book.

This course will include working with meditation and PSI experiences.
The goal is for each participant to gain a deeper understanding of his own energy systems and use of inner senses.

Trance involves a change in consciousness during which the personality of a discarnate being, providing personal guidance and information, communicates directly through the medium

BARBARA GLICKSTEIN holds a degree in *Humanistic Parapsychology* and is an ordained Minister with The Church of Wisdom. She is also a certified trance medium with the Arthur Ford Academy.



HOLISTIC PARENTING
The first 5 years.

Non-traditional approaches for enhancing
family unity, and the fullest growth opportunities for parent and child.

JESSICA DIBB

6 Wednesdays, October 3,10,17,24,31, November 7.
7:30-9:30pm: $40

This course will examine the following subjects: family nutrition, pre-school disciplining through love, creating family self-esteem, communicating through awareness, teaching principles and problem solving, family exercise for fun, letting go of negative parenting patterns and realizing and nurturing your inner development through parenting.

JESSICA DIBB is a Rebirther in private practice in Baltimore, a LaLeche League leader and a mother.

C.G. JUNG & THE INNER JOURNEY

RICHARD SCHREDER

The course:
4 Wednesdays, October 3,10,17,24
7:30-9:30pm: $40

This course - which will be both theoretical and experiential introduces the core concepts of Jung, Joseph Campbell and James Hillman. It's goal is to utilize an archetypal psychology as a framework for living and understanding the processes of psychospiritual growth, creativity and healing.

Storytelling (and some enactment) will be the primary vehicle for experiencing the images that give form to The Inner Journey.
Participants will be encouraged to share their favorite images from myths, dreams, fairy tales and personal experience.

NOTE: THIS COURSE IS PARTICULARY RELEVANT TO PSYCHOTHERAPISTS, PASTORAL COUNSELLORS AND THEOLOGIANS INTERESTED IN USING THEIR OWN EVOLVING IMAGES AS A FRAMEWORK FOR GUIDING OTHERS. CREATIVE ARTISTS WHO SEEK AN IN-DEPTH PSYCHOLOGICAL PERSPECTIVE FOR UTILIZING THEIR EMERGING CREATIVE PROCESSES ARE ALSO ENCOURAGED TO ATTEND.

Suggested Reading. Man and His Symbols (C G. Jung) and Hero with a Thousand Faces (Joseph Campbell).

DR RICHARD SCHREDER, a co-founder of the Jung Working Group of Baltimore, is a licensed psychologist/social worker in the private practice of psychotherapy. He has been teaching psychotherapy for the past 12 years at the University of Maryland School of Medicine, where he is a Clinical Assistant Professor in the Department of Psychiatry. He is also on the faculties of Johns Hopkins School of Medicine and the Union Graduate School.

ONE-DAY WORKSHOP IN JUNG. Dr. Schreder will also be giving a Saturday workshop on November 10 9:30am-4:30pm. See listing for that date.

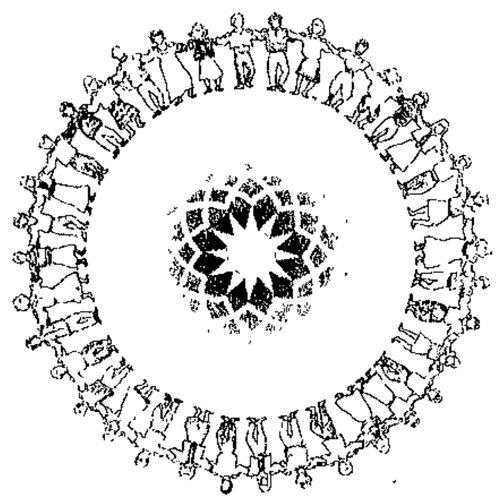
THE TEN COMMANDMENTS OF INSANITY
(OR HOW TO DRIVE YOURSELF SANE)

ART SEIDMAN

6 Thursdays, October 4,11,18,25
November 1,8, 7:30-9:30pm: $25

This course is an introduction to the Rational Living Psychology of Albert Ellis and Bertrand Russell. It is 'psychology with a twist', focusing on human relationships, sexuality, reality techniques and other aspects of the here-and-now approach. Suggested reading includes the Guide to Rational Living (by Ellis) and Russell's Conquest of Happiness and Marriage and Morals.

ART SEIDMAN, a Doctor of Law and Director of Baltimore's former Halcyon Growth Center, gave this course at least twice a year for 12 years with full enrollment at the Hopkins Free University. He has given it also at various adult education centers sponsored by Baltimore County. Dr. Seidman was this year awarded the honor of Volunteer of the Year by the City of Baltimore.



DANCES OF UNIVERSAL PEACE
'SUFI DANCING'

WERNER KUNDIG
RICHARD CONE

First Sunday of Every Month beginning October 5,
7:30-9:30pm: $2 donation.

Share in the experiential side of worship and find ways of putting the essentials of faith into the experience of the body and motion. Sufi and other spiritual dances, chants, walks, spins and mantra practices will be taught and shared. These dances express the myriad forms of the Divinity. Invite your friends: this is a sharing experience! Easy movements all can do.

BODY COMMUNICATION

PAULINE FISHER

Friday, October 5, 7:30-9pm
Followed by socializing & snacks
Cost: $10 inc. refreshments

What is your body language? What messages do you send during a conversation? What do you want to send? Can you read between the lines when communicating? Are you communicating? This workshop is to help you become more aware of the connection between emotions and the way you move, to 'read' the hidden body language, to improve communication, feel more self-confident and relaxed.

Get-together time follows the workshop, with music, beverages, and home-made snacks.



COUPLING: HOW TO MAKE LOVE STAY
For singles and couples

BOB CALDWELL

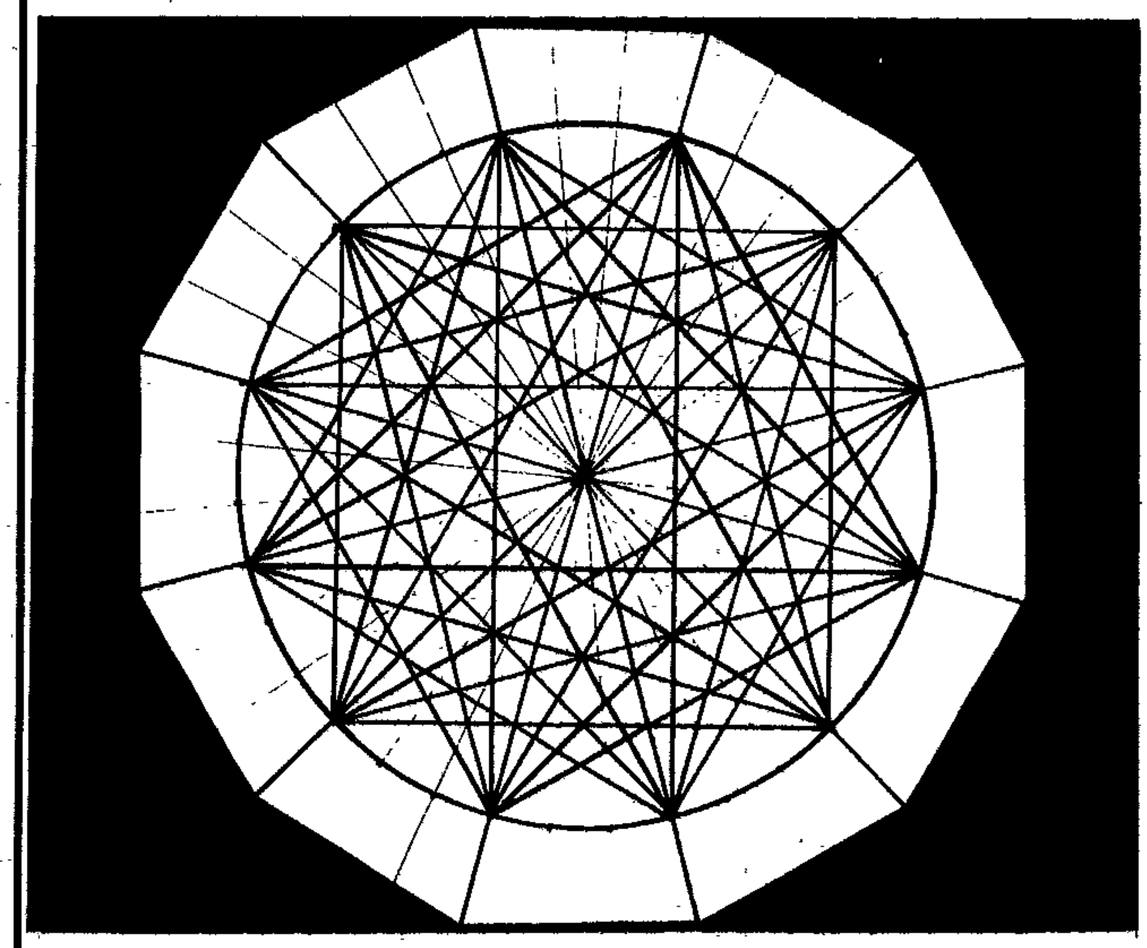
Saturday October 6, 10am-6pm:
$45 single, $65 couple (any two)

Our lives are efforts to find, experience and hang on to love. Sometimes we succeed and there is joy; but often we are not very good at it. What begins with passion, optimism and a sense-of-forever becomes lifeless, cynical, fleeting. To make love stay is more than matching of two people: it involves owning the need to be loved by your partner, and awareness of when your discontent about the relationship is because you are nursing hurt feelings. The attempt to change a partner is assured failure: changing yourself means you have at least a modicum of control; and in that process you will begin to see how much you are really willing to create a lasting love, and what are your defense structures (conscious and unconscious) for keeping yourself and others ignorant of how often and how deeply you get hurt. Making love stay is a talent you may or may not have and acquiring it might cost you too many of your favorite behaviors to make the change. Proceed with care!

DR. BOB CALDWELL is a Bethesda psychotherapist who has worked with couples in workshops and in psychotherapy for over 15 years. His own couple relationship has lasted 24 years. He is a founding member of the Washington Gestalt Institute and a member of the American Academy of Psychotherapists. He founded Quest, a pioneer growth center, 16 years ago and is an active member of the Association of Humanistic Psychology.

10% DISCOUNT FOR PRE-REGISTRATION

OCTOBER



THE MANDALA AND COSMO-DYNAMICS
Analysis of the Whole Person on All Levels

RUTH MARIA PETERSON

Sunday, October 7, 10am-6pm: $36

The workshop explores ways to center and harmonize through the mandala. Ruth has developed over the past 17 years of research, teaching and counselling, a unique approach to mandala analysis and therapeutic principles. She uses the ancient Pythagorean teachings of sacred geometry and numerology and combines them with the principles of color healing, with an extended view of Jung's mandala symbolism theory. Ruth steps down Jung's 'creation myth' idea of the macrocosm to a personal individual level, applying primal cosmodynamics of sound-color, number-vibration and geometry-form. She will share her original method which translates name and birthforce into music and she will help students create their own personal number-color-geometric man- dalas. This permits analysis of the whole person on all levels.

WHAT TO BRING: drawing paper, ruler, compass, pencil and eraser and choice of coloring agent. Also an open mind, adventurous spirit and a deep desire to know yourself.

RUTH MARIA PETERSON is a Doctor of Divinity and former President of the Baltimore branch of the Theosophical Society of Maryland.
She is a Pastor of the Universal Life Church which meets every Sunday at Koinonia, 11am-12 noon, from October 14. (See also her courses on Numerology, October 24-November 14 and on Color November 21-December 12).

ASTROLOGY
Do you know why you are here?

PAUL D NUNN

Saturday October 6, 7:30-10pm: $10

An intimate workshop with demonstration readings using volunteers present. It will focus on a process to determine what conflicts and assets any particular individual may have inherited from previous lives, the purpose for this incarnation and the direction the soul has chosen to pursue. This 'evolotionary astrology' will examine the developmental steps of an individual's personality and spiritual growth through the various life cycles. 'Human personality,' says Paul Nunn, 'is not simply a by-product of our childhood experiences. Using astrology to explore the origin of personality, I've discovered what may be the leading edge of a new reality in the field of developmental psychology.'

PAUL D. NUNN has worked extensively in the area of human relations, personality assessment, and crisis intervention since 1970. He has established a large professional counselling practice in Washington DC. operating from a client base of nearly 500 people in twenty-two states and six different countries. His work has served a wide variety of interests, including women's clinics, state rehabilitation associations, mental health clinics and hospitals.

CHANNELING THOSE FROM OTHER DIMENSIONS
Millenium Group meets
Every Other Wednesday, September 12, 26, October 10,24, November 7, 21, December 5, 19.
HELEN WASHBURN, JOIE BOURISSEAU, BEVERLY JOHNSON
7:30pm. Reservations Necessary.
Limited to 40 persons.
$10 channeling. $5 for 6pm dinner (pre-book).

10% DISCOUNT FOR PRE-REGISTRATION

DEVELOPING YOUR PSYCHIC ABILITIES FOR PERSONAL SUCCESS IN LIFE

JUNE STEINER

Tuesday October 9, 7-10pm:$10

You are already psychic and need only to develop and use those skills on a regular basis. Intuition and the paranormal are not something apart from our natural selves. Rather, they are our connection with all knowledge: past, present and future. We need only to bring an open, inquiring mind, a desire to explore new dimensions (shut down since childhood) and permission to play with and use these skills to open our channels as we pursue personal success and growth.

We'll explore E.S.P., channeling, past life experience, chakra balancing and healing, automatic writing, meditation, energy sensing, pendulums, altered states, sound and dreams as rituals (habit patterns) for tuning into our intuitive, psychic selves.

JUNE STEINER is a certified hypnotherapist, teacher and spiritual counselor in private practice in California. She specializes in stress reduction, personal growth, past life therapy, motivation and goals, communication skills, relationships, inner sports, re-education work and regression.

***

SILVA METHOD FOR MIND DEVELOPMENT
FRANK INGO
Free Introductory talk 7:30 pm
Sep. 19,26, Oct. 2,16, Nov. 6,13,20

***

CARVING, DREAM SHIELDS & SYMBOLS TO WEAR
ROBIN RAINDROP
Six Wednesdays September 26, October 3,10,17,24,31: 7-10pm. $40 or $7 per class.

***

RADICAL HEALING
THE LAUGHING MAN INSTITUTE
Video Presentations: Sep. 13,27, Oct. 8,22, Nov. 12,26
6:00pm $3 each.

IRIDOLOGY

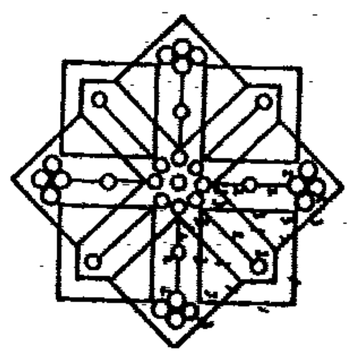
The Iris of the Eye as a Window to the Whole Body

NEWTON AND KATHALEEN BUNCE

6 Mondays, October 8, 15, 22, 29 & November 5, 12.
7-9:30pm: $60

This course will cover the fundamentals of Iridology - the analysis, markings and colorations of the iris and their relationships to the condition of the body as a whole. The schedule:
Oct 8: History, the iris map, ethics.
Oct 15: Stomach and intestinal areas.
Oct 22: Nerve wreath and head/brain areas. Stress, drugs, etc.
Oct 29: Body organs and related systems.
Nov 5: Skin and lymphatic zones.
Nov 12: Iris slide reading, summary and discussion.

NEWTON and KATHALEEN BUNCE were both awarded Doctorates in Iridology at Bernadean University, Ca. Kathaleen is also a Doctor of Naturopathy; while Newton holds a Master of Herbology degree and a Fellowship degree from the Research Council for Botanic Medicine from Emerson College, Montreal, Canada. Kathaleen's book IRIDOLOGY AND HEALTH: A TOTAL APPROACH (New Life) appeared in 1981. Both have been in practice for some years.



NEW PROGRAMS FOR SENIORS

FOR LADIES ONLY - A SHARING CIRCLE

with KATHLEEN M. CARTER

4 Mondays, October 8,15,22,29
12 noon for lunch and 1:30-3:30pm

This Fall Koinonia begins daytime programs designed for those of more senior years. While we hope seniors will take part in all our regular programs and events, it has been suggested that the special problems of senior years demand helpful attention. These may be the passing of loved ones, the difficulties of coping with declining mental or physical health of a spouse, loneliness, feelings of being 'trapped', and philosophical questions about the meaning of life.

The first program - BEGINNING MONDAY OCTOBER 8 - will be for ladies only and we are fortunate that Kathleen Carter, a respected Baltimore social worker and therapist - and a warm heart-centered lady - will be here to lead the group. She has helped many women and those of later years gain new creative perspectives and enjoy the friendship of a supportive group.

This will be a sharing circle (although no one will be obliged to do more than is comfortable for her). Initially it will meet for 4 Mondays but will continue if members so desire.

THE SCHEDULE: Meet for lunch at noon in the main building. Join with Kathleen from 1:30-3:30pm. Afterwards stay if you wish and enjoy a walk in Koinonia's beautiful woods and gardens, to take a look at the Craft Studios.

THE COST: Sessions with Kathleen - $25 for four weeks. Lunches ($5) consisting of whoesome full-course hot and cold vegetarian menu with home-baked bread and fresh vegetables from our organic gardens.

PLEASE BE SURE TO CALL KAREN AT (301)486-6262 TO LET US KNOW YOU WILL BE ATTENDING. A phone call or preferably a payment in the mail will hold your place.

FOR MEN. Activities for maturer men are planned for the winter.
Please see November 3 listing for a mixed ages men's workshop,
'Men in Transition' for those seeking to find out where they stand in today's fast changing society.

OCTOBER

SPECIAL: DEV KETU - Advanced Yogic Disciplines and Yoga for all levels. September 22/23, October 6/7. November 17/18. See September 22 listing for full details.

SPECIAL: DR BHAGAWAN ANTLE: YOGA AND MAGIC. Introductory class September 27. 1st Weekend: October 12-14; 2nd weekend November 2-4; 3rd Weekend December 7-9. See full details in September Special Events listing.

9:30-10:15 QUAKER MEETING
11-12 UNIVERSAL LIFE CHURCH from Oct.14

HATHA YOGA
For all levels and conditions
GEORGE CURNOLES
Thursdays ongoing from September 20, 6:30-8pm:
$30 for six classes or $6 per class.

MAKING POTTERY & CERAMICS
JEFF DRINKWATER
6 Thursdays September 20-October 25: 7-10pm

For Parents, Teachers and Children 4-10

BE A SNAKE, A STAR, THE SUN HAVE FITNESS AND FUN

WENDY ZEROTH AND SARABESS FORSTER

4 Saturday mornings, October 13,20,27 and November 3, 10-12am: $35
Lunch available ($5 & $2.50 if prebooked).

This course will include a balanced series of yoga postures based on particular themes with stories, songs and games to enhance the chosen themes. The postures will help to strengthen, stretch, bend and balance body and mind. Guidance will be given in how to develop interest in and love of yoga in young children in a group, home or school setting. Creative ideas will be presented for enhancing children's imaginative powers and attention span and how to flow with children's energies. Concrete ideas will be discussed to help children calm down, relax and turn inwards.
Parents (teachers) are invited to join in the yoga, movement and other activities with the children.

SARABESS FORSTER is a yoga teacher for ages 3-103, mother, author, M.Ed. with 14 years teaching experience with Montgomery Co. Public Schools, Secondary and Adult education.

WENDY ZEROTH is a yoga teacher, a pre-school teacher, author, and has a B.A. in Special Education and Early Childhood and Elementary Education.
NOTE: SARABESS AND WENDY WILL GIVE A ONE-DAY WORKSHOP FOR PARENTS, TEACHERS AND LEADERS OF CHILDREN ON SATURDAY NOVEMBER 10, 10am-4pm. See listing under November 10.

A monthly group to explore the ideas of Jean Houston

JAN SINNOTT

2nd Wednesday of month:
October 10, November 14, December 12
7-9pm: $8 per session.
Limit of 12 members.

The dancers of the Dromenon are all of us who seek personal and social transformation by discovering and learning to use latent potentialities that are part of the brain-body-mind system. Sessions will include listening to some of Jean Houston's recorded lectures together with exercises and experiences. These will relate to brain/body integration, the exploration of developmental potential, the freeing of blocks, the appreciation of transcendent states, and making new use of psychological difficulties; also other aspects of the Houston teaching directed to bringing forth in each person their fullest possibilities.

DR. JAN SINNOTT is a psychologist involved in research and teaching at Towson State University. She has studied with Jean Houston for three years and is a member of her 'mystery school'.

PIR VILAYAT KHAN
Head of the Sufi Order in the West

will lead

A DAY OF RETREAT AND REFLECTION

on

THE EMERGING SPIRITUALITY

SATURDAY OCTOBER 27, 9am-6pm

Cost: $35

THE DAY OF RETREAT AND REFLECTION in the quiet environment of Koinonia's woods and gardens, will include talks, guided meditation and Sufi esoteric practices suitable for all at any level of experience

KINDLY ARRIVE EARLY AND BE SEATED BY OR BEFORE 8:45am.

PIR VILAYAT INAYAT KHAN combines his in-depth experience in meditation and retreats with a background in psychology, philosophy and music. He holds a degree from Paris University, conducted post-graduate work at Oxford University and studied at L'Ecole Normale de Musique de Paris. His synthesis of the mystical tradition of the East and the heritage of the West finds rich expression in his books: INTRODUCING SPIRITUALITY INTO COUNSELING AND THERAPY, THE CALL OF THE DER-

For details of this program see SPECIAL EVENTS pages

SELF DEFENCE FOR WOMEN

JIM REGENSBERG

4 Saturdays, October 13, 20, 27, November 3
10:30am-12: $30. Light lunch available.

The emphasis will be on avoidance techniques - important for those who live or work in high crime areas. Included will be a video show, lectures, demonstrations and group as well as one-to-one participation. The principles of Tae Kwon Do, Aikido and T'ai Chi Chu'an are included. No special strength is needed. For healthy women of any age.

INTRODUCTION TO ZEN BUDDHISM

JIM REGENSBERG

4 Saturdays October 13, 20, 27, November 3
1-3pm: $30. Light lunch available.

This course will explain how to relate to and exist with all matter and energy external to your physical body, adding the element of time. You will discover simple, non-theistic, practical methods of effectivly dealing with your circumstances, especially adverse situations. Also included will be a survey of Buddhism's inception and development. Each class will consist of lecture, group discussion and introductory Zen meditation exercises. (Moderate warm-up consisting of T'ai Chi Chu'an exercises will be optional at the beginning of each meeting)

JIM REGENSBERG has a Second Degree Black Belt in Tae Kwon Do. Advanced status in Choy Li Fut, Hung Gar and Loun Le King Fu. He is also proficient in most Chinese and Japanese weaponry as well as yoga, Western semi-professional boxing, Buddhist meditation and Chinese medicine. He has taught the martial arts for 5 years. He is a member of the Doshin Ji Monastery and associated Kuroda Institute for the study of Buddhism and Human Values. Mr Regensberg is chairman of the Maryland United Personal Security Conference, a member of the World Karate Association, International T'ai Kwon Do Federation and an Associate of the Professional Karate Association.

LIVING POLITICS
A new kind of political game we can all play - and learn a lot about ourselves in the process.

MICHAEL GOLDBERG/ANNE ANDERSON

Sunday October 14, 10am-4pm: $35

Living Politics is a new mind-opening game anyone can play who has any thoughts on topical events and a sense of humor. It's a way of having a great time with people interested in the political panorama and, at the same time, shedding some light on one's own opinions and prejudices. This all-day workshop provides an opportunity to develop skills that may be shared with other groups. It is also a training in conflict resolution. FOR A FULLER DESCRIPTION OF LIVING POLITICS see listing under October 19 of the Living Politics 3-session course and for biographies of Michael and Anne.

(See also Sunday October 14 listing for LIVING POLITICS one-day workshop 10am-4pm).

CHILDBIRTH THE NATURAL WAY

A Total Holistic Experience

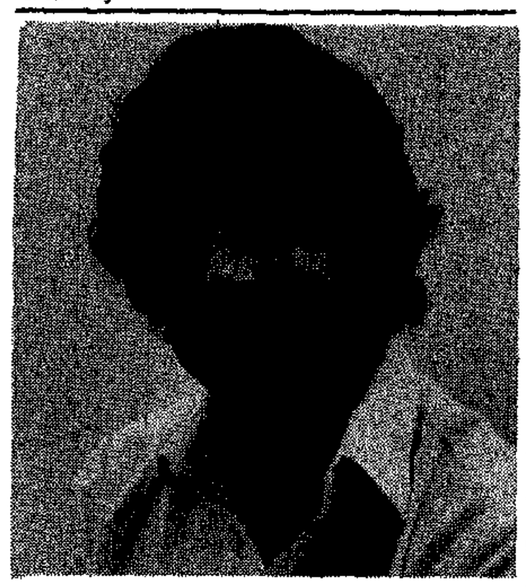
PEG MERRILL

8 Tuesdays, October 16, 23, 30 & November 6, 13, 20.
7:30-9:30pm: $50. Materials: $8.

These classes reflect the belief that birth is a natural process requiring total body awareness and preparation on both physical, emotional, spiritual and psychological levels. Topics covered include knowing your options, creating your ideal birth experience, diet and nutrition, normal labor and delivery, relaxation and stress reduction, focusing on the baby-LeBoyer techniques, bonding and breast feeding, sexuality in pregnancy, changing couple relationships, natural parenting and much more. Relaxation exercises and a combination of LaMaze and Bradley breathing techniques are taught.

NOTE: Because of the comprehensive nature of the classes it is recommended that they be started as early in pregnancy as possible. For further information call Mrs Merrill at (301) 343-0023

PEG MERRILL, a mother of four, ages 14, 11, 3 and 1, is a certified Childbirth Educator with Informed Birth and Parenting, a national non-profit organization dedicated to safe responsible experiences in childbirth whether a couple plans hospital, birth center, or home delivery.



WEEKEND ENCOUNTER AWAKENING

RICHARD H. FLAX & ROBERT AUGUST

Thursday October 18 at 7-11pm. Friday October 19 at 7pm through to Sunday evening, October 21. 4 Days: $50. Food for weekend $10 extra.

A full marathon weekend encounter designed to give each participant a safe environment to objectively explore why he/she acts, thinks, and behaves in unique ways. We shall focus on 'here and now' feelings through both verbal and non-verbal techniques. We shall play, talk, meditate, dance, feel and emerge into our true selves.
NOTE: Call Karen at (301) 486-6262 to register. Please register early. Instructors will give permission to join the group by phone.

RICHARD H. FLAX has facilitated feeling group experiences since 1966 and for the past 17 years his sessions at Baltimore Free University have been filled. He trained at Esalen, CA and the Institute for Rational Living, New York.
ROBERT AUGUST has been facilitating groups since 1977 at the Baltimore Free University. He trained at Esalen CA.

10% DISCOUNT FOR PRE-REGISTRATION

OCTOBER

FAT LONG ENOUGH: NOW IT'S UP TO ME!
Controlling eating habits

SAM YAFFE

4 Tuesdays, October 16,23,30 November 6, 7:30-9pm: $50

This group is designed to help its members gain control of a habit that is detrimental to their health. Participants will learn techniques to fend off strong temptation, to change negative patterns of behaviour and thought and to handle the inevitable setbacks. They will also learn ways to relax without eating to do so and how to manage stress.

SAM JAFFE M.A. is a cognitive therapist with extensive experience of helping people control their eating (and smoking) habits. He is a doctoral student at the University of Maryland in social work.

For Singles

LIVING POLITICS

A new and often hilarious way to spend Friday night - acting out points of view on world issues. You could be amazed at what you find yourself doing and feeling!

MIKE GOLDBERG/ANNE ANDERSON

3 Fridays October 19, November 9,16, 7:30-9:30pm: $7 per session
This is a political game we can all play Choose a controversial theme, say nuclear missiles, East-West tension, Third World poverty, the wars in the Middle East, or racism and sexual discrimination. Anything that's topical. Find out what the focal conflict is on the subject. Then get into opposing teams and act it out. Shout and grimace and bang on the table - whatever you like that's not harmful to anyone - to get your points across. Then debrief and find out what's happened to your point of view. You might be surprised A lot of good clean serious fun And a lot of learning about conflict resolution.

MIKE GOLDBERG AND ANNE ANDERSON say LIVING POLITICS helps to clarify, humanize and bring new perspectives to current events and gives participants a deeper personal understanding of political issues. They have been giving these workshops for several years and see them as a blend of group process experience, conflict resolution and personal growth. ANNE is a counselor with Washington Community Therapy Guild, mother of three, coordinator of the national office of Psychologists for Social Responsibility. MIKE is a lawyer and mediator who has taught law school, led many human development groups and has been a professional actor.



BALTIMORE STORYTELLERS
A new monthly club for those who tell and those who listen to stories of all and every kind.

Facilitator: MELISS BUNCE

Sunday, October 21, 7pm: Free

A group for adult story tellers and listeners with a taste for a good tale Storytelling poems and a little music are very acceptable, too. The subjects may range from dragons and princesses to spiritual, psychological, fantastical, funny and true stories.
It's all your choice, but PLEASE no reading - just telling, so it comes right from the heart! A little non-alcoholic drink, a cake or some cookies to share would be appreciated, as would a few candles to help create an atmoshpere Children admitted if silent, at their own risk

---

DARE TO BE ALIVE!

RICHARD H FLAX

6 Mondays, Oct 22-Nov 26 8-10pm: $25

Do you block 'Aliveness' in your personality? This course is designed to give you alternative thinking patterns to make you feel more alive, joyful, enthusiastic and excited. Re-think your position on love and happiness. Stop being at the mercy and whim of your environment; create a new one!

RICHARD H. FLAX has facilitated feeling group experiences since 1966 and for the past 17 years his groups at Baltimore Free University have been filled He trained at Esalen, California and the Institute for Rational Living, New York

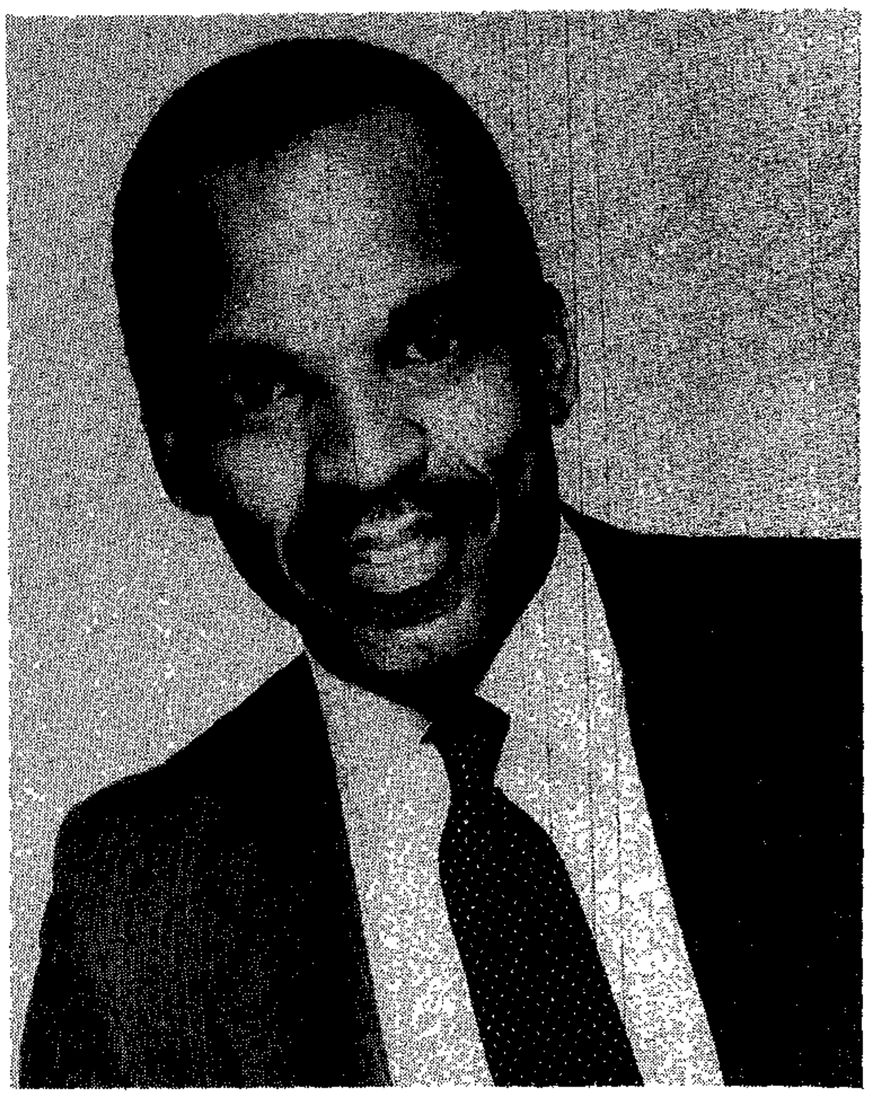
---

BAHAI STUDY GROUP (free)

Tuesdays,October 23,30, November 6,13, 7:30pm

This group will study the teachings of Bahaullah, who founded the Bahai Faith. in the latter half of the 19th centry Subjects will include the Fulfilment of Prophesy, Life after Death, the Oneness of Mankind and the Unity of all Religions.

For information call Fred Lee 655-6966



TOTAL WELL-BEING
Health &
Massage Workshop for Singles and Couples

D. BALOTI LAWRENCE

Introductory Demonstration & Talk: Friday October 19, 7:30-9:30pm:$8
2-Day Workshop: Saturday & Sunday October 20-21, 10am-5pm:$50

Two days of health, rejuvenation and fun. In this Wellness Workshop participants will learn how to increase energy, relieve aches and pains, develop a beautiful body, and how to channel negative emotions into positive potential. This is also an opportunity to learn Lawrence-Harrison self-massage techniques, mental imagery, beauty secrets, emotional well-being techniques in a supportive atmosphere conducive to exploring oneself and sharing with others. 'Total well-being or total fitness - a synthesis of body, mind and spirit - is the very essence that molds the quality of our lives' says Baloti.

D. BALOTI LAWRENCE, co-author of the best-selling book MASSAGEWORKS is a pioneer in contemporary health care and total fitness, who has developed his unique approach at the Lawrence Harrison Institute in New York City, a total health care center founded with Lewis Harrison. Baloti, who has degrees in mental health and communication and is at present completing a doctorate in health administration, was formerly a university teacher. He has been in health practice for many years and has shared his methods with hundreds of audiences around the world. Executive Director for the International Bodywork Council, Consultant for the Veterans Administration and the US Office of Education, Baloti hosted his own show for National Public Radiio.

10% DISCOUNT FOR PRE-REGISTRATION

AT-ONE-MENT WITH GOD
A Christian Prayer Workshop

ANNETTE GORDON

Saturday October 20, 10am--4pm: $20
Lunch ($5) available if prebooked.

'In 1957 I stumbled on the teachings of Jesus. I found prayer based on 'Love ye one another as I have loved you' so compelling that the study, practice, meditation thereon, became my daily passion and all-absorbing adventure and delight.'

So writes ANNETTE GORDAN who with her husband Henry are Ambassadors at Large for Camps Furthest Out International, a Christian educational venture that maintains about 150 retreat camps in the U.S. and overseas for prayer, meditation and creative Christian living. Annette herself, a woman of strength and grace and contagious love of life, lived in the Far East for many years Her prayer workshops aim at 'healing and wholeness and at-one-ment in and with all.' She has led prayer laboratories in Long Island and New York City for 14 years - at one time for unaffiliated actors and writers. This workshop will include discussion and group work, some experiential aspects, with prayer and meditation. Focal subjects will be why prayers are not heard, forgiveness, how to pray, opening oneself to God's healing power, and how to limit hostilities and fear

ENCOUNTERS WITH THE DIVINE: FACT OR MYTH?
THE OLD TESTAMENT AS HISTORY.
E.T. BASE IN SINAI DESERT CONFIRMED.

Are we descended from a superior race from another planet? Riddle of the Pyramids of Giza and the great Sphinx resolved.

ZECHARIA SITCHIN AND ANDRIJA PUHARICH

Saturday October 13, 10am-5pm: $40 with lunch
For details of this program see SPECIAL EVENTS pages

OCTOBER

INTRODUCTION TO JUDAISM
For Jews and non-Jews

SIEGFRIED ROWE

4 Tuesdays, October 23, 30, November 13, 20
7:30-9:30pm: $35

This course will present in introductory form Jewish history, teachings and customs, with plenty of time set aside for questions and discussion. The Talmud, the Torah, the Ten Commandments, Jewish mysticism, Jewish sects, the Jewish calendar, marriage customs, converts, will all be included, together with other aspects of Judaism as dictated by the interest of the group.

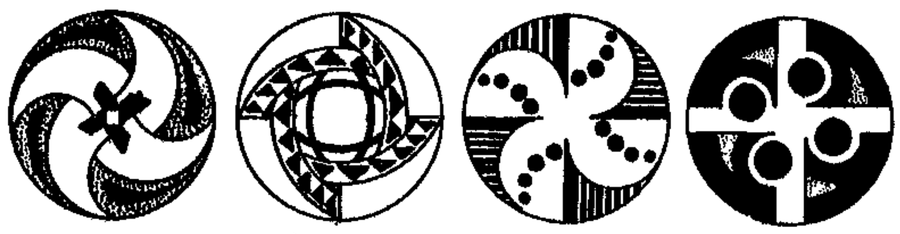
SIEGFRIED ROWE, a former Chaplain in the British Royal Air Force, now assists Rabbi Martin Siegel at the Columbia Jewish Congregation, of which he was President for two years. He was a founder of the Jewish community in Howard County. He is a popular speaker on Judaism at churches and other organizations.

ATTUNEMENT TO THE JEWISH SABBATH

A Creative Celebration.

The opportunity is extended to all who wish to attune to the coming of the sabbath on Friday evenings to do so in traditional and individual creative ways with readings, songs, chants, dances, memories and visions chosen by participants in turn.

We recognise that there are Jews who are not synagogue-goers who wish still to identify with the long stream of Judaism in ways appropriate to them. If you are one and would like to take an active role in such evenings (formerly held once a month) please speak to Ruth or Karen at (301) 486-6262 or 6265. If the response is encouraging, we'll set a Fall date for the sabbath group.



Special Fall Equinox Program

THE NEW NATIVE AMERICAN
***Experiences of Attunement,* Ritual and Purification**

ROBIN RAINDROP & MAHOTEH

Weekend Workshop
October 26-28
Friday 7:30-10pm
Saturday 10am-5pm. Cost $45
The fee covers tuition and some basic materials: it does not relate at all to the sacred ceremonial and traditional activities.

Everyday life for the Native American was an experience rich in symbolic expressions of his relationship to the Creator and the Creation. Through ceremonies of purification, prayer, celebration, and ritualized song and dance, the individual developed an intimate union of his physical and spiritual worlds.

We as a mixed race, transplanted to this soil by our forefathers, are only now in the process of 'becoming native'. However we are ignorant of the rituals and ceremonies the Creator gave to the people who live here. In a sacred manner, this workshop will explore some of these rituals and help develop a union between the traditional and new symbolic myths. Through this process, personal medicine shields and symbols will evolve and participants will learn how these symbols can be brought from the dream realms to physical manifestation, so they can be used in day-to-day living.

The workshop will revolve around several traditional ceremonies:

*The sweat lodge ceremony for purification and prayer.

*A Peruvian whistle-blowing ceremony to celebrate the Equinox.

*Creation of a large earth-based medicine wheel.

*Attunements through music to enhance the dreaming quality of the process.

Out of these experiences each participant will create his personal symbols in the form of wearable and home-centered talismanic pieces, mandalas and amulets in a variety of materials. The facilites of The Long House Craft Studio will be used and participants will be guided in the use of the materials and tools.

NOTE: Enrollment is limited to 24 people. Please wear comfortable clothing appropriate for a woods environment. Friday - bring sleeping bag or blanket. Saturday bring a swim suit, blanket and towel for the sweat ceremony and a covered dish to share Participants are urged to fast that day as is customary for the ritual.

MAHOTEH is a music therapist dedicated to returning music to its place as a vehicle for healing and spiritual growth. He has performed in concerts throughout the U.S. and has conducted workshops in the art of music improvisation for sound health. His private practice, established in 1979, includes chanelling music attunement tapes for individuals.

ROBIN RAINDROP see biography under September 26 listing for CARVING, DREAM SHIELDS AND SYMBOLS TO WEAR.

A DAY FOR DOWSERS
AFTERNOON HANDS-ON WORKSHOP
& TREASURE HUNT (for kids too)
1:30-3:30pm: $5 Including PANEL

Seminar, Hands-on Workshop, Treasure Hunt & Panel

LEROY BULL/DICK & PATRICIA WRIGHT AND DOWSERS PANEL

Saturday October 28, 10am-4:30pm
Lunch available ($5). Please Pre-book.

Dowsing is much more than finding water sources, oil or missing persons. It can also detect lost objects, discover the state of a person's health and uncover earth energy patterns from criss-crossing underground streams, fissures or faults that are believed to be the cause of serious illness in many homes each year. Doctors - and especially veterinarians - are turning increasingly to dowsing to aid diagnosis.

MORNING PRESENTATION.
10-12 am: $5

DICK AND PATRICIA WRIGHT will explain the meaning and many applications of dowsing sensitivities and skills, historically and today. They will show how dowsing has grown out of modern physics and how the training to become a dowser involves balancing all aspects of the brain, defusing personal ego and training oneself to be a channel.

AFTERNOON HANDS-ON WORKSHOP & TREASURE HUNT (for kids too)1:30 3:30pm: $5 including **PANEL SESSION**

The afternoon is for taking the dowsing tools and going outside to use them. LEROY BULL whose explanations of Y and L rods, pendulums, bobbers, aura meters and geiger counters proved so popular at Koinonia's last Dowsing Day, returns to help you 'tune to the whispered secrets of the planet'. He says everyone can be a dowser and practice makes you better. He'll teach you and the children to use the tools and then turn you loose to discover HIDDEN TREASURE concealed in Koinonia's orchards and gardens. (Parents please accompany your children so they will understand the difference between a dowsing and a regular TREASURE HUNT.) As before, the treasure - which will include little staches of money - will all be found...

DOWSERS PANEL will answers questions 3:30-4:30pm (Cost included in Workshop and Treasure Hunt).

Suggested reading: THE DIVINING HAND (paperback) by Christopher Bird.

PYTHAGORAS AND NUMEROLOGY
'A Guide through the Maze of Life'

RUTH MARIA PETERSON

4 Wednesdays, October 24, 31, *November* 7,14,
7:30-9:30pm: Total $36

Pythagoras is commonly known as the Father of Numerology, due partly to the fact that he instituted divination by numbers to replace fortune-telling using the entrails of dead animals - a common practice at the time he lived. Pythagorean numerology is a simple practical method and guide easily adaptable to the English language.

Numbers are recognized as symbols of archetypal forces and/or vibrations corresponding with the planets, the letters of the
alphabet and with sound and color. An introduction will be given into the interpretation of students' Numerology Life Charts, personal cycles and rhythms. Numerology is seen as a way to compute most favorable days and times for making important decisions or planning special events. Compatibility and biorhythm charts will also be considered.



From *Historia Deorum Fatidicorum.*
PYTHAGORAS. THE FIRST PHILOSOPHER.

RUTH PETERSON, a Doctor of Divinity is a former President of the Theosophical Society in Maryland, and has spent the *past 20 years studying, applying and* teaching metaphysics and the esoteric sciences. She lectures continually at colleges, schools, public libraries, hospitals and many other organizations. She is the Pastor of the Universal Life Church which meets every Sunday at Koinonia, 11-12 noon from October 14.

DEEP MUSCLE MASSAGE
Basic Hands-On Course

CARL MERRILL

4 Fridays, October 26, November 2,9,16
7:30-9:30pm: $40

Deep muscle massage is a relaxing deep tissue therapy which does not have to be painful. The masseur works across the body of the muscle so as to vibrate its entire length and break up calcifications. The results are improved circulation, increased healing and vitality for the body and mind. The course - which includes reflexology - will allow plenty of time for students to practice self-massage and to work on other members of the group. Music, meditation and relaxation techniques will be employed to center both masseur and client. 'A masseur must know two things', says Carl: 'how to center yourself and how to put your heart in your hands. The rest is technique.' This course will be of value to all who want to help heal themselves or their family and friends, and also for those currently prac- ticing massage who want to learn a different approach.

CARL MERRILL has been in private practice for nearly 5 years. He trained in Neural Cybernetics with Dr. Jerry Spencer at the Neural Cybernetics Institute in San Francisco and in pressure point massage with Loren Dale. He also studied other massage techniques at the Esalen Institute and with a number of private teachers.

TO USE THE SWIMMING POOL (during lifeguard duty hours only):$2.50 And while you're here - why not explore Koinonia's 45 acres of woods and gardens, swing in a swing, go to sleep in a hammock. Why not?

10% DISCOUNT FOR PRE-REGISTRATION

OCTOBER



LIGHT WORKS

Stress Management for Holistic Care Practitioners

JOIE BOURISSEAU and BEVERLY JOHNSON

Sunday, October 28, 10am-6pm: $50

Increase work effeectiveness while remaining clear and balanced through the use of Universal (Light) Energies. Eliminate the frazzle and tension that can come at the end of the day. Areas to be covered:

+ Universal Principles of Light Consciousness;
+ Opening the Self to higher energies for easier healing of clients;
+ Clearing yourself and your work space;
+ Shielding methods to prevent taking on client's released energies;
+ Techniques for transforming and transmuting released energies.

JOIE BOURISSEAU and BEVERLY JOHNSON see and feel everything as energy. They are practicing Energy Therapists and Crystologists who have multi-faceted backgrounds as teachers, healers, and conference managers. Their combined experience includes leading over 150 workshops since 1973. Their independant studies and training include: tranformational psychology, integrated awareness through higher intuitive facilities, physiospiritual etheric body healing, Reiki, MariEl, Vitaflex, therapeutic touch, projection therapy, absent healing and stress/relaxation therapy through guided imagery, sound, color, light and polarity balancing. Both are dedicated to blending traditional medicine with alternative health modalities, and regularly consult with physicians. Both are ordained Ministers. Through their combined strength and

BLANCO!

On certain summer days
near the equinox
A northern breeze will bring
limpid blue-violet skies
above the emerald ocean.

On such days its waves break
hard white drills
close in to shore, blanco!
Shh.
In the sun it is warm
and the fine sand stills burns hot
Shhhh.

But in the shade, listen.
There is death's first cool whisper
and a not quite full moon
hangs opposite the falling sun
and my limitless nostalgia.

As if aware of our endless spiral
A gull skims the wind in sufi-circles
white wings touching white clouds
in their upward sweep.
Whilst from behind creeps the
cliffs shadow ever closer
I shift 'til the sea and the shadow
overlap my feet.

Three bright white swans
with undulating necks stretched south
fly by so low
that I can catch the sound
of their wings, suddenly.

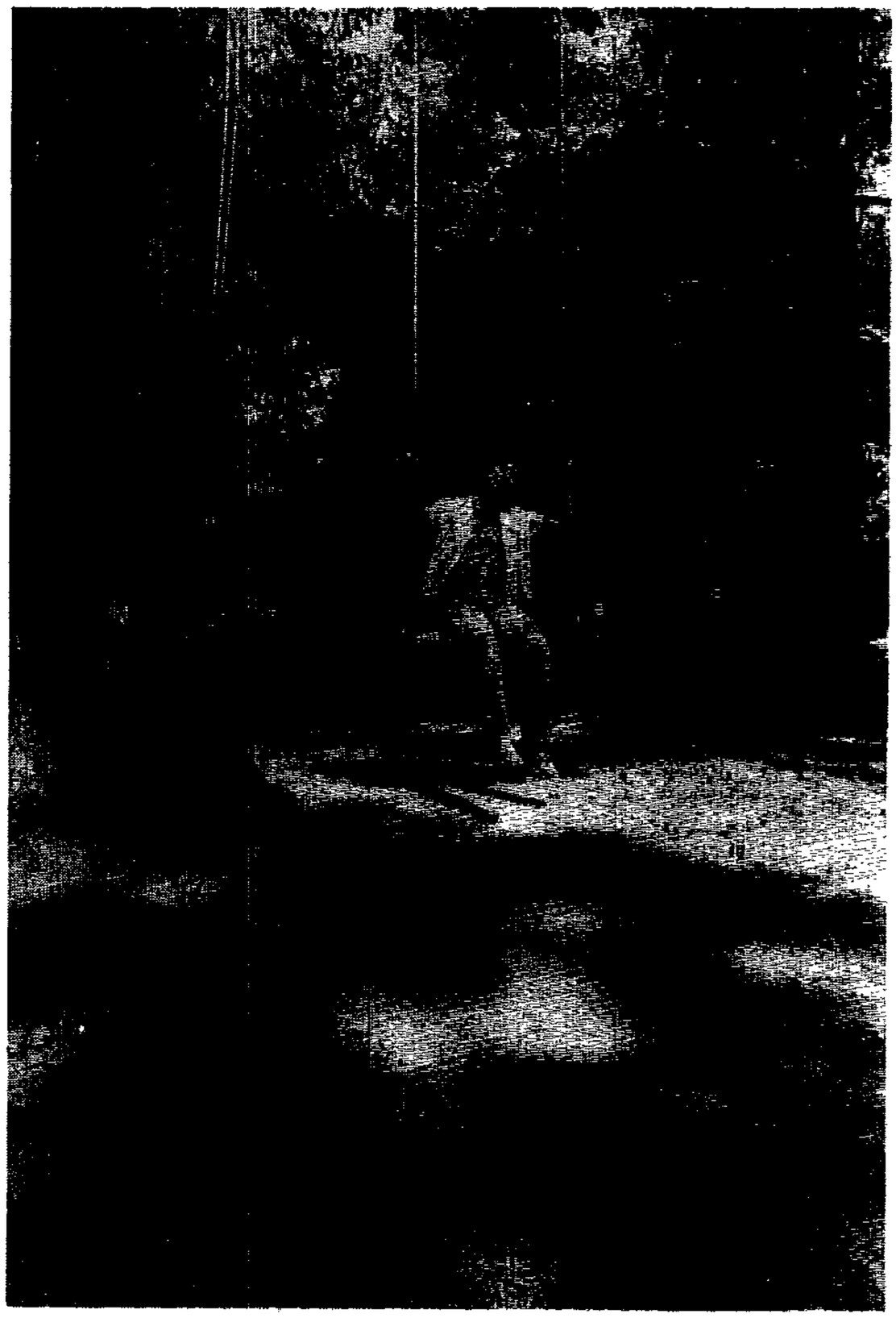
So much beauty o'ercomes me
and I weep
Making an ugly face
in its epicenter
turning my Janus mask this way and that
Agony fuels the searing fleur-de-lys
flame of my discontent.
It's violet arc endlessly consumes
the accumulated dross
of my million lives.

Afar, a single ship
with seven unfurled sails
Heels far o'er
Hung forever upon the event horizon
of my mind
stark alabaster against its dark

Has someone crossed?
I can see no further.
Is someone free?
Blanco!
Shh.

(Joseph Koster)

10% DISCOUNT FOR PRE-REGISTRATION



THE JAR WITH DRY RIM

The mind is an ocean...and so many worlds
are rolling there, mysterious, dimly seen!
And our bodies? Our body is a cup, floating
on the ocean: 'soon it will fill, and sink...

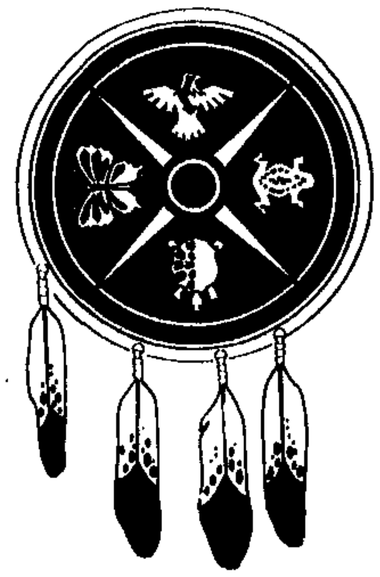
The spirit is so near that you can't see it!
But reach for it...don't be a jar
full of water, whose rim is always dry.
Don't be the rider who gallops all night
and never sees the horse that is beneath him.

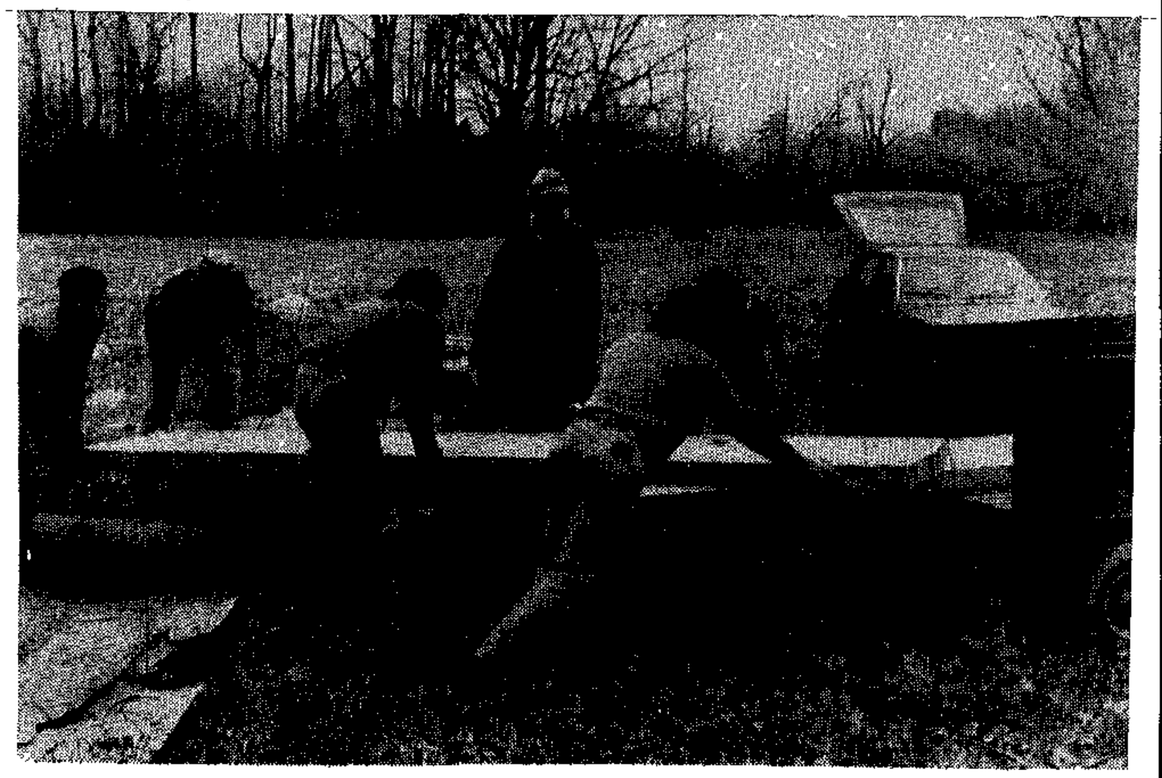
Robert Bly

KOINONIA ENCOUNTERS









SPECIAL EVENTS

WAYS TO LOOK BETTER, FEEL BETTER, BE BETTER

SIGRID DREYFUSS

2 Wednesdays, November 7 & 14
7:30-9:30pm: $18 two sessions
$10 for one.
Please register early. This event fills quickly.

If you have been wishing to demonstrate the wholeness of being, but you didn't know where to begin, this is for you! On these two evenings participants will be guided towards cherishing and increasing good health, creating good looks and practising constructive thinking. Join the Wednesday evening 'Winner's Circle' and become fully alive, suffused with energy, joy and beauty!

SIGRID DREYFUSS is a role model for what she teaches. She is a healing practitioner, media personality, journalist, researcher and serves on the Board of Trustees at Koinonia. She was educated abroad and in the U.S., holds degrees in Psychology and Journalism and is now writing a book.

PSYCHOTRONICS - THE SCIENCE OF THE FUTURE
Brain Tuner Demonstration

HENRY J. NAGORKA
Saturday, November 17,
7:30-9:30pm: $10

Henry Nagorka will describe the concepts and functions of psychotronics and the enormous importance attached to this subject by the major world powers today. He will give a brief history and discuss some of the activities taking place in the U.S., Europe and in the Soviet Union - and the portents for the future. He will also demonstrate experientially the use of a state-of-the-art instrument, the brain tuner.

THE REV. HENRY J. NAGORKA has been three times President of the U.S. Psychotronics Association and is now a Board Member. He has previously served with the Department of State, Diplomatic Service in Turkey, Rumania and Poland, and also with the Voice of America. He is a pastor of the National Spiritual Science Center and Publisher of the Psychic Observer in Washington, D.C.

HATHA YOGA INTENSIVE

For All Levels

JOHN SCHUMACHER

Friday-Sunday November 16-18
Cost: $50 3 days. Single sessions $10 yoga, $5 philosophy
Meditations and slide show free.

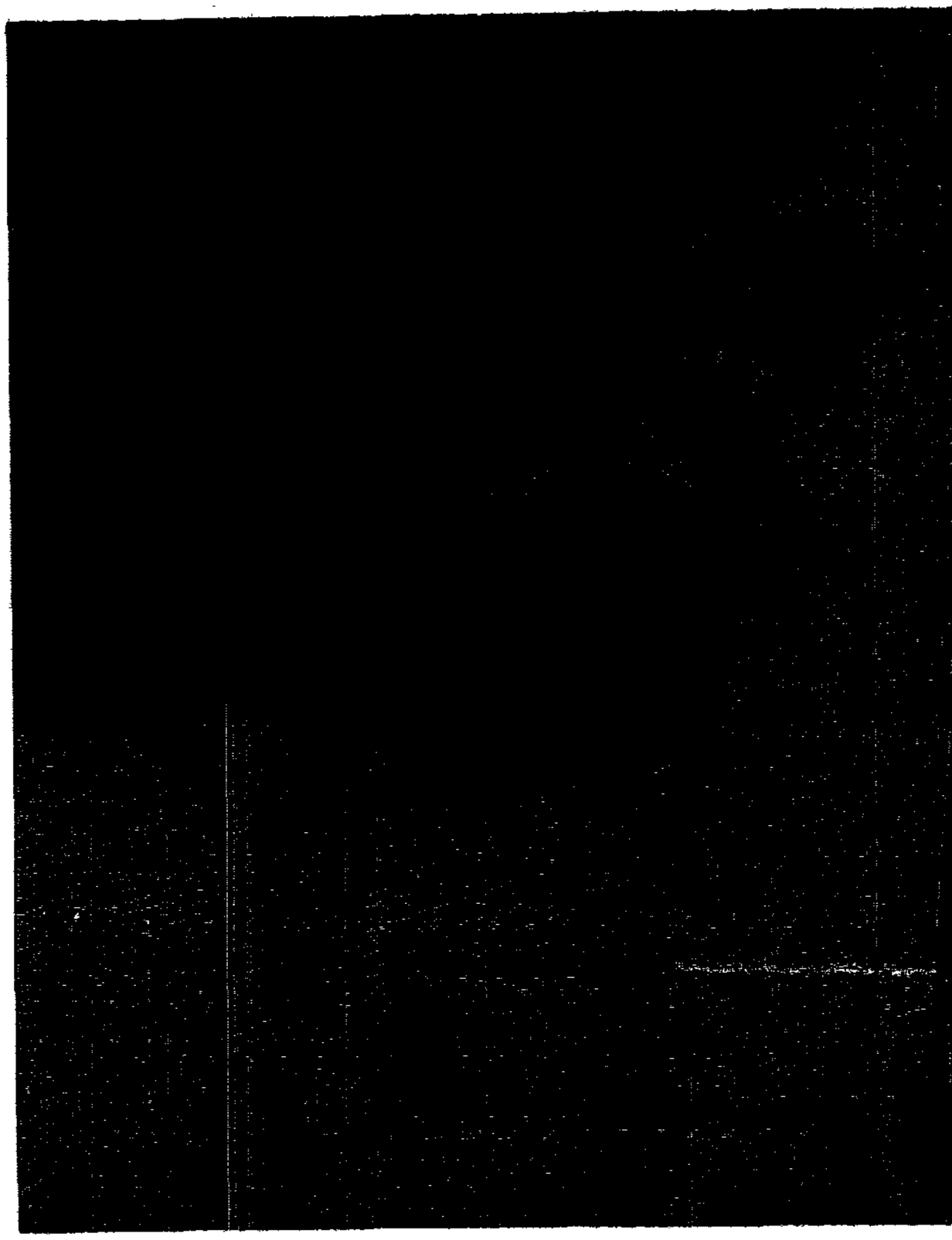
Yoga focuses attention on body awareness, alignment, improving strength and flexibility, releasing stress and tension; and on balance and concentration through physical postures and breathing exercises for control of breath, meditation, and relaxation techniques.

THE SCHEDULE:
Friday: Introductory talk and snacks, 7-9pm.
Saturday: 6-6:30am..Meditation
7-9am.....Yoga Asanas
11-12noon..Philosophy of Yoga
12:30.....Lunch ($5)
3-5pm.....Yoga Asanas
6pm.....Dinner ($5)
7:30pm....Slide show of John's recent study visit with B.K.S. Iyengar in India.
Sunday: Program as for Saturday but ends 5:30pm
NOTE: PLEASE PRE-BOOK OVERNIGHT ACCOMMODATION AND MEALS. CALL (301) 486-6262.

JOHN SCHUMACHER conducts workshops throughout the United States and has been a well-known yoga teacher in the Washington DC area for the last eleven years. He is the Director of Unity Woods Yoga Center in Thurmont, Md. A student of B.K.S. Iyengar (creator of one of the most popular forms of yoga today), John has travelled to India twice to work with him. He is a full member of the International Yoga Teachers' Association, and treasurer and teaching member of the Mid-Atlantic Yoga Association.

10% DISCOUNT FOR PRE-REGISTRATION

RETREAT FOR NEW AGE LEADERS
NETWORK OF LIGHT



Amrit Desai

YOGI AMRIT DESAI
Founder of Kripalu Yoga

Saturday & Sunday November 17-18
Vegetarian meals and overnight accommodation available. (Lunches & dinners $5 each, bed with linens $22, mattress only $10.) Please pre-book: (301) 486-6262

This is a retreat for leaders and representatives of Baltimore-Washington area spiritual and personal growth centers, as well as Network of Light leaders and volunteers. Its purpose is to create a deep experience of unity among the area's New Age leaders. It is coordinated by the Network of Light and those who wish to attend should apply in writing to Network of Light, 4617 Hunt Avenue, Chevy Chase, MD 20815

YOGI AMRIT DESAI, who will lead the retreat, is recognized worldwide as a master teacher who translates Eastern wisdom into terms that address issues and choices in the Western lifestyle.

NOTE: On Friday November 16 at 7pm The Network Of Light invites THE GENERAL PUPBLIC to experience Yogi Desai's special presence at a workshop on Love. Cost: $15. For information about this and other Network of Light programs call (301) 747-1074 (Baltimore area) or (202) 986-1223 (Washington DC area).

THE NETWORK OF LIGHT consists of the Washington area's spiritual and personal growth centers, as well as individuals committed to peace, harmony and social transformation. Its annual Heart to Heart Festival, held each February, is a celebration of the living love that exits when people open their hearts and transcend their differences. The upcoming Festival will be on February 9 and 10 at the Armory Place, Silver Spring, MD.

NOVEMBER

Mainly for Singles

FEELING GOOD ABOUT YOURSELF
A Course in Assertiveness Training

KATHLEEN M. CARTER

4 Thursdays, November 1,8,15,29, 7:30-9:30pm: $45

A course for men and women about self-awareness and self-expression that will help you develop clear, confident and effective ways of communicating with others so as to feel a great deal better about yourself. Questions you will be asked to consider include: How do you like yourself? How do you communicate? Are you comfortable with yourself when in the company of the opposite sex? Do you know how to say 'hello' to someone who interests you? Do you have trouble saying 'no'? Although designed 'mainly for singles' this is a course for all who feel the need to be more assertive. It will include theory and experiential aspects with emphasis on understanding verbal and non-verbal behaviour.

SUBSTANCE-FREE SOCIALIZIING: YES, YOU CAN!
Having Fun Without Drugs or Alcohol

NAOMI DAGEN BLOOM

3 Fridays, November 2,9,16, 7:30-9:30pm: $75
TWO FREE SOCIALIZING SESSIONS WILL FOLLOW THIS SEMINAR
(Times and places planned by participants at Nov 16 session.)

Based on her work with hundreds of women and men who have either stopped using substances (drugs, alcohol) or have always been in control of their use, Naomi has developed a new seminar to bring those people together who have their values clear about taking good care of themselves.

Expect to have a wonderful time over three evenings as you learn:

*Assertiveness techniques for feeling confident about stating what your want socially.
*Three styles of Substance-Free Socializing at home and away
*Why you are on the leading edge of an important movement just beginning in America.

If you wonder where there are people like yourself who know how to get a natural high, join the first seminar offered in Baltimore on Substance-Free Socializing.

NAOMI DAGEN BLOOM MSW, LCSW, is the founder (1972) of The Education Cafeteria. She has a private practice with women and couples and is a licensed certified social worker.

MEN IN TRANSITION
A Men-Only Seminar

RONALD L. BLOOM

Saturday, November 3, 9am-12:30pm (3-1/2 hours): $45
A FREE TAPE WILL BE PRESENTED TO EACH SEMINAR PARTICIPANT

Seven years ago Ron Bloom offered this seminar for the first time It was just what men had been looking for: an opportunity to find out where they fit in a rapidly changing society. Men in Transition is a stimulating seminar for men of all ages and lifestyles (single, married, divorced). Learning concepts will include:

* Two communication techniques for enhancing personal rela tionships.

* Stress-breaking strategies.

* Goal-setting exercises for job satisfaction.

Based on his work with men over the past 15 years, Ron will offer his insights into where we are now, around issues of male identity, fathering, anger, sexuality, comfort in male-female relationships.

RONALD L. BLOOM, Ed.D is Chairman of the Human Ecology Department at Morgan State University where he teaches courses in Marriage and Family and Child Development. He has a private practice in group therapy with men and couples. Ron is also a Clinical Member of the American Association for Marriage and Family Therapy and the Association for Specialists in Group Work.

NOTE: RONALD AND NAOMI BLOOM of the Education Cafeteria in Baltimore are offering 3 seminars this Fall: see also→ Nov 2 ((SUBSTANCE-FREE SOCIALIZING: HAVING FUN WITHOUT DRUGS AND ALCOHOL) and Nov 4 (LEARNING WHAT WORKS FOR COUPLES).



KATHLEEN M. CARTER is a psychotherapist consultant and trainer in private practice in Baltimore, with vast experience in helping others of all ages develop their potential. She has received at least ten awards and honors for her outstanding record, including an official citation from the House of Delegates and the Senate of the State of Maryland.

FOR SINGLES

SENSUALITY & SPIRITUALITY
Empowering in a New Way

PAULINE FISHER

Friday, November 2, 7:30-9pm
Followed by socializing & snacks
Cost: $10 inc. refreshments
PLEASE BRING A NAVAL ORANGE.

This workshop is about slowing down, learning to use your senses to the fullest and, in the process, becoming more aware of, more one with what IS. By allowing your senses to sharpen and develop to the fullest, your enjoyment and participation widens.
There follows a feeling of confirmation of the miracle of the universe. Participants will discover how to empower each of the senses in what may be a very new way. The session will end with discussion about perceptions, feelings and thoughts on how sense expansion relates to daily routines, lovemaking, spirituality. The evening will continue with music, social mingling and the consuming of fresh home-made snacks and beverages.

PAULINE FISHER, BS, MA is a movement, dance and theater specialist who has trained with many of America's finest teachers in these fields. She has taught and performed in universities and other institutions throughout the U.S.

DEEPENING YOUR VOCATION:
A Workshop For People in the Spiritual Ministry

RON AARONS

Friday, November 2, 9:30am-10pm
Saturday, November 3, 9am-5pm
Cost: $100 for two days. Lunches and *dinners $5 each*.
Overnight accommodation $22.
PLEASE REGISTER EARLY: (301)486-6262
Dr. Aarons writes:
'People who feel the call to the spiritual ministry are responding to an urge from within to help others find the Spirit and to live their life from within it. However, ministers can do the work they truly long to do only to the degree that they themselves are connected to the Spirit within **them**.'
'Some in the ministry may feel you have lost some of this experience of God, or have never found it strongly enough to do all that you hunger to do, or do not feel you have succeeded enough in bringing the Divine into your work.'
'This workshop is intended to help you more deeply discover and help you embrace your spirituality in relation to your vocation; to see the unique way that God is urging to be expressed by you. The workshop will explore how patterns established in childhood now hold you too far away from the very passion and inner knowings that you long to express. We will seek a new freeing of the Divine in you, and a clarification and rededication of the true directions of your vocation. This workshop is for those of any spiritual pathway.'

DR. RON AARONS is a psycholigist, vocational counselor, and spiritual helper practicing in Silver Spring, Maryland. He specializes in helping people find their true calling in life.

GESTALT INTENSIVE
Gestalt Theory and Practice
For All Levels

BOB CALDWELL

Saturday, November 3, 10am-6pm: $45
(couples $75)

Gestalt Therapy aims at integrating the personality, at ending mind-body splits, and at fully energizing the person to use his potential fully. It is a dynamic existential approach to group psychotherapy that focuses on the-here-and-now of experience rather than on what happened in the past. In this workshop, participants experience an intensive approach to Gestalt Theory and Practice within an experiential framework where each participant will have the opportunity for individual and group work. This workshop is suitable for both beginners and experienced participants.

Fritz Perls said, 'Nothing exits but the here and now, yet we spend so much of our lives trying to avoid the present, fitfully rehashing the past and rehearsing the future.' We have no choice whether we live in the present or not: all of us do. And in this workshop we shall attempt to become aware and accepting of the feelings and thoughts by which we live in a continuum of present experience

BOB CALDWELL: See his biography under his October 6 Wrokshop: MAKING LOVE STAY.

SUCCESSFUL MARITAL STYLES
Learning What Works for Couples

RONALD AND NAOMI BLOOM

Sunday, November 4, 9am-12:30pm (3-1/2 hours):$65 per couple
A FREE FOLLOW-UP SESSION TO REINFORCE SKILLS LEARNED WILL BE AVAILABLE TO ALL PARTICIPANTS IN THIS SEMINAR.

In this seminar you and your mate will learn what makes certain couples especially compatible. Key relationship concepts will be presented:

* Positive interactions: two communication techniques to enhance everyday living.

L#L* Getting unstuck: discover how old, non-productive behaviors can be given up
L2L* 'Flex' is the word that says what equal relationships are really about.
Plan to spend 3-1/2 hours in a lively learning environment with couples like yourselves who want to know more about successful, marital styles...from Naomi and Ron Bloom who have worked with more than 500 couples over the past 15 years.

RONALD L. BLOOM, Ed.D. is Chairman of the Human Ecology Dept. at Morgan State University where he teaches Marriage and Family & Child Development. He has a private practice in group therapy with couples and men.

NAOMI BLOOM MSW LCSW is the founder (1972) of the Education Cateteria in Baltimore. She has a private practice with couples and women and is a licensed social worker.

****



EATING - THE GREAT AMERICAN PASTIME (G.A.P.)

NEWTON & KATHLEEN BUNCE

Tuesday November 6, 7-9pm:
$5 ($8 for a couple)

How often do you eat? What do you eat? Do you buy prepared food or make it yourself? How fresh and 'real' is it? Participants are asked to quiz themselves on these subjects before coming to the lecture, which will explain a new approach to eating and cooking naturally which is easy, quick, healthful, economic and delicious. Bring your questions and plenty of paper for recipes. Make sure you eat first or you'll be feeling really hungry before the talk is over!

10% DISCOUNT FOR PRE-REGISTRATION

NOVEMBER

TAROT - A SYMBOLIC TOOL FOR CHANGE

LYNNE HERTSGAARD

4 Tuesdays, November 6-27
7:30-9:30pm: $30

The Tarot is a set of 78 pictures, carefully designed by spiritual masters to awaken within each of us the innate knowledge that we are more than our bodies...that we are spiritual beings, each with unique talents and a specific spiritual assignment. Most people view the Tarot as a fortunetelling device instead of seeing it as a powerful, symbolic tool which can transform our understanding of life.
This introductory course covers the 22 cards of the Major Arcana. Participants will learn how to focus awareness and perception, letting the cards speak on a deep, spiritual, subconscious level, offering attunement to the symbolic and archetypal.

LYNNE HERTSGAARD is a member of the National Executive of the Spiritual Frontiers Fellowship and has been involved in parapsychology, healing and counseling for many years. She teaches Tarot, spiritual-psychic development, numerology and reflexology at community colleges. She graduated in Psychology from Towson State University 6 years ago. She conducts a holistic private practice and is now writing a book on Tarot.



HEALING TOUCH & THE CHAKRAS
Energy Balancing Techniques

ARLYN KLINE

4 Thursdays: November 8, 15, 29, December 6, 7:30-9:30pm: $40
One-on-one private consultations available. For appointments call (301) 486-6262.

This ancient technique teaches the body to draw on its own healing resources by balancing its subtle energies. The principles of Healing Touch are based on the existence of the auric field with its chakras or energy centers, a circulation system of electro-physical energies existing inside and outside the body.
Healers' hands channel energy systems into both body and aura, triggering a balancing healing cycle in the patient.

ARLYN KLINE, R.N. is an ordained Minister of Healing from the Healing Light Center in Glendale, California, having graduated there under the Rev. Rosalyn Bruyere. She was certified by U.C.L.A. as a Health Consultant in Integral Nursing, and served as Patient Treatment Coordinator and Therapeutic Touch Practitioner at the Bresler Center Medical Group. She also spent six years as a psychiatric nurse.

10% DISCOUNT FOR PRE-REGISTRATION

CARVING FOR CHRISTMAS, DREAM SHIELDS AND SYMBOLS

One-day Workshop

ROBIN RAINDROP

Saturday, November 10, 10am-5pm: $25
Location: Artists in Residence Studios, The Long House, behind the Carraige House.

See 'course description for Carving, Dream Shields and Symbols to Wear (September Listings). In this Saturday workshop personal symbols (a flower, geometrical shape, animal, bird, mandala, etc.) will be translated into artistic carved or sculpted objects that would make beautiful gifts and would be treasured, to wear or to decorate the home. Students who attended the 6-week course and new students are welcome

ROBIN RAINDROP. See Biography in September course listings.

A Teacher/Parent Workshop

YOGA AND EXPRESSIVE MOVEMENT FOR CHILDREN

WENDY ZEROTH & SARABESS FORSTER

Saturday, November 10, 10am-4pm: $25
Lunch available ($5) if booked

This workshop - for adults only - will offer many ideas for chanelling children's energies with creative exercises based on yoga postures. Included will be centering techniques and concentration exercises for all group situations, exercises for relaxing body and mind in stressful situations and techniques for handling challenging children. The use of games, songs, guided meditations and puppetry will be demonstrated to stimulate children's imagination, create a safe calm atmosphere for learning. Other aspects will be the development of the body through creative movement, the enhancement of positive attitudes and the development of group cooperation through trust and sharing exercies.

NOTE: Wendy and Sarabess will give a 4-week course for PARENTS, TEACHERS AND CHILDREN 4 to 10 on Saturdays Oct 13 - Nov 3. See listing under October 13.

1-Day Workshop

JUNG, STORYTELLING, DREAMS AND THE INNER JOURNEY

RICHARD SCHREDER

Saturday, November 10, 9:30am-4:30pm: $35

The workshop will focus on experiential work to explain the themes and processes that make up Jung's 'individuation', the pattern of each person's psychic growth. The inner story of realizing the 'Self' will be explored in the light of the views of C Jung, Joseph Campbell and James Hillman

Storytelling will be used to access and enact the archetypal images which are the patterns of connection that give meaning to human experience. Wear comfortable clothing.

RICHARD SCHREDER For biography see listing under October 3 Dr. Schreder is giving a 4-week course on Jung from October 3-24 called C.G. JUNG AND THE INNER JOURNEY.

ALIVENESS IS YOUR BIRTHRIGHT
Rebirthing Workshop

JESSICA DIBB

Sunday, November 11, 10am-5pm: $40
Limited Enrollment. Register Early.
Lunch available if pre-booked: $5

In this experiential intensive, participants will be introduced to the healing technique of Rebirthing. They will learn practical and powerful ways of nurturing their connection to their inner self, their creativity, and their capacity to live joyfully in each moment (or, literally, with every breath).
This workshop is for those with a sense of adventure who are deeply dedicated to making life everything it can be. It is for people who no longer wish to feel trapped by relationships, jobs, or ways of living and who seek a transformation that includes physical, social, emotional, intellectual and spiritual growth A loving, dynamic environment will permit each participant to feel safe to let go of limiting patterns of living and embrace a larger perspective of themselves, others and life



JESSICA DIBB is an experienced Rebirther and teacher with an active practice in Baltimore City She began her practice at the Center for Total Health in Solana Beach, California, where she also received her initial training in Rebirthing and Breath Therapy In Baltimore she has continued to update her skills, training with Sondra Ray and other Rebirthers Jessica also has extensive experience in teaching yoga and dance.

CRYSTAL HEALING AND MEDITATION

JOIE BOURISSEAU and BEVERLY JOHNSON

Sunday, November 11, 10am-5:30pm: $45

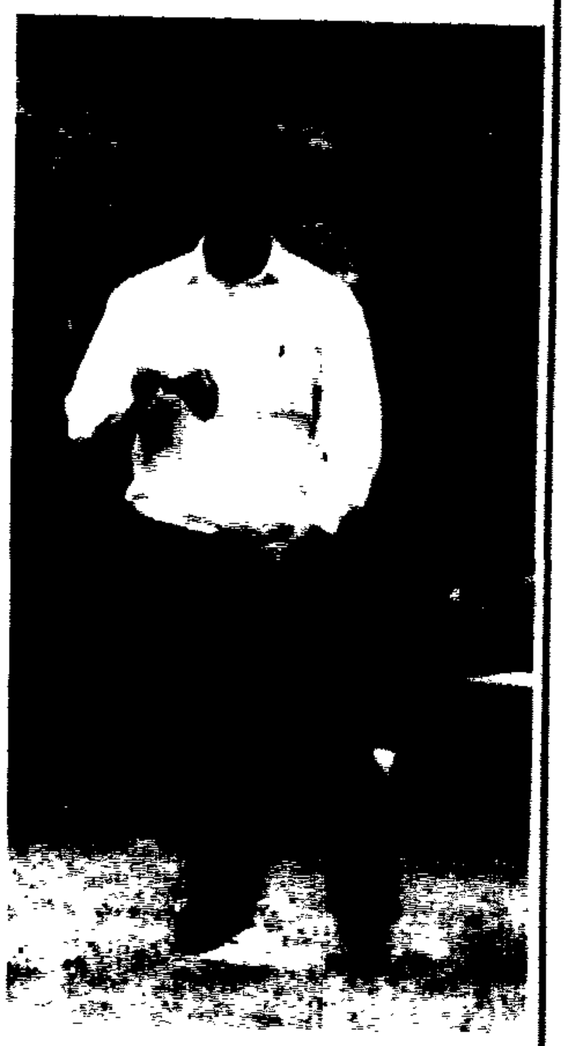
Ancient mystics considered quartz crystals to be solid cosmic light - spirit in matter. Throughout history they have been magical stones of divination & clairvoyance Quartz crystals have been used for attunement to bring about a high quality of mind or spirit, for aura cleansing, for meditation and for spiritual healing

This workshop covers purging and clearing crystals, raising the spirit aura cleansing meditation and self-healing from a point of being centered and with love

All workshops combine lecture, experiential activities and discussion

Crystals will be available for use or purchase

JOIE BOURISSEAU and BEVERLY JOHNSON. See biographies in October listings for LIGHT WORKS (Oct 28)



T'AI CHI: PUSH HANDS (SENSITIZE)

DAN MUFFOLETTO

Sunday November 18, 3-5:45pm: $18

Push Hands is a 2-person exercise to find your center, improve balance increase tactile sensory awareness and relax the mind It teaches how to detect others' thoughts and movements before they become visible through other means. Social responsibility is developed through yielding and gentleness Three one-hand and two double-hand techniques will be practised and the healing aspects of the movements discussed

DAN MUFFOLETTO has studied the martial arts for 16 years with leading teachers from China and America



NOVEMBER

A COURSE IN MIRACLES

FOUNDATION FOR INNER PEACE
Facilitator: Philip H. Collector

Mondays, November 12, 19, 26
December 3, 10, 17 etc.: 7:30-9:30pm

FREE ORIENTATION EVENING, MONDAY NOVEMBER 5 at 8pm

Cost: $25 per session or monthly discount program.
FOR INFORMATION CALL (301) 358-3870

'The course does not aim at teaching the meaning of love, for that is beyond what can be taught. It does aim, however, at removing the blocks to the awareness of love's presence, which is your natural inheritance The opposite of love is fear, but what is all-encompassing can have no opposite. This course can therefore be summed up very simply in this way:

Nothing real can be threatened
Nothing unreal exists

Hearin lies the peace of God.' (Excerpt from Introduction to A Course in Miracles)

PHILIP H. COLLECTOR is well-known Baltimore business consultant who has been working in music and entertainment promotion, real estate and franchising for many years. He studied Werner Erhard's EST programs for 5 years. He completed A Course in Miracles in two years and seeks to apply it daily in his own life.



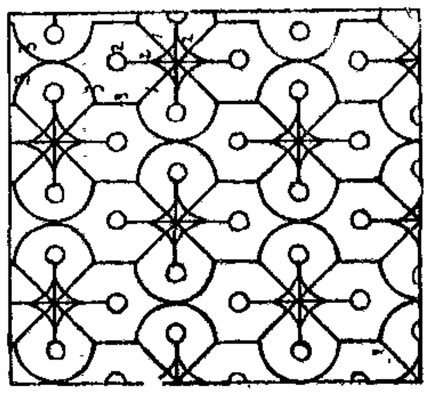
PSYCHOTRONICS - THE SCIENCE OF THE FUTURE
Brain Tuner Demonstration

HENRY J. NAGORKA

Saturday, November 17, 7:30-9:30pm: $10

Henry Nagorka will describe the concepts and functions of psychotronics and the enormous importance attached to this subject by the major world powers today. He will give a brief history and discuss some of the activities taking place in the U.S., Europe and in the Soviet Union - and the portents for the future. He will also demonstrate experientially the use of a state-of-the-art instrument, the brain tuner.

THE REV. HENRY J. NAGORKA has been three times President of the U.S. *Psychotronics Association and is now a* Board Member He has previously served with the Department of State, Diplomatic Service in Turkey, Rumania and Poland, and also with the Voice of America He is a pastor of the National Spiritual Science Center and Publisher of the Psychic Observer in Washington, D.C



COLOR AWARENESS
For Better Health and Happiness

RUTH MARIA PETERSON

4 Wednesdays, November 21,28, December 5,12, 7:30-9:30pm: $36

Sound and color are the same. Sound is the builder or destroyer of form. Life is light, governed by the law of harmonics. In the temples of ancient Egypt color-/sound was used for healing Each room was a different color of the spectrum which became magnetized when the sun shone in on it, enhancing the potency of the color vibrations. The American Indian believed his color-painted body gave him special powers. The illustrious philosopher Pythagorus worked with the healing powers of music and color.

This course will include: Color breathing, visualization and meditation. Color in diet and personal wardrobe. Stone, candle and color power. The principles of color healing.

RUTH MARIA PETERSON, DD. For biographical details see October 7 listing of *her course* THE MANDALA AND COSMO-DYNAMICS or October 24 listing of PYTHAGORAS & NUMEROLOGY.

NERVES, STRESS AND CUTTING THROUGH THE STATIC

Natural Routes to Healthy Living

NEWTON and KATHALEEN BUNCE

4 Mondays, November 19, 26, December 3, 10: 7-9:30pm: Total $40

There is stress and distress. Without stress we would not be challenged and could not learn, develop or evolve. Without distress we would not get sick, or suffer from physical, mental or emotional breakdowns. This course will examine how the nervous system works, how attitudes and belief affect our sense of stress, the difference between stress and distress and the effect of lifestyles on distress. Participants will learn autogenic techniques for relaxing, affirmation, yoga postures, breathing, meditation and the use of music and color. Visualization exercises and guided imagery will be used. The final class will be concerned with strategies for healthy living and dealing with stress, including the use of herbs for nerves.

NEWTON and KATHALEEN BUNCE were both awarded Doctorates in Iridology at Bernadean University, Ca. Kathaleen is also a Doctor of Naturopathy; while Newton holds a Master of Herbology degree and a Fellowship Degree from the Research Council for Botanic Medicine from Emerson College, Montreal, Canada Kathaleen's book: IRIDOLOGY AND HEALTH: A TOTAL APPROACH (New Life) appeared in 1981 Both have been in practice for some years

BETWEEN ROOTS AND TREETOPS
A day of enlightenment - in and outdoors

DR. AGNES MARTINKO

Saturday November 24, 10am-4pm: $25

Koinonia's abundance of trees of many kinds will be used as metaphors for participants' own lives, from the roots (symbolizing values, the past, nourishment) through annual cycles and branching (joys and sorrows) to the treetops (goals, the future and fruition). The workshop will include such awareness activities as meditation, visualization, bio-energetics and sketching. Discussion and sharing is encouraged but never forced.

Wear comfortable clothes. Bring something to lie on (blanket or mat) and writing materials.

DR. AGNES MARTINKO has been a teacher, guidance counselor and administrator *for 25 years and has led groups* for numerous organizations, including the United Nations. Her work will be featured on Spotlight, Lancaster Channel 8, December I. Her audio cassette Relaxation Exercises for Inner Peace is available in Koinonia's gift store.

EAST INDIAN COOKING

Something Different for Friends and Family

ED BAVIS

2 Mondays, November 26 and December 3
7-9pm: $20 both classes, $12 for one.

An introductory course in the selection of ingredients (available locally) and the preparation of succulent Indian main dishes for nutritionally balanced meals. Included will be rice dishes, flat breads (chapatis, etc.), batter-fried vegetables, dahls and the sensitive use of spices and herbs in the Indian way. Some allusion will be made to ancient Vedic views on food selection. Ed has studied Bhakti Yoga for 10 years. Students will enjoy the food together after the cooking.

HATHA YOGA
For all levels and conditions
GEORGE CURNOLES
Thursdays ongoing from September 20, 6:30-8pm:
$30 for six classes or $6 per class.

DEEP MUSCLE MASSAGE
Basic Hands-On-Course
CARL MERRILL
4 Fridays Oct. 26 Nov.2,9,16
7:30-9:30-$40

SILVA METHOD FOR MIND DEVELOPMENT
FRANK INGO
Free Introductory talk 7:30 pm
Sep. 19,26, Oct. 2,16, Nov. 6,13,20

INTRODUCTION TO JUDAISM
For Jews and non-Jews
SIEGFRIED ROWE
4 Tues., Oct. 23,30, Nov. 13,20
7:30-9:30 pm: $35

GETTING FREE OF ALCOHOL AND OTHER DRUG PROBLEMS

DR. CHARLES WHITFIELD

Tuesday, November 27, 7-9pm: $5

In this talk Dr Whitfield will explain how to recognize an actual alcohol or drug problem and how to begin taking action to handle it. These problems are now among the most treatable of all our life's problems,says Dr Whitfield. The most effective recovery procedure includes physical, mental and spiritual aspects. Ample time will be allowed for questions.

DR. CHARLES WHITFIELD is Associate Professor of Medicine and Family Medicine, and Assistant Professor of Psychiatry at the University of Maryland School of Medicine. He began specialty work in drug and alcohol addiction in 1974 and completed a 3-year Career Teacher Fellowship from N.I.A.A./N.I.D.A. He has a private practice called The Resource Group, which *treats people with alcohol and other drug* problems, and their family members.



PSYCHIC CHILDREN
How To Recognize Them and Raise Them

Glenda Ulrich

Friday, November 30, 7:30-9:30 pm: $8

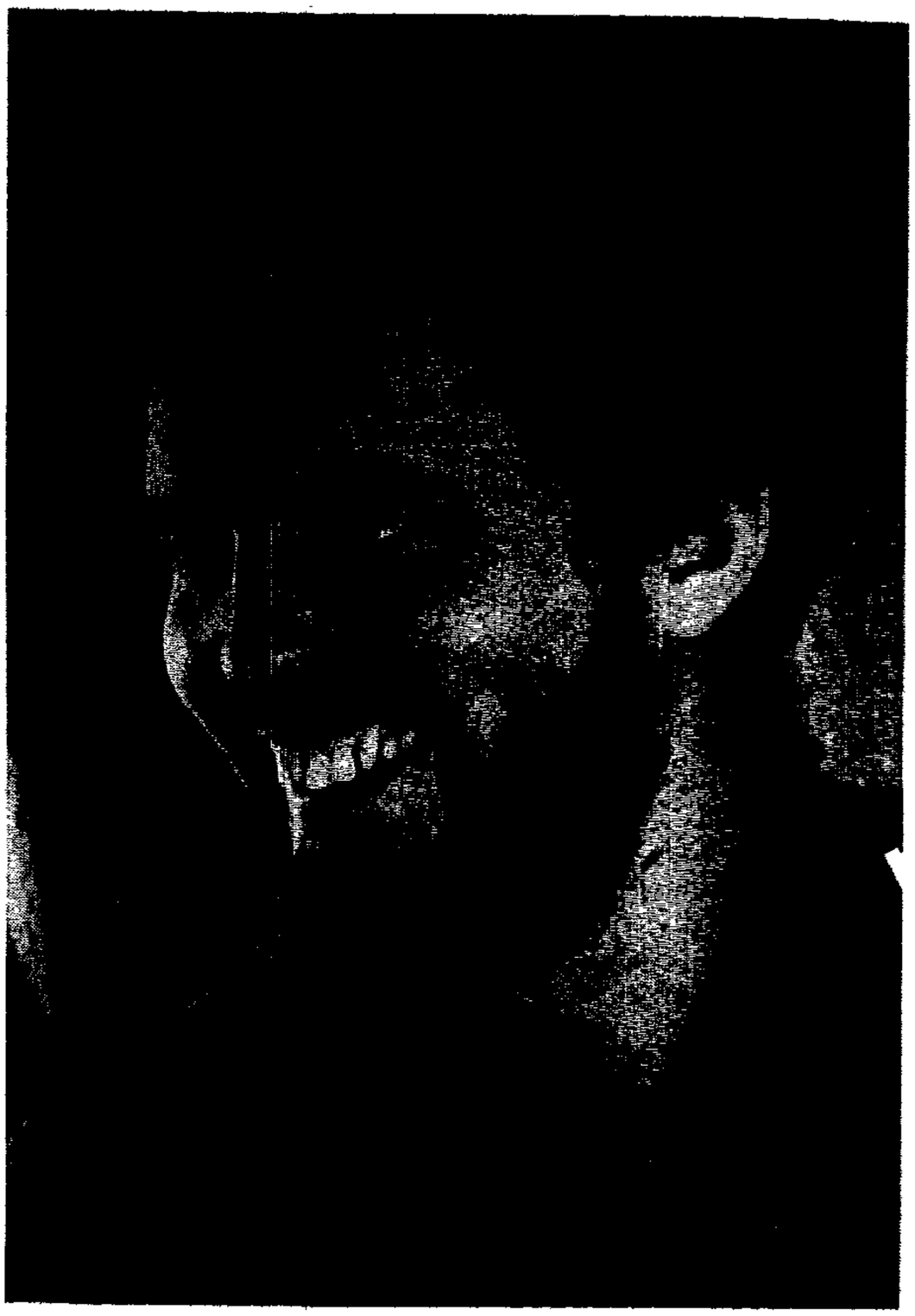
Many children born over the past 15 years have pronounced psychic powers, but for reasons of insecurity, often never mention or discuss their experiences with their parents, peers or teachers. This can cause severe self image problems. If they are able to realize that their powers and experiences are quite natural and can be used positively for themselves, their families and friends, they can become happier, more secure youngsters able to relate more fully to the powers that they possess.

GLENDA ULRICH knew she was 'different' at a very young age. She will relate some of her fascinating life history as a psychic with exceptionally clear vision, some of her many experiences with crime solving, youngsters in trouble and her astral experi-
ences. She has raised four daughters with the same gift and she will give advice on some of the do's and don'ts of raising psychic children.

GLENDA has also run a halfway house for abused and alcohol/drug addicted teenagers. She has worked with the police and has solved a number of crimes. She is co-founder of the At-One Center in Harford County, Maryland. She has done psychic counselling for the past 20 years in Middle River - Essex area of Maryland.

DECEMBER—SPECIAL—EVENTS

SPIRITUAL HEALING AND PSYCHOLOGY



HIMAYAT INAYATI
Head of the Sufi Healing Order
Will Lead a 2-Day Seminar

on

COMBINING THE SPIRITUAL HEALING PRACTICES AND THE PSYCHOLOGICAL METHODS OF THE SUFIS

Saturday & Sunday, December 1 & 2
Each day 9 am - 5 pm
Cost: $65 both days, $35 one day
*** Accommodation and vegetarian meals available.**

SPIRITUAL HEALING is that force which erupts from a pure heart catalyzing a person's psyche and body toward a healing process. The contemplative practices of the Sufis have enhanced the development of several elements vital to both the healing act and the healing process. THE PSYCHOLOGICAL METHODS of the Sufis (which include impression, concentration, dreams and creative reverie) compliment the efficacy of healing.

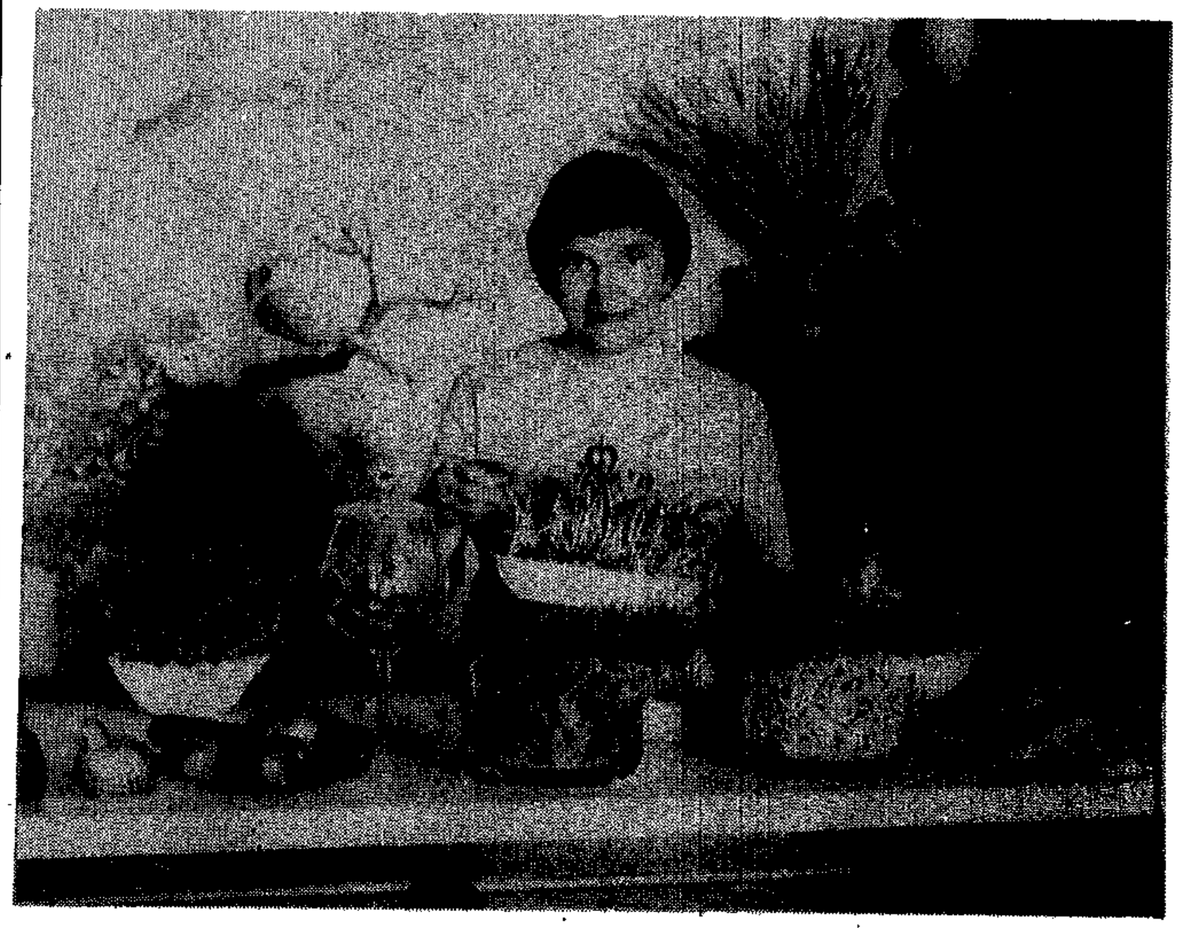
HIMAYAT INAYATI, head of the Sufi Healing Order, under Pir Vilayat Khan, will present a practical hands-on review of both the spiritual healing methods and the psychological methods of the Sufis.

HIMAYAT INAYATI founded and directs two organizations: Light of the Mountains Community and The School of Spiritual Healing. He also guides and coordinates the Sufi Healing Order's activities internationally. Himayat is an honorary consultant to the Institute for Religion and Parapsychology, which was founded and is directed by Hiroshi Motoyama, Ph.D., in Tokyo, Japan. Besides his work in healing, Himayat is a well respected teacher of Sufi mysticism and guides many students in their spiritual life. He has chaired numerous symposia that have either dealt with the confluence of science and spirituality in health care and healing or with the development of a trans-religious perspective on spiritual healing.

*Accommodations: $22 for private bed with linens, etc. $10 for mattress only in dormitory.

*Meals: Delicious vegetarian full-course hot and cold fare: $5 for lunch or dinner. Breakfast $3.

LIVING FOOD FOR A NEW WORLD



ANN WIGMORE

Friday-Sunday December 7-9
Introductory Talk, Friday 7:30pm: $5
2-Day Seminar all day Saturday & Sunday:$50
Meals and sleeping accommodation available. Please Prebook.

FOR FURTHER INFORMATION AND RESERVATIONS: (301) 486-6262

DR. ANN WIGMORE is an international celebrity for her pioneer work in teaching people how to grow and prepare nourishing and cleansing live food in a total health program that includes exercise and a positive mental attitute. She is the founder of the Hippocrates Health Institute in Boston, the author of numerous books and has received many awards, including a Recognition Award for Work in the Field of Youthfulness by the Nobel Prize Foundation.

Dr. Wigmore says she regularly eats nourishing and appetizing foods for as little as 35 cents per day and she will explain how to do this. Other subjects will be the Science of Living Food, Anatomy and Physiology, Indoor Gardening and Composting, Permaculture, Food Combinations, Fasting, Colon Health, Children's Food, Music Sound and Color in Healing, Fitness and Exercise. 'We are now,' says Dr. Wigmore, 'in the process of building a healthy new spiritual world. So we must cleanse and rebuild the body to move more harmoniously into this new world. The challenge of spiritual growth is to teach us maturity and to better appreciate nature's laws. We take a big step in this direction when we begin eating living food.'

10% DISCOUNT FOR PRE-REGISTRATION

DECEMBER

Three Talks on

NUTRITION, DIETS, PILLS, AND MORE

How do we know what to eat?

NEWTON AND KATHALEEN BUNCE

Talk 1: WHAT'S GOOD NUTRITION?
Tuesday October 2, 7-9:30pm: $5 ($8 for a couple)

What's good diet? Do we get everything we need in our daily food? Should we supplement with vitamins, minerals, herbs and if so why? What about special diets: vegetarian, fruitarian, sproutarian, macrobiotics. .which is best? What should we know about food groups? An evening that takes a 'different' approach to nutrition and just might shed some light on a very controversial subject

Talk 2: EATING - THE GREAT AMERICAN PASTIME (G.A.P.)
Tuesday, November 6, 7-9:30pm: $5 ($8 for a couple)

How often do you eat? What do you eat? Do you buy prepared food or make it yourself? How fresh and 'real' is it? Participants are asked to quiz themselves on these subjects before coming to the lecture, which will explain a new approach to eating and cooking naturally which is easy, quick, healthful, economic and delicious. Bring your questions and plenty of paper for recipes. Make sure you eat first or you'll be feeling really hungry before the talk is over!

Talk 3: METABOLISM - RESETTING THE COMPUTER

NEWTON & KATHLEEN BUNCE

Tuesday December 4, 7-9pm
$5 ($8 for a couple)

Metabolism is how we work, how the human organism does what it does to thrive Our bodies are amazing, self-regulating and - for better or worse - adaptive machines. This lecture brings together the previous two on nutrition. It addresses the issue of weight loss or gain and why most diets don't work, and provides an insight into our bodies and their impressive mechanics and potential. Of particular interest to those with weight concerns

---

INTRODUCTION TO T'AI CHI
4-Week courses, each $40. Dates as follows:
September 4-25
October 2-23
November 6-27
3-Week course $30:
December 4-18

****

COLOR AWARENESS
RUTH MARIA PETERSON
4 Weds. Nov. 21,28, Dec. 5,12. 7:30-9:30: $36.

****

CHANNELING THOSE FROM OTHER DIMENSIONS
Millenium Group meets
Every Other Wednesday, September 12, 26, October 10,24, November 7, 21, December 5, 19.
HELEN WASHBURN, JOIE BOURISSEAU, BEVERLY JOHNSON
7:30pm. Reservations Necessary. Limited to 40 persons.
$10 channeling. $5 for 6pm dinner (pre-book).

LIVING FOOD FOR A NEW WORLD

ANN WIGMORE

Friday-Sunday December 7-9
Introductory Talk, Friday 7:30pm: $5
2-Day Seminar all day Saturday & Sunday:$50
Meals and sleeping accommodation available. Please Prebook.

FOR FURTHER INFORMATION AND RESERVATIONS: (301) 486-6262

DR. ANN WIGMORE is an international celebrity for her pioneer work in teaching people how to grow and prepare nourishing and cleansing live food in a total health program that includes exercise and a positive mental attitute. She is the founder of the Hippocrates Health Institute in Boston, the author of numerous books and has received many awards, including a Recognition Award for Work in the Field of Youthfulness by the Nobel Prize Foundation

---

INTRODUCTION TO T'AI CHI SWORD

DAN MUFFOLETTO

Sunday December 2, 1-3pm: $16

T'ai Chi Sword teaches how to project one's energy (chi) through an object. It is useful for cutting through illusion! The class will learn the first section of the T'ai Chi Sword form and also the body dynamics involved in projecting chi. The slow movements aid circulation, stretch tendons and ligaments and relax the mind.

DAN MUFFOLETTO has studied the marital arts for 16 years with leading teachers from China and the U.S.

A NIGHT OF STORYTELLING AND DANCE
To Celebrate the Winter Solstice
MELISS BUNCE RUTH RAZIEL

Friday December 21, 7-9pm: $5
Children under 12: $3
PLEASE BRING A CANDLE
Hot punch and snacks available.

The Winter Solstice has always been celebrated as a time of rebirth or renewal, when, after the longest night of the year, the sun begins again to wax stronger. The new cycle of growth is awaited with anticipation, for all living things, including ourselves. It is a time to pause and reflect upon the changes about to occur in our lives, a time of joyful celebration, a time to share with friends and family, to renew old ties and kindle new affections. This year we celebrate Solstice with spiritual storytelling, dance and music and the ritual lighting of candles.

MELISS BUNCE is a professional storyteller and artist, whose tales, drawn from many cultures, glow with wisdom, humor and magic. They inspire, provide insights and teach. Meliss creates stories with delicate movements, vivid characterization and an arresting voice. She is a member of the National Association for the Preservation and Perpetuation of Storytelling, the Washington Area Storytellers, and has performed and given workshops at festivals, museums and schools. The Baltimore Storytellers, which she founded, meets at Koinonia monthly.

RUTH RAZIEL, Program Director at Koinonia, will lead circle dances and songs that joyfully express the ever-renewed cycles of growth and change. The steps, the words and the melodies will be very simple, so that everyone may join in.

CONFIDENT PUBLIC SPEAKING

HARRIET LYNN

Sunday, December 2,1-5pm: $25
Lunch available if pre-booked ($5)

The ability to express yourself effectively is essential in dealing with personal and career situations. This workshop brings together the necessary elements of how to prepare and confidently present yourself when speaking to a group. Ways of dealing with negative stress will also be explored. Valuable yet practical methods will be learned that can be directly applied to everyday situations.

HARRIET LYNN is a communications and stress management consultant with extensive professional experience in the mass media and performing arts. She has worked with governmental, corporate, industrial, health, educational, arts and public service institutions. Her innovative approach has helped many individuals in her workshops and seminars.

EAST INDIAN GOURMET COOKING
Something Different for Friends and Family
ED BAVIS
2 mondays, November 26 and December 3
7-9pm: $20 both classes, $12 for one.

****

NERVES, STRESS AND CUTTING THROUGH THE STATIC
Natural Routes to Healthy Living
NEWTON and KATHALEEN BUNCE
4 Mondays, November 19, 26, December 3, 10: 7-9:30pm: $40



10% DISCOUNT FOR PRE-REGISTRATION

Hello Health
BALTIMORE'S NEWEST HAPPENINGS!

Theraputic Bodywork
Healing Meditaiton

Alexander Technique

Additions:
Afro-Cuban Rythmn
Health Maintenance in a Nut Shell

Remains Unchanged:
Cooking
Vegetarian
Weight Management
Macrobiotic
Nutritional Guidance

Do-In
Positively Moving
Tap
Jazz
P.M.S.
Fitaerobics
Yoga

Wu Shu
Relaxercise
Shiatsu
Reiki
Mari Ei
Reflexology

CALL 528-9070
1300 St. Paul St.

(301) 235-9194

OK NATURAL FOOD STORE & CAFE

11 W. PRESTON STREET
BALTIMORE, MD.

837-3911

Harriet Lynn

COMMUNICATIONS · STRESS MANAGEMENT CONSULTANT

-T'AI CHI-

3501 ST. PAUL ST #811
BALTIMORE, MARYLAND 21218

Discover Better Health thru the Amazing Magic of Nature's Herbs

WEIGHT CONTROL
Lose-Maintain-Gain
Fully Guaranteed

We Have Herbal, Nutritional Products For:

- Balanced, daily nutrition
- Extra energy
- Cleans cardiovascular system
- Cleans digestive system
- Premature aging
- Herbal vitamins for children
- Feminine cycle
- Herbal skin care

P.M.A. CONSULTANTS

Positive Mental Attitudes

922-3035

STAR CENTER
ASSOCIATED HEALING ARTS, INC.
SUITE 318 • RUXTON TOWERS • TOWSON, MD.

CENTERING THROUGH GEOMETRICAL MANDALAS

COLOR AWARENESS FOR PERSONAL AND ENVIRONMENTAL WELL-BEING

NON-DENOMINATIONAL PASTORAL COUNSELING
METAPHYSICAL COUNSELING

NUMEROLOGY

NUTRITIONAL PRODUCTS IN HARMONY WITH NATURE

PAST LIFE THERAPY
NON-HYPNOTIC METHOD OF RESOLUTION INVOLVING PHYSICAL, EMOTIONAL, MENTAL, SPIRITUAL AND SOUL CONSCIOUSNESS
CERTIFIED PAST LIFE THERAPISTS

PRE-BIRTHING (MATERNITY ONLY)

REBIRTHING

THERAPEUTIC TOUCH:
ENERGY BALANCING & CHAKRA BALANCING

(301) 321-0777

CALL FOR FREE BROCHURE

WORKSHOP - PAST LIFE THERAPY
A NON-HYPNOTIC METHOD
with MORRIS NETHERTON, Ph.D.

Morris Netherton is a Los Angeles based psychologist and author of "Past Lives Therapy" (Ace paperbacks, 1978). He is internationally known for his resolutional method of past life therapy without hypnosis.

For the first time in the Baltimore/ Washington area A.A.P.L.E. (The Association For The Alignment Of Past Life Experience) and Star Center Associated Healing Arts will present a five day intensive training workshop in this method of Past Life Therapy.

Dr. Netherton will be dealing with feelings, reactions, fears, phobias and unwanted patterns of behavior. Through this method we retrieve the physical, emotional, mental and spiritually relevant experiences of past lives which have been left unresolved. In this same manner we access relevant prenatal cues and early childhood decisions which have become edict in the "here and now".

Individuals who are interested in becoming past life therapists or simply experiencing the dynamics of this process, please contact

Jacqueline Wurzel
(301) 321-0777
Ruxton Towers
8415 Bellona Lane
Towson, Maryland 21204

DATES: Thursday, November 8 thru Monday, November 12.

PLACE: Hilton Hotel, Pikesville, Maryland

FEE: If paid in full
- Before Sept. 30, $550.
- Before Oct. 20, $600.
- After Oct. 20, $650.

RESERVATIONS: A deposit of $100 will assure your reservation. All deposits will be applied to registration fee. Fees and deposits must be in cash, certified bank check, or money order and made payable to:

Star Center
Associated Healing Arts., Inc.

EAST WEST MACROBIOTIC FOUNDATION

604 East Joppa Road Towson, Md 21204
(301) 321-4474

Call for Macrobiotic Information Lecture Schedule also Dietary Counseling

CONTINUING MACROBIOTIC DINNER/LECTURE SERIES WITH MURRAY SNYDER, AND ASSOC. COOKING TEACHER EDUARDO GIMENEZ
EAST WEST Macrobiotic Foundation, Towson, MD. 21204
301-321-4474

Psychic Consultations

Stephen & Tasha Halpert

Private Readings • Healing Retreats • Weekly Classes

703-620-4489
by appointment

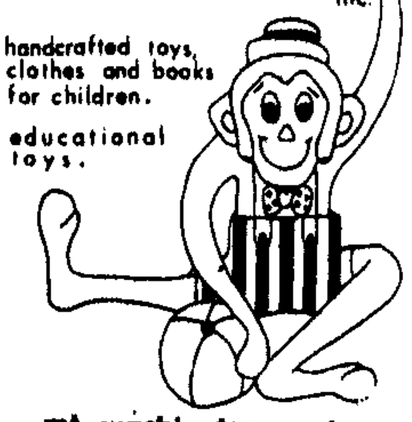
Since 1977 Stephen and Tasha have shared their psychic gifts with groups and individuals, helping to provide solutions for every day problems and anxieties.

---

the creative zoo inc.

handcrafted toys, clothes and books for children.

educational toys.



mt. washington center
1501 sulgrave ave.
balto. md. 21209.
phone: 664-4277.

HARVESTIN'
NATURAL FOODS

Free Recipes!

- Bulk Grains, Beans, Nuts, Seeds
- Packaged Foods
- Naturally Dried Fruit
- Juices
- Cheeses cut to order
- Soy Products
- Snacks & Baked Goods
- Sandwiches
- Magazines
- Herbs
- Supplements
- Kitchenware
- Body Care Items
- Teas
- Frozen Foods
- Oriental Goods
- Macrobiotic Items
- Books

12 Locust Mall, Downtown, Westminster 876-3585

FREE PARKING

AVANTE GARDE BOOKSTORE & STUDY CENTER

Presents

ALAN OKEN

OCTOBER
Thursday-25th
"YOU AND THE DIVINITY ARE EVOLVING ENTITIES"

Friday-26th
"THE CHALLENGE OF TRANSFORMATION"

Saturday-27th
"The Natal Horoscope- Its Negative and Positive Dynamics"

JEFF JAWER

NOVEMBER
Friday-16th
"The Moon & Mercury- symbols of the conscious & unconscious"

Saturday-17th
"The Outer Planets- personel & collective evolution"

CALL (301) 321-9389
For Free Brochure & Information
26 W. Susquehanna Ave.
Towson, MD 21204

"Baltimore's Natural Oasis"

- Dine in The New Vegetarian Restaurant
- Browse Thru Our Natural Grocery
- Relax and Work Out In The Fitness Studio
  Yoga, Aerobics, Movement, Meditation & More
- Self Explore with over 20 Classes in
  Health and Personal Growth
- Meet Our Friendly Staff of Practitioners
  For Massage, Nutrition, Herbology, Polarity & More

The Golden Temple

235-1014
MON-SAT

"Baltimore's Best" · Evening Magazine

NATURAL FOODS GROCER AND CAFE
2322 N. CHARLES STREET

Therapeutic Massage *Hydrotherapy*
Rebirthing

Carl S. Merrill
Deep Muscle Therapist

21512 West Liberty Road
Parkton, Maryland 21120
(301) 343-0023

GREEN EARTH

WATCH FOR GRAND REOPENING

SOON!

BIGGER AND BETTER THAN EVER

COMING

GIGANTIC CELEBRATION SALE

HUGE SAVINGS ON NEW EXPANDED INVENTORY

GRAINS/ORGANIC PRODUCE

823 N. CHARLES ST. 752-1705

Life Science Fellowship's

Pain Control Center

NO DRUGS **NO MEDICINES**

Learn Techniques to Eliminate Pain

Arthritis • Dental • Back Pains • Headaches - Migraines • Menstrual PMS
Natural Birth • Phantom Limbs • Cancer • Mastectomy

Limited Number of Clients Accepted
Call Today for Information - (301) 495-2710

Life Sciences Fellowship
10104 Lorain Ave., Silver Spring, MD 20901

Life Science Fellowship's

Weight Control Center

No Drugs **No Medicines**

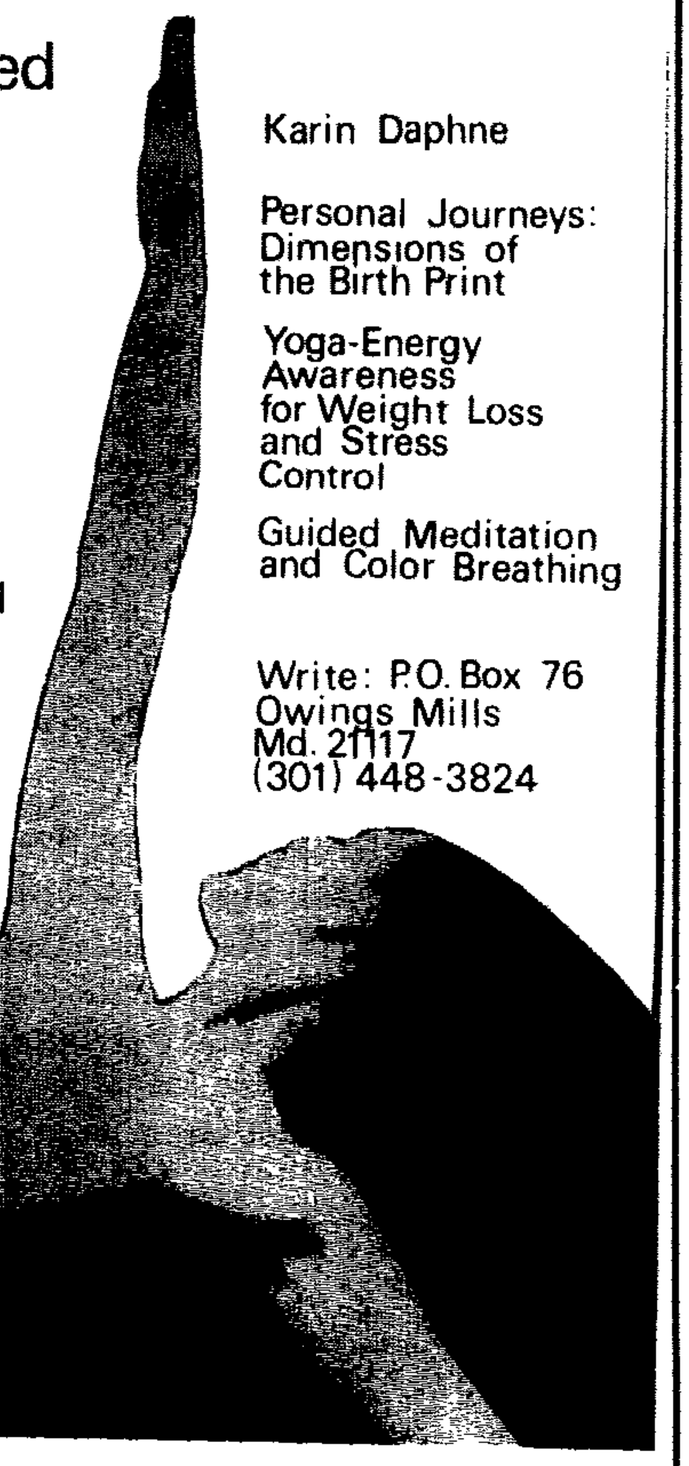
- Achieve and maintain your ideal body weight and body tone.
- Learn techniques to eliminate unwanted body fat.

For Additional Information:
Life Sciences Fellowship
10104 Lorain Ave., Silver Spring, MD 20901
495-2710

Being Centered

Most people do not understand the concept and spend a lot of time and energy pretending to be centered. Being centered requires knowing who you are. There is a need to understand the natural cycles that spontaneously direct your responses. Perhaps I can guide you.

Astrologer
Certified
New Reality
Instructor



Karin Daphne

Personal Journeys:
Dimensions of
the Birth Print

Yoga-Energy
Awareness
for Weight Loss
and Stress
Control

Guided Meditation
and Color Breathing

Write: P.O. Box 76
Owings Mills
Md. 21117
(301) 448-3824

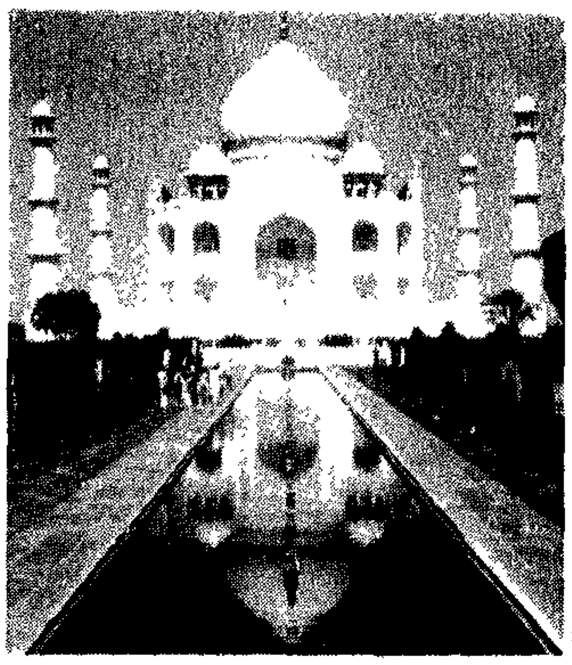
9to5, BALTIMORE WORKING WOMEN

Rights and Respect for Women Office Workers!

Together We Can Win Changes!

837-3830

The more we can do to use and build our power on the job, the happier and healthier we will be!
If you are concerned about conditions in the workplace, pay, promotions, automation or child care, call us!



'DISCOVER INDIA"
STUDY TOUR
See
Delhi, Agra,
Khajuraho, Varanasi,
Madras, Bombay.
Departure Jan. 3, 1985
for 2 weeks.Cost$2,199
Air India round trip
including hotels,
transportation and
sightseeing programs
Limited space
Contact JeffreyTimm
301-486-7000/686-0448
Villa Julia College,
Stevenson, Md. 21153

REBIRTH THERAPY
COURSE of MIRACLES
SPIRITUAL COUNSELING

Alice Matthews
P.O. Box 735
Aberdeen, MD 21001
(301) 575-7086

(301) 321-9555

Joel L. Sereboff, Ph.D.

Individual, Group, Marriage Therapy

CLINICAL MEMBER/
APPROVED SUPERVISOR
AMERICAN ASSOCIATION FOR
MARRIAGE AND FAMILY THERAPY

204 E. JOPPA ROAD
PENTHOUSE 10
TOWSON, MD 21204

MRS. ERNESTINE C. MITCHNER IA
WORKSHOP LEADER
SPIRITUAL COUNSELING BY APPOINTMENT

THE HOME OF OMNI
3617 HOWARD PARK AVENUE
BALTIMORE, MARYLAND 21207
(301) 664-1359

MEDITATION & DISCUSSION TUESDAY NIGHTS
PRANIC & REIKI HEALING THURSDAY NIGHTS

Nancy Coulter, B.S.N.
Conscious Breathing Specialist

Rebirth Training • Home Birth Assistance

5620 Mirrorlight Place
Columbia, Maryland 21045
(301) 730-1046

Andre Papantonio, M.A.

COUNSELING and PSYCHOTHERAPY

Janus Associates, Inc.
THE ROTUNDA
711 WEST 40th STREET SUITE 207 BALTIMORE, MD 21211
(301) 889-7333

HOME: 337-9050 OFFICE: 728-0166

TAFFY GRISWOLD, L.C.S.W.
INDIVIDUAL, COUPLE, FAMILY & GROUP COUNSELING
HYPNOSIS AND IMAGEING
FOR EMOTIONAL, PHYSICAL, SPIRITUAL & RELATIONSHIP PROBLEMS

1123 North Eutaw Street
Suite 625
Baltimore, Md. 21201

Insurance Coverage

Have you missed belonging in a church community.....

WAVERLY PRESBYTERIAN CHURCH

worship - 11 a.m. Sunday

Old York Road at 34th St.
Baltimore 21218

Rev. Judith E. Michaels, Pastor

301-243-8097

The relationship with one's self is forever. Have you made the commitment to know and love yourself fully?

Joyce Malkin, A.C.S.W., L.C.S.W.
Psychotherapy
Individuals, Groups
Couples, Families

Hours by Appointment **(202) 337-1768**

Past-Life Regression
Tarot Counseling
Yoga

AQUARIUS RISING, INC.
A Non Profit Organization

Astrological Counseling
Psychic Healing

11123 Reisterstown Road
Owings Mills, MD 301-356-2580

introducing

"NEW REALITY COUNSELING"

Rational * Esoteric * Aquarian * Life
Information * Transforming * You

VITAL INFO YOU NEED TO KNOW FOR THIS NEW AGE

THE CATES CENTER

- Homoeopathy
- Hypnosis
- Clinical Ecology
- Orthomolecular Medicine
- Psychiatry

Call or Write for Brochure

Wm. J. Cates, M.D.
17515 Redland Rd.
Derwood, MD 20855
301-921-0350

PAST LIFE REGRESSION

Those uncontrolled fears and desires may be explained by a Past Life Regression.

Know Yourself!
Master Yourself.

join the Life Science Fellowship.

Call Today! 495-2710
10104 Lorain Ave.,
Silver Spring, MD 20901

Dream Shields

Personal Symbols in metals and wood.

Robin Raindrop
653-1595
KOINONIA FOUNDATION in the Quanset Craftshop

by appointment

JUDITH WOLF

MASSAGE THERAPIST

a wholistic approach 363-4776

THE WORK OF WILHELM REICH: ORGONOMY

A weekend conference under the auspices of The American College of Orgonomy

The entire range of Wilhelm Reich's work will be presented, in ten lectures by orgone therapists and scholars. Subjects include: The Development of Orgonomy and Orgone Therapy, The Discovery of Orgone Energy, Orgonomic Biology, Physics, and Medicine, Orgonomic Child Rearing, and Orgonomy, Art, and Literature. There will be two hours of discussions with the speakers, in small groups, and a concluding panel discussion.

Early registration is advised, since attendance will be limited.

November 10-11, 1984
Crystal City Hyatt Regency Hotel
Arlington, Virginia
Admission: $170 (Full time students $90)

For brochure and registration form:
A.C.O. Conference, Dept. K.
P.O. Box 565
Ansonia Station
New York, N.Y. 10023

QUALITY OF LIFE THROUGH BALANCE

ORIENTAL MASSAGE THERAPY

SHIATSU ANMA

KERN ROSE has practiced since the early 60's the art of bodywork and massage therapies. He recently moved his practice to this area and now has offices on the 3800 block CONN Ave. For information, brochure or appointment, please call and leave message 366-6230

STAR CENTER
ASSOCIATED HEALING ARTS, INC.
SUITE 318 • RUXTON TOWERS • TOWSON, MD

CENTERING THROUGH GEOMETRICAL MANDALAS

COLOR AWARENESS FOR PERSONAL AND ENVIRONMENTAL WELL BEING

NON DENOMINATIONAL PASTORAL COUNSELING METAPHYSICAL COUNSELING

NUMEROLOGY

NUTRITIONAL PRODUCTS IN HARMONY WITH NATURE

PAST LIFE THERAPY NON HYPNOTIC METHOD OF RESOLUTION INVOLVING PHYSICAL, EMOTIONAL, MENTAL SPIRITUAL AND SOUL CONSCIOUSNESS CERTIFIED PAST LIFE THERAPISTS

PRE BIRTHING (MATERNITY ONLY)

REBIRTHING

THERAPEUTIC TOUCH ENERGY BALANCING & CHAKRA BALANCING

(301) 321-0777

CALL FOR FREE BROCHURE

WORKSHOP - PAST LIFE THERAPY A NON-HYPNOTIC METHOD with MORRIS NETHERTON, Ph.D.

Morris Netherton is a Los Angeles based psychologist and author of "Past Lives Therapy" (Ace paperbacks, 1978). He is internationally known for his resolutional method of past life therapy without hypnosis.

For the first time in the Baltimore/ Washington area A.A.P.L.E. (The Association For The Alignment Of Past Life Experience) and Star Center Associated Healing Arts will present a five day intensive training workshop in this method of Past Life Therapy.

Dr Netherton will be dealing with feelings, reactions, fears, phobias and unwanted patterns of behavior. Through this method we retrieve the physical, emotional, mental and spiritually relevant experiences of past lives which have been left unresolved In this same manner we access relevant prenatal cues and early childhood decisions which have become edict in the "here and now"

Individuals who are interested in becoming past life therapists or simply experiencing the dynamics of this process, please contact:

Jacqueline Wurzel
(301) 321-0777
Ruxton Towers
8415 Bellona Lane
Towson, Maryland 21204

DATES. Thursday, November 8 thru Monday, November 12.

PLACE: Hilton Hotel, Pikesville, Maryland

FEE: If paid in full
- Before Sept. 30, $550.
- Before Oct. 20, $600.
- After Oct. 20, $650.

RESERVATIONS: A deposit of $100 will assure your reservation. All deposits will be applied to registration fee Fees and deposits must be in cash, certified bank check, or money order and made payable to:

Star Center
Associated Healing Arts , Inc

AT LAST!

A Low Cost Alternative For

Non Profit Corporations

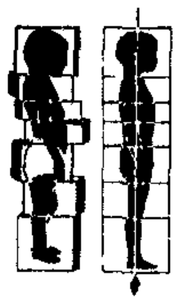
Bring your publication needs to qualified professionals. Reasonable prices, quick turnaround.

A Think Tank
Serving Non Profit Services,
or Service Oriented Individuals.
We Offer the Following Services:
- *Company/Organizational Logotype*
- *Newspaper Design/Production*
- *Programs*
- *Newsletters*
- *Annual Reports*
- *Photography*
- *Writing/Editing*
- *Public Relations*
- *Special Projects*

We Have Some of the Top People in the Communications Field on Tap.

CALL 301—366-6464

ROLFING



ROLFING AFFECTS THE WAY YOU LOOK

Establishes: Left/Right **Symmetry**
Front/Back **Communication**
Upper/Lower Body **Integration**
Inner/Outer **Harmony**

ROLFING AFFECTS THE WAY YOU MOVE

Manipulation: A specifically designed series of sessions that promotes **orderly change** throughout the structure.

& Education: A means of exploring **new options** for the use of your body.

ROLFING AFFECTS THE WAY YOU FEEL

Freedom, Ease, and a sense of **Wholeness** are characteristic of a **well-balanced** body.

G. Cosper Scafidi
Certified Rolfer

Baltimore - (301) 337-7911

D.C. Area - (703) 998-0474

Call for more information!

Free Demonstrations

See DC Growth for more details

The **Rolfing** technique developed by Ida P. Rolf, Ph.D., is a system for integrating the human physical structure. It is a form of deep, connective tissue (fascia) manipulation and education and is based on the fact that the body is *plastic*, changeable. This quality of plasticity enables the human body to be anatomically ordered, thus lenghtened and centered along its vertical axis.

In a carefully developed sequence of ten sessions, the **Rolfer** reverses randomizing influences from the environment, moving tissue toward symetry and balance that is called for so clearly by the architecture of the body.

The process of **Rolfing** takes place in a series of ten sessions lasting about an hour each. Sessions are spaced in response to individual needs.

Non Profit Corporations

Bring your publication needs to *qualified professionals.* Reasonable prices, quick turnaround.

A Think Tank
Serving Non Profit Services,
or Service Oriented Individuals.
We Offer the Following Services:

- *Company/Organizational Logotype*
- *Newspaper Design/Production*
- *Programs*
- *Newsletters*
- *Annual Reports*
- *Photography*
- *Writing/Editing*
- *Public Relations*
- *Special Projects*

We Have Some of the Top People in the Communications Field on Tap.

CALL 301—366-6464



The Area's Leading and Foremost Psychic
...Tarot Card Reader and Advisor

Timonium and Towson Area

for Appointment call 561-5119

HOME PHYSICAL THERAPY

WILLIAM E. AMOS
LICENSED PHYSICAL THERAPIST

(301) 233-2892

2621 FREDERICK AVE.
BALTIMORE, MD 21223

Tenth year in practicing medicine for the whole family.

Specializing in Homeopathic Medicine.

David G. Wember, M.D.

400 N. Washington St.
Falls Church, VA. 22046
(703) 237-9393

Open House: Last Wednesday of every month.
We are happy to answer your questions.

Erica Lazaro, B.Ac., R.Ac
Alice Camara, R.N., M.S., R.Ac.
(301) 659-9344

神

The Baltimore Center For
Traditional Acupuncture, Inc.

1010 St. Paul St.
Suite 2I
Baltimore, MD. 21202

Alexandra Rymland, MSW, LGSW
Individual and Group Psychotherapy
Integrative Bodywork

Fall Lecture Series:
7:30-9:15 pm-For info. call 659-9344

Wed., Oct. 17-"Is Acupuncture For You?"
Wed., Oct. 24-Fall-The Season of Letting Go

Wed., Nov. 7 -Celebrating Relationships
Wed., Nov. 28-The Internal and External Devils

Offering a Balanced Approach to Better Health through...

Life Science Fellowship

We work with an integrated, whole human being, embracing the Body, the Mind, the Emotion & the Spirit.

BODY

- Weight Loss- Achieve and maintain your ideal body weight and body tone.
- Meet your diet needs naturally
- Purify your body with COLONICS
- Experience the benefits of Lymphatic & Holistic Body work.
- Learn about wheat grass therapy.
- Control Pain • Improve Coordination.

EMOTIONS

- Replace stress with calm confidence.
- Handle fears and phobias.
- Enhance your self worth.
- Eliminate Depression.
- Learn how to give and receive love.

MIND

- Explore the deeper levels of awareness.
- Learn to use your psychic powers for self mastery.
- Psychocalisthenics • Psycho-feedback

SPIRIT

- Experience higher levels of consciousness.
- Live in the aura of Divine Love.
- Know yourself and your divine purpose.

Failure in any aspect of life gives way to achievement when you make use of methods that activate your full human potential.

For FREE introductory consultation and/or colonic, call today 495-2710

Life Science Fellowship

10104 Lorain Ave., Silver Spring, MD 20901
(301) 495-2710

A Non-Profit Organization — Your Donations Are Tax Deductable.

You're Invited!

Open House

Every Tuesday - 7 - 8:30 PM

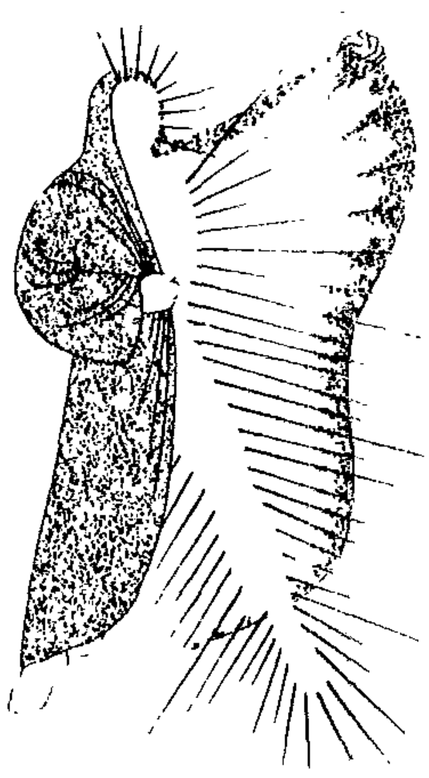
Everything Good Under The Sun.

Village Market
Natural Grocer

At the Village Natural Grocer you'll find a world of fresh foods, free of additives & preservatives, products still rich in their natural goodness. whole grains, fruits & vegetables, nuts & dried fruits, vitamins & cosmetics We'll give you the personalized service you deserve in a friendly atmosphere. Our name says it all. Village Market where preventive nutrition begins!

Colonial Village Shopping Center• 7006 Reisterstown Rd., Pikesville, MD• 2 miles South, Beltway Exit 20
486-0979 Mon-Fri 9 30am-8pm Sat 9 30am-6pm Sun 9 30am-5pm

YOU ARE YOUR VOCATION



Your vocation in life is nothing other than to be who you truly are. Part of your very nature is a profound seeing of how the world can be nourished and transformed in some way. And you are precisely suited to give to life in a manner that brings about this vision.

Yet, you may have cloaked yourself in ways which hide from you the power of your deepest knowings. You may fear to unveil vunerable parts of yourself which are the very ones that are now needed to lead you into life.

You can trust your light. You can allow a new integration of self. You can find the currents of your vocation, and they can guide you to a road which leads to your vocational fulfillment.

Ron Aarons, Ed.D.
Vocational Psychologist

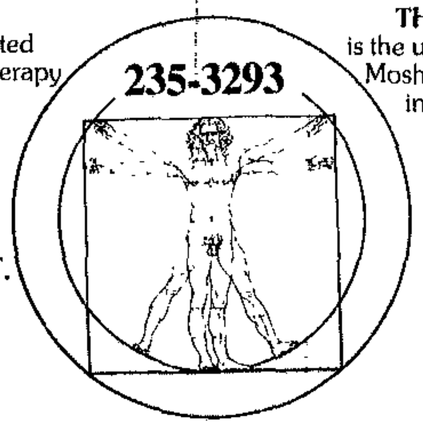
Silver Spring, Maryland **565-8040**

At
THE BALTIMORE BODY-LEARNING CENTER

Fishing for a unique gift for yourself or a loved one?
An old paraphrased proverb says:
"Give a person a fish, and they eat for a day
Teach them to fish, and they eat for a lifetime."

INTEGRAL BODYWORK
is a blend of the most sophisticated and gentle methods of massage therapy available today.

235-3293



THE FELDENKRAIS METHOD™
is the unique teaching method developed by Moshe Feldenkrais, DSc., to assist people in rediscovering more healthy and stress-free movement habits.

With
Kelly Russell, B.A., R.M.T.

711 W. 40th St.
Suite 314 Rotunda

Sensible Seating

YOU CAN REDUCE FATIGUE, discomfort, and back injury by using seats and chairs designed to provide proper orthopedic support for your back. Sensible seating offers a full range of excellent seating products for your home, computer, office, and automobile — including the revolutionary Balans Chair®, Kennedy Rocker, and Recano Ideal seats.

WRITE or CALL for free brochure, or visit our showroom.
SENSIBLE SEATING, 4308 Montgomery Ave., Bethesda, Md. 20814
301-652-7788
****

Natures Gateway

A FULL LINE NATURAL FOODS STORE

New greatly expanded inventory.

natural snacks	cosmetits
yogurt's	toiletries
granola	books
dairy products	magazines
ice creams	gifts
breads	appliances
sugar and salt free	bulk foods

vitamins and natural supplements
·allergy related products

Coming Soon
Complete Juice bar resturant

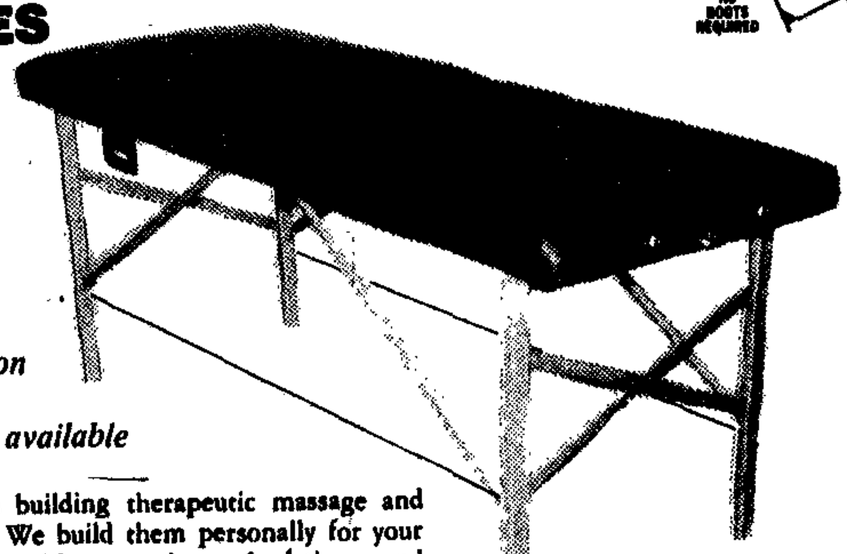
252-2060
Timonium, Md.

Golden Ratio Woodworks

BACKSWING



BODYWORK TABLES



- *portable*
- *sturdy*
- *lightweight*
- *beautiful*
- *oak legs*
- *cable suspension*
- *guaranteed*
- *many features available*

Our speciality is building therapeutic massage and bodywork tables. We build them personally for your individual needs with a variety of options and accessories available. GOLDEN RATIO TABLES are sturdy, lightweight, portable, geometrically designed, beautiful, guaranteed, and priced lower than our leading competitor. The legs are of select oak with a unique cable and strut system of support to provide the most strength, the least weight, and the fewest number of moving parts. Each table is expertly crafted and we know you will be pleased with the quality and service we provide. Call or write

— Your local Distributor: -

WARREN WALLRING
108 CHESLEY AVE.
BALTIMORE, MD. 21206
(301) 665-6696

PURE COTTON PURE COMFORT



Deva's Spring *Moon Kimono* adds a touch of elegance to your quiet times. Crafted of lushly textured, easy care cotton with three-quarter length sleeves that double as *roomy pockets.*

Offered in:
Natural ● Plum
Sky Blue
Midnight Blue
Black ● Russet
Forest Green

Tell us your height and bust/chest measurement when ordering. Your satisfaction is guaranteed. Mastercard/Visa orders (301) 473-4900. $38 postpaid.

Deva is a rural network of friends and neighbors. We craft drawstring pants, shorts, skirts, jackets *and much* more—all of pure cotton. **Please write for our free catalogue and swatches.**

Deva ● a Cottage Industry ● Box PA ● Burkittsville ● MD ● 21718

CANCER COUNSELING INSTITUTE

Cancer

Counseling
Institute

Dedicated to Treatment, Training & Research
Caroline Sperling, Ed.D., director
Clinical Psychologist

(301)986-9274

For Patients & Their Families

TRADITIONAL
JAPANESE
CUISINE

Sushi Bar

SHOGUN
316 N. Charles St.
962-1130
Free parking for patrons at
16 W. Saratoga St. - Dinner only

NEW REALITY COUNSELING
by Katherine (Kay) Carter L.C.S.W.

INDIVIDUAL COUPLE FAMILY
CALL OR WRITE FOR AN APPOINTMENT
Suite 625 1123 Eutaw St. 21201 728-0166

Licensed Certified Social Worker, for people ready to commit themselves to continued growth, and personal development.
Optional integration of energy channeling (Reike method) with counseling

the Health Concern
your neighborhood natural grocer



natural & organic foods · fresh produce
vitamins · supplements · kitchen equipment
herbs · spices · natural cosmetics · plants · books
serving delicious vegetarian home cooking

hours: tue·th·f: 9:30-8:00 m·w sat: 9:30-6:00
28 w. susquehanna ave. towson.
also Sun. 12:00-5 p.m.
828-4015 ½ blk. w. of York rd.

THE
HEALTH CONCERN
Good For: 50% Off
1 Hour Consultation With
The Herbalist-Nutritionist

Or 10% Off
Any Purchase Of Vitamins
Clip & Save $$$

STORE COUPON

THE HEALTH CONCERN
A HEALTHY OFFER
from
NATURALLY®
VITAMIN SUPPLEMENTS

REGULARLY $3.95
SPECIAL 99¢ WITH COUPON
EXPIRES 11-30-84



Center For The Study Of Conflict

The new age needs policies for international security. The sages have favored nonviolent action. This might form the basis of a security policy. The Center for the Study of Conflict is designing a nonviolent defense for nuclear crises. The Center needs volunteers to do office work. Learn how a peace organization is built. Make a measureable contribution to a peace organization. Learn the hopeful side of the problem of the bomb.
For more information write The Center for the Study of Conflict, Stevenson MD 21153. For an appointment, call Richard Fogg at 828-4844 or 366-6464.

Non Profit Corporations

Bring your publication needs to qualified professionals. Reasonable prices, quick turnaround.

A Think Tank
Serving Non Profit Services,
or Service Oriented Individuals.
We Offer the Following Services:
- *Company/Organizational Logotype*
- *Newspaper Design/Production*
- *Programs*
- *Newsletters*
- *Annual Reports*
- *Photography*
- *Writing/Editing*
- *Public Relations*
- *Special Projects*

We Have Some of the Top People in the Communications Field on Tap.

CALL 301—366-6464

Psychic Reading

Know Yourself - Where you've been, where you're going.

Career, Relationships, Health, Aura - Various areas of your life used in intuitive counseling for your growth and knowledge.

Call today for your appointment
495-2710

Life Science Fellowship
10104 Lorain Ave.
Silver Spring, MD 20901

Radiant Light
Crystals & Gems

4808 Arbutus Avenue
Rockville, Maryland 20853
301—933-6718

Beverly L. Johnson, O.M.

Crystalologist
Energy Therapist
Personal Growth Guide

4808 Arbutus Ave.
Rockville, MD 20853
301—933-6718

MariEL

Jackie Auger
Healing Arts Practitioner
(301) 358-8329

4801 Yellowwood Ave. Baltimore, MD 21209

Do You Make Your Clients Feel Special?

WE DO.

Special Touch™

Bodywork Tables

Special Touch portable and stationary bodywork tables are called a work of art you can depend on . . . not just a bodywork table. Why? Because they excel in design, quality and craftsmanship. And that's important. Because when it comes to your profession, both you and your clients deserve to feel special.

For free brochure contact: P.O. Box 1304-2, Hillsborough, N.C. 27278 • 919/732-6968.

A CARD READINGS A
TAROT - DICE - METAPHYSICS - NUMEROLOGY

LORRAINE MARTIN

NOW! Psychic * Card Readings
Counsellor
at FOX RIDGE Restaurant (Towson)

Private Readings
Tel: (301) 576-1068 "Lorri"

ADULTS - CHILDREN - PRIVATE CONSULTATIONS
BIRTHDAYS - WEDDINGS - SOCIALS - CHARITIES - BAR MITZVAHS

NUTRITION

RICHARD T. POWERS

Certified Nutritional Consultant
Doctorate in Nutrition - 7 Years Experience

COMPLETE NUTRITIONAL TESTING: Health & Diet History, Hair Analysis, Blood & Urine Tests, Clinical Exam, Deficiency Questionaire, Food Sensitivity Testing.

INDIVIDUAL DIET & SUPPLEMENT THERAPY:
General, Maternal, Pediatric & Fertility Nutrition
Food Sensitivities & Digestive Deficiencies
Stress, Low Energy, Fitness & Weight Control

APPTS. TUES. THRU SAT.
5413 W. Cedar Lane, No. 102-C
Bethesda, MD 20814

493-4800
FREE BROCHURE

改月齋

Ian Barbara Florian R. Ac.

TRADITIONAL ACUPUNCTURE

The original holistic health practice.

Traditional acupuncture is an ancient healing art (over 3,000 years old), which addresses the maintenance of health as well as relief from pain, illness and disease.

6106 Edmondson Ave.
744-1779

泉

Julie M. Rosen, R. Ac.
is pleased to announce the opening of her office for the practice of

Traditional Acupuncture

4933 Auburn Avenue
Bethesda, MD 20814
(301) 986-8488

There's no such thing as a simple accident.



Steven W. Helschien, D.C., Founder, Helschien Health Center

"When you're hurt, more than the principal injuries may need treatment.

I'm Dr. Steve Helschien, and I can tell you from experience that other areas of your body often 'short circuit' in response to the disruption of its normal state.

At Helschien Health Center, we help you locate the source of these side effects through a complete diagnosis. And we follow up with therapeutic programs specifically designed for your condition.

Our services are covered by virtually all major insurance carriers, workmen's compensation programs and auto accident insurance policies.

Why don't you call us today at 997-0050? Ask for further information and a free brochure on our total health care services."

Acupuncture
Chiropractic
Colonic Therapy
Homeopathic Medicine
Live Cell Analysis
Massage (Full-body, Shiatsu, Acupressure)
Medicine
Nutrition
Psychology
Social Work

Helschien Health Center
9841 Brokenland Parkway
Suite 103
Columbia, Maryland 21045
(301) 997-0050

EXPLORING NEW MODALITIES OF HEALING

LECTURE AND WORKSHOP SERIES

1984-85

SCHEDULING (unless otherwise noted). Each presentation includes: Friday lecture at 8 PM and Saturday workshop 10-12:30 (lunch break 12:30-2) 2-5 PM.

Save approx. 20% by taking NSSC membership—$15.00 per year

OCTOBER—Rev. Alton Prudhomme
Spiritual Healing
Friday 5th Lecture
Saturday 6th Workshop

NOVEMBER—Dr. Paul Patchem
Mycrous Nutrition
Friday 2nd Lecture
Saturday 3rd Workshop

NOVEMBER/DECEMBER—Andreas Marx
Medicine at the Ultra-Fine Energy Range
Friday November 30 Lecture
Saturday December 1 Workshop/Demonstrations

JANUARY—Dr. Sidney Zerinsky
Eastern Healing
Friday 4th Lecture
Saturday 5th Workshop

FEBRUARY—Dr. Robert Beck
Instrumentation of Healing at Energy Levels
Friday 1st Lecture
Saturday 2nd Workshop/Demonstrations

MARCH—Willard and Margaret Fuller
Psychic Dentistry
Friday 1st 8 PM Session $12/10
Saturday 2nd 2 PM Session $12/10

APRIL—David Tansley
Instrumented Distant Healing
Friday 5th Lecture
Saturday 6th Workshop/Demonstrations

MAY 4-5—Excursion to George Washington's Baths
Excursion to Bath, West Virginia, conducted by the Revs. Diane and Henry Nagorka.

A relaxing traditional/historical weekend at the spa used by George Washington in the 18th Century.

The tour includes transportation to and from Berkeley Springs, West Virginia, sightseeing stops, four meals (lunch, dinner, breakfast and lunch), one night's lodging at the Country Inn, Roman mineral bath, full body massage and an optional meditation session with the Revs. Diane and Henry Nagorka.
Total Cost: $89, $79 members

Full Moon Meditation 84/85
September 30, Monday 9 PM
October 9, Tuesday 6 30 PM
November 8, Thursday 9 PM
December 8, Saturday 6 30 PM
January 6, Sunday 5 30 PM
February 5, Tuesday 6 30 PM
March 6, Wednesday 9 PM
April 5, Friday 6 30 PM
May 4, Saturday 6 30 PM

Psychic Fridays (2nd and 4th)
(Walk-in half-hour readings, with no appointment, 7-10 PM, at $14.)
September 28 — January 11, 25
October 12, 26 — February 8, 22
November 9, 23 — March 8, 22
December 14 only — April 12, 26
May 10, 24

Etheric Healer REV. RICHARD REED
By appointment only 723-4510
September 21-24, '84
December 21-24, '84
March 22-25, '85
June 21-24, '85

COSTS(unless otherwise noted): $35.00 per weekend. Members $28.00. (Partial fees; Lectures—$7.50/6.00; one-day workshop—$27.50/22.00.)

NATIONAL SPIRITUAL SCIENCE CENTER OF WASHINGTON, D.C.
5605 Sixteenth Street N.W.
Washington, D.C. 20011 [202] 723-4510

KOINONIA

WHOLEFOODS COOPERATIVE

WELCOMES

SHOPPERS, MEMBERS, WORKERS

FRESH ORGANIC PRODUCE HOME BAKED GOODIES TEMPEH AND TOFU DRIED FRUITS JAMS AND SAUCES, OILS AND SYRUPS GRAINS DAIRY PRODUCTS BEANS NUTS FLOURS JUICES SODAS AND MUCH MUCH MORE

COME AND SEE FOR YOURSELF!

For more information

call 486-8487

HOURS:	Tuesdays 2pm-8pm	Saturdays 9am to 5pm	Fridays 5pm to 8pm

HARVESTIN'
NATURAL FOODS

Free Recipes!

- Bulk Grains, Beans, Nuts, Seeds
- Packaged Foods
- Naturally Dried Fruit
- Juices
- Cheeses cut to order
- Soy Products
- Snacks & Baked Goods
- Sandwiches
- Magazines
- Herbs
- Supplements
- Kitchenware
- Body Care Items
- Teas
- Frozen Foods
- Oriental Goods
- Macrobiotic Items
- Books

12 Locust Mall, Downtown, Westminster 876-2585

BALTIMORE'S FINEST HEALTH FOOD STORE

HEADQUARTERS FOR ALL
YOUR SPECIAL DIET NEEDS

special diet shop, inc.

ALLERGY SALT FREE SUGAR FREE

JUICERS
HEALTH BOOKS
NATURAL VITAMINS
NATURAL COSMETICS
STONE GROUND FLOURS

1 North Howard Street
Baltimore, Maryland 21201
(301) 727-0383

DANDE-LION
herb & spice market

- Specializing in Bulk Medicinal Herbs
- Fresh Salt Free Blended Cooking Spices
- Iris Analysis By Appointment

Ritchie Farmers Market Glen Burnie, MD 21061
(301) 789-3210
(Located on Rt. 2 north at 695 Exit 3A)

OUR SLOGAN IS... ***Natures Nest for Natures Best***

COCKEYSVILLE

Vitamins • Volume discounts • Natural food groceries
Cosmetics • Books + magazines • Snack bar + carry out
Herbal teas • Bulk herbs, spices, nuts, grains, seeds,

"EVERYTHING YOU WANTED FROM A HEALTH FOOD STORE & A LITTLE BIT MORE"

628-7373

½ MILE EAST OF 10,000 BLOCK YORK RD
IN CRANBROOK SHOPPING CENTER
560 CRANBROOK RD



Classes in Therapeutic Massage

Basic and Advanced Classes
including: Reflexology, Polarity, Swedish Massage
Anatomy, Kineseology and Deep Tissue Work
at the
BALTIMORE HOLISTIC HEALTH CENTER
2223 ESSEX ST. *Call or write for a free brochure* 987-4045
BALTIMORE 21231
UNDER MEDICAL SUPERVISION

NUTRITION

LARRY A. JACOBS, Ph.D.
Author of: "Effective Avoidance of Health Hazards in Our Food"

Complete Nutritional Evaluation & Testing
Deficiencies Determined & Corrected
Individualized Diet & Supplement Programs
Designed to Meet Your Specific Needs.
General . Maternal . Pediatric . Geriatric Nutrition
Food Sensitivities & Digestive Deficiencies
Weight . Stress . Energy . Fitness
Learn to eat properly. Create a healthy lifestyle.
Promote optimum health.

By Appointment: Mon.- Sat.
5413 Cedar Lane
Bethesda, Maryland

DISCOVER YOUR UNIQUE NEEDS
(301) 493-5900
Complimentary Brochure

Marc's DISTRIBUTING, INC

8390 WASHINGTON BLVD.
JESSUP, MARYLAND 20794
WASHINGTON: 953-3946
BALTIMORE: 792-9410

Marc's is a local distributor of natural and organic products. We are committed to bringing you high quality foods made only from the finest all natural ingredients.

Now bringing you more products from our new location:

* Heinke's Juices
* Barbara's Bakery
* Carafection
* Cardini Dressings
* Health Valley
* Erewhon
* Sundance Yogurt
* Cascadian Farm

** look for many more new lines to come as we continue our expansion

Turn to Marc's for all your natural foods needs:

* Milk & Cream
* Butter & Eggs
* Goats Milk
* Nuts & Dried Fruits
* Trails Mixes
* Honey & Maple Syrup
* Pastas & Sauces
* Rennetless Cheeses
* Yogurt & Kefir
* Fresh Tofu & Tempeh
* Flours, Grains & Cereals
* Snacks & Candies
* Preserves & Butters
* Body Care Items
* Japanese Specialty Items

FREE DELIVERY OR CUSTOMER PICK - UP

CALL FOR FREE CATALOG

Photography For All Occasions
by Robert McKinney
486-6262

Weddings
Parties
Candids
Insurance
For Business
Portraits

Steve Camp

Myotherapy

Deep Tissue Massage
Swedish Massage
Reflexology
Polarity
Therapeutic Touch

GRADUATE Potomac MyoTherapy Institute

7171 Fairbrook Road
Baltimore, Maryland 21207
(301) 944-4491

AVANTE GARDE
BOOKSTORE & STUDY CENTER

Complete Line of Metaphysical Books & Tapes

FALL COURSES

- Astrology
- Tarot
- Dreams
- Personal Growth & Transformation
- Peace & Harmony Through Foods
- Palmistry
- Mediumship
- Psychic Development
- Herbs and Bach Flowers
- Secrets of Programming Life

WORKSHOPS & LECTURES

Sept 15 ALLY WORKSHOP—***Phoebe Reeves***
Sept 29 MILLENIUM SEMINAR—***Joan Sckrabills***
Oct 12 UNEXPLAINED PHENOMENA—***John Rekus***
Oct 13 HEALING-THE BASICS—***Alison Carter***
Oct 20 ANGER—***Alice Williams***
Oct 25 **ALAN OKEN**—YOU & THE DIVINITY ARE EVOLVING
Oct 26 **ALAN OKEN**—THE NEW AGE TRANSFORMATION
Oct 27 **ALAN OKEN**—DYNAMICS OF THE NATAL HOROSCOPE
Nov 10 GETTING IN TOUCH WITH YOUR OWN SENSITIVITY—***Lori Vance***
Nov 16 ASTROLOGY SYMBOLS OF THE CONSCIOUS AND UNCONSCIOUS—**JEFF JAWER**
Nov 17 PERSONAL AND COLLECTIVE EVOLUTION—**JEFF JAWER**
HEALING-SESSION II—***Alison Carter***
Dec 8 HEALING-SESSION III—***Alison Carter***
Dec 7 UNEXPLAINED PHENOMENA-part II—***John Rekus***

Call For Free Brochure
(301) 321-9389

26 WEST SUSQUEHANNA AVE. TOWSON, MD

NON PROFIT CORPORATIONS

Get more—without spending more!

Bring your publication needs to qualified professionals.
quick turnaround. Reasonable prices,

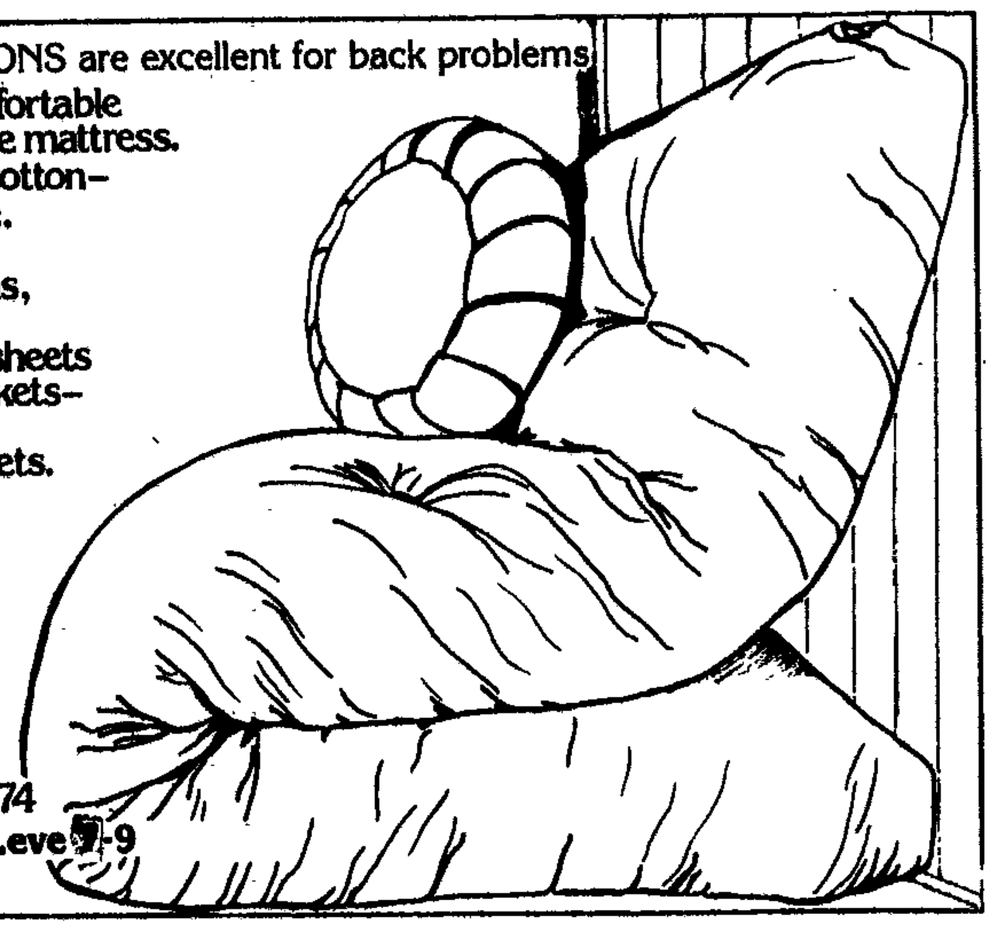
NON PROFIT PUBLICATIONS
A Think Tank
Serving Non Profit Services, or Service Oriented Individuals.
We Offer the Following Services:

- *Company/Organizational Logotype*
- *Newspaper Design/Production*
- *Programs*
- *Newsletters*
- *Annual Reports*
- *Photography*
- *Writing/Editing*
- *Public Relations*
- *Special Projects*

CALL 301—366-6464

Futons— FUTONS are excellent for back problems
the exceptionally comfortable and versatile Japanese mattress.
Handmade of 100% cotton–
a bed and a sofa in one.
Also available–
Futon covers, cushions, comforters, pillows, cotton sheets, flannel sheets & cotton thermal blankets–
all 100% cotton.
Also pure wool blankets.

Designs in Cotton
(a cottage industry)
301-239-2309
18817 Falls Road
Hampstead, Md. 21074
Mon.-Sat. 10-5 Wed.eve 7-9
Visits by appt. only



THE ERT
presents

SONDRA RAY
In Washington DC & Baltimore

Creator of the Loving Relationships Training. Author of "Loving Relationships," "I Deserve Love," "The Only Diet There Is," "Celebration of Breath," and International Seminar Leader.

A Day on Loving Relationships and Spiritual Healing
Sunday, October 7, 1984
10: 00 AM - 7:00 PM
Holiday Inn of Bethesda
8120 Wisconsin Ave.

The Only Diet There Is Seminar
Monday, October 8, 1984
7:00 PM - 11:00 PM
Holiday Inn of Bethesda

An Evening on Relationships and Rebirthing
Tuesday, Oct. 9, 1984
7:00 PM - 11:00 PM
Holiday Inn - Downtown Baltimore
301 W. Lombard St.

Michael Shapiro (703) 370-1963
Nancy Coulter (301) 730-1046

INFORMATION

HAUNTINGS IN MARYLAND
Ghost Research

BOB HUGHES, DOROTHY BATHGATE, MICHAEL WOREN

Saturday December 15, 7:30-9:30pm: $10

This will be an unusual two-hour lecture and slide presentation of work carried out locally by Psychic Investigations, a team of psychics, audio-visual technicians and researchers into reported hauntings. They have worked together in the field of parapsychology for seven years, during which time they responded to dozens of requests to investigate ghosts and other phenomena, in public and private buildings. They took photographs and other forms of evidence which substantiated many of these reports. There will be time for questions.

DOROTHY BATHGATE founded Psychic Investigations, has known of her psychic abilities since early childhood and worked in para-
psychology for ten years. She is a frequent guest on local radio and television programs.

MICHAEL F. T. WOREN discovered his psychic abilities after a clinical death experience in 1968. He has worked professionally as psychic, healer and tarot reader for 6 years and is in regular demand by local radio and TV stations.

BOB HUGHES, the moderator of Hauntings in Maryland, is host of BOB HUGHS LIVE, a call-in talk show on Radio WCVT-FM which often features guests in the field of parapsychology.



MUSICIANS WANTED

The following instrumentalists are sought to meet regularly at or near Koinonia on a voluntary basis to improvise and compose inner space music for videos and live performances: flute, electric guitar, bass guitar, percussion, keyboard, vocal. Information/auditions: Cris at 484-7027, 5-7pm weekdays.

EVERYONE'S A TEACHER!

Most people have at least one story, interest, comment, memory or vision they would like to share with others in the belief that it would be instructive or illuminating and would be appreciated. The opportunity to do this is a fun game invented by a former Koinonian Cris Hesford. Group members would have 10 or 15 minutes each to teach. They'd be stopped by a bell if they try to exceed their allotted time. Other rules can be invented if desired. It's intended as a fun way to meet people, exchange wisdom, learn how to listen and how to speak, and to enlarge one's horizons.

Would anyone interested please call Karen or Ruth at 486-6262. It takes only five to start the group, which could meet once a month. A donation would cover the cost.

WORKING WITH DREAMS

AN ECLECTIC APPROACH

DR. VALERIE BIGELOW

This is an opportunity to join a small intimate-style group to work with dreams as a means to a wider understanding of self and relationships. The group leader is Dr Valerie Bigelow. She has a PhD in Psychology from the University of Minnesota and has been teaching dream courses in Baltimore for some time, at Goucher College, and Koinonia, where she serves as a Member of the Board of Trustees.

Those interested in joining such a group should telephone Dr Bigelow at 666-9452.

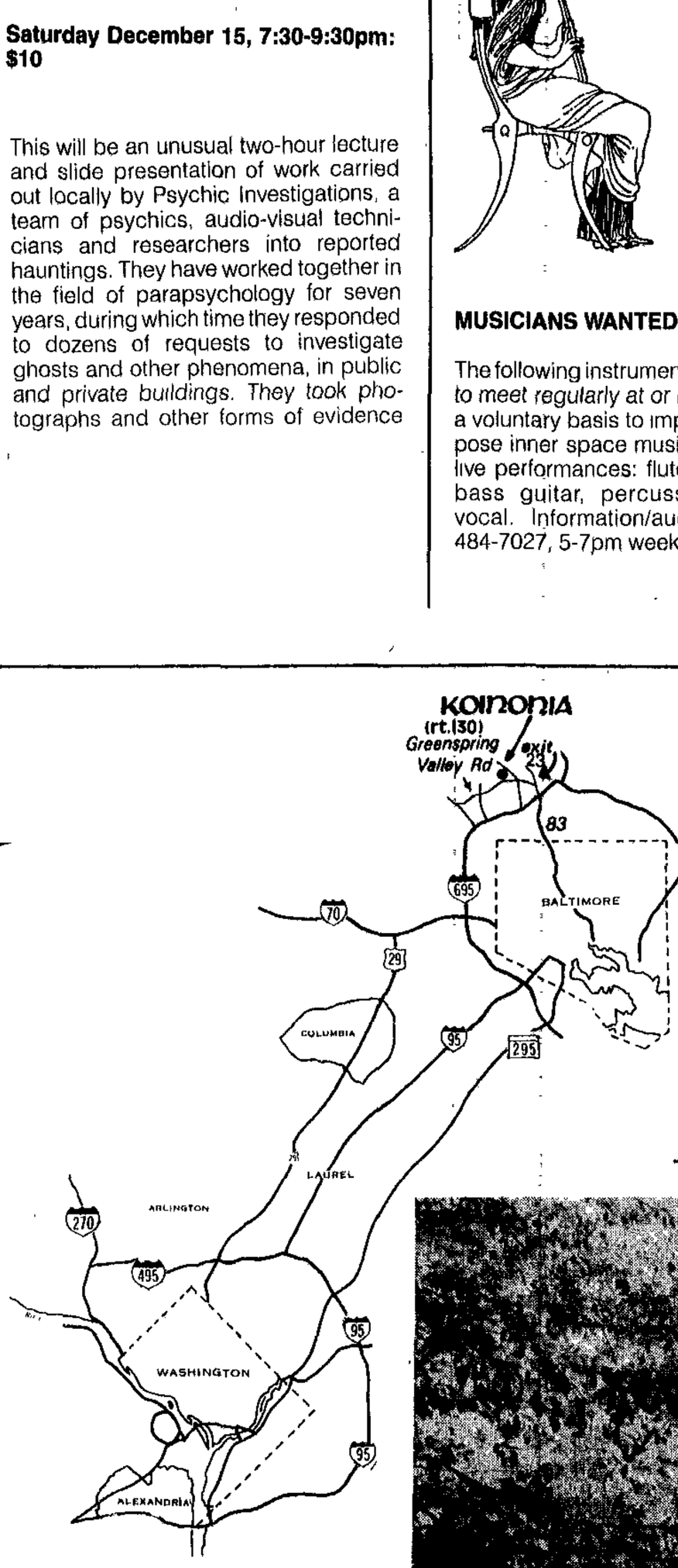
FREE CONTINUOUS HEALING WORKSHOPS

TUESDAYS FROM OCTOBER 2

Individual healings channelled through group consciousness. Those trained in channelling are invited to join.

'Most people are in some stage of disease due to a build-up of toxins in their system. This build-up is generally caused by improper devitalised foods, and the inability to handle stress.'

Simple holistic practices will be emphasised.
Donations Accepted. The Public is invited.



KOINONIA



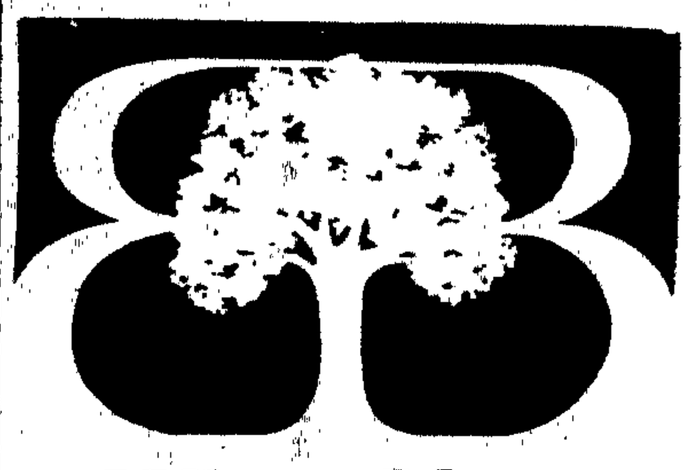
HOW TO GET TO KOINONIA

Koinonia is 25 minutes from downtown Baltimore; 1 hour from downtown Washington and 1 1/4 hours from Alexandria or Arlington Va.

We are 2 1/2 miles Northwest of Baltimore's Beltway (695) Take exit 22 North at Greenspring Avenue Go 2 1/4 miles to the first traffic light Make a left on to Greenspring Valley Road. Koinonia is 1/4 mile further on the right hand side.

We are 3 miles from the Jones Falls Expressway (83) Take 83 North to 695. Staying in the right hand lane, take the Falls Road exit Travel 1/2 mile to the second traffic light. Make a left on to Greenspring Valley Road Travel 1 1/2 miles to the first traffic light (Greenspring Avenue). Continue straight; Koinonia is 1/4 mile further on the right hand side.

10% DISCOUNT FOR PRE-REGISTRATION



When You Have A Baby, We Have A Baby.

From early pregnancy, we offer an especially *caring relationship.* More personal rapport. More options. More understanding. Certified nurse-midwives, educated at established medical colleges, form a bond with you for a happy, healthy relationship. Total preparation for childbirth and parenthood covers a wide range of subjects. To name a few. Nutrition, exercise, breast-feeding, sexual adjustment, family adjustment. And through it all, your nurse-midwives are with you. To guide you. To answer your questions. *To be there when you need them.*

During labor, the facilities of The Baltimore Birth Center open wide to provide a comfortable, but thoroughly professional environment. Gone is the rigidity of an institution. Characteristically, the entire family is all together at bedside to welcome the new baby. The certified midwives and their licensed staff are backed by a group of respected obstetricians. Pediatric consultation is available.

Every woman is an individual. She is entitled to medically safe care that respects her needs and lifestyle. Not only in Baltimore, but in most major cities, one *plus* option has proven to be the birth center. An additional advantage of this alternative to hospital or home childbirth care is that costs are approximately *⅓rd typical obstetrical/hospital charges.*

We would be pleased to send you a brochure. Or give you a tour. Just phone.

BALTIMORE BIRTH CENTER
6006 Park Heights Ave. Phone: 358-0635

"THIS PROGRAM MAY LAST THE REST OF YOUR LIFE"

It's not a drama, but it's dramatic. It's not a comedy, but it'll make you smile. It's not a game show, but it could make you rich. It's not the news, but it's the biggest news in years.

It's a program that can help you lose weight, improve your health, increase your energy level, and do better financially.

It's a truly sensible plan that supplies all daily nutrients, combines the magic of herbs, the miracle of Aloe Vera and the marve marvels of nutrition. Effective weight loss of 10 to 29 pounds per month.

One month's supply is only $29.95 plus tax & shipping

Call Mr. Smith :
Balto. (301) 363-4296 or
Silver Spring (301) 949-6344

100% SATISFACTION GUARANTEED OR YOUR MONEY BACK!

Baltimore County

STOP SMOKING

HYPNOSIS CLINIC

BALTIMORE COUNTY SMOKING CLINIC

PROFESSIONAL HYPNOTISTS, INC.
9303 HARFORD ROAD
BALTIMORE, MARYLAND 21234

301-668-1426

LOCATED ON ROUTE 147
1½ BLOCKS OFF THE BALTIMORE BELTWAY,
ROUTE 695 EXIT 31, NORTH, CARNEY

ATTENTION THE GENERAL PUBLIC, EVERYONE,
IS NOW ENTITLED TO THE BENEFITS OF THIS CLINIC

KOINONIA

1400 Greenspring Valley Rd.
Stevenson, Maryland 21153

Registration Form

TEL: 301-486-6262 (10 - 5)
After 5 call (301) 486-6264

Non Profit Org.
U. S. Postage
PAID
Baltimore, Md.
Permit No. 2061

Name _____
Address _____
City _____
State _____
Zip _____
Phone # _____

Event / Title	Tuition Amount	50% Deposit*
	$	$
	$	$
	$	$
	$	$
	$	$
	Amount Enclosed	$

*Please enclose full amount for programs under $15, and at least 50% deposit over $15. Round off deposits to the nearest dollar.

☐ Check enclosed
☐ MasterCard
☐ VISA

MasterCard/VISA are accepted for payment of $15 and up.
All charges are subject to regular credit/refund policy.

MasterCard # _____
VISA # _____

☐ Overnight accommodations required?

Dates _____

Please register in advance to insure your place in the programs of your choice. To Register phone us at (301)486-6262 or send the registration coupon to Koinonia.

From Val Bezelow

KOINONIA FOUNDATION

GENERAL FUND - INCOME

FOR THE YEARS ENDED OCTOBER 31, 1978 AND 1977

	PERCENT OF INCOME 1978	PERCENT OF INCOME 1977	AMOUNTS 1978	AMOUNTS 1977	INCREASE (DECREASE)
PROGRAMS					
Resident	28.6		$ 28,116.34		
Print Shop Apprentice	1.1		1,110.00		
Resident Student Fees		16.89		$19,810.81	
Householders		7.16		8,402.25	
Total Programs	29.7	24.05	29,226.34	28,213.06	$ 1,013.28
WORKSHOPS & CONFERENCES					
Workshops	12.6	11.42	12,422.45	13,404.12	
Conference	1.1		1,059.10		
Total Workshops & Conferences	13.7	11.42	$ 13,481.55	$13,404.12	77.43
RENTALS					
Church Picnics	.1		25.00		
Rentals - Other	3.6		3,584.25		
Other Conferences		8.37		9,822.00	
Total Rentals	3.7	8.37	3,609.25	9,822.00	(6,212.75)
GUESTS & RETREATANTS	5.7	5.46	5,583.85	6,400.40	(816.55)
PRINT SHOP	1.1	2.74	1,123.57	3,215.71	(2,092.14)
GIFT SHOP - NET	0.9	1.06	931.51	1,244.82	(313.31)
GARDEN					
Garden		0.59	1,180.24	692.81	
Logging & Trees		0.16		185.50	
Total Garden	1.2	0.75	1,180.24	878.31	301.93
CHILD CARE	0.00	0.62	-0-	734.70	(734.70)
CLASSES					
Classes			10,600.47		
Nonresident Participants				8,982.15	
Total Classes	10.8	7.66	10,600.47	8,982.15	1,618.32
FUND-RAISING					
Contributions	14.0	25.59	13,749.23	30,014.69	(16,265.46)
Mailing List Fees	0.3		327.00		327.00
	14.3	25.59	14,076.23	30,014.69	(15,938.46)
Bequests Transferred	11.4	8.51	11,237.29	9,981.80	1,255.49
Total Fund-Raising	25.7	34.10	25,313.52	39,996.49	(14,682.97)

Respondent Exhibit #15

From Val Bigelow

KOINONIA FOUNDATION

GENERAL FUND - INCOME

FOR THE YEARS ENDED OCTOBER 31, 1979 AND 1978

	PERCENT OF INCOME		AMOUNTS		INCREASE (DECREASE)
	1979	1978	1979	1978	
PROGRAMS					
Resident	25.9	28.6	$24,819.76	$28,116.34	$(3,296.58)
Print Shop Apprentices		1.1		1,110.00	(1,110.00)
Garden		1.2		1,180.24	(1,180.24)
Classes	15.6	10.8	14,963.22	10,600.47	4,362.75
Workshops & Conferences	18.4	13.7	17,650.17	13,481.55	4,168.62
TOTAL PROGRAMS	59.9	55.4	$57,433.15	$54,488.60	$ 2,944.55
RENTALS					
Church Picnics		0.1		25.00	$ (25.00)
Waldorf School	1.5		1,443.00		1,443.00
Other	3.6	3.6	3,487.80	3,584.25	(96.45)
TOTAL RENTALS	5.1	3.7	$4,930.80	$3,609.25	$1,321.55
GUESTS & RETREATANTS	5.6	5.7	5,356.02	5,583.85	(227.83)
PRINT SHOP	1.3	1.1	1,271.81	1,123.57	148.24
GIFT SHOP - NET	1.0	0.9	960.05	931.51	28.54
FUNDRAISING					
Contributions	9.1	14.0	$ 8,717.43	$13,749.23	$(5,031.80)
Mailing List Fees		0.3		327.00	(327.00)
SUBTOTAL	9.1	14.3	$ 8,717.43	$14,076.23	$(5,358.80)
Transfers of Bequests Received in current year	9.8	11.4	9,364.88	11,237.29	(1,872.41)
TOTAL FUNDRAISING	18.9	25.7	$18,082.31	$25,313.52	$(7,321.21)
DISCOUNTS TAKEN	0.4	0.3	373.49	279.58	93.91
INVESTMENT INCOME	6.8	6.8	6,543.86	6,695.04	(151.18)
OTHER INCOME					
Vending Machines	0.9	0.4	880.25	292.81	587.44
TOTAL INCOME	100.0	100.0	$95,831.74	$98,317.73	$(2,485.99)

1745

1745

PETITION FOR SPECIAL PERMIT

IN THE MATTER OF :

Petition of : BEFORE THE
: ZONING COMMISSIONER
Hugo R. Hoffman : OF BALTIMORE COUNTY
and :
Burton P. Hoffman :
owners :
for a Special Permit :

To the Zoning Commissioner of Baltimore

MR & MRS HUGO R HOFFMAN, legal owners

KOINONIA FOUNDATION, Inc. Contract
Purchaser

hereby petition for a Special Permit, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 577 of the Acts of the General Assembly of Maryland of 1945, for a certain permit and use, as provided under said Regulations and Acts, as follows:

A Special Permit to use the land (and improvements now or to be erected thereon) hereinafter described for A PRIVATE SCHOOL

Beginning for the same at a stone on the northernmost side of Green Spring Valley Road 30' wide at a point distant S.12° 09' E.16'9" from the beginning of an S85°E line of the within described land and running thence and binding on the remainder of said S85°E line S.12°09' E, 866'9", thence S.0° 04' W, 461'1" to a stone thence continuing the same course S.0°04' W. 47' 7", thence S.78°21' E. 217'9", thence S 84°43' E 738'8", thence S 82°15' E 785'0", thence S 43°54' E 602'3" to the center of Green Spring Ave. 30' wide, thence binding on the center of Green Spring Ave. S 46°06' E 25'0", thence leaving the center of said Green Spring Ave. and running S 7°07' W 967'0" to a point 1'10" from a stone, thence S 78°21' W 33'9", thence S 3°18' W 1'7" to a stone, thence continuing the same course S 3°18' W 535'7" to a stone planted on the westernmost side of a 30' road, thence binding on the westernmost side of said 30' road S 20°17' E 348'10" to a stone, thence S 72°47' E 9'0", thence S 2°07'E 12'8", thence S 20°17' E 200'9" to the center of Green Spring Valley Road 30' wide, thence binding on the center of said Green Spring Valley Road the 20 following courses and distances on a curve to the left with a radius of 176'11" a distance of 236'2", said curve being subtended by a chord bearing S 45°52' E 218'6", S 8°37' E 100'0", S 4°15' W 50'0", S 15° 16' W 50'0", S 29°03' W 50'0", S 42°19' W 50'0", S 56° 28' W 50'0", S 68° 09' W 50'0", S 77°02' W 50'0", S 81° 12' W 150'0", S 77° 04' W 50'0", S 68° 07' W 50'0", S 61° 24' W 50'0", S 56° 12' W 100'0", S 64° 57'W 50'0", S 78° 15' W 50'0", S 88° 15' W 50'0", N 79° 46' W 60'0", N 69° 58' W 80'0", N 66° 02' W 26' 8", thence leaving the center of said Green Spring Valley Road N 12° 09' W 16'9" to the place of beginning.

Containing 45 acres of land more or less

Respondent Exhibit #1C

FILED JUN 8 1950

CERTIFICATE OF PUBLICATION

[illegible] June 8 1950

THIS IS TO CERTIFY That the annexed advertisement was published in THE UNION NEWS, a weekly newspaper of general circulation in Union, Baltimore County, Md., once a week for [illegible] successive weeks before the 23rd day of June 1950 the first publication appearing on the 2nd day of June 1950

The UNION NEWS

By [illegible]

CERTIFICATE

ORDERED by the Zoning Commissioner of Baltimore
County this 25th day of May, 1950
that the subject matter of this petition be advertised in
a newspaper of general circulation throughout Baltimore
County, that the property be posted, as required by the
Zoning Regulations and set for hearing aforesaid, and that
the public hearing thereon be held in the office of the Zoning
Commissioner of Baltimore County, Maryland, on the 23rd
day of June, 1950, at 11:20 o'clock
A.M.

Zoning Commissioner
of Baltimore County

Upon hearing on petition for a special use
use the property described therein for a private
and it appearing that by reason of location,
should be granted, therefore;

It is this 26th day of June, 1950,
by the Zoning Commissioner of Baltimore County,
aforesaid petition for a special permit, be and the same
is hereby granted.

Zoning Commissioner
of Baltimore County

Venonia Foundation — Fred V. Hoffman
A. Walter Tracey, Jr. — Burton P. Hoffman
Contract Purchaser — Legal Owner
Mt. Lebanon Methodist Church — VALLEY Road
Address — Address

R. 6 Zone—Residence, One and Two-Family

Section 209—USE REGULATIONS

The following uses only are permitted:

209.1—Uses permitted and as limited in R. 40 Zone;

209.2—Two family dwellings, as defined in Section 101;

209.3—Special Exceptions—Same as R. 10 Zone, except sanitary landfills and trailer parks which are not permitted (see Sections 270 and 502).

Section 210—HEIGHT REGULATIONS

Same as R. 40 Zone.

Section 211—AREA REGULATIONS

Minimum requirements, except as provided in ARTICLE 3, shall be as follows:

211.1—Lot Area and Width—Except as noted below, each one-family dwelling and each other principal non-residential building hereafter erected shall be located on a lot having an area of not less than 6,000 square feet and a width at the front building line of not less than 55 feet; each two-family dwelling hereafter erected shall be located on a lot(s) having an area of not less than 10,000 square feet and a width at the front building line of not less than 80 feet for a duplex dwelling and 90 feet for the pair of lots occupied by a semi-detached dwelling (see Section 304). At least five per cent and six per cent (one-family and two-family dwelling types, respectively) of the gross residential acreage of the tract must be allocated to local open space tract(s). To meet this requirement the developer may reduce the minimum permitted lot size by not more than five per cent of the minimum required area.

211.2—Front Yard—For dwellings, the front building line shall be not less than 25 feet from the front lot line and not less than 50 feet from the center line of the street, except as specified in Section 303.1; for other principal buildings—40 feet from

Respondent's Exhibit #17

R. 10 Residence Zone, One-Family

Section 206—USE REGULATIONS

The following uses only are permitted:

206.1—Uses permitted and as limited in R. 40 Zone.

206.2—Special Exceptions—the following uses when permitted as Special Exceptions (see Sections 270 and 502):

Boarding or rooming houses;

Boat yard;

Cemetery;

Commercial beach, with provision of adequate parking area, and permitting dressing facilities, snack bar, picnic area, *and boat rental;*

Community building, swimming pool, or other structural or land use devoted to civic, social, recreational, and educational activities; off-street parking areas shall be provided to such extent and be so located as the Zoning Commissioner or County Board of Appeals, on appeal, shall agree to be needed in relation to *their surroundings;*

Conservatory, music and arts;

Convalescent home;

Excavations, controlled (see Section 403);

Funeral establishment;

Golf course, country club, or other outdoor recreation clubs; also quasi-public camp, including day camps, but no such uses shall be located on less than five acres, and no building parking lot, or out-of-water marine craft storage thereon shall be located within 60 feet of any residential property line;

Hospital, Class B (see Section 407);

Kennel, as limited in Section 200.15;

Laboratory, if on a site of 10 acres or more (see Section 418.4);

Marina;

Poultry, commercial killing of, but only on a farm (see Section 404);

Respondent's Exhibit # 18

IN THE MATTER OF THE THE APPLICATION OF KOINONIA PARTNERSHIP FOR A SPECIAL HEARING ON PROPERTY LOCATED ON GREENSPRING VALLEY RD., 930' WEST FROM CENTERLINE OF GREENSPRING AVENUE (1400 GREENSPRING VALLEY ROAD) 3RD ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 90-355-SPH

Respondent's Exhibit #19

* * * * * * * * *

O P I N I O N

This matter comes before the Board from an appeal of the Zoning Commissioner's Order of July 16, 1990 denying the Petition for Special Hearing to approve and confirm the lawful, nonconforming residential, institutional and other uses requested by the Petitioner. Testimony was taken over a two-day period both by live witnesses and video tape deposition.

Mr. Eugene Raphel, a registered professional land surveyor, testified as an expert on behalf of the Koinonia Partnership. He advised the Board that the site consisted of approximately 45 acres located in the Greenspring Valley having a zoning designation of R.C. 2. Mr. Raphel reviewed the early blueprints and tracings for the subject site and indicated that these documents date back to 1955. Those tracings and site plans indicate at least eight individual buildings to exist on the site and named those buildings. Testimony throughout the hearing referred to those buildings by name and were further portrayed in Petitioner's Exhibit No. 9, a photographic layout of the site. The video tape deposition viewed by the Board of Marion Carnes further enlightened this Board as to these buildings and as to their history. Ms. Carnes, an 82-year-old resident of the Presbyterian Home and still active Koinonian, first arrived at the subject property in 1954 for

a brief visit. At that time she was a nurse employed in New York State who had been introduced to the Koinonia Foundation by a friend. She described the property usage in 1954 as that of a learning facility with religious values. She indicated that individuals and families were trained at the facility, living on the property while training before being sent overseas on their mission. She returned to the property in 1958 at age 49. During her stays on the property, she testified that at least 40 to 50 people constantly were living on the property. Ms. Carnes was a resident of the property until 1988, except for the few years she was on her mission in Laos. Using the Petitioner's Exhibit No. 9, Ms. Carnes in her deposition described the various buildings located on the site and gave their history.

Photograph A on the exhibit, a structure called the Hope Chest, has been, since her memory serves, a building which contained two apartment living units.

She further described Photograph B, California House, as another dwelling unit which contained two apartment living units.

Photograph C, Silver Lining, was also described as a two-apartment unit structure.

Photograph D, Chicken Coop, later called Acorn, was converted into a residence at a date uncertain; however, probably in the early 1960's.

Photographs E and F in Exhibit No. 9 depict the main building on the property known as Gramercy. This Building was originally constructed in approximately 1906 and has been the main residence house on the property.

Photograph G depicts the remains of what had been the Garden

House, which Ms. Carnes described as housing at least 14 people during 1955. However, that building was destroyed in the early 1980's and has not been rebuilt.

Photographs H and I of Exhibit No. 9 have never been occupied.

Photograph J depicts the building known as Literacy, and it was dedicated in 1958. The building came into use as a teaching building and later evolved into residential use. The building contains at least three apartments.

Photograph L is known as the Memorial Building and was specifically built for students and families to live in. The structure contains eight apartment units. It should be noted that Ms. Carnes advised that not only the student lived in this building but the family of the student along with their children resided there.

Building K on the exhibit is a trailer used by the worker who is employed for the farming activity of the subject site.

Ms. Carnes' records and memory and her position as the Sustainer gave great insight into the history of this unusual property.

Building M was originally a stable converted by Koinonia into meeting rooms, residences and other uses. The exhibits in Ms. Carnes' deposition indicated that the Literacy House construction and the eight-unit family apartments contained therein began prior to September 1959.

Further insight into the history of this property was supplied by Ms. Lane Berk, a resident of Greenspring Valley for at least 45 years. Ms. Berk told the Board that she has always been active in the community affairs of Greenspring Valley, and her memory dates

to at least 1952, recalling a number of residences at Koinonia, and buildings used as both residences and other multi purposes. She further recalls, although without a specific timeframe, that people lived on the site and worked off the site. She recalls the sale of the property in 1985 and feels that this property has been improved under its new ownership. She is further aware that educational workshops and conferences continue on the property. She feels that the property as it exists does not present a detriment to the surrounding area.

The Board next heard from Ann Marie Pomykala, who along with her husband, Dr. Ronald Pomykala, purchased the property at auction in 1985 from the Koinonia Foundation. When the property was purchased, it was in a run-down condition and their aim was to restore the property. The premises contained a print shop owned by outside ownership and a garage also owned by a non-resident. After the purchase of the property, the print shop and garage were removed from the premises. Also, at the time of the purchase of the property, tenants existed on the property and paid rent. A detailed description of the restoration of the property was given to the Board, as well as photographic evidence of the effort which has gone into the refurbishing of this property. Mrs. Pomykala indicated that some of the buildings are covered by the Maryland Historical Trust, and that the property now contains a mushroom and herb garden, and the workers for that garden live on the property.

Although the exclusive use for this property is not a private school, this site is rented out to private groups for seminars and other educational purposes throughout the year. Lynn Woodland indicated that she rents space on the property and has been doing

so for many years.

Christine Ritz, a resident in the Acorn House, told the Board she has lived on the property since 1975, and had worked elsewhere during that time period until she came to work for the herb garden function of the property in June 1990.

Dr. Pomykala told the Board that the only building which has been done on the property has been restoration and no new dwelling units have been placed upon the property. He said the use of the property has not intensified since his purchase.

Norman Gerber, an expert planner, told the Board he believed that this property contained two uses which date back to at least 1955. These uses are both residential and educational, and he feels that the current use of the property continues in that vein as both residential and educational. The special permit granted in the early 1950's for a private school has not expired and contains no expiration date. Exhibits produced by Petitioners indicate that from at least 1948 through 1951 portions of the property were rented to individuals by the previous owner, and that those rental uses continued through at least 1954. During the exclusive use of the Koinonia Foundation, the training center on the property continued to operate with multiple functions as a school, residence, and agricultural-type of establishment.

Mr. Jack Dillon, Senior Planner in the Office of Planning & Zoning for Baltimore County, differed from Mr. Gerber's previously stated opinion that the uses of the property are both residential and educational. Mr. Dillon believes the school permitted by special permit is the predominant use for that property and should that use not be in existence, then the R.C. 2 zoning regulations

will apply, and the use for multi-family dwellings must be pursued by special exception.

Jeffrey Long, of the Office of Planning & Zoning, also told the Board that when the school use on the site ceases the ability to have apartments on that property ceases also.

Daniel Twomey, a former member of the Koinonia Board and counsel to the corporation from 1975 to 1985, told the Board about the history of the Koinonia Foundation and as to how the property was operated during his affiliation with the Foundation. In reviewing Petitioner's Exhibit No. 9, Mr. Twomey indicated that the Acorn House, Photograph D, had not been living space prior to 1976, but was converted to living space in that year; further, that Photograph G, Garden House, had been instructional and then living area but as mentioned before, was removed due to natural causes. Mr. Twomey indicated that the Koinonia Board had discussed the possibility of renting units to tenants who were not affiliated with Koinonia. However, that Board rejected the idea since they were concerned with their tax-exempt status and the possibility of a conflict with any zoning regulation. Mr. Twomey did indicate that Koinonia did use the facilities to raise funds and these funds were derived from the sale of gifts, farm produce, and herbs, and the renting of the property to outside groups for educational and/or social purposes, and that these activities continued until the sale of the property. He described Marion Carnes, who testimony was outlined above, as a "grand lady."

Margaret Worrell, Executive Director of the Valleys Planning Council, submitted a letter indicating that the Valleys Planning Council was against the request of the Petitioners and asked that

the special hearing be denied.

People's Counsel presented a number of exhibits indicating the Baltimore County Zoning Regulations from 1945, 1955, 1969, and 1974. Also given to the Board were a number of newspaper articles regarding the Koinonia Foundation. These articles reflect that this property was used for brief training periods for those who participated in the Koinonia experience. However, as time changed, so did the Koinonia experience, and the property evolved from a site which was exclusive to those of the Koinonia following to one which became more open to the public in general. The Board is convinced that during the 1950's, 1960's, 1970's and 1980's, persons who were not affiliated 100 percent with the Koinonia Foundation resided on the property and paid rent to the Foundation. This belief is further bolstered by a March 1978 newspaper article indicating that some of the residents at Koinonia worked there while some worked elsewhere at regular jobs, and some went to school. Residents were described as people going through an adjustment due to divorce or realignment of professional goals or who wanted to be in a place where such reassessments were accepted and supported. This article further indicated that payment for these courses and the ability to become a resident for either a short term or up to one year ranged from $15.00 up to $220.00 per month.

A private school as defined by Black's Law Dictionary is one maintained by private individuals, groups, religious organizations, or corporations not at public expense, and open only to pupils selected and admitted by the proprietors or governors, or to pupils of a certain religion or possessing certain qualifications, and

generally supported, at least partly, by tuition fees or charges. A school is an institution or place for instruction or education. Clearly, this property continues in this Board's belief to function as an educational site, therefore falling within the definition of a school. The use of this property has changed little since the early 1950's. Although the Koinonia Foundation has faded from this property as owners, its spirit and legacy continue to inhabit this unusual property. The character of this property has not changed in over 40 years. No business that is conducted on this property can been seen or heard by its neighbors, nor do the comings and goings of the inhabitants affect the neighborhood. The Board finds as a matter of fact that multi-residential uses existed on this property during the 1970's, during the 1960's, and during the 1950's, and that these uses continued up to and through the 1980's and still continue to date, and that these uses are nonconforming uses which exist as a matter of right in the R.C. 2 zone as currently described in the Baltimore County Zoning Regulations. This property has been well-known to the neighborhood, and its general usage has continued throughout the last 45 years. A change in ownership does not destroy a nonconforming use. The use transferred to the succeeding owner will continue so long as the nature and character of that use is unchanged and substantially the same facilities are used. The Board finds that the nature and character of this property remains essentially unchanged, and the exact facilities are still being used. The Board finds substantial evidence on the record to support these findings. Accordingly, the Board will order as follows.

O R D E R

IT IS THEREFORE this 2 day of August, 1991 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Special Hearing to approve and confirm the lawful and nonconforming residential, institutional and other uses as shown on Petitioner's Exhibit No. 1 and the continuation of the approved special exception use for educational purposes be and is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett

William T. Hackett, Chairman

C. William Clark

C. William Clark

Arnold G. Foreman

Arnold G. Foreman

Section 101
Definitions
[BCZR 1955]

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purposes of these regulations, certain terms and words are defined below. **[Bill No. 149-1987]**

Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged. **[Bill No. 149-1987]**

ACCESSORY BUILDING — One which is subordinate and customarily incidental to and on the same lot with a main building. A trailer shall not be considered an accessory building. A structure connected to a principal building by a covered passageway or with one wall in common shall not be considered an accessory building.

ACCESSORY USE OR STRUCTURE — A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use. **[Bill Nos. 100-1970; 26-1988]**[5]

AFTER-HOURS CLUB — A commercial establishment whose principal business is the provision of live or recorded entertainment, with or without a dance floor, which is open primarily between 11:00 p.m. and 4:00 a.m. and which does not have a Baltimore County liquor license. An after-hours club is not a nightclub as defined in the Zoning Regulations or the Building Code of Baltimore County, Maryland. **[Bill No. 85-1994]**

AGRICULTURE, COMMERCIAL — The use of land, including ancillary structures and buildings, to cultivate plants or raise or keep animals for income, provided that the land also qualifies for farm or agricultural use assessment pursuant to Section 8-209 of the Tax-Property Article of the Annotated Code of Maryland, as amended. Commercial agriculture includes the production of field crops, dairying, pasturage agriculture, horticulture, floriculture, aquaculture, apiculture, viticulture, forestry, animal and poultry husbandry, horse breeding and horse training and also includes ancillary activities such as processing, packing, storing, financing, managing, marketing or distributing, provided that any such activity shall be secondary to the principal agricultural operations. **[Bill No. 51-1993]**

---

5 **Editor's Note: The definition of "acreage, gross residential" which originally followed this definition was repealed by Bill No. 100-1970.**

Respondent's Exhibit #20

Webster's Third

New International Dictionary

OF THE ENGLISH LANGUAGE UNABRIDGED

A Merriam-Webster

REG. U.S. PAT. OFF.

Utilizing all the experience and resources of more than one hundred years of Merriam-Webster® dictionaries

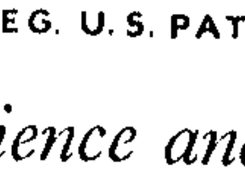
EDITOR IN CHIEF

PHILIP BABCOCK GOVE, Ph.D.

AND

THE MERRIAM-WEBSTER

EDITORIAL STAFF



MERRIAM-WEBSTER INC., *Publishers*

SPRINGFIELD, MASSACHUSETTS, U.S.A.

Respondent's Exhibit #21



A GENUINE MERRIAM-WEBSTER

The name *Webster* alone is no guarantee of excellence. It is used by a number of publishers and may serve mainly to mislead an unwary buyer.

A Merriam-Webster® is the registered trademark you should look for when you consider the purchase of dictionaries or other fine reference books. It carries the reputation of a company that has been publishing since 1831 and is your assurance of quality and authority.

COPYRIGHT © 1986 BY MERRIAM-WEBSTER INC.

PHILIPPINES COPYRIGHT 1986 BY MERRIAM-WEBSTER INC.

WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY
PRINCIPAL COPYRIGHT 1961

Library of Congress Cataloging in Publication Data
Main entry under title:

Webster's third new international dictionary of
the English language, unabridged.

Includes index.
1. English language—Dictionaries. I. Gove,
Philip Babcock, 1902–1972. II. Merriam-Webster Inc.
PE1625.W36 1986 423 85-31018
ISBN 0-87779-201-1 (blue Sturdite)
ISBN 0-87779-206-2 (imperial buckram)

All rights reserved. No part of this work covered by the copyrights hereon may be reproduced or copied in any form or by any means—graphic, electronic, or mechanical, including photocopying, recording, taping, or information storage and retrieval systems—without written permission of the publisher.

MADE IN THE UNITED STATES OF AMERICA

4041KP8887

inst *abbr* **1** installment **2** instant; instantaneous **3** institute, institution **4** instruction, instructor **5** instrument; instrumental

in·stability \ˌinztəˈbilətē, ˌin(t)stə-\ *n* [ME *instabilitee*, fr. MF or L; MF *instabilité*, fr. L *instabilitas*, fr. *instabilis* + *-itas* -ity] : the quality or state of being unstable as **a** : lack of physical firmness : INSECURITY ⟨the ~ of a building⟩ **b** : lack of determination or uniformity ⟨economic ~⟩ : INCONSTANCY ⟨~ of temper⟩ ⟨increasing ~ of cherished institutions⟩; *also* : tendency to react violently or explosively ⟨emotional ~⟩ ⟨the extreme ~ of certain chemicals⟩ **c** : an unstable state of the atmosphere that results when the vertical distribution of temperature or moisture is such that an air particle when set in motion will tend to move at increasing speed either upward or downward from its previous position

in·stable \(ˌ)inˈstābəl, -nˈst-\ *adj* [MF or L; MF, fr. L *instabilis*, fr. *in-* (in- + *stabilis* firm, stable — more at STABLE)] : UNSTABLE

in·stall *also* **in·stal** \ənˈstȯl, ənˈst-\ *vt* **installed; installed; installing; installs** *also* **instals** [MF *installer*, *instaler*, fr. ML *installare*, fr. L *in-* ²in- + ML *stallum*, *stallus* stall, fr OHG *stal* place, stall — more at STALL] **1 a** : to place in possession of an office or dignity by seating in a stall or official seat **b** : to place in an office, rank, or order : INDUCT ⟨~*ed* the new college president⟩ **2** : to introduce and establish (oneself or another) in an indicated place, condition, or status ⟨~*ing* himself in the big chair before the fire⟩ ⟨~*ed* his sister as secretary⟩ **3** : to set up for use or service ⟨the electrician ~*ed* the new fixtures⟩ ⟨had gas heating ~*ed*⟩

in·stal·lant \-lənt\ *n* -s [ML *installant-*, *installans*, pres. part of *installare* to install] : one that formally installs another to office

in·stal·la·tion \ˌinstəˈlāshən, ˌin(t)stə-\ *n* -s [F or ML; F, fr. MF, fr. ML *installation-*, *installatio*, fr. *installatus* (past part. of *installare*) + L *-ion-*, *-io* -ion] **1** : an act of installing or the state of being installed; as **a** : the giving possession of an office, rank, or order with the usual rites or ceremonies **b** : ESTABLISHMENT **c** : the setting up or placing in position for service or use **2 a** : *something that is installed for use* ⟨admired the new plumbing ~⟩ **b installations** *pl* : APPOINTMENTS, FURNISHINGS, EQUIPMENT ⟨the ~s were of excellent quality and in very good taste⟩ **3** : land and improvements installed thereon devoted to military purposes ⟨forts, training camps, and other army ~s⟩

in·stall·er \ənˈstȯlə(r), ənˈst-\ *n* -s : one that installs ⟨repairmen and ~s of new equipment⟩

installing officer *n* : *a person that supervises or conducts a formal installing of an officer of an organization*

¹in·stall·ment *or* **in·stal·ment** \-lmənt\ *n* -s [*install* or *instal* + *-ment*] **1** : an act of installing or the state of being installed **2** *obs* : the seat or place in which one is installed

²installment *also* **instalment** \"\ *n* -s [alter. of earlier *estallment*, *estalment* arrangement for payment by installments, prob. fr. MF *estaler* to stop, place, fix (fr. OF, fr *estal* stop, *place*, *position*, *fr.* OHG *stal* place, stall) + E *-ment* — more at STALL] **1 a** : one of the portions into which a sum of money or a debt is divided for payment at set and usu. regular intervals ⟨the balance may be paid in three equal quarterly ~s⟩ **b** : a payment that is part of a sum owed ⟨surprised to get even an ~ on the money he had loaned⟩ **2 a** : one of several parts (as of a publication) presented at intervals : PART **b** : one portion of a story published serially (as in a magazine)

³installment *also* **instalment** \"\ *adj* : of, relating to, based on, or involving periodic payments of a fixed sum or of a predetermined percentage of a total ⟨~ buying⟩ ⟨~ credit⟩ ⟨~ loan⟩ ⟨an ~ account⟩

installment mortgage *n* : a mortgage in which the sum loaned is to be repaid in installments over a period of time

installment plan *n* : a plan that involves payment by installments

installment sales insurance *n* : insurance that covers the seller's interest in merchandise which is sold on installment terms

installment selling *n* : the selling of consumer goods on credit under conditional sales contracts that provide for regular periodic payments after an initial down payment

¹in·stance \ˈinzt(ə)ns, ˈin(t)stə-, ˈinsən-\ *n* -s [ME *instaunce*, fr. MF *instance* act of urging, motive, instant, fr. L *instantia* presence, vehemence in speech, urgency, fr. *instant-*, *instans* (pres part.) + *-ia* -y — more at INSTANT] **1 a** *archaic* : urgent or earnest solicitation : urgency or exercise of pressure in either petition or action **b** : INSTIGATION, SUGGESTION, REQUEST ⟨work undertaken at the ~ of the householder⟩ **c** *obs* : something that urges : an impelling cause or motive **2** [ML *instantia*, trans. of Gk *enstasis*] **a** *archaic* : a case or example brought forward in disproof or rebuttal of a generalization : EXCEPTION **b** : something that is available or is offered as an illustrative case : something cited *in proof or as an* example ⟨an ~ of true heroism⟩ ⟨carefully documenting each ~ of the use of this diphthong⟩ **c** *obs* : TOKEN, SIGN, SYMPTOM **d** *obs* : INCIDENT, CIRCUMSTANCE **3** [F or L, F, fr L *instantia*, fr. L] **a** : the institution and prosecution of a lawsuit : a legal proceeding or process : SUIT **b** (1) : a demand set forth in a civil law proceeding (2) : a specific case referred to as an example (3) : a case in an ecclesiastical court that is brought at the request of a party and not *upon official request* **4 a** : a step, stage, or situation viewed as part of a process or series of events : an occasion or period defined by certain events ⟨a well-known writer who prefers, in this ~, to remain anonymous — *Times Lit. Supp.*⟩ ⟨appointments will be made for a three-year period in the first ~⟩ **b** : SUBSTITUTION INSTANCE

syn CASE, ILLUSTRATION, EXAMPLE, SAMPLE, SPECIMEN, INSTANCE and CASE are less specific in meaning and suggestion *than the others. The former may* be used in reference to any particular person, thing, or situation which may be given to illustrate or explain ⟨the *instance* may be rejected, but the principle abides —B.N.Cardozo⟩ ⟨wanted to work out the problem on a definite *instance* — A.L.Guérard⟩ CASE is now very general in meaning and poor in connotative power, it is used to designate a situation or occurrence showing characteristics to be grouped together and viewed as a configuration *or pattern* ⟨the *case* of payments made under the head of profits to entrepreneurs, financiers, speculators, and middlemen in various markets —J.A.Hobson⟩ ⟨usually isolated *cases* of deaf and dumb, feebleminded, or otherwise unfortunate children —R.W.Murray⟩ ILLUSTRATION is likely to suggest an instance adduced for the sake of clarifying or demonstrating ⟨the resolution of Washington and his men at Valley Forge is an *illustration* of bravery⟩ EXAMPLE suggests a single item or incident taken as typical or representative ⟨perhaps the best of many American *examples* of the creative artist and thinker . . . in a country and an era dominantly materialistic —H.S.Canby⟩ SAMPLE may indicate a part or a unit of a whole taken more or less at random but still presumed to be typical or representative in showing a general nature, character, or quality ⟨so many happy youths . . . so many divers *samples* from the growth of life's sweet season —William Wordsworth⟩ ⟨the barest *sample* of the riches which the gleaner may gather — B.N.Cardozo⟩ SPECIMEN is *close to* SAMPLE in its meaning but may suggest scientific or otherwise close analysis ⟨made it my business to examine some *specimens* of the writing —Charles Dickens⟩ SPECIMEN may indicate either the typical or representative example or the merely existent instance ⟨there were a few boomtowns in the Middle West, but the finest *specimens* began to be seen only with the discoveries of gold and silver in the Far West —A.F.Harlow⟩

— for instance \fə(r)ˈinstən(t)s *sometimes* ˈfrin-\ *adv* : as an example

²instance \"\ *vb* -ED/-ING/-S *vt* **1** *obs* : URGE, IMPORTUNE **2** : to illustrate or demonstrate by an instance ⟨his meaning is well *instanced* in the passage quoted⟩ **3** : to mention as a case or example : CITE ⟨we might ~ the increase in delinquency⟩ ~ *vi* : to mention an instance ***syn*** see MENTION

instance court *n* : a branch of a court of admiralty that *has jurisdiction over all maritime contracts* and torts except prize cases

in·stan·cy \-ənsē, -si\ *n* -ES [L, *instantia*] **1** : URGENCY, INSISTENCE ⟨continued to press his claim with some ~⟩ ⟨the vivid ~ of an involuntary cry —C.E.Montague⟩ **2** : nearness of approach : IMMINENCE ⟨the ~ of peril —*Yale Rev.*⟩ **3** : immediateness of occurrence or action : INSTANTANEOUSNESS ⟨the ~ of their response⟩ ⟨the *instancies* of aviation and television —Mary Madeleva⟩

¹in·stant \ˈinstənt, ˈin(t)stə-\ *n* -S [ME, prob. fr. MF, fr. *instant*, adj.] **1 a** : an infinitesimal space of time : a point of time ⟨came not an ~ too soon⟩; *esp* : a point without temporal duration *separating two states each with temporal* duration ⟨at the ~ of death⟩ **b** : a point of time present or regarded as present in respect to a particular context : MOMENT ⟨the ~ we met⟩ ⟨come here this ~⟩ ⟨the ~ she opened her eyes⟩ **2** : the present or current month

²instant \"\ *adj* [ME, fr. MF or L; MF, fr. L *instant-*, *instans*, fr. pres. part. of *instare* to stand upon, press upon, urge, fr. *in-* ²in- + *stare* to stand — more at STAND] **1** : INSISTENT, IMPORTUNATE, PRESSING, URGENT ⟨~ *in argument*⟩ **2 a** : PRESENT, CURRENT ⟨the ~ case being tried⟩ **b** : of or occurring in the present month — abbr *inst.* ⟨received your letter of the 10th *inst.*⟩, compare PROXIMO, ULTIMO **3** : closely pressing in respect to time ⟨running an ~ risk of suffocating⟩ **4** : IMMEDIATE, DIRECT ⟨the ~ dependence of form upon soul —R.W.Emerson⟩ **5 a** : premixed or precooked for easy final preparation ⟨~ cake mix⟩ ⟨~ mashed potatoes⟩ **b** : immediately *soluble in water* ⟨~ *coffee*⟩ ***syn*** see PRESSING

³instant \"\ *adv* : at once : INSTANTLY

in·stan·ta·ne·i·ty \ˌinzˌtantᵊnˈēədē, ənz-, -antəˈnē-, ˌinzˌtantəˈnē-, -nˌ(ə)st-\ *n* -ES [*instantaneous* + *-ity*] : the quality or state of being instantaneous

in·stan·ta·neous \ˌinztənˈtānēəs, ˌin(t)stə-, -ānyəs\ *adj* [ML *instantaneus*, fr. L *instant-*, *instans* (pres part.) + *-aneus* (as in *subterraneus* subterranean)] **1** : done, occurring, or acting *without any perceptible duration of time* ⟨~ *death*⟩ ⟨~ heaters⟩ **2 a** : done without any delay being introduced purposely ⟨~ action⟩ **b** *of a sound recording* : capable of being used as soon as recorded **3** : occurring or present at a particular instant ⟨~ velocity⟩ ⟨~ voltage⟩ — **in·stan·ta·ne·ous·ly** *adv* — **in·stan·ta·ne·ous·ness** *n* -ES

instantaneous exposure *n* : exposure of photographic materials for a short time by an automatic device — compare TIME EXPOSURE

in·stan·ter \ənˈstantə(r), ənˈstan-\ *adv* [ML, fr. L, earnestly, vehemently, fr. *instant-*, *instans* instant] : at once : IMMEDIATELY, INSTANTLY

in·stan·tial \(ˌ)inˈstanchəl, ənˈst-, -nˈstā-\ *adj* [L *instantia* presence, urgency + E *-al* — more at INSTANCE] : of, relating to, constituting, or providing an instance ⟨empirical laws for which there is ~ evidence —Arthur Pap⟩

in·stan·ti·ate \ənˈstanchēˌāt\ *vt* -ED/-ING/-S [L *instantia* presence, urgency + E *-ate*] : to represent (an abstraction or universal) by a concrete instance — **in·stan·ti·a·tion** \(ˌ)ənˌstanchēˈāshən\ *n* -S

¹in·stant·ly *adv* [ME, fr. *instant* (adj.) + *-ly*] **1** : with urgency or importunity : PRESSINGLY **2** *obs* : in this or in the most recent moment : just now **3** : without the least delay : at once : IMMEDIATELY

²in·stant·ly \"\ *conj* : as soon as : IMMEDIATELY, DIRECTLY ⟨recognized her ~ I saw her⟩

in·stant·ness *n* -ES : the quality or state of being instant

¹in·star \ənˈstär, ənˈst-\ *also* **en·star** \ən-,en-\ *vt* [²*in-* or ¹*en-* + *star* (n.)] **1** *archaic* : to place as a star : turn into a star **2** : to adorn or stud with or as if with stars ⟨a coronet *instarred* with precious stones⟩

²in·star \ˈinzˌtär, -nˌst-, -stə(r)\ *n* -S [NL, fr. L, figure, form, perh. alter. of *instare* to approach, to be evenly balanced, stand upon — more at INSTANT] : a stage in the life of an insect or other arthropod between two successive molts ⟨some insects may have seven or more ~s⟩, *also* : an individual in a specified instar ⟨collected several third-*instar* larvae⟩

in·state \ənˈstāt, -nˈstāt, *usu* -ād-\ V\ *also* **en·state** \ən-,en-\ *vt* [²*in-* or ¹*en-* + *state* (n.)] **1** : to set, place, or establish esp in a rank, office, or status : INSTALL ⟨hoped to ~ his sister in her estate⟩ **2** *obs* **a** : INVEST, ENDOW **b** : BESTOW, CONFER

in·state·ment \-mənt\ *n* -S : INSTALLATION

in sta·tu nas·cen·di \ənˈstäˌtü(ˌ)näˈsendē, -ˈstaˌ |(ˌ)chü-, -dī, -ˈstäˌ(ˌ)tünäˈskendē\ [L, in the state of being born] : in the nascent state ⟨produce the aldehyde *in statu nascendi* C.D.Hurd⟩ : in the course of being formed or developed ⟨if . . . isolation can promote the formation of full species, such species must *in statu nascendi* pass through a phase of *less than specific distinction* —Fridthjof Nansen⟩

in statu quo \-ˈkwō\ [L] : in the state in which something is or was : in the former or same state

in·stau·ra·tion \ˌinzˌtȯˈrāshən, ˌinˌst-\ *n* -S [L *instauration-*, *instauratio*, fr. *instauratus* (past part. of *instaurare* to renew, restore) + *-ion-*, *-io* -ion — more at STORE] **1** : restoration after decay, lapse, or dilapidation **2** *obs* : an act of instituting or establishing something

in·stau·ra·tor \ˈ-ˌrād-ə(r)\ *n* -S [L, fr. L *instauratus* (past part.) + *-or*] : one that engages in instauration

in·stead \ənˈsted, ənˈst-, *more often before "of" than in other positions* + ād\ *adv* [fr the phrase *instead of*] **1** : in the place : in lieu : as a substitute or equivalent ⟨he came ~⟩ **2** : as an alternative to something expressed or implied : in the place of something : RATHER ⟨longing ~ for a quiet country life⟩

instead of *prep* [ME *in sted of*] : as a substitute for or alternative to ⟨had peanut butter *instead of* jelly⟩ ⟨sent his helper *instead of* coming himself⟩

in·steep \ənˈstēp, ənˈst-\ *vt* [²*in-* + *steep*] : STEEP, SOAK : IMBRUE

in·stel·la·tion \ˌinzˌtelˈlāshən, ˌinˌste-\ *n* -S [²*in-* + L *stella* star + L *-ation* — more at STAR] **1** : a setting among the stars **2** : a turning into a star

in·step \ˈinzˌtep, ˈinˌstep\ *n* [perh. fr. ⁴*in* + *step*] **1** : the arched middle portion of the human foot next in front of the ankle joint, *esp* : the upper surface of this part **2** : the part of the hind leg of the horse and related animals between the hock and the pastern joint **3** : the part of a shoe or stocking over the instep **4** : something (as the slope of a hill) that is felt to resemble the human instep

in·sti·gate \ˈinztəˌgāt, ˈinˌst-, *usu* -ād-\ V\ *vt* -ED/-ING/-S [L *instigatus*, past part. of *instigare* — more at STICK] : to goad or urge forward : set on : PROVOKE, INCITE ⟨his past experience *instigated* him to boldness⟩ ⟨*instigating* a plot to overthrow the government⟩ ***syn*** see INCITE

in·sti·gat·ing·ly *adv* : in an instigating manner

in·sti·ga·tion \ˌinstəˈgāshən\ *n* -S [ME *instigacioun*, fr. MF or L; MF *instigation*, fr. L *instigation-*, *instigatio*, fr *instigatus* (past part.) + *-ion-*, *-io* -ion] **1** : an act of instigating or the state of being instigated : INCITEMENT ⟨they agreed at our ~ to confer⟩ ⟨the ~ of the new program⟩ **2** : *something that* instigates : INCENTIVE ⟨his friends' approval was a real ~ to succeed⟩

in·sti·ga·tive \ˈinstəˌgād-iv\ *adj* [L *instigatus* (past part.) + E *-ive*] : tending to instigate

in·sti·ga·tor \-ˌgād-ə(r), -ād-ə\ *n* -S [L, fr. *instigatus* (past part.) + *-or*] : one that instigates

in·still *also* **in·stil** \ənˈstil, ənˈstil\ *vt* **instilled, instilled; instilling, instills** *also* **instils** [ME & L; MF *instiller*, fr. L *instillare*, fr. *in-* ²*in-* + *stillare* to drip, trickle — more at DISTIL] **1** : to introduce a drop at a time : cause to enter drop by drop ⟨~ a few drops of warm olive oil⟩ **2** : to impart or introduce gradually : cause to be taken in little by little ⟨~*ing* a reverence for honest dealings⟩ ⟨~*ed* the teachings of his own faith⟩ ***syn*** see IMPLANT

in·stil·la·tion \ˌinztəˈlāshən, ˌinˌst-\ *n* -S [ME & L; ME, fr. L *installation-*, *instillatio*, fr. *instillatus* (past part.) + *-ion-*, *-io* -ion] **1** : an act of instilling : introduction by instilling ⟨repeated ~ of penicillin⟩ **2** : something that is instilled or designed for instillation ⟨an only ~⟩ ⟨silver ~ for use in the eyes of the newborn⟩

in·still·er \ənˈstilə(r), ənˈst-\ *n* -S : one that instills

in·still·ment *also* **in·stil·ment** \-lmənt\ *n* -S : INSTILLATION

¹in·stinct \ˈinzˌ(ˌ)tiŋ(k)t, -ˌtēŋ-, ˈinˌ(ˌ)st-\ *n* -S [ME, fr. L *instinctus*, fr. *instinctus* (past part.)] **1** *obs* : INSTIGATION, IMPULSE **2** : a natural or inherent aptitude, tendency, impulse, or capacity ⟨an ~ for the right word⟩ ⟨his ~ toward success⟩ ⟨the religious ~*s* of primitive peoples⟩ **3 a** : complex and specific response on the part of an organism to environmental stimuli that is largely hereditary and unalterable though the pattern of behavior through which it is expressed may be modified by learning, that does not involve reason, and that has as its goal the removal of a somatic tension or excitation **b** : behavior that is mediated by reactions (as reflex arcs) below the conscious level — usu. not used technically

²in·stinct \(ˌ)inˈstiŋ(k)t, ənˈst-, -nˈstī-\ *adj* [L *instinctus*, past part. of *instinguere* to instigate, incite; akin to L *instigare* to instigate, incite — more at STICK] **1** *obs* : implanted by nature : INNATE **2** *obs* : impelled by an inner or animating or exciting agency **3** : profoundly imbued : FILLED, CHARGED — usu. used postpositively and with *with* ⟨a spirit ~ with human kindness⟩ ⟨~ with patriotism⟩

³instinct *vt* -ED/-ING/-S [L *instinctus* (past part.)] **1** *obs* : INSTIGATE, IMPEL **2** *obs* : *to implant as an animating power*

in·stinc·tion \ənˈstiŋ(k)shən, ənˈst-\ *n* -S [obs. E, instigation, inspiration, fr. MF, fr. LL *instinction-*, *instinctio*, fr L *instinctus* (past part.) + *-ion-*, *-io* -ion] **1** *obs* : INSTINCT **2** : instinctive behavior

in·stinc·tive \(ˌ)inˈstiŋ(k)tiv, ənˈst-, -ˈtēv *also* -ˈtəv\ *adj* [*instinct* + *-ive*] : of, relating to, or constituting instinct : derived from or prompted by instinct : determined by *natural impulse or propensity* : UNLEARNED, UNREASONED ⟨an ~ dread of mice⟩ ⟨~ behavior⟩ ***syn*** see SPONTANEOUS

in·stinc·tive·ly \-tivlē, -li\ *adv* : in an instinctive manner : as a matter of instinct ⟨reached ~ for some support⟩ ⟨~ proud of their traditions⟩

¹in·stinc·tiv·ist \ənˈstiŋ(k)təvəst, -tēv-\ *n* -S [*instinctive* + *-ist*] : one that views society as a manifestation of various instinctive drives; *broadly* : one that views human behavior and social adaptation as the resultant of the interplay of various instinctive drives (as for survival) with environmental factors (as group relations)

²in·stinc·tiv·ist \(ˌ)ənˌstiŋ(k)təˈvistik\ *or* **in·stinc·ti·vis·tic** \(ˌ)ənˌstiŋ(k)təˈvistik, -tēk\ *adj* : based on the predominance of instinct : of or relating to instinctivists ⟨~ theories⟩

in·stinc·tu·al \(ˌ)ənˈstiŋ(k)chəwəl\ *adj* [*instinct* + *-ual* (as in *actual*)] : of, relating to, or based on instincts ⟨~ behavior⟩ ⟨the ~ society of social insects⟩ — **in·stinc·tu·al·ly** \-ᵊlē, -lī\ *adv*

in·sti·tor \ˈinstəˌtȯ(ə)r, ˈin(t)stə-\ *n* -S [L, fr. *instit-* (perf. stem of *insistere* to occupy a place in, stand upon, persist) + *-or* — more at INSIST] : a person (as the manager of a commercial or manufacturing business, a broker, factor, or commission agent) to whom the transaction of some business is committed as agent to such a degree as to bind the principal — used chiefly in Roman and civil law — **in·sti·to·ri·al** \ˌinstəˈtȯrēəl\ *adj*

¹in·sti·tute \ˈinstəˌtüt, ˈin(t)stə-, -əˌtyüt, *in rapid speech* ˈinzˌt(y)üt *or* ˈin(t)ˌst(y)-; *usu* -ld-+V\ *vt* -ED/-ING/-S [ME *instituten*, fr. L *institutus*, past part. of *instituere*, fr. *in-* ²*in-* + *-stituere* (fr. *statuere* to stand up, set, place) — more at STATUTE] **1** : to establish in a particular position or office as **a** : to invest with spiritual charge of a benefice : put (as a pastor) in charge of the care of souls **b** : to appoint as heir under Roman or civil law **2 a** : to originate and get established : set up : cause to come into existence : ORGANIZE ⟨the man that *instituted* these reforms in lexicography⟩ **b** : to set on foot : INAUGURATE, INITIATE ⟨*instituting* an investigation of the charges⟩ **3 a** *obs* : to ordain or enjoin to be or to be done **b** *archaic* : to ground or establish in principles or rudiments : INSTRUCT, EDUCATE ***syn*** see FOUND

²institute \"\ *n* -S [L *institutum*, fr neut of *institutus* (past part.)] **1** *obs* : DESIGN, PLAN, PURPOSE **2** *obs* : *an act of* instituting **3** [MF & L; MF *institut*, fr. L *institutum*] : something that is instituted: as **a** (1) : an elementary principle : a precept or rule recognized as authoritative (2) **institutes** *pl* : a collection of such principles and precepts; *esp* : a comprehensive summary of legal principles and decisions — compare DIGEST **b** (1) : an organization for the promotion of some estimable or learned cause or the welfare of some *group* ⟨*an ~ for the blind*⟩ ⟨*an ~ for psychical research*⟩ (2) : an association of persons or organizations that collectively constitute a technical or professional authority in a field of work or study ⟨Horological *Institute* of America⟩ ⟨an ~ of architects⟩ (3) *chiefly Brit* : a school or academy esp. for part-time education of workers ⟨teaching in the village ~⟩ (4) : an institution for advanced education esp. in science or technology ⟨spent two years at the textile ~⟩ (5) : a brief course of instruction or seminars (as for teachers or poultrymen) on business or professional problems **c** : a building or group of buildings occupied by an institute **4** [L. *institutus* (past part.)] **a** *Scots law* : the person to whom an estate is first given by destination or testament — compare SUBSTITUTE **b** *civil law* : an heir appointed by will under a duty to transfer the property to a person designated in the will

in·sti·tut·or \-ldə(r)\ *n* -S : INSTITUTER

in·sti·tu·tion \ˌinstəˈtüshən, ˌin(t)stə-, -təˈtyü-, *in rapid speech* inzˈt(y)ü- *or* inˈt(y)ü-, *chiefly in substand speech* ˌin(t)səˈ-\ *n* -S [ME *institucioun*, fr. MF & L; MF *institution*, fr. OF, fr. L *institution-*, *institutio* arrangement, custom, instruction, element of instruction, appointment of an heir, fr. *institutus* (past part.) + *-ion-*, *-io* -ion] **1** : an act or the process of instituting: as **a** [ME *institucioun*, fr. ML *institution-*, *institutio*, fr. L.] : the investing of a clergyman with the spiritual part of a benefice by which the cure of souls is committed to his charge followed in the Church of England by induction **b** (1) : the appointment of an heir (2) : the appointment of an institute (sense 4a) **c** : ESTABLISHMENT, FOUNDATION, ENACTMENT ⟨the ~ of this custom dates back to the 15th century⟩ **d** *obs* : reduction to order or form : REGULATION, ORDERING **e** *obs* : INSTRUCTION, EDUCATION **f** : the establishment of a sacrament; *usu* : the designation, authorization, or ordination by Christ of various signs or ceremonies as sacraments ⟨the words of ~ form part of the eucharistic rite⟩ **2** : something that serves to instruct (as a textbook or a system of rules or principles) — now usu. restricted to law; compare INSTITUTE 3a **3** : something that is instituted; as **a** (1) : a significant and persistent element (as a practice, a relationship, an organization) in the life of a culture that centers on a fundamental human need, activity, or value, *occupies an enduring and cardinal position within a* society, and is usu. maintained and stabilized through social regulatory agencies ⟨~ of marriage⟩ ⟨the family is a fundamental social ~⟩ (2) : a custom that is usu. widely sanctioned or tolerated and that in some degree contributes to group welfare ⟨the old New England ~ of bundling⟩ ⟨the coffee break has become an ~ in many places⟩ (3) : something or someone well established in some customary relationship : FIXTURE ⟨*the old man was an* ~ along the waterfront⟩ ⟨father's Sunday breakfast in bed was a family ~⟩ **b** : an established society or corporation : an establishment or foundation esp. of a public character ⟨a literary ~⟩ ⟨the Smithsonian *Institution*⟩ ⟨~*s* of higher learning⟩ **c** : a building or the buildings occupied or used by such organization

in·sti·tu·tion·al \ˌ-ᵊshənᵊl, (ˌ)ənˌstiˈt(y)ü-, -shnəl\ *adj* **1** : of, relating to, involving, or constituting an institution ⟨an ~ investor⟩ ⟨~ elements of a political system⟩ ⟨~ care of the blind⟩, as **a** : of or relating to the institution of a sacrament **b** *of advertising* : designed to create goodwill and prestige for a company and its products rather than to produce immediate sales of specific products **2** : provided with or characterized by institutions : having or sponsoring institutions esp. of a charitable or educational nature ⟨~ society⟩ — **in·sti·tu·tion·al·ly** \-ᵊlē, -əlj, -lī\ *adv*

institutional economics *n pl but sing or pl in constr* : a school of economics that emphasizes the importance of nonmarket factors (as social institutions) in influencing economic behavior, economic analysis being subordinated to consideration of sociological factors, history, and institutional development

in·sti·tu·tion·al·ism \ˌ-ᵊˈt(y)üshənᵊlˌizəm, -ˈt(y)ü-, -shnəˌlī-\ *n* -S **1** : adherence to, upholding of, or acceptance of *established institutions (as of society or religion)* : belief in or dependence on that which is sanctified and given authority as an institution ⟨exhibiting an excessive conventionalism and ~ in religion⟩ **2 a** : a policy or theory favoring extended use of public institutions (as for defectives and criminals);

by isolated ~s of once continuous dolerite sills —Arthur Holmes) **4** : a trace of some past or outmoded practice, custom, or belief : SURVIVAL, VESTIGE ⟨the prison . . . is an anachronistic ~ of medieval concepts of crime and punishment —R.S.Banay⟩ **5** : RELICT 4 **6** : RELICT 5 **7** : a term, form, or pronunciation once common over a wide area but now occurring only in a usu. isolated place

relic area *n* : a region that retains characteristic speech features from an earlier stage of a language which have been lost or *have undergone greater change in other regions* — *compare* FOCAL AREA, GRADED AREA

rel·i·cary \'relə,kerē\ *n* -ES [Sp *relicario*, fr. ML *reliquarium* — more at RELIQUARY] : RELIQUARY

¹rel·ict \'relikt, -lēkt\ *n* -S [in sense 1, fr. L *relictum*, neut. of *relictus*, past part. of *relinquere* to leave behind, in sense 2, fr. L *relicta*, neut. pl. of *relictus*, in senses 3, 4 & 5, fr. L.L. *relicta*, fr. L, fem. of *relictus*; in senses 4 & 5, fr. ²*relict* — more at RELINQUISH] **1** *obs* : RELIC 1a **2 relicts** *pl, archaic* : RELIC 2 **3** : WIDOW ⟨the ~ of a famous general⟩ ⟨a banker's wife who behaved as if she had been his ~ —George Meredith⟩ **4** : a *persistent remnant of an* otherwise extinct flora or fauna or kind of organism ⟨various Australian cycads are probably Carboniferous ~s⟩ ⟨the metasequoia is a ~ of a once abundant genus⟩ **5** : a relict relief feature or rock ⟨older view that the Scandinavian mountain range is simply a ~ of the higher ancient Caledonian range —*Jour. of Geol.*⟩

²re·lict \rə'likt, rē'-\ *adj* [L *relictus*, past part. of *relinquere*] **1** *obs* : left behind by death; *specif* : WIDOWED **2** *also* **relic** **a** : remaining after other parts have been removed or have disappeared : RESIDUAL ⟨~ lake⟩ ⟨~ mountain⟩ ⟨~ quartz⟩ **b** : left behind in a process of change ⟨~ sulfides in a partly *oxidized ore body*⟩ **3** *also* **relic** : *surviving as a remnant of a* vanishing race, type, or species : belonging to an otherwise extinct class or kind ⟨such ~ animals as the opossum —Weston La Barre⟩

re·lict·ed \-təd\ *adj* : RELICT 2

re·lic·tion \-kshən\ *n* -S [*L reliction-*, *relictio* act of leaving behind, fr. *relictus* (past part. of *relinquere*) + *-tion-*, *-tio* -tion] : the gradual withdrawal of the water in the sea, a lake, or a stream leaving permanently exposed and uncovered land whose title then vests in the abutting owner of adjacent land; *also* : the land so left uncovered — *compare* ACCRETION

relied *past of* RELY

¹re·lief \rə'lēf, rē'-\ *n* -S [ME *relefe*, *releve*, *relief*, fr. MF *relief*, fr. OF, fr. *relever* to raise again, relieve — more at RELIEVE] **1 a** : a fine or money composition (as a year's rent or a fixed sum) formerly paid by the heir of a deceased tenant to his lord for the privilege of taking up the landed estate which on strict feudal principles had escheated — distinguished from *heriot* **b** : an acknowledgment made by the heir of his vassal tenure of a lord as a condition of being received or had as a vassal **2** : removal or lightening of something oppressive, burdensome, painful, dangerous, or distressing ⟨expressing *his secret fears gave him great* ~⟩ ⟨it was a ~ to take off his tight shoes⟩; **a** : aid in the form of money or necessities for the indigent, aged, or handicapped ⟨public ~⟩ ⟨work ~⟩ ⟨disaster ~⟩ **b** *obs* : FLEDING, SUSTENANCE **c** : military assistance in or rescue from a position of extreme difficulty or encirclement ⟨sent to the ~ of a besieged city⟩ **d** : diversion or amusement serving to ease or relax the mind ⟨have no ~ but in passing their afternoons in visits . . . , and their evenings at cards —Jonathan Swift⟩ **e** : means of breaking or avoiding monotony, tedium, or prolonged straining of attention ⟨the appearance on the horizon of even the swagman's silhouette may be a welcome ~ —*William Power*⟩ **3** : *release from a post or from* the performance of duty by the intervention of others, by discharge, or by relay ⟨~ of a sentry⟩ ⟨the ~ of the commanding general was to be expected⟩ **4 a** : one that relieves from performance of duty by taking the place of another ⟨explained their duties and equipment to their ~s —O.J.Dufek⟩ : RELAY, REPLACEMENT ⟨send up a ~ to consolidate the position —Bill Mauldin⟩ **b** : SCRUM 3b(2) **5 a** : legal remedy or redress **b** *Scots law* : release from an obligation or contribution from a joint obligor for his proportionate share of liability **6** [F; trans of It *rilievo*, fr. *rilevare* to raise, fr. L. *relevare* — more at RELEVE] **a** : *a mode of sculpture in which forms and figures are distinguished* (as by modeling of soft material, hammering of thin malleable material, or cutting away the surface in a hard material) from a surrounding plane surface — *compare* INTAGLIO, *in the round* at ROUND; *see* BAS-RELIEF, FLAT RELIEF, MEZZO-RELIEVO, SUNK RELIEF **b** : sculpture or a sculptural form executed in this mode ⟨a stone ~ above the arch⟩ **c** : projecting detail, ornament, or figures in sculpture ⟨the sharp edges of the ~ cannot stand the test of time⟩ **7 a** : the suggestion in pictorial art of spatial dimensions and relations communicated by the arrangement of lines, colors, or shadings **b** : *vividness or sharpness of outline due to contrast* (as of color or shading) ⟨a roof in bold ~ against the sky⟩ **8** : the difference of level between the highest part of a fortification works and the bottom of the ditch or trench **9** : the elevations or inequalities of a land surface : the difference in elevation between the hilltops or summits and the lowlands of a region **10** : the character of the surface of a mineral section as observed under the microscope **11 a** : a passage in a tailstock center for the facing or parting tool made by cutting away one side of the center so that the tool may be advanced to or almost to the center of the work **b** : a slight modification *in the dimension of a part of a machine to secure clearance* **c** : the lessening of excessive pressure (as of a tool, a moving part, a confined gas) **d** : CLEARANCE 2e

²relief \"\ *adj* **1** : providing relief from distress, pressure, strain, congestion ⟨~ measures during a famine⟩ ⟨~ highway⟩ **2** : characterized by surface inequalities **3** : of or used in letterpress ⟨~ form⟩ ⟨~ plate⟩ ⟨~ engraving⟩

³relief \"\ *adj, usu cap* [fr. the *Relief* Church, founded in 1761 in Scotland by Thomas Gillespie †1774 Scottish clergyman and his followers] : of or relating to the Relief Church that was founded to provide relief from the evils of patronage *and that joined in 1847 with the United Secession* to form the United Presbyterian Church (of Scotland)

re·lief·er \-fə(r)\ *n* -S [*relief* + *-er*] **1** : RELIEF PITCHER **2** : one who receives public relief

relief frame *n* : a frame or ring interposed between the back of a slide valve and the inside of the steam-chest cover in some large engines to prevent access of the steam to the greater part of the valve thereby relieving the pressure on the valve and materially reducing friction

relief map *n* : a map representing topographic relief by contour lines, hachures, coloring, shading, or similar graphic *means*

relief model *n* : a three-dimensional scale model of a part of the earth's surface

relief pitcher *n* : a baseball pitcher who takes over for another during a game; *esp* : one who is regularly held in readiness for relief

relief printing *n* : LETTERPRESS 1a

relief process *n* : a process for making subtractive color prints that employs photographic images of varying thickness in a material (as gelatin) that may contain a pigment or may be dyed to show variations in optical density in proportion to *thickness*

relief valve *n* : a valve for the escape of steam or fluid under excessive pressure

relief well *n* : a vertical drain used for the drainage of a deep pervious stratum to relieve waterlogging of the surface soil

re·li·er \rə'lī(ə)r\ *n* -S [*rely* + *-er*] : one that relies

relies *pres 3d sing of* RELY

re·liev·able \rə'lēvəbəl\ *adj* : capable of being relieved ⟨~ wrongs⟩

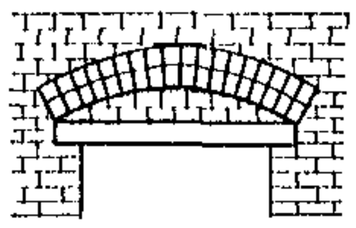
re·lieve \rə'lēv, rē'-\ *vb* -ED/-ING/-S [ME *releven*, fr. MF *relever* to lift up, raise, relieve, fr. L *relevare*, fr. *re-* + *levare* to raise — more at LEVER] *vt* **1** : to free from a burden, evil, pain, or distress : give ease, comfort, or consolation to ⟨knowing the truth will ~ anxious parents⟩ : give aid, help, or succor to : RESCUE, DELIVER ⟨~ a besieged city⟩ ⟨a society for *relieving* the poor⟩ **2 a** : to bring about the removal or alleviation of : make less burdensome or afflicting : MITIGATE, LESSEN, ALLEVIATE ⟨strenuous efforts to ~ the food shortage⟩ ⟨frequently smokes to ~ nervous tension⟩ ⟨no words can ~ her sorrow⟩ **b** : to remove something from the possession of : ROB, DEPRIVE ⟨crooks . . . eager to ~ the Texas cowboys of their pay —E.V.Buckholder⟩ **3 a** : to release from a post, station, or duty ⟨asked to be *relieved* of command of the army⟩ ⟨he was *relieved* of further responsibility for the program⟩ **b** : to take the place of : take over from ⟨sent to ~ the gate sentry⟩ : SUCCEED ⟨tulips bloom . . . to be *relieved* by roses when their time is up —J. O. Hauser⟩ ⟨*relieved* the operator for lunch and a smoke⟩ **4** : to set free from an obligation, condition, or restriction **5** : to acquire or take (a feudal estate) by paying *or rendering a relief* **6** : to ease of an imposition, burden, wrong, or oppression by judicial or legislative interposition : RIGHT ⟨a zoning law cannot constitutionally ~ land . . . from lawful restrictions affecting its use, imposed by convenants *Amer. Jurisprudence*⟩ **7** : to remove or lessen the monotony of by contrast or variety ⟨brown hills *relieved* by patches of green⟩ **8 a** : to give prominence or conspicuousness to : set off by contrast : give sharp outline to ⟨her tall figure *relieved* against the blue sky —Sir Walter Scott⟩ **b** : to raise (as figures, letters) in relief **9** : to supply with food, munitions, stores ⟨~ a lighthouse by ship⟩ ⟨~ an arctic weather station⟩ **10 a** : to furnish (as a cutting tool) with a relief angle **b** : to free from tightness in relative movement **c** : to cut away a small amount of material from a part of (a machine) to obtain clearance **11** : to empty the bladder or bowels of (oneself) ⟨children are likely to ~ themselves on any street —*Time*⟩ ~ *vt* **1** : to bring or give relief **2** : to stand out in relief **3** : to clear one from a legal obligation, condition, or restriction ⟨a *relieving* clause⟩

SYN ALLEVIATE, LIGHTEN, ASSUAGE, MITIGATE, ALLAY REFLIEVE indicates a lifting, perhaps temporary, of a burden, pain, or anxiety, so that it is no longer quite oppressive ⟨particularly *zealous in taking* steps to control the fire and *relieve* the suffering it entailed —Donald Milner⟩ ⟨a sex offender, deeply guilty over his past acts and *relieved* by analysis of the neurotic demands that had prompted them —Walter Goodman⟩ ALLEVIATE indicates a temporary lightening of pain, distress, or difficulty, and may contrast with *cure* or *eliminate* ⟨no dentists to care for them; not even any oil of cloves to *alleviate* the ache —C.C.Furnas⟩ ⟨activation of the Parking Authority in order to help *alleviate* New York's chronic traffic problem *Current Biog.*⟩ LIGHTEN may suggest a cheering, buoying up, or refreshing abatement of depression or oppression ⟨forever grumblingly attempting to *lighten* their sufferings —Kenneth Roberts⟩ ⟨his experience in copyreading and criticizing other people's efforts at expression ought to *lighten* the task of the editor to whom he eventually submits something —R.L.Greene⟩ ASSUAGE suggests a moderating of pain, vexation, or sorrow by soothing, softening, or mollifying ⟨the fugitive breezes, the life-giving zephyrs that *assuage* the torment of the summer heat —Stuart Chase⟩ ⟨grief that Professor Abbott did not live to enjoy the fame he had earned is *assuaged* by the knowledge that he survived to complete his great work —Godfrey Davies⟩ MITIGATE also suggests moderating, by any means, or countering the force or intensity of something painful ⟨*mitigate* the barbarity of criminal law —W.R.Inge⟩ ⟨group friction and conflict are generally *mitigated* when people realize their common interests —M.R.Cohen⟩ ⟨the torment of his thirst *mitigated* a trifle by a drenching in the brine —C.G.D.Roberts⟩ ALLAY applies to any effective calming, soothing, quieting, or pacifying ⟨the approach of winter *allayed* the fear of Indian raids —G.R.Stewart⟩ ⟨the president, in a TV chat intended to *allay* the country's fears —W.L.Miller⟩ ⟨something must be done to *allay* growing public discontent and to still the disagreements —*New Statesman & Nation*⟩

re·lieved \-vd\ *adj* : experiencing or showing relief esp from anxiety or pent-up emotion ⟨answered presently in a ~ tone⟩ ⟨greatly ~ or disappointed . . . to find that there is little or no sensation of speed —H.G.Armstrong⟩ - **re·liev·ed·ly** \-vədlē, -vd-, -lē\ *adv*

re·liev·er \-və(r)\ *n* -S : one that relieves: **a** : any of various mechanical devices for relieving strain **b** : something that relieves pain or distress **c** : RELIEF PITCHER

relieving arch *n* : an arch built over a lintel to relieve or distribute the weight of the *wall above* - called also *discharging arch*



relieving arch

relieving officer *n, Brit* : an official administering public relief

relieving tackle *n* **1** : a temporary tackle rigged to a ship's tiller during gales or in battle to assist or replace the steering gear **2** : a tackle to a careened ship to prevent *her from going over* entirely and to assist in righting her

¹re·lie·vo \rē'lē(,)vō, rēl'yā(-, -yē(-\ *n* -S [It *rilievo* — more at RELIEF] : RELIEF 6

²re·lie·vo \rə'lē(,)vō\ *n* -S [prob. fr. *relieve* + *-o*] : a game in which members of one team are given time to hide, then are sought by those of the other team who try to capture them, take them to a place of confinement, and keep them from being released by their teammates - called also *ring-a-lievo*

rel·i·gate \'relə,gāt\ *vb* -ED/-ING/-S [*religatus*, past part. of *religare* to tie back, tie up, tie fast — more at RELY] : to bind together : CONSTRAIN - **rel·i·ga·tion** \,relə'gāshən\ *n* -S

re·light \(')rē\ *vt* [*re-* + *light*] : to light again

re·lig·i·fy \rə'lijə,fī\ *vt* -ED/-ING/-ES [*religious* + *-fy*] : to make religious in form, content, appearance, or function

religio- *comb form* [*religion*] : religion ⟨*religio*centric⟩ : religious and ⟨*religio*philosophical⟩

re·li·gio·ethical \-,ijē(,)ō\ *adj* [*religio-* + *ethical*] : religious and ethical

re·li·gion \rə'lijən, rē'-\ *n* -S [ME *religioun*, fr. L *religion-*, *religio* reverence, piety, religion, prob. fr. *religare* to tie back, tie up, tie fast + *-ion-*, *-io* -ion - more at RELY] **1** : the personal commitment to and serving of God or a god with worshipful devotion, conduct in accord with divine commands esp as found in accepted sacred writings or declared by authoritative teachers, a way of life recognized as incumbent on true believers, and typically the relating of oneself to an organized body of believers ⟨ministers of ~⟩ **2** : the state of a religious ⟨retire into ~⟩ ⟨the nun died in her thirtieth year of ~⟩ **3 a** : one of the systems of faith and worship : a religious faith ⟨monotheistic ~s⟩ ⟨tolerant of all ~s⟩ ⟨forbidding discrimination because of race, color, or ~⟩ **b** : the body of institutionalized expressions of sacred beliefs, observances, and social practices found within a given cultural context ⟨the ~ of this primitive people⟩ **4** : the profession or practice of religious beliefs : religious observances ⟨the kernel of his practical ~ was that it was respectable, and beneficial to one's business, to be seen going to services —Sinclair Lewis⟩ **5** *archaic* : scrupulous conformity : CONSCIENTIOUSNESS, FIDELITY **6 a** : a personal awareness or conviction of the existence of a supreme being or of supernatural powers or influences controlling one's own, humanity's, or all nature's destiny ⟨only man appears to be capable of ~⟩ **b** : the access of such an awareness or conviction accompanied by or arousing reverence, gratitude, humility, the will to obey and serve : religious experience or insight ⟨in middle life he suddenly got ~⟩ **7 a** : a cause, principle, system of tenets held with ardor, devotion, conscientiousness, and faith : a value held to be of supreme importance ⟨by making democracy our ~ and by practicing as well as preaching its doctrines —W.O.Douglas⟩ ⟨Marxism was his ~⟩ ⟨he has made a ~ of pleasure, and it is a brave thing to do these days —Gerald Sykes⟩ **b** : a quality, condition, custom, or thing inspiring zealous devotion, conscientious maintenance, and cherishing ⟨a ~ with him to preserve in good condition all that had lapsed from his mother's hands —Thomas Hardy⟩

SYN FAITH, CHURCH, CREED, COMMUNION, DENOMINATION, SECT, CULT, PERSUASION RELIGION is a *general term esp.* applicable to the great revelations and the larger subdivisions among their believers ⟨the Christian *religion*⟩ ⟨the Roman Catholic or Methodist *religion*⟩ FAITH is applicable to any formulated and established major religious group, it may or may not suggest ardent, complete acceptance ⟨the Muhammadan *faith*⟩ ⟨the Mormon *faith*⟩ ⟨men of all *faiths*⟩ CHURCH is likely to stress the existence of an established formal organization and procedure; it may suggest a Christian rather than non-Christian context ⟨the Orthodox *Church*⟩ ⟨the Presbyterian *Church*⟩ CREED differs from FAITH in more strongly suggesting formal doctrinal expression of what is believed - accord on the basis of doctrinal assent but is applicable to most religious groups ⟨men of the Lutheran *creed*⟩ ⟨the *creed* of Hebraism⟩ COMMUNION may suggest accord on liturgical or sacramental practice and earnest, close fellowship in worship; it is applicable to both larger and smaller groups. DENOMINATION is likely to suggest a smaller section called by a distinctive name of a larger group ⟨various Protestant *denominations*⟩ SECT now indicates a smaller group which has split off from a larger through discontent with some matter of doctrine or observance ⟨the Uniat *sect*⟩ ⟨a *sect* composed of the followers of John Huss⟩ CULT suggests a small group holding to unusual, grotesque, or secret spurious notions and rituals ⟨forbade the practice of certain eastern *cults*, and expelled from Rome Greek and Asiatic magicians —John Buchan⟩ PERSUASION may suggest conviction arising from evangelism or exhortation, often it is more or less interchangeable with FAITH ⟨chapel goers, people of Wesleyan *persuasion*⟩

¹religionary *n* -ES [*religion* + *-ary* (n suffix)] *obs* : one whose vocation is religion

²re·li·gion·ary \-jə,nerē\ *adj* [*religion* + *-ary* (adj. suffix)] : RELIGIOUS

re·li·gion·er \-jənə(r)\ *n* -S : RELIGIONIST

re·li·gion·ism \-jə,nizəm\ *n* -S : strict practice of or devotion to religion, *also* : exaggerated religious zealotry

re·li·gion·ist \-jənist\ *n* -S : one earnestly devoted or attached to a religion : a religious zealot - **re·li·gion·is·tic** \ə,jənis'tik\ *adj*

re·li·gion·ize \ə'jənīz\ *vt* -ED/-ING/-S : to make religious : imbue with religious principles : bring into conformity with religious standards : interpret or understand (a thing) from a religious framework ⟨~ our politics⟩ ⟨~ death⟩

re·li·gion·less \rə'lijənləs\ *adj* : lacking religion

religions *pl of* RELIGION

re·li·gio·political \-,lijē(,)ō\ *adj* [*religio-* + *political*] : religious and political

re·li·gi·ose \rə'lijē,ōs\ *adj* [*religion* + *-ose*] : excessively or obtrusively or sentimentally religious ⟨a leader of a ~ nationalism —Percy Winner⟩ ⟨modern advertising methods will not long need to lack leaders who can use the ~, fanatical technique —*English Jour.*⟩

re·li·gi·os·i·ty \rə,lijē'äsədē, rē,-, -ätē, -i\ *n* -ES [ME *religiosite*, fr. L *religiositas* religiousness, fr. *religiosus* religious + *-itas* -ity] : intense, excessive, or affected religiousness ⟨~ of the converted worldling and intellectual —Douglas Bush⟩ ⟨it was precisely sadness and ~ and grandiloquence that first attracted me in poetry —George Santayana⟩

re·li·gi·o·so \rə,lijē'ō(,)sō\ *adj* (*or adv*) [It, religious, fr. L. *religiosus*] : religious in style and feeling — used as a direction in music

¹re·li·gious \rə'lijəs, rē'-\ *adj* [ME, fr. OF *religieus*, fr. L *religiosus*, fr. *religio* religion + *-osus* -ous — more at RELIGION] **1** : relating to that which is acknowledged as ultimate reality : manifesting devotion to and reflecting the nature of the divine or that which one holds to be of ultimate importance : exemplifying the influence of religion : PIOUS, GODLY ⟨a ~ purpose⟩ ⟨a ~ man⟩ ⟨~ attitude⟩ **2** : committed, dedicated, or consecrated to the service of the divine : set apart to religion ⟨a Buddhist monk of a ~ order⟩ ⟨the ~ life of a nun⟩ ⟨~ offerings⟩ **3** : of or relating to religion : concerned with religion : teaching or setting forth religion ⟨~ liberty⟩ ⟨a ~ duty⟩ ⟨a ~ poet⟩, *also* : SACRED, HOLY ⟨a ~ book⟩ ⟨~ rites⟩ **4 a** : scrupulously and conscientiously faithful ⟨~ in his observance of rules of health⟩ **b** : FERVENT, ZEALOUS SYN *see* DEVOUT

²religious \"\ *n, pl* **religious** [ME, fr. OF *religieus*, fr. *religieus*, adj.] : one (as a monk or nun) who is bound by vows, sequestered from secular concerns, and devoted to a life of piety

religious education *n* **1** : instruction in religion as a subject of general education **2** : instruction in the principles of a particular religious faith

religious house *n* : CONVENT, MONASTERY

religious humanism *n* : a modern American movement composed chiefly of nontheistic humanists and humanist churches and dedicated to achieving the ethical goals of religion without beliefs and rites resting upon supernaturalism

re·li·gious·ly *adv* [ME, fr *religious* + *-ly*] : in a religious manner : FAITHFULLY, CONSCIENTIOUSLY ⟨clock which my father ~ wound each Sunday morning —Della Lutes⟩ ⟨kept his diary ~⟩ : in favor of religion ⟨she was ~ inclined⟩

religious naturalism *n* : PROCESS PHILOSOPHY

re·li·gious·ness *n* -ES [ME *religiousnesse*, fr *religious* + *-nesse* -ness] : the quality or state of being religious : RELIGIOSITY

religious of the cenacle *usu cap R&C* : a member of the Roman Catholic Society of Our Lady of the Cenacle, a congregation of nuns established in France in 1826 and devoted esp. to directing retreats for women

religious of the sacred heart *usu cap R&S&H* : a member of the Roman Catholic Society of the Sacred Heart, a religious community of women founded in France in 1800 and devoted to the education of girls

re·line \(')rē + \ *vt* [*re-* + *line*] **1** : to put new or fresh lines on **2** : to put a new lining in ⟨~ brakes⟩

re·lin·quent \rə'liŋkwənt\ *adj* [L *relinquent-*, *relinquens*, pres. part. of *relinquere*] : RELINQUISHING

re·lin·quish \rə'liŋkwish, rē'-, -iŋk-, -wēsh, *esp in pres part* -wish\ *vb* -ED/-ING/-ES [ME *relinquisshen*, fr. MF *relinquiss-*, lengthened stem of *relinquir*, fr. L *relinquere*, lit., to leave behind, fr. *re-* + *linquere* to leave — more at LOAN] *vt* **1 a** *obs* : FORSAKE **b** : to withdraw or retreat from : ABANDON ⟨the shores they have ~*ed* shrink to . . . remoteness —George Meredith⟩ **2 a** : to desist from : leave off : cease from considering, practising, exercising, or cherishing ⟨~*ing* the law, Webster resumed teaching —H.E.Scudder⟩ ⟨the . . . scheme had been deferred, not ~*ed* —Jane Austen⟩ **b** : to assent to withdrawal, dropping, or cessation of : give up : RENOUNCE ⟨his concealment from herself of the name he had ~*ed* —Charles Dickens⟩ ⟨refused to ~ his claim to the inheritance⟩ ⟨~*ed* all hope of finding survivors⟩ **3 a** : to let go of physically : stop holding : RELEASE ⟨~*ed* his grip on his armchair⟩ **b** : to give over possession or control of : YIELD, SURRENDER ⟨the ambition which incites a man to seize power seldom allows him to ~ it —*Times Lit. Supp.*⟩ ~ *vi, obs* : to go away : DISAPPEAR, VANISH

SYN LEAVE, ABANDON, WAIVE, RESIGN, CEDE, YIELD, SURRENDER; RELINQUISH, a word wide in meaning, as the preceding definitions indicate, usu. does not suggest forceful action or strong feeling in dropping, desisting, renouncing, it sometimes suggests regret at giving up or delay in the process ⟨and your system . . . have courage to cast the dream of it out of you, *relinquish* an impossible project —George Meredith⟩ ⟨did not lightly *relinquish* his hope of victory —*Amer. Guide Series, Ind.*⟩ ⟨it cost him a few struggles to *relinquish* her —Jane Austen⟩ LEAVE may connote more peremptory and definite action than RELINQUISH ⟨"he has *left* me," Sophia interrupted him in her weak and *fatigued voice* —*Arnold Bennett*⟩ ⟨always carries his mouth open, a practice which, it is prophesied, he will soon *leave* off in this land of flies —Rachel Henning⟩ ABANDON may stress finality and completeness in giving up, esp before dangers, hostile advances, encroachments that cannot be checked, or against the claims of duty or loyalty ⟨the stations were withdrawn . . . and northern Texas *abandoned* to the savages —R.A.Billington⟩ ⟨*abandoning* wife and children, home and business, and renouncing normal morality and humanity —G.B.Shaw⟩ WAIVE may suggest either temporary or permanent forgoing, it often connotes *a voluntary, complaisant giving up of something* in the interests of conciliation or convenience ⟨from that time onward the office rule was *waived* —H.H.Collis⟩ RESIGN may suggest either a formal and definite giving up or relinquishing or a wistful, stoic, or confiding yielding or acceptance without struggle ⟨Britain rightly refused to budge from the position that it would not *resign* its trusteeship —*Nation*⟩ ⟨these saintly self-deniers, these *resigned* sufferers, who would not strive

Plot No 2A

COPY

IN THE MATTER OF: * BEFORE THE
KOINONIA PARTNERSHP * COUNTY BOARD OF APPEALS
Case No. 90-355-SPH * OF BALTIMORE COUNTY
* July 24, 1991
* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the County Office Building, on July 24, 1991, at 10 o'clock a.m.

* * * * *

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman
ARNOLD FOREMAN
C. WILLIAM CLARK

Reported by:
C.E. Peatt

Pet. Exhibit #5

APPEARANCES:

STEPHEN J. NOLAN, Esquire
On behalf of Petitioner/Appellant

JOHN P. MACHEN, Esquire
On behalf of Protestants

PHYLLIS COLE FRIEDMAN, Esquire
People's Counsel

THE CHAIRMAN: Good morning ladies and gentlemen. We are here this morning on Case 90-355-SPH, Koinonia Partnership, located on Greenspring Valley Road west of center line of Greenspring Avenue in the third election district.

Let the record indicate on July 16, 1990, the Zoning Commissioner denied the petition. Let the record indicate Stephen Nolan, counsel for appellants/petitioner is present; John Machen, for the protestants is present; and Phyllis Friedman, representing People's Counsel is present. Are there any other attorneys present?

(No response.)

THE CHAIRMAN: Before we start on direct testimony, are there opening statements for the Board's guidance?

MR. NOLAN: Yes, sir. Good morning, Mr. Hackett and members of the Board. This is a case about historic preservation. Although the issue, the zoning issue involves nonconforming uses and the continuation of an existing special exception use, it is more basically a case about the preservation of an historic piece of

property in Baltimore County known as Koinonia. Koinonia was, at least Grammer C, the main house that you will hear testimony about, was built in 1902 and later in 1950.

The testimony and the evidence will show that there was a sale to the Koinonia Foundation which was both an educational group but also a spiritual training center and community that trained workers to go overseas and do literacy work.

In 1979, the evidence will show, that there was a special exception granted on a part of the property for a nursery school. Those are the only -- there was also a 1950 special exception granted for a school, and although in 1950 Koinonia was more than just a school, that was the closest zoning designation or special exception designation that fit this property.

So we have the 1950 special exception, a 1979 special exception for a nursery school and then in 1985, Dr. Ronald Pomykaka, seated here at the trial table, and Mrs. Pomykaka, seated next to her son, they purchased, the property in a partnership called Koinonia Partnership.

Because this is a nonconforming case, a great

part of our testimony will take you back to the fifties and the sixties and seventies and show you how this property evolved and how the uses evolved on the property.

In 1990, when the Zoning Commissioner heard this case -- and this is an appeal from that decision denying the petition for special hearing -- we believe that the evidence will show that the Commissioner erred, that the appropriate time period to look at the property is not as of 1945, but to look at the evolution of zoning regulations in the seventies and then determine when this property become nonconforming and in light of the zoning regulations in the late seventies.

We also, since this case also involves the continuation of a special exception that still exists onto this property, we believe that we also must adduce proof or provide evidence to this Board that tells you and shows you what has taken place on the property today and what has taken place on the property since the Pomykakas purchased it in 1985. So that will be basically an outline of the petitioner's case.

MR. MACHEN: Good morning, Mr. Chairman, members

of the Board. I am John P. Machen. I am representing several of the neighbors in the vicinity of the Koinonia property. With all due respect to Mr. Nolan, we greatly disagree with his characterization of the case. We believe the Zoning Commissioner got it just about right with his finding of fact and conclusion of law.

The 35 years the Koinonia Foundation, a nonprofit tax exempt 501 C 3 organization, operated its activity on this property solely in connection with its religious and educational activities. Some of those activities including residential housing, but they were used solely and exclusively in connection with those religious and educational functions.

In the mid-eighties, Koinonia Foundation fell on hard times and had to sell the property. They sold it at auction in 1985 to the Pomykakas who came forward and willingly purchased it, at which time they decided to go into the landlord business. The facility that had been used formerly for the religious and educational activities of Koinonia Foundation are now used to operate a profit making residential rental project in violation of RC 2

zoning.

You will hear a great deal of testimony in this case by the petitioner about the use of the property by the Koinonia Foundation for those 35 years.

We ask you not to lose sight of the key elements. It's a case about the change in use from a nonprofit institution for religious and educational activity to a profitmaking residential project in violation of RC 2 zoning. Thank you.

THE CHAIRMAN: Mrs. Friedman?

MRS. FRIEDMAN: If the Board please, in order to have a nonconforming use, you must have a use that either predates the zoning regulations in 1945 for Baltimore County and continued without a lapse in time or you must have a use that was permitted under a prior zoning regulations and then, because of subsequent zoning regulations, that use was no longer permitted. But it would be allowed to continue as a nonconforming use.

This is not a nonconforming use case. The subject property was granted a special permit for a private school in 1950. The record will show that special

permit encompassed the entire 45 acres, included all of the buildings on the property then, and included any buildings that may subsequently be built. That special permit, in effect, killed any possibility of nonconforming uses use prior to the existence of the zoning regulations. So we must start with the zoning regulations in effect in 1950. From that date until 1985 when the Koinonia Foundation sold the property at auction at a distress price to the Pomykakas, this property was always used as a private school.

It operated as a 501 C 3 corporation with IRS approval and determination as a nonprofit foundation. And it continued and operated continuously from 1950 until today. The zoning regulations also permitted a private school on that property. Therefore, there was never a situation where something that was permitted under a prior set of zoning regulations was no longer permitted under a subsequent set of zoning regulations.

I will submit to this Board the series of zoning regulations that demonstrate that, but at all times the private school was permitted either by special exception

which the special permit was always treated as, or it was permitted by right, and as the property evolved and as they built their dormitories, all of the housing that was built as dormitories was permitted by the county as accessory dormitories to the school.

Now, in '85 when the Pomykakas bought that, they have rented those dormitories as residential housing. That was never a previous use. And I would refer this Board to the McKenney v. Baltimore County decision which was cited by the Zoning Commissioner, and I have a copy, in which the court, on page 268, rejects this concept of extended accessoryship. I quote, "This declaration appears to rest upon a mixture of two dubious concepts, the first that a parking lot is a parking lot is a parking lot, which is simply not so. And I may point out that this case, similar to McKenney, is trying to tell this Board that housing is housing is housing. And that's simply not so.

The second, for want of a better description, appears to a doctrine of extended accessoryship that prior to zoning, these lots were used for parking as an accessory to the activity conducted on the lot across the

street they may within the protective ambiet of nonconforming use continue to be used for parking as an accessory to the activities conducted on that other lot no matter how the actual use of either parcel has changed since the advent of zoning.

That is inappropriate. When the Pomykakas purchased the Grammar C hall, they purchased it as a residence and these buildings cannot be accessory to their residence. These buildings were dormitory housing for a school. If the school would be on this property, they could still obtain a special exception. There is no noncoforming use that is even available for this property, because the law has never made a school a nonpermitted use. Thank you.

THE CHAIRMAN: Mr. Nolan.

MR. NOLAN: Before calling my first witness, I just want to point out to the Board, since counsel cited the law, the law in Maryland also says a mere change in ownership will not disturb an underlying nonconforming use.

So the fact this was once a 501 C 3 corporation

that owned the property, and now it's owned by the Pomykakas, that in and of itself would not disturb the underlying nonconforming use.

Secondly, why are we here? We're here to confirm the special exception that exists. And we are here because the Zoning Commissioner ordered that they cease using all of those rental cottages and they had to be closed down. And the Pomykakas feel that the law should not countenance that type of cessation, because it will undermine the historic value of that property.

Lastly, as a housekeeping measure, most likely this morning or early this afternoon, I will have one witness who will be appearing by videotape rather than by life. She is Marion Carns. She was videotaped in April of 1990. Both Mrs. Friedman and Mr. Machen were present and cross-examined her. I just wanted to indicate at this time that that tape takes about two hours, but we feel it is important to our case and we would like to show that to the Board either late this morning or early this afternoon.

MRS. FRIEDMAN: I would object to that. There's

a transcript of that deposition. It was done by a court reporter. It's an official transcript. It makes a much better record than a videotape. And although we agreed to Ms. Carns deposition prior to the Zoning Commissioner hearing, we have never agreed to anything to the presentation to this Board of the videotape. And I don't see any reason why the Board can't take the transcript and read the transcript. It will certainly take a lot less time than two hours and certainly represents a better economy for this Board's time than to sit and watch television.

MR. NOLAN: In response, we have a difficult burden in this case as petitioner, especially in light of the result below. i think it's important for the Board to be able to assist her credibility, to be able to view the tape and see her testify, is much more important since she's 82 year's old, lives in a nursing home, and is unable to come here today. It would be much more important for this Board to take the time to view the videotape.

THE CHAIRMAN: Two hours, Mr. Nolan?

MR. NOLAN: There was a break during her deposition, so it's less than two hours.

THE CHAIRMAN: We'll rule on that after we have some discussion in chambers.

MR. NOLAN: Yes, sir. And, lastly, I understand this case is set also for Friday, but in the event the case goes beyond Friday, will that present any problem for any Board member? Because, if it does, I think counsel should agree now that this case could be heard by two of the Board members rather than all three; rather than go through two days and find that we have a problem. I am aware of the fact that there are changes that are occurring in the composition of the Board, and I think that the rules provide that all parties must agree to the disposition of the case of two people rather than all three.

MR. MACHEN: Our position would be that two days is more than enough time for this case, and that all the more reason to limit the Carns testimony to the transcript, rather than to take up two hours of this Board's valuable time to watch the videotape.

THE CHAIRMAN: Well, if there's some way this Board can keep the testimony on point, I intend to do just that. Repetitive testimony, going over and over the same testimony, I am going to be very nasty about.

MR. NOLAN: I think the record ought to reflect counsel for the petitioner proposed a stipulation of fact to counsel for the protestants in order to avoid the necessity of the videotape, and that was rejected. I also think the record should reflect that we did understnad there was a case before ours this morning and, therefore, although we asked for an earlier starting time, because of that earlier case, we couldn't get started.

But this is a very important case. This is a 45 acre piece of property that has a tremendous historical significance. And if counsel will not agree at this juncture to continue this case beyond August 1st, on the basis of two people, then I don't think it's fair for the petitioners to have to put on their case now and then have to re-put put it on if there's a mistrial because of problem with all three of the Board members sitting.

I think counsel should indicate now whether they

have an objection or not.

MR. CLARK: Mr. Nolan, as a practical question, the video equipment you have here today will it be available on Friday as well?

MR. NOLAN: Yes, sir.

MR. CLARK: Is that the Bar Association's --

MR. NOLAN: I believe I can make it available.

MR. CLARK: If need be, if we decide that we want to see the videotape, we can find time to get the equipment and see it as a time that is convenient to us, rather than taking the time during the Board's hearing?

MR. NOLAN: As long as counsel are present.

MR. CLARK: Okay. You're not going to have witnesses coming up on the videotape?

MR. NOLAN: No. But I do think the threshhold question of whether we have two or three Board members, I think that's need to be determined now since it is the 24th of July and this Board's composition will change as of August 1st.

THE CHAIRMAN: Do you want to take a five minute break?

MRS. FREIDMAN: May I ask who it is that is leaving?

THE CHAIRMAN: Mr. Foreman's term expires. He has resigned the 1st all August, or actually the second. The Board will take five minutes to allow the attorneys to get their heads together and, hopefully, agree.

(Whereupon, a recess was taken.)

THE CHAIRMAN: Gentlemen, you had a caucus?

MR. NOLAN: Yes, sir. I still believe we need the agreement of all parties to proceed with only two Board members in the event that this goes beyond August 1st, at which time Mr. Foreman's term on the Board will be ending.

MRS. FRIEDMAN: We have no objection to two Board members. However, we do object to more than two days. There is a zoning violation, an illegal use is continuing. The stipulation Mr. Nolan refers to was faxed to me late in the day yesterday. It contained sustantial innacuracy and does not relate to the Carns deposition, except in a very tangential way.

I would also like to ask this Board, we have witnesses lined up for Friday who will taking time off and

we have relied on that second day to present our case. We would really like to go forward with as much speed as possible and we see no reason -- this case was tried before the Zoning Commissioner in much less time than this. We see no reason that two days shouldn't be adequate for this case unless there's intentional delay.

THE CHAIRMAN: Should we rule on the videotape tape now or wait?

Off the record.

(Discussion held off the record.)

MR. NOLAN: We would request a ruling, because if the Board decides --

THE CHAIRMAN: The Board is not going to hold everybody in this room for two hours while we look at the tape. Now, we want to see the tape. We want to see the tape when we don't have to hold up everybody to see it. If you would like to be there when we view the tape back in the room, you are certainly going to be invited, as are you and Mr. Machen.

But in this hearing today, we are not going to see the tape unless we find that you have proceeded

admirably and we have lot of time left over.

MR. NOLAN: Yes, sir.

THE CHAIRMAN: Does counsel have any objection to the tape being viewed in chambers?

MR. MACHEN: I have no objection.

MRS. FRIEDMAN: None.

MR. NOLAN: Thank you. Eugene Raphael.

E U G E N E R A P H E L,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. NOLAN:

Q. Good morning, sir. Would you state your full name and address, for the record, please.

A. Eugene Neff Raphel, registered professional land surveyor, Courtland Avenue, Towson.

Q. For how long have you been a registered professional land surveryor?

A. Some 35, 40 years.

MR. NOLAN: I offer Mr. Raphel as an expert registered land surveyor.

THE CHAIRMAN: Mr. Raphel has appeared before the Board on a regular basis and testified as a land surveryor.

MRS. FRIEDMAN: No objection.

MR. MACHEN: No objection.

THE CHAIRMAN: He's qualified to testify as to topography. He's not qualified to testify to traffic. We'll certainly stop him should he venture into that area.

Q. Mr. Raphel, did you author the site plan that was a part of the zoning case, that special hearing case in this case?

A. Yes, we prepared the site plan.

Q. I am going to show you, sir, a copy of that and ask if that is the plat for this hearing?

A. Yes, that's the plat.

MR. NOLAN: I'd like to introuduce this as Exhibit 1.

MRS. FRIEDMAN: May I see which plat?

MR. NOLAN: Certainly. I am sorry.

MR. CLARK: Is there a date on that?

MR. NOLAN: Yes, Mr. Clark, it's dated December

20, 1989.

Q. Would you describe --

MR. NOLAN: I ask this be marked at Petitoner No. 1, in evidence.

Q. Would you, sir, describe the location of this site, please.

A. The site consist of 45 acres, plus or minus, which lies on the north side of Greenspring Avenue. It is improved with --

Q. Do you mean to say Greenspring Valley?

A. Greenspring Valley Road. Excuse me. It is improved with a main building and various just structures, many structures on the place which are used for residential and educational purposes. The site is entirely woods, except for the front.

It fronts on Greenspring Valley Road. The -- all the parking lots, everything you see on the plan are existing. All the buildings are existing. There's nothing proposed in the way of that we have shown on this plat as any addition.

Q. What is the zoning of the property?

A. Existing zoning today is RC 2.

Q. Now, directing your attention to 1979, Mr. Raphel, what, if any, involvement did you have with regard to this property?

A. We, in 1979, were requested by a client, I think Caldorf school, to prepare a plan for the special exception for a nursery school within the building, within the main building. That was our first association with this site.

Q. Before doing that, did you have occasion to check the zoning history on the site?

A. The zoning history, it was a school. It had a special exception for a school. What we were preparing is a petition and a site plan for only an area within the building that was to be limited for the nursery school.

Q. I am going to show you, sir, a document and ask if you can identify that?

A. That is for Mr. Hugo Hoffman.

Q. Does that relate to the original zoning case?

A. Yes. This is the original zoning case for the outfit for the entire site. This is not part of what we

did. This had already been performed.

MR. NOLAN: I am going to ask this be received as Petitioner Exhibit No. 2, and it is the zoning order of 1950. I have extra copies for the other Board members.

Q. Now, sir, in your investigation of this site, did you uncover any old plats that assisted you in your zoning work on this site?

A. Yes. I was given a 1979 -- by someone, I don't know who -- but some member of the organization gave me a plat that shows it was a plat of 1952 that they had made showing the present structure where we were operating in for the nursery school with all the attending buildings which were the houses and the tennis courts and everything was existing on that site in 1952.

Q. Now, sir, you indicated that that was in 1952. But after I show counsel this plat, I'd like you to rexamine it.

MR. NOLAN: These plats I should note for the record, were all part of the Board's file and we retrieved them this morning. Counsel is now looking at the 1955 plat. I'd like to show this to the witness for

identification at this time.

Q. Mr. Raphel, let me show you what is entitled Koinonia Foundation Revised to --

A. 1955.

Q. Have you seen this plat before today?

A. I saw it in the Zoning Commissioner hearing.

Q. And this an original plat? To the best of your knowledge.

A. This is the -- I don't know whether the tracing, where the tracing would be to this, but, yes, it's the original.

Q. Would you like to see the tracing photo, compare it? Let me show you that, sir.

MRS. FRIEDMAN: Could we determine where this came from?

MR. NOLAN: I think the witness asked to see this first, and then I could ask him this question.

MRS. FRIEDMAN: Okay.

Q Let me show you,sir, the tracing to which you just referred and ask you, sir, if you have seen this prior to today?

A. Yes. I saw that at the Zoning Commissioner hearing. That was given to me by the present owners who said --

Q. Don't tell me what they said.

A. Well, they found it in the house.

Q. Do you recognize, sir, the work that's done here?

A. Well, that is what's exactly existing out there today. There's no change.

Q. But do you know who prepared this?

A. I am only telling you by the lettering on that plat is typical of E.V. Kernans, who was a surveyor of some vintage. He was Baltimore County. There were two big surveying outfits in those days, D.J. Martinet and him. And I think this is E.V. Kernans.

Q. These were exhibits at the hearing below, isn't is that correct?

A. Yes.

MR. NOLAN: I am going to move them into evidence at this time as Petition Exhibit 3, which would be the blueprints; and Petitioner Exhibit 4, which is the drawing, the tracing.

MRS. FRIEDMAN: I have no objection.

MR. NOLAN: And this is three.

THE CHAIRMAN: Three is the blueprint and four is the tracing from which the blueprints were copied?

MR. NOLAN: Yes, sir. Well, I am not sure. I'd like to ask the witness that question, because I think the one may be an updated of the other.

A. I think they have revised on this.

Q. Let me show you this one, Exhibit 4, sir. If you look at that, what does that say about any revision?

A. This is revised July 1955. So it had to be revised from the earlier one. This one is --

Q. Referring your attention to Exhibit 3, the blueprints, would you tell me, sir, what houses are located on that drawing?

A. The houses are all evidently named. Each one of these houses has a name, like St. Theresa, California --

Q. This says "California House"?

A. Yes. Hope Chest. Garage. Annex.

Q. Adobie house?

A. Adobie house. And they showed various tennis

courts, a sunken house, the ice house. There's a trailer shown, which I assume is a mobile home. Another down here.

Q. Can you read what is down here on the lower left hand?

A. St. Theresa is another name, but evidently each house had a name for each one of these residences or houses, structures.

Q. Mr. Raphel, what did you file in 1979 with the zoning office?

A. I filed a very much reduced plat only showing what would now be the Grammar C building on this and the part they were going to use for the nursery school, the floor layout of the nursery school section that they were asking for. We did not prepare an overall site plan.

Q. Why didn't you?

A. Well, it wasn't necessary because we were only working within an approved site plan in '79 and, today, nothing has changed there.

Q. Well, how did you know that, sir?

A. We have been there. We done a certain amount of

work.

Q. When was the last time you were at this property, about when?

A. Before the last hearing, which is basically when we were there.

Q. So the record is clear --

A. From '79 onto the present.

Q. Were there any changes you observed at the site?

A. No.

Q. Were there any changes in the residential uses that you observed at the site?

MRS. FRIEDMAN: Objection.

THE CHAIRMAN: Overruled.

A. The only thing I can say, we were there and didn't knock on doors or anything. They were occupied then, and which are still occupied now.

Q. Do you know whether this building here marked "Annex" in the rear of Grammar C, does that go by any other name today, do you know?

A. Carriage House.

Q. You say "Carriage House." Is the Carriage House

the same building on Exhibit 1 as Annex on Exhibit 3?

A. Yes, it is.

Q. I have already shown to counsel and I'd like to show you now, sir, what you call Petitioner Exhibit Five for identification. Can you identify that, sir?

A. Yes. This is what we filed for, a nursery school, in 1979.

Q. Does that also reflect the Zoning Commissioner'a order?

A. Yes. It granted it.

Q. What is the date, sir, of the order?

A. The date was the 3rd day of March, 1980.

Q. I'd like to refer your attention to a condition or restriction number four. Would you just tell the Board what restriction number four is?

A. Revised site plan be submitted and approaved at the Maryland Department of Transportation, Department of Public Works, Department of Health, Fire, Department of Planning and Zoning.

Q. Turning the page, sir, tell me whether or not you complied with restriction number four?

A. All the conditions had to be met, because the stamp plans approved by the office of planning and zoning on 6-2-1980.

Q. What is the month?

A. The think it's six. I'm not sure. It's very poor.

MR. NOLAN: I am going to introduce this as Petitioner's No. 5, at this time.

THE CHAIRMAN: Petitioner's No. 5 will be a petition for a special exception with the Zoning Commissioner order.

Q. Now, in preparation for today's hearing, did you have an opportunity to review your 1979 zoning file?

A. Yes.

Q. I am going show you, sir, copies of two documents, Mr. Raphel, and ask you, sir, if they were taken from your file?

A. Yes.

Q. Can you tell me what this single page document here on the left is?

A. This is a letter from the Waldorf School of

Baltimore referring to the New Morning Children's Center, which was the subject of the nursery school, and it was asking us, telling us they had phoneed to Diane Itter in the zoning and she had given them certain information and they was were passing it onto me.

Q. Was the New Morning Children's Center the name of the school that you sought zoning approval of?

A. Yes, I am sure that was.

MR. NOLAN: I'd like to introduce this as Exhibit 6, please.

8

Q. The next multipage document, for the record, is a letter from the Waldorf School, dated August 14, 1979.

Thank you. I have also provided to counsel another document. Would you identify what that is, sir, for the record.

A. They are the zoning advisory committee comments.

Q. Were they taken from your file?

A. Yes. These comments are in evaluating the site plan which had been submitted for the nursery.

Q. Is that a complete copy of all the comments that you received from the zoning office?

A. Yes.

MR. NOLAN: I'd like to introduce this as Exhibit 7, I believe.

THE CHAIRMAN: Zoning advisory comments in one packet, Exhibit No. 7.

Q. Why, Mr. Raphel, if there was a special exception for a school on this property in 1950 that had been granted by Baltimore County, why did you need to obtain zoning approval in 1979 for a nursery school?

A. I think that in the zoning -- if you bear with me on that --

Q. Perhaps I should ask you a preliminary question. The Exhibits 6 refers to the Waldorf School of Baltimore. If you know, Mr. Raphel, were they leasing the Carriage House from Koinonia to do the nursery school?

A. I really wasn't privileged to any leases. I really don't know, Mr. Nolan.

Q. Let me ask you this other question, sir. At the zoning hearing in 1980, was there any opposition or protestants?

A. I don't recall any. I don't recall.

Q. Do you recall, sir, whether in 1979, Baltimore County made a site inspection of the property before the hearing?

A. Well, those advisory committee or zoning advisory committee, yes, they visited the site before they write those.

Q. Other than the zoning advisory committee comments, sir, did you receive any objections from Baltimore County?

A. No. You were asking, I think --

THE CHAIRMAN: There's no question before you.

Q. I was asking you, sir, why did the seek a zoning special exception in '79 if they already had the special exception for a school in 1950? If you recall.

A. Well, this was outlined and given to me as why they need a school, or a level within a school providing educational instruction for children between two and four years old needs a special exception.

Q. And just so the record is clear, to the best of your knowledge, sir, did the owners satisfy all the conditions that were set forth in the 1980 zoning order?

A. Yes. Because they operated the school. It was granted, yes, sir.

Q. Do you know whether the students for the nursery school were just from Koinonia, or did they come from other properties onto the site?

A. I really don't know. They mentioned they wanted to open it by such and such a date. Now, whether they had prearrange children to be there, I really don't know.

MR. NOLAN: We'll ask that of another witness. Thank you, Mr. Raphel. No further questions.

THE CHAIRMAN: Mrs. Friedman?

CROSS EXAMINATION

BY MRS. FRIEDMAN:

Q. Mr. Raphel, so the record is clear, you have from 1947 on, many different documents?

A. Excuse me?

Q. 1947 appears on a number of the documents you have submitted today. what is the significance of --

A. In '47?

Q. -- 1947? It appears on the bottom.

A. Oh, on the bottom? That's just a file number for

us. That's only a file number.

Q. Now, referring to this special exception in 1979, do you have the site plan that you submitted to the County?

A. Yes. It's attached, I think, to the exhibit that was given.

Q. May I see that, please? I don't think I got a copy of that?

A. I have got the tracing here.

Q. Now, that petition was only for a site that was described as .020.23 acres, is that correct?

A. That was just within the building, surrounding the building, yes.

Q. And the comments from the Baltimore County zoning plans advisory committee says that this special exception is necessity because of the existing nursery school which was formerly church affiliated and is now privately operated, is that correct?

A. Well, if you are reading from the comment, I suppose it is, yes.

Q. Isn't it a fact that the reason they used the

special exception was required was because that small portion of the building was going to be operated by someone besides the Koinonia Foundation?

A. That's why I said it was called the Waldorf School --

Q. There was no part of that hearing which lifted the Koinonia Foundation special permit for a school on the entire property, did it?

A. No. It was strictly for the Waldorf School.

Q. Strictly for that little corner of the carriage --

A. That was it was prepared for.

Q. According to your Exhibit No. 3, which -- your Exhibit No. 4, rather, and three, which showed a group of houses that were revised in 1955 --

MR. NOLAN: Counsel is referring to Exhibit 3 and 4 here?

A. What was the question?

Q. I am just referring you to that. Would you look at the list of buildings that are described there?

A. Yes.

Q. Isn't one of those buildings a non adobie house?

A. Well, these are only the -- these are only the illustrations that they shot on particular houses. They didn't evidently shoot on the adobie house.

Q. Isn't one described as a non adobie house?

A. You're speaking in the tabulation. It says it doesn't have any elevation.

Q. It there a listed building?

A. No. With no elevation. These are the elevations for certain houses. They didn't do them all. The tennis court --

Q. Could you --

MR. NOLAN: I would like the witness to be able to finish the answer.

MRS. FRIEDMAN: He's not responsive.

THE CHAIRMAN: These are floor elevations?

Q. The question I am asking is, is one of the items that the non abodie house?

A. No, it's not on here.

Q. It's not on that drawing?

A. Nor is the St. Theresa House on there.

Q. The building is not on the drawing?
A. No. I am saying in the list you're asking --
Q. Is that non adobie house there?
A. I don't know. I can't read it.
Q. You can't read it?
A. If you're saying non adobie, there's no elevation.
Q. But is that showing a non adobie house?
A. Yes, I guess. It's the same floor elevation. They are not saying what's there. They are saying these are the floor elevations for those houses.
Q And the word non adobie house appears here?
A. Yes.
Q. And it's not listed on any of those buildings?
A. Well, I am saying that they didn't -- this reflects elevation here, not what's on the plat. It doesn't refer to the plat.
Q. Is adobie house shown?
A. I don't know. I haven't examined it.
Q. You haven't examined it?
A. Not for the non adobie.

Q. Would you examine the plat?

A. I can. I have no idea what they call -- I don't know where I am looking. They didn't mention any -- St. Thersa or the Grammar C, or all the others, so I don't know what --

Q. You don't see non adobie house on here?

A. If you want me to keep looking, I will look.

Q. I am just asking if -- it's your exhibit, Mr. Raphel?

A. It's not my exhibit. it's the exhibit I used. There's an adobie house.

Q. An adobie house?

A. Yes. It's on there.

Q. So in 1955, at least according to that petition, according to that exhibit, the adobie house was there, is that correct?

A. That's what it shows.

Q. And yet Mrs. Carns said the adobie house was built in --

MR. NOLAN: Objection, unless he knows who Mrs. Carns is.

Q. How would you explain the fact Mrs. Carns --

A. I didn't hear Mrs. Carns.

MRS. FRIEDMAN: It's your witness. It's your deposition for it, Mr. Nolan.

MR. NOLAN: But she's testifying, Mr. Chairman.

MRS. FRIEDMAN: I will read the transcript.

MR. NOLAN: I think first she ought to ask him whether he's familiar with a Mrs. Carns.

THE CHAIRMAN: I'm not sure the answers are going to carry any weight one way or the other.

Q. Are you familiar with Mrs. Carns?

A. No, I'm not.

Q. You're not familiar with the deposition of Mrs. Carns?

A. No.

MR. MACHEN: Can I ask a couple questions?

FURTHER CROSS EXAMINATION

BY MR. MACHEN:

Q. Mr. Raphel, you testified that the property was used for educational purposes when you looked at it in 1979, is that correct?

A. I was -- as I say, I didn't enter the building to interview the people or anything. I was informed it was for educational purposes and we were to put a nursery school within the Grammar C building, which is used for educational purposes.

Q. So you were told it was used for educational purposes?

A. Well, it must have been, because they granted the order.

Q. I refer you to the plat you prepared. That's an exhibit to the 1979 special exception?

A. Yes.

Q. What is there under general data for existing use?

A. Area existing use, spiritual center, whatever that meant.

MR. MACHEN: I have no further questions.

MR. NOALN: Just two more questions.

REDIRECT EXAMINATION

BY MR. NOLAN:

Q. In the late seventies, in particular, were you

involved in site planning work and the submission of zoning plans?

A. Oh, yes. Still am.

Q. Was it your experience in the late 1970's that Baltimore County required that a property would be brought into conformance with all the regulations at the time a new zoning case was filed?

A. Yes. The comment reflected nothing more than we saw.

Q. So you had no objection from Baltimore County about the Koinonia property and the uses that were ongoing on the Koinonia property in 1980?

A. No.

MR. NOLAN: I have no further questions.

THE CHAIRMAN: You may step down, Mr. Raphel.

THE WITNESS: Thank you.

MR. NOLAN: Can Mr. Raphel be excused?

THE CHAIRMAN: Yes.

MR. NOLAN: Our next witness would be Mrs. Lane Berk.

L A N E B E R K,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. NOLAN:

Q. Good morning.

A. Good morning.

Q. Would you state your full name. And spell your last name, please?

A. Lane -- maybe I should spell it -- L-a-n-e. B-e-r-k, is the last name. And the address?

Q. Yes, please.

A. Berlane Farm, Lutherville, Maryland 21093.

Q. Mrs. Berk, how long have you lived at Berlane Farms?

A. Approximately 40 years.

Q. Forty years?

A. Yes.

Q. What is the proximity of your farm property to Koinonia?

A. Well, I think a bit of it -- I think they touch. They sort of kiss.

Q. In what direction is your property located in relationship to Koinonia?

A. They still do touch. After the developments have gone in, it would be my southeast corner would touch their northwest corner. It's because I am on Greenspring Avenue and they are on Greenspring Valley Road.

Q. And the northern tip of their property approaches Greenspring Avenue, does it not?

A. Yes, it comes in that direction.

Q. And approximately how large is your own property?

A. Just a little over ten acres.

Q. What is your profession, ma'am, or your employment?

A. Currently, I am a writer. But I have other things.

Q. At any time, were you involved in community work or community representation?

A. I would say any time is all the time.

Q. All the time?

A. Yes.

Q. Would you just describe for the Board briefly

what your community work was as it relates to this area of Greenspring Valley Road?

A. When I first moved there, I found an existing old organization called Chestnut Ridge, and I joined it because I thought I should be a contributing member to the area, and then we began work with Wallace, McHard, which some of you may remember, but anyway, he came to help form a plan for the Valleys.

Q. Were you involved in the work on the plan for the Valleys?

A. Yes. Not as thoroughly as I later become involved. It was a learning process. I was new to the county, relative new to the county at that time, and as I got more and more into it with Mr. McHard and began to learn more about the valley and the hopes and dreams for the valley, I made some contributions to the plan and then to start an organization to carry out the plan for the valleys, which is the Valleys Planning Council.

Q. You say the council that implemented the plan was the Valleys Planning Council?

A. Yes.

Q. During that time period --

A. From the beginning of it -- I'm not terribly good at dates, I am afraid, so I don't wish to misstate it.

Q. Could you briefly tell us what the plan for the Valleys was as relates to this quadrant of Greenspring Valley Road?

A. Well, I think the plan for the valley was to keep a great bit of the the grace and ambiance of life at that time, even though we could project that the valley would change dramatically and the surrounding area would change dramatically, and it was one of the first concepts of planned growth, really, in the county, a concept of allowing for development, but allowing for it in a way that would be beneficial to all.

Q. In addition to your work on the plan for the Valleys, what, if any work, did you do with regard to water problems in this area or preserving water quality in the area?

A. Well, I think first, I best tell you that I realized that the plan for the Valley, I couldn't do it alone, because it was a part of Baltimore County and

development, in my opinion, and as I hope you will agree, seemed to be a very broad aspect of county planning. One part, one little parochial part could not work without another. So I help to found an organization called the Organization of Baltimore County Councils so that each improvement association which then would be a member of a council and each council which would then be a member of the association could look at every small portion of the County, not only as it related to the well-being of that area, but as it related to the well-being of the entire county. And in formulating that, we become aware that we in that area lived on a -- please, if I get too detailed, stop me, because it was five or six years of perhaps sixty hours a week, literally of effort. We became aware we were on the piedmont which has some serious water problems and we had to address that problem and we did so over a period of those five or six years.

Q. That resulted in the Baltimore County well law?

A. Yes.

Q. Did you have any involvement in the well law itself?

A. Yes. I was involved in drafting and then promulgating the well law.

Q. The association you mentioned, the ABCCA, as well as the Chestnut Ridge Association, were activity involved in monitoring the zoning uses that were ongoing near Greenspring Avenue and Greenspring Valley Road?

A. Well, it was broader -- my efforts were broader than that, but I would suppose I would say yes.

Q. There's been evidence earlier today with regard to a Hugo Hoffman and the Koinonia property. Did you know Mr. Hugo Hoffman?

A. Well, I believe he sold Koinonia, or he sold that property. It seems to me that that was awfully close to the time I came, in my memory, of the inception -- it's rather vague. It must have been just before I came to the area, so I knew him. I can't say I know much about that portion of --

Q. Would you tell the Board briefly what your prior knowledge and observations were concerning the Koinonia property in the early 1950's when you came to that area?

A. Well, as soon as I found out what was there and

the foundation started fairly close to the time that Berlane Farms started, though that's my residence, we had a concept of contributing something to the community, and I found that they had also, and we become intrinsickly involved. I spent -- I am sure I was there almost once a week, every week. They were doing work that we appreciated. It was cultural development, literacy training. We were doing cultural things as well on our farm, because we were starting various numbers of the organizations that are really instituted now as institutions which you would recognize today, but we were helping to found them.

Q. What institutions would we recognize today that were started at Berlane Farms?

A. The Chambers Society, Center Stage and Maryland Ballet. Center Stage was not started at the farm, but we had meetings and the grace issues at the farm and later on a few performances were there to try to get it started. And the Maryland Ballet performed there, the Ballet of the Stars.

Q. Was it about 1952 when you arrived at this area?

A. Yes.

Q. In about 1952 and 1953, was there only one dwelling house on the Koinonia property? Or were there more residences at Koinonia?

A. I remember a number of residences.

Q. Did they have names?

A. I am hard put to remember the names at this time because it seemed to me either I was not in tune with the the names or, as I learned the names, I wasn't sure whether they were just giving them the names. There was -- Grammer C, there was Grammer C.

Q. What was that?

A. The main house. But there were many other buildings.

Q. Were those buildings used for residential purposes?

A. Yes.

Q. And other purposes too?

A. I can't really say. You know, when I say Grammer C, that was a memory that goes back so long, I don't know. I can say in 1952 I became aware of the names. They were

sort of irrelevant to me.

Q. Did there ever come a time people were visiting your property for any of these cultural events who would reside or stay at the Koinonia property?

A. Yes. And vice-versa.

Q. Could you describe that to the Board, please.

A. Well, as we -- again, stop me if I overshoot your time and your indulgance, because we were promoting cultural events and cultural arts and so forth. And Koinonia was also into a sort of human development aspect at the time when we had more people than we could handle, simply conferring, or even in the very early days we had thought we would leave our property as a center for performing arts and we had papers drawn up for such, and the Shott de Line (phonetic) family came and started Wolf Trap Farm, and the rest is history. They used our legal documents and at that time, people, knowing that, would come and see what it was like to perform outside. These were small groups. These were our friends, people we were literally housing. But occasionally if it was inclement weather, the Carriage House would provide a place to go in

and we would send them over to Koinonia, and there was also reciprocity, but not always. Our farm was there and the attitude towards the community, and still is, they would come to us if they needed various rituals, retreats, and literacy work and human development aspects, and if there was an overload there, they would send them to our farm as we grew in size to house or be hospitable.

Q. Directing your attention to the late 1970's, do you recall whether there was a a nursery school that was opened at the Carriage House?

A. Yes, I do.

Q. Do you recall any problems that the nursery school generated? From your standpoint as a neighbor.

A. Yes. Sometimes the children were afraid of my horse.

Q. But other than that, was there any traffic problem?

A. Just my horses. No. I think Koinonia has always been a very discreet sort of haven. No place one was never sure who anyone was going in or coming out.

Q. Based upon your personal knowledge, Mrs. Berk,

and referring you now to the eighties, the early eighties, specifically, were the people that were living at Koinonia, were all of them working on the site or did some people work off the site? To your memory.

A. As I remember, the majority were off the site. But I never took a count.

Q. Are you familiar with Memorial Building at the Koinonia property?

A. Yes.

Q. Do you recall when that was built?

A. I don't recall exactly. I am very bad with numbers. I do recall going over. Obviously, it was on my watch, because I went over to see it going up. And it seemed to me it had size and importance, and I want interested in it.

Q. Do you believe that Baltimore County was unaware of the fact that Koinonia built Memorial Building?

A. Oh, I don't think so. In deference to those who are still here in Baltimore County, the people I dealt with weren't unaware of anything in county. I see a couple of people here who had an eye out for everything.

Q. Did you have an eye out for zoning compliance as far as the Koinonia property?

A. Well, I was probably the nearest of them all.

Q. In other words, if there was something that was noncompliant with zoning going on, or in any way, you would have known about it?

A. I didn't mean to be obnoxious, but if I had known about it, I would have fought about it.

Q. Directing your attention to 1985 and the sale to Koinonia Partnership, when did you first learn of that sale?

A. Well, I'm not sure that the Pomykakas -- again, the names don't mean much to me. Is that the business name?

Q. Yes, ma'am.

A. All right. I think everyone in the area, of course, knew about it. And I was very interested in it and people constantly would come to my property to see if they could acquire it. Not the Pamykakas, but many people who wanted to develop the area would come to see whether they could inquire both. I knew Sister Tinitas, so I was

more or less continuously aware, I suppose, of the coming sale, upcoming sale.

Q. Was Sister Tinitas one of the principals of the Koinonia foundation?

A. I think Sister Tinitas -- we call her Sister Tiny -- she was in charge at that time, if I recall.

Q. Before the sale to the Pomykakas and Koinonia Partnership, what did you observe about the condition of the property?

A. Well, it was running down, to my sadness. But it wasn't just the physical property which was running down. It was the attitude, and I was very alarmed at what might go in there, because it was kind of a breakdown of the site.

Q. Since the Pomykakas have acquired the property in 1985, what have you observed about the condition of the property?

A. It's been a personal joy to me, which is why I am here. The improvements have maximized for all of us who live in the area the qualities that we want in the area.

Q. Were you present at the Zoning Commissioner

hearing below?

A. Yes.

Q. And did you see the site plan for the existing uses at that time?

A. I must have, yes.

Q. Mrs. Berk, do you have any objection as a neighbor in the Greenspring Valley area to the maintenance of those nonconforming uses --

MRS. FRIEDMAN: Objection.

THE CHAIRMAN: Sustained the objection. You have to add a word, "prior."

Q. What, if any, position do you have, Mrs. Berk, with regard to the maintenance of the alleged nonconforming uses?

A. Well, I think that perhaps I am very, very, pleased because I feel they make a marked contribution to the area.

Q. Are you familiar with, ma'am, with the decision that the Zoning Commissioner reached in his order that residential use is to be terminated?

A. I am.

Q. What, if any, adverse impact do you believe there would be from your standpint as a neighbor if these residential uses were terminated?

A. Well, I don't really speak just as a neighbor. I like to think I speak as Baltimre County in caring about the whole county. So I prefer not to answer just personally, but I agree with myself, personally, I think if it were to change, it could not get better. I think what the Pomykakas have done there has been just wonderful and, therefore, if it would change, it would either have to be the same or worse. And I would fear that.

Q. Are you aware, Mrs. Berk, that the present owners have continued to hold workshops and conferences in the Carriage House?

A. Yes, I am.

Q. Does that create any traffic problems or other problems of any kind from your standpoint as a neighbor?

A. No. I don't live on Valley Road. I live on Greenspring. But I am often enough over there. Now, I'm not needed as much, because they are handling it very well. I'm not there as regularly as I used to be, but I

have never seen anything but the most discreet ebb and flow.

MR. NOLAN: No further questions. Witness with you.

THE CHAIRMAN: Cross examination. Whoever wants to go first.

MR. MACHEN: I have just a couple.

CROSS EXAMINATION

BY MR. MACHEN:

Q. At the beginning of your testimony a moment ago in response to Mr. Nolan's question about the proximity of your property to Koinonia, you made a remark if they touch each other after development goes in. What were you referring to?

A. I can't point -- the point anymore, we used -- our property was once part of the Jackson/Rosa Ponselle estate, and there was a large field and we rode the horses there and the trail went right off my property. And just to my right, what was still the Ponsella estate, and I was immediately on Koinonia. But I can't find that anymore because the houses have changed and, of course, I don't go

over their house. So I don't know whether we ever touched, but it was so close it was just a trail away. And if that's true, I don't know what's been sold in that area, just at that pivotal point.

Q. Your testimony indicated your background with the precursor Valleys Planning Council, and I take it your general support of conservation and preservation concepts. Were you aware that the Pomykakas moved for RC 5 zoning on part of their property in 1988?

A. I did hear. My husband had died and I was involved elsewhere at the time, so I was not able to be involved in that. But I did hear, but I think after the fact.

Q. Were you supportive of it?

A. It was after the fact that I heard of it. I probably would not have been.

Q. Not have been supportive of RC 5?

A. But that is perhaps an unfair statement, because I never studied it and my conservation instincts are so strong, I say that, and yet I think I might have misspoken, because that's an unfair statement. It's a

postjudgment, not even a prejudgment. I hadn't even studied it, nor have I now.

Q. You testified a moment ago about guests that would come and stay at Berlane Farms who would stay at Koinonia and vice-versa, there was some reciproicity of hospitality. Were those visits in furtherance of the culture activity on both?

A. Generally.

Q. Was there any paid arrangement for those? Did you charge people?

A. Not on my part, what we charge the public when Ballet Under the Stars lie and Chambers Society performed there.

Q. Do you know if Koinonia charged people to stay who were visitors of yours?

A. I assumed -- I know they charged people to stay. Whether they did with my people or whether it was in appreciation to this mutual respect that we had, and I don't know. They never asked me and I doubt that they would have been -- well, I don't know.

Q. Was it your understanding it was a matter of

neighborly hospitality, that arrangement?

A. I think I really must say I don't know.

Q. I don't have any further questions.

FURTHER CROSS EXAMINATION

BY MRS. FRIEDMAN:

Q. Mrs. Berk, how is your property zoned?

A. RC 5. I'm sorry. Yes, RC 5.

Q. And have you ever sold any of your property?

MR. NOLAN: Objection. Beyond the scope of direct.

THE CHAIRMAN: Overruled. Have you ever sold any of your property?

A. No.

Q. Is any of it for sale?

MR. NOLAN: Objection?

A. No.

THE CHAIRMAN: Relevance?

MR. NOLAN: Goes to her interest.

THE CHAIRMAN: That's as far as you're going to go, isn't it, Mrs. Friedman?

MRS. FRIEDMAN: Yes.

A. You mean as of today?
Q. Yes.
A. The answer is no.
Q. Have you ever obtained a special exception for any of these uses you have described?
A. As of today, no.
Q. Do you have any facilities on your farm that were built for purposes of having these events?
A. In my life, all purposes are for the purposes of having those events. I mean human enrichment is what all things should be for. My home is such and my ground is such, and you are welcome to see the sculpture gardens. It's all for the same, yes, and I think every property is lovely.
Q. Do you have any outdoor seating, for example, on your property?
A. We have a natural ramp ampitheater because God gave it. It's just simply the way the ground is.
Q. It's just a natural --
A. And when when put in our tennis court, we put in oversized stairs. Everything that we have done, we have

done in an efforts to share it with the world.

Q. Now, you stated that during the eighties, the majority of the people who lived at Koinonia worked off off the site. Do you know, is that correct?

A. I said I had never counted. I said I thought so.

Q. Do you have -- do you know whether they ate together at Koinonia?

A. It's always been a very free place and I'm not sure who ate with whom. There was a very good warmth around so sometimes I came over and people were eating together and somtimes not. And sometimes I didn't. And so I can't -- I don't even know what that quite means. People come to my house amd eat all the time, but I can't say we ate together.

Q. Do you know whether they had a communal kitchen at Koinonia, a large kitchen?

A. They had more than one kitchen.

Q. Where were they?

A. As I recall, Grammar C had a sizeable kitchen, and there were other smaller auxilliary kitchens. But, of course, I have several kitchens in my home.

Q. Do you know whether the people who lived there assumed responsibility for the maintenance and upkeep of the property as a whole?

A. I'm not sure how it was organized and I don't know what was formal and informal. I think, as human beings, everything one was helpful.

MRS. FRIEDMAN: I have no further questions.

MR. NOLAN: No further questions.

THE CHAIRMAN: You may step down.

THE WITNESS: Will you be needing me? Or may I be excused?

MR. NOLAN: She can be excused, from the petitioner's standpoint.

THE CHAIRMAN: Yu may be excused.

MR. NOLAN: Thank you. Mrs. Pomykakas.

A N N M A R I E P O M Y K A K A S,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. NOLAN:

Q. Would you state your full name and address,

please.

A. Ann Marie Pomykala, 1400 Greenspring Valley Road, Stevenson, Maryland 21153.

Q. How long have you lived at that address?

A. We lived there since 19 -- when we bought the place in 1985.

Q. What is your involvement or connection with Koinonia Partnership?

A. My husband and myself are the sole owners and that is the business entity we set up to run the property.

Q. Before moving to Greenspring Valley Road, where did you live?

A. We lived on Wilson Lane in Bethesda, Maryland, and we did retain that residence for a couple of years, and then in a transitory period so we had a place to stay while we were in Washington.

Q. That was just for a couple years?

A. Yes.

Q. Do you have any children?

A. I have six children.

Q. What is your profession?

A. I am video producer.

Q. And what, if any, involvement do you have with historic preservation?

A. Our company is chiefly making historic videos. We made a series on the State of Maryland that's used in every county school system in the State of Maryland, plus many of the private schools.

Q. What is that series called?

A. It's a series on the 17th century and 18th century. There are various titles for each one. There's a children's set and an adult set.

Q. Other than the video productions that involve history, what have you been involved in historic preservation in any other respects?

A. We are with the Girl Scouts in Washington. We also, with the same video, we did go to Savannah and make a video on the Girl Scout troop there. I also was one the chief instigators in the archival committee for the Girl Scouts. We did a lot of history research with one of the national centers, Rockwood, for the Girl Scouts.

Q. Was there a national Girl Scout project or

regional Girl Scout project?

A. It was, I would say, more -- you have to separate the volunteer project from the one that my video company did itself.

Q. That was a paid project?

A. That was a project that we did on spec.

Q. How did you first learn of the Koinonia property, which is the subject of this hearing?

A. I learned from my husband who had attended an EST meeting where they spoke very highly of the property, and it was going up for sale. We susbsequently were here in Baltimore, had some extra time, and stopped in to see the estate. And we just fell in love with the place. We thought there's so many historical aspects to it, it was a beautiful place in its own standing, even without the historical aspects.

Q. What was the condition of the property?

A. The condition of the property was run down. We didn't know at the time how run down. We knew it was considerably run down, but we did want to make an effort at restoring that place to its original grandour as it had

been made by Alexander Casset back at the turn of the century.

Q. Did you investigate the property's zoning background?

A. We had read about it in the auction material that had come out. We did not really care at that point, you know, what the particular zoning was. It was not an issue that we were concerned about at that time. We were liking the property for its own self, for its value, et cetera.

Q. At the time of the sale, did you have occasion to discuss your plasn for the property with any representatives from the Valleys Planning Council?

A. Yes, I did. I had subsequently discussed it with Judy Baird, who was heading that organization. I think she was the --

Q. Executive director?

A. Executive director.

Q. What did you tell her concerning your plans for the property?

A. I had told her that we planned to rent out the houses and was this a feasible thing. She had no

objection.

MR. MACHEN: Objection.

Q. Based upon what Mrs. Baird -- without telling me anymore about what she said -- based upon what Mrs. Baird told you, did you have any understanindg you couldn't rent out those residential cottages?

MRS. FRIEDMAN: Objection.

A. No. She knew --

THE CHAIRMAN: You're objecting to this question?

MRS. FRIEDMAN: Yes.

THE CHAIRMAN Why?

MRS. FRIEDMAN: Well, we are basing it on testimony here from a witness who's not in evidence.

THE CHAIRMAN: Overruled.

MRS. FRIEDMAN They are asking her based on what Judith Baird said.

THE CHAIMAN: She can answer for what she knows. Not what Judith Baird knows or said, but what she knows. She can answer. Overruled.

A. I told Judith Baird we were going to rent these buildings out, and I did not hear any objections, nor did

I hear --

MRS. FRIEDMAN: Objection.

THE CHAIRMAN: Overruled. Continue.

A. I didn't hear any objections from her at that time, and I did not have any letters or anything else sent to me in these first couple of years we had rented out the property. In fact, I never -- until the neighbors brought this suit, there was no objection that were even given to me at all about renting out the property, by the Potomac Valley league or anybody else.

Q. You mentioned earlier that you had learned about this property from an EST meeting.

A. I didn't. My husband did.

Q. Was the EST meeting being held at Koinonia?

A. There were people that had similar philosphies of life going to EST that went to Koinonia, and some of these people who had been at Koinonia were at the EST meetings.

Q. Did Koinonia run the EST meetings?

A. No. This is just something through the grapevine we had heard about. We happened to be in Baltimore and then went to see the property ourselves.

Q. Other than the residential uses, what other uses were being made of the property in 1985 when you purchased it?

A. There were two businesses that were there. There was one that was a print shop that was operated commercially, not only for Koinonia, but other organizations as well. The whole print shop area was left a shambles with papers, but being I am interested in history, I did go through a lot of papers left. And it was obvious that they were doing print work for many other people. The other business was a garage which we subsequently got rid of. There was a gentleman there that took vehicles from outside in and repaired them there.

Q. How do you know that?

A. Because we did let him stay on the property until he found another place to take his business to.

Q. What there any uses other than the print shop being made? Were there other workshops ongoing at the Carriage House?

A. I have literature that shows the workshops that were being held. I'm not sure exactly, you know, when the

last one was, or anything like that. I mean my knowledge of the property goes back to all the literature that was left throughout Grammar C, throughout the Carriage House. There were tons of literature.

Q. Have you researched the background of your property?

A. Yes, I have. I sent my son to the library to get newspapers clippings. Mr. Charlie here who works for me has done some library research, plus accumculating knowledge from having lived there on past properties.

Q. Let me show you -- you heard about the property, and some of these pictures --

MR. NOLAN: I shwed them to counsel.

Q. Can you identify the photographs in this exhibit?

A. Yes, I can. This is the --

Q. Let me just stop you right there, because I'd like to move this into evidence so that the witness can identify it. But I also have a key that I would like to pass out so that the Board can follow amd counsel can follow with the various letters that are denoted on that exhibit.

Would this paper assist you in going through the various photos, and do you think it would assist the Board?

A. Yes.

MR. NOLAN: I'd like to introduce this as Petitioners' Exhibit No..

MR. CLARK: Mr. Nolan, you're offering as an exhibit the board with the various photographs and map?

MR. NOLAN: Yes, I would like to offer that as Exhibit 9.

MRS. FRIEDMAN: No objection.

A. This is Hope Chest, is A, and it's predated to Koinonia. The California House also predated the Koinonia group.

MRS. FRIEDMAN: I am going to object to the characterizations of the predating, unless some foundation is laid.

Q. Let me ask you to lay some foundation. Are you familiar with any documents that show there were outbuildings that were rented prior to Koinonia?

MRS. FRIEDMAN: Objection.

A. Let's see. I have --

Q. Any leases of any kind?

A. I have leases. I'm not sure which of these two houses they were. It says the six room cottage and they were both six room cottages. So I'm not sure which they are. Here, I have a Koinonia Foundation pamphlet No. 2, and the date that their librarian put on it was probably 1950, and from the reading the text in it, it certainly sounds 1950 to me.

Q. What sounds 1950?

A. When this particular pamphlet that they had.

Q. Does that refer to any of these cottages?

A. It refers to -- yes. This is immediately after purchasing the property.

MRS. FRIEDMAN: Are you going to offer this?

MR. NOLAN: Yes, I am going to offer it as an exhibit.

Q. Did you make the notation on the face of it?

A. No, I didn't. That's as I found it in one of there notebooks. They had a number of notebooks, trainee notebooks, historical notebooks.

Q. Were these among the original documents that went with the sale?

A. They left them there in the filing cabinets.

Q. Have you altered any of these documents at all?

A. No, I haven't.

MRS. FRIEDMAN: Are we going to put that into evidence at this time?

MR. NOLAN: Yes.

MRS. FRIEDMAN: That will be Petitioner Exhibit 10, I believe?

THE CHAIRMAN: For the record, No.10 is a pamphlet -- for want of a better term -- says Pamphlet No. 2 on it, so we'll call it a pamphlet.

Q. Does the pamphlet which has been received as Exhibit 10, does that have a date on it?

A. Other than the fact that somebody at Koinonia wrote 1950 on it, it does not have a date.

MR. NOLAN: I'd like next to show counsel --

A. But I can read that, telling about what was there pre-Koinonia. It says two tenant houses are located a hundred yards from the main house containing six and seven

rooms respectives. There's also a large five room apartment on the second floor of the stables and several winterized portions on the first floor. Other buildings normal to a farm property are on the property.

Q. So Exhibit 10 refers to two residential cottages plus some apartment above the stable. To which building was that referring?

A. It was referring to the current Carriage House, which is one of the historical buildings.

Q. Is the Carriage House also sometimes called the annex on one of the earlier plans of Koinonia?

A. On one of the early plans of Koinonia, they call it the Annex.

Q. You were here earlier today when Mr. Raphel testified concerning Exhibit 3 and 4. Can you tell the Board what the source of these Exhibits 3 and 4 was?

A. They were maps that were left when Koinonia vacated the property.

Q. Did you find that?

A. They had a tremendous amount of old documents there.

Q. Did you make any alteration or marking on those Exhibits 3 amd 4?

A. No.

Q. I have shown counsel and I am going to show you what I have stapled together so they will be more easily marked for identification, can you just tell me what those documents are?

A. They were found -- these were rental agreements between Hugo Hoffman and a tenant and also between Hugo Hoffman and another tenant renting out those buildings pre-Koinonia date. They were dated in June and the 30th day of March 1950.

Q. These are photocopies of original copies that you have?

A. Yes.

Q. Do you have the originals here with you today?

A. I have the originals of the lease agreement. I did not -- well, yes, I do have.

Q. These are more than 30 years old?

A. Yes.

MR. HOFFMAN: I am going to introduce these as

Plaintiff's Exhibit No. 11.

THE CHAIRMAN: Petitioner Exhibit Number 11.

MR. NOLAN: I have copies for the Board. If I could just have one minute?

I am going to refer you back to Exhibit 9, which is the photo exhibit. I am going to mark this as 9A.

Q. Let me show you what's been marked 9A. Does this 9A relate to the photo exhibit that was referred to as Exhibit 9?

A. Yes. These are the present occupancy of these buildings.

Q. Would this help you as you go through your testimony in describing these buildings?

A. Okay.

Q. I am asking.

A. Yes.

MR. NOLAN: Let me introduce this as Exhibit 9. I apologize to the Board and counsel. This really supercedes Exhibit 8, but to save time and to only go through these exhibit once, it's best to use 9A.

Q. Mrs. Pomykakas, you have told us about the leases

you found. Would you please describe what buildings were on the property in 1985? And as you go through this, please tell the Board how many people are living in each building today.

A. Okay. Hope Chest Building has one couple and a single person. Building B, the California, has a single person on the top floor and a couple on the bottom floor. Honeybrook, which was original to the property, was the original barn, has one single on the bottom floor and one single on the top floor. Acorn, the gardner's cottage, was the original to the property as an outbuilding, has one person living there.

Q. That's "D?

A. That is "D." "E," Grammar C, the main house is occupied by my family. That's my husband, myself and one son on a permanent basis, and then temporarily my daughter and her husband and child are there. They have just moved back into the Baltimore area.

Q. I note there may be a mistake on this 9A. "F" is is the next house. Is that the literacy house?

A No. It is the back view of the main house.

Q. And where is the literacy house shown?

A. Literacy house is "J."

MR. NOLAN: I apologize to the Board. If the Board could just make a note that "F" is actually "J" on this exhibit.

A. There's one single on the top floor, and who is employed by me. Also, the person in "D" is employed by me. The other -- there's a family living in the bottom and part of the upstairs, one of whom is employed by me.

And this is -- they are living with their children. "I" is just that. It was a built on the foundations of an original structure to the property. It was a cooling shed at one time, a milk house, but Koinonia put a meditation there. At one time, it's just an outbuilding. "H" is the original icehouse, which probably should be protected by the trust.

MRS. FRIEDMAN: I would just --

MR. NOLAN: I think my key is in error. I apologize to the Board for that.

MRS. FRIEDMAN: Is that also true for the original? 9A is not --

MR. NOLAN: Eight is correct and 9A is -- the lettering is not correct. The uses described on 9A are correct, but the lettering is bad. And maybe at break, with counsel's permission, I could change the lettering on 9A.

A. "H" is a very historic building.

Q. Why do you say that?

A. It has to be preserved. It's not on the trust, because Koinonia did not put it on the trust, but I will certainly seek sometime to put it under there. There are not very many icehouses and ice ponds remaining. "G is the foundation of the original ice pond, so I have been told. It became a rose garden during Hugo Hoffman's time there and during Koinonia, they had built another structure there which was called the Garden House, but right now it is just a foundation which has shatacki logs in it. Then at the top here, "M" is the Carriage House which presently has seven students in it. It had been converted to a dormitory during Koinonia time and there's a real need for housing. There's no housing at Villa Julie and minimum at Loyola, and that's where I have most of my

students from.

Q. What use did you make of the first floor of the Carriage House?

A. It has meetings and seminars on a regular basis.

Q. And building "L?

A. Building "L" is the Memorial Building erected by Koinonia and in 1959 and it presently houses single people. There are eight singles, and one of them is a woman with a child. And "K" is the mobile home which has one of my employees and his family.

Q. You referred to some workshops and other uses in the Carriage House. After showing counsel, I would just like to show you another exhibit. Do you recognize that document?

A. It's a list that I had prepared for the last hearing that had the people who had rented the Carriage House, and the dates.

Q. During what time of day are these lectures or workshops held?

A. Generally, they are on the weekends with an all-day thing on the weekend, and then Lynn Woodland and

her group regularly use it every Tuesday evening.

Q. Did there come a time when you and your husband moved into the Carriage House from the main house, or you had to move out of the main house?

A. No. We moved out of the main house where the Baltimore Symphony Associates -- when it was used as a show to support the Baltimore Symphony. At that time I had moved into the trailer which was there on the property.

Q. You mentioned the Baltimore Symphony Associates. Was that sometimes referred to as the Decorator Showhouse project?

A. Yes, it was.

Q. Was your home the Decorator Showhouse in 1986?

A. Yes, it was.

MR. NOLAN: I'd like to introduce this as the next exhibit.

MRS. FRIEDMAN: Petitioner's Exhibit 12 is the Carriage House rental?

MR. NOLAN: Yes.

Q. Referring you to Exhibit 12, which groups utilize

the Carriage House for lectures or workshops on a regular basis?

A. Baltimore Holistic Health does. Lynn Woodland's group, or In Roads; Tom Brightman and his group also use it on a regular basis.

Q. What kind of training does his group do?

A. All three of them are involved in probably what you call new wave philosophy, more of a self-improvement group, which was what Koinonia was doing in the years when they lost their teaching literacy and agricultural methods in foreign countries. The Peace Corp came in.

Q. And based upon your personal knowledge, are any of the groups shown on Exhibit 12, groups that had used the Carriage House before you bought it in 1985?

A. Yes. I know that -- yes, some of them were.

Q. Why is the Carriage House conducive to the lecture use or workshop use?

A. Koinonia or -- I can't even say for sure, because I never saw -- it had been converted into three large rooms for seminar use. The old carriage room is a huge room. I read in one of the early numbers that it had room

for two cars and three carriages in the large carriage room and then they had made them very suitable for seminar use.

Q. What, if any, restrictions or easements apply to the Carriage House building and the main house?

A. They are covered on the exterior by the Maryland Historic Trust. Nothing can be done without their permission for those two buildings and within 25 feet of the circular drive.

Q. You were made aware of that condition and restrictions before you purchased the property?

A. Yes. It was in all of the auction material.

Q. Have you ever sought to remove that trust or to have the property released from that trust?

A. No. On the contrary, we have tried to put the property, the rest of it in the trust. But either it's not old enough yet to preserve what I think is a very important movement, Koinonia movement. It's definitely a predecessor of the Peace Corp, developed much input into that and definitely a leading cursor of the New Wave philosophy.

sell to a number of wholesalers at Jessup, plus to many of the gourmet restaurants in Baltimore County.

Q. How long have you been engaged in those, both the mushroom and herb garden?

A. We started that shortly -- we started the mushrooms shortly after we moved there. And the following year, because we needed more to deliver to our restaurants to make the trip worthwhile, we started with the herb order. The herb orders have now taken our time and attention. We grow basil --

Q. How many people work on the property that devote themselves to the agricultural uses?

A. Christine, who's here in court, is our chief gardener, and that's her fulltime operation this year.

We have one other person on the property that does the selling for us that lives there. Then I would say that at one time or another, almost every student has helped us pick herbs, and many of the other people, just because they enjoy gardening, go down and help us at one time or another.

We do have some two fulltime herb pickers this

year, but they live outside the property. And the reason they came is for what Koinonia had all along, this spirit of healing. They have problems in their lives and they asked specifically to work in the gardens to get that internal sense of healing.

Q. Have you converted Koinonia to a rental project since 1985 when you purchased the property?

A. We have rented out the buildings, but I believe you can still say it has a community sense from a lot of different aspects.

Q. I want to show counsel and then I will show you Mrs. Pomykaka, a final series of photographs. While counsel is looking at those photographs, what facility what facility fee do you charge for the use of the Carriage House as a lecture facility and as facility for workshop?

A. A minimal fee. There are three rooms and a kitchen. I charge $200 if they use all three of those rooms. If they are using the carriage room only, the large guest room, it's 75 or $50 for use for either of the other two rooms.

Q. I am going to show you, Mrs. Pomykaka, photographs marked 14A through 14B, and ask you if you can identify those?

A. When you look at our property from any angle there, you cannot see any of the buildings. There are two entry ways from Greenspring Valley Road. This is the second entryway as you come down from Falls Road. As you can see, you go over a stone bridge, you're into -- you go a third of a mile before you even go up to a house.

Q. You're referring to 14A. Let me ask you this, ma'am. Is this the entranceway that is most west of Falls Road?

A. It's closest -- it's most west of Falls Road, correct.

Q. So this is closest to Villa Julie of the two entrances?

A. That's correct. This is that same entryway from the field. You can see even less.

Q. Would you identify --

A. That's photo 14B.

Q. Would you tell the Board what's depicted in 14C?

And especially what's the vantage point.

A. This right here is Greenspring Valley Road and you're coming down to the driveway entrance, the first one you would come to. That's as far as you can see. You can't see the two large fields. You can't see the driveway that goes up the hill that you eventually reach the houses on.

Q. Would you describe what's depicted in 14D?

A. This is the view where you look across from the Villa Julie convent. You're just inside the woodline. We have woods along the road. But standing right behind that row of woods looking towards the lower garden, where the cornhouse is, this is what you see.

Q. So 14A through 14D fairly and accurately depicts what's represented in them?

A. Yes.

Q. I'd like next to show you, Mrs. Pomykaka, photographs marked 14E and 14 H for identification. Can you describe what's depicted in 14E?

A. This is -- since the Carriage House is generally been depicted as not -- is that nice a building, this is

how it likes right now, which we took this last week.

Q. That's the Carriage House?

A. This is the Memorial Building, the apartment building. This is from the center circle where it is the most advantageous to see any building on that property. Around that circle, Grammer C. The Carriage House across from the circle. And this would be looking towards Greenspring Avenue, which you could never possibly see because it's such a distance.

Q. Can you point to the Board where on Exhibit 9, this photograph was taken from?

A. Here is the center circle, Grammar C, the Carriage House. And standing right here at the very edge of that circle where you can get the best view of that Memorial building is where it was taken from.

Q. The Memorial building on Exhibit 9 is marked as the photo "L" up at the top?

A. Yes. That was taken in the winter with all the trees down. But also in this building is things that we have done to the property. We put in numerous plantings. When we came here, this was a parking lot, and we took

part of that parking lot and put in plantings. There is numerous places on this property where we have done extensive planting.

Q. Was there any new parking Koinonia that went there when you bought it?

A. No. In fact, we have grassed over areas.

Q. What's depicted in 14F?

A. When you come in either of the entryways, you go past two large -- like two acrefields on each side. You come up the driveway, which is a third of a mile long, before you can see any building at all.

Q. Can you relate that to Exhibit 9, so the Board can see where this is.

A. This roadway goes -- here's one entryway. Here's the other entryway. You come up, and here's where the stone wall begins. So you're coming all the way up here.

Q. Where was Photo 14F taken, approximately, where on Exhibit 9?

A. It was taken approximately right here below that.

Q. Looking south?

A. Looking down towards the driveway, towards the

entryway.

Q. To 14E. And it fairly and accurately depicts what's on the photos?

A. Yes.

MR. NOLAN: I would introduce these into evidence in that they are residential cottages important for the historic preservation of Grammar C and the Koinonia property as a whole.

A. They give us some of the additional funds we needed to restore it. Also, I would say some of these buildings have a historic value in themselves. I am a historian right now working on three black history tapes with a video company, and one of the things you have to preserve in the present to preserve the past, Koinonia is being lost, and this is one of our more important movements. It preceded the Peace Corp from 1950 to 1960. All of the ground work in the -- they sent, I think I read, 400-some people to overseas missions and they were teaching literacy and agriculture ten years before the Peace Corp came into existence. The idea they started with, you can't just go over there with your knowledge.

You have to have that inner peace, that inner faith, before you can do this. You have to understand other cultures and understand people. This is what they were promoting. And these were used, passed along to the Peace Corp. And they participated in conferences with the Peace Corp when it began. And then, besides that, after they that purpose was no longer there because the Peace Corp took it over, they were one of the foremost people in the New Wave philosophy and numerous important people from all of the word came there. Literacy was the center for Frank Lobeck. Now, you may not be familiar with him, but he was the one that his methods are still used today to teach literacy. He was an important figure as a religious leader and as a teacher in, you know, translating these different languages and getting people to write.

Q. Mrs. Pomykaka --

A. And with that literacy cottage that he established his method right there on the property.

Q. After the Koinonia Foundation sold Koinonia Partnership the property, did the partnership permit Koinonia alumni to come and use the property?

A. Yes. Every year there has been a reunion of the Koinonia community.

Q. Do you charge for that reunion?

A. I didn't at first, and then I charged a reduced fee with individuals as opposed to the foundation itself. The foundation itself, I did not.

MR. NOLAN: Thank you.

A. But I have many others that come back. A lot of Koinonia people come back. And they are allowed to walk around.

MR. NOLAN: Witness with you. Thank you.

THE CHAIRMAN: Cross examination.

CROSS EXAMINATION

BY MR. MACHEN:

Q. I just have a few questions. Mrs. Pomykaka, are you operating a private school on this property now?

A. I personally am not operating a private school, but I do have people that rent it that there is actual income that comes from giving seminars in the same subjects Koinonia was giving their seminars on.

Q. Where do you get the tenants who live on the

property?

A. They mostly come from word of mouth. I have a friend who would love to live up there. I have a list of people who would love to live up there. So whenever there's a vacancy, I can have numerous people.

Q. Are the people who live there as tenants necessarily connected with any of the cultural activities that you conduct on the property?

A. I have -- there are several people that work for me that you can't have a cultural activity unless you have the facility for it. So the people that work for me, yes, in that respect.

Q. But you do rent to people who have no connection with Koinonia?

A. The same as Koinonia.

Q. That isn't the question. You do rent to people who have no connection with the other activities that go on?

A. That's correct.

Q. How much income did you get from rental of these properties?

A. Let's see. Approximately about 7000 -- probably about $8,000 a month.

Q. You testified earlier about the poor conditions of some of these buildings. Would they be characterized as dormitories?

A. No. The only thing that could be classified as a dormitory would be the Carriage House.

Q. Did you convert that in any way?

A. No, we did not. We left it as it was.

Q. Have you considered developing this property?

A. Developing the whole, no. A portion of the back of it, we were asked for rezoning, as you know. The back that runs on Greenspring Avenue that also has two subdivisions on two of its sides.

Q. What was the nature of that request?

A. They were for nine lots, I believe.

Q. When was that?

A. It was right before the neighbors brought -- right afterwards, the neighbors brought suit. So was that two years ago? Because it was in direct response that this case is brought upon.

Q. Was it in connection with the 1988 zoning recycling?

A. Yes, that's correct.

Q. Do you intend to submit again for RC 5 zoning?

A. That's still in abeyance. I hope we can reach an agreement on this.

Q. What agreement do you mean?

MR. NOLAN: Objection. To the extent it relates to settlement discussions, I will object.

THE CHAIRMAN: I will sustain the objection.

Q. Were you aware of the zoning of the property when you purchased it?

A. It did not stick in my mind as a big issue. As I said before, what I bought was the house and the grounds.

Q. Were you willing to take the risk then?

A. I certainly was. It was a property well worth it, no matter how it came.

Q. Did you regard the price that you got as a bargain?

A. I may have said originally it was a bargain, but that was before we started really restoring it. I never

restored a place like this before.

MR. MACHEN: I don't have any further questions.

MRS. FRIEDMAN: Just a couple questions.

FURTHER CROSS EXAMINATION

BY MRS. FRIEDMAN:

Q. Mrs. Pomykaka, are you a teacher?

A. I have taught in the past. But as most people of my age, I stayed home with my family. I did teach in a grammar school before I was married, before I had children.

Q. Are you currently certified as a teacher?

A. No, I'm not.

Q. Do you or the Koinonia Partnership have a private school license?

A. No, we do not. Well, I don't know. Listening back and forth, whether there's a license on the property or not, I'm not even sure at this point. But, no, I am a video producer. I have nothing to do with formalized teaching.

Q. You are not certified by the State of Maryland as a private school teacher

A. I am a video producer. I am no longer a teacher.

Q. And nobody connected with the Koinonia partnership is?

A. Only so far as they rent space from us.

Q. The Koinonia partnership also has not applied for any exemption from the internal revenue service as a nonprofit organization?

A. No, we have not.

MRS. FRIEDMAN: I have no further questions.

MR. NOLAN: I have no further questions.

THE CHAIRMAN: You may step down. Thank you.

MR. NOLAN: Earlier today, we had some of the people who appeared at this hearing this morning and some of them are still here and have signed a sign-in sheet. I'd like to show that to Mrs. Friedman and ask that it passed up to the Board. I would submit it because I'm not going to call all these people to testify in support, but I think the Board ought to have this in lieu of calling them all in support.

THE CHAIRMAN: Are they still here?

MR. NOLAN: I believe most of them are.

MRS. POMYKAKA: Kurt had to go back to work. Dan had to go back to school. I sent Lilly to oversee some of the work on the property. And the rest of the people are here.

MR. NOLAN: With the exception of the three that I have checked, all of the other people are here. And rather than have all them testify -- some of them will testify -- I just would like to submit this as Exhibit 15.

THE CHAIRMAN: Do me a favor, Mr. Nolan, it will only take you a moment. Those that are in your corner, that are here that are not going to testify, please have them stand.

MR. NOLAN: Those three people here will not testify.

THE CHAIRMAN: Have them state their names.

BRIAN POMYKAKA: Brian Pomykaka.

JOE DINDZIS: Joe Dindzis.

MR. NOLAN: You're in support of the position?

MARLIN BALLARD, JR.: Marlin Ballard, Jr.: Yes.

MR. NOLAN: I next call Christine Ritz.

C H R I S T I N E R I T Z,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BYMR. NOLAN:

Q. Good afternoon, Miss Ritz.

A. Good afternoon.

Q. Would you state your full name and address, for the record, please?

A. Christine Clare Ritz. I live at 1400 Greenspring Valley Road. And that's Stevenson, 21153.

Q. Maybe just to orient us and the Board, could you just tell us in what house you live?

A. I live in the small cottage right down here which borders the garden, and that's called the Acorn.

Q. The Acorn is marked on this Exhibit 9 as letter "D"?

A. Correct.

Q. How long have you live in the Acorn?

A. I lived in the Acorn since the Pomykakas took residence of the Grammar C building.

Q. Before the Pomykakas came to Grammar C, where

were you living?

A. In the Hope Chest. I also lived in Grammar C, and also lived in the Memorial building.

Q. Just so the record is clear, would you identify and point to where was the first place that you lived?

A. The first --

Q. -- when you came to Koinonia.

A. The first place I lived was the apartment building, the Memorial building.

Q. What year was that?

A. I believe it was 1975.

Q. And who else was living in the apartment building at that time?

A. At that time, there were people who were employed by the Koinonia Foundation as well as people who were called "participants," meaning they came to take part in a three month program that was offered for the sake of personal growth and renewal. And then additional people who were termed as "householders," who were unable to take part of the programs, but made their living on the outside.

Q. So a "householder" would be someone who lived at Koinonia, but worked off site?

A. That's correct. Many of these people were professionals and had careers, but they were looking for an enriching personal experience and an opportunity to live in a community.

Q. When you say "live in community," would you just describe what that means?

A. That would be sort of difficult for me to do because, for us, Koinonia, it was a very complicated concept, a community that was intended as a means for enabling people to experience personal growth and transformation and, hopefully, peace, because it evolved out of the concept that peace comes with personal transformation.

By "community," I mean that we experience life in an integrated kind of way. We met for daily prayer and meditation. We were given the opportunity to share community meals. We participated in community meetings. we were all responsible for community work assignments that furthered the maintenance of the buildings or the

orchard or the gardens or preservation of food.

We took part in community activities that were structured and ongoing and developed for the purpose of imaginative recreation of the human spirit.

Q. Was there also training and workshops?

A. Absolutely. The workshops were a very vital part and they there were workshops that took place and seminars conducted by people from -- by leaders from around the world as well as from around the nation. And there were also classes being conducted by some of the most well respected writers and figures in American culture.

Q. When you came to the property in 1975, where were those workshops concentrated?

A. I would have to say they were housed in different places. They did -- the Carriage House is the easiest facility. However, many of them took place in the open circles. Many of them took place in Grammar C proper, in the living room or dining room. Programs such as bread baking and vegetarian cooking that took plce in the kitchen.

Q. Is it fair as to say the Carriage House was the

main educational center?

A. Yes.

Q. After you lived in the Memorial building, where did you next reside on the Koinonia property? When did you move to Hope Chest?

A. Prior to livin in the Hope Chest, I lived in one of the servants rooms in Grammar C.

Q. On what floor?

A. Second floor.

Q. And then about when did you move to Hope Chest?

A. I would say about 1980.

Q. Could you just show the Board where on this --

A. This is the Hope Chest building, and I lived on the second floor.

Q. That's which letter?

A. "A."

Q. Who lived on the first floor while you were there?

A. There were three different residents. One of them, the first resident was our cook. And she was also an individual responsible for teaching classes in

vegetarian cooking and bread making. The second couple that lived there, they were employed on the outside. And the third occupants were a couple people, and one of them was Dick Falkenstein, who was one of the last elders of the community. He was a retiree.

Q. Is Mr. Falkenstein still alive today?

A. No, he is not.

Q. By profession, what was your background?

A. I have been a teacher for the last 17 years.

Q. For whom are your employed?

A. Initially by the Towson Stratford School here in Towson. And from there, I was -- I sought employment with Baltimore City Public Schools.

Q. During the time that you lived at Koinonia, did you work off site in your teaching profession?

A. Yes. The whole time. But for this present --

Q. When did you change gears, or switch careers from teaching to a new career?

A. In June of last year, I decided to resign as a teacher with Baltimore City to continue my great interest in organic gardening and also in hopes of carrying on the

tradition of my great friend and respected teacher, Dick Falkenstein, who was the gardener at Koinonia.

Q. Hs the level of gardening increased under your leadership at Koinonia?

A. That would be an assessment I would be too humble to want to reply to. I have a great gardening tradition behind me, and I perhaps -- I think there are more plants in the ground.

Q. Let me ask it a different way. Is gardening a hobby at Koinonia, or a real enterprise?

A. Absolutely not. We are new and we don't know all we should, but we have a very actively functioning and productive garden with very high quality produce.

Q. And if you lump the mushroom farming together with the her gardening, approximately how many acres are devoted to these agricultural uses?

A. I am afraid to answer that. I don't have a good sense of what acreage is. I don't know. I am sure the record would indicate what the Koinonia garden, how large it was. And we have used it entirely this season, and I believe we are hoping to expand.

Q. As someone who was present at Koinonia prior to the sale, what have you observed about the changes that have occurred with regard to the physical condition of the buildings, both pre-sale and then post-sale?

A. Out of loyalty to my own Koinonia community, I would have to say that there simply was not the money available nor the expertise to maintain the buildings in the appropriate way and they had become very rundown. And I would say the Pomykakas have looked to every detail that I can perceive in order to make that place beautiful and to be -- to have it be preserved in a way that it's historically correct.

Q. As a Baltimore County resident and someone who's lived at that property for over 15 years, what did you perceive to be the historic significance of that property?

A. I would find that very difficult to express because I don't believe there's an ever ready audience to understand the significance of the spiritual values in our culture. There was a great spiritual undertaking. Not only an undertaking, there was a great spiritual phenomina that occurred in that property. There was a community of

people who were devoted to the spirit of joy and fellowship and truth. And it worked, and it transformed the lives of many.

Q. Does that sense of community still continued to --

A. There is the sense of community, but there's not a binding intentional community. There's no charter. There's no philosophy. But there's a recognition that that is needful in our world and desired on the part of many to create that in their own way.

Q. Do the Pomykakas promote that recognition?

A. For me, it is a very remarkable thing that, in fact, they do.

Q. Are you aware of the zoning decision that was passed down last year?

A. Yes, I am.

Q. And what is your understanding of what happened if the Zoning Commissioner's decision was implemented? Would you have to move off the site?

A. That is a question I would be reluctant to answer, because I am currently employed by Mrs. Pomykaka.

But I believe I can make a comment about how I would view that, and I would like to take the opportunity to say that I think it would be a great, in my opinion, a great shame to see that property which housed so marvelous an expert in human living revert into private ownership and become just a closed residence. As it is, the Pomykakas have been gracious enough to allow people to come to walk in the gardens and to renew their connections with the spiritual traditio that they experience.

And I feel I am in a position to speak so, because I am very close to one of the elders of the community who is still in charge, stays in contact with people. I know there are people all over this country who have a profound love for that land, and I know they are profoundly greatful that the Pomykakas have not closed it off to keep for themselves to enjoy.

And May I say here that they have allowed people access to that gardens, because the fact that garden has been maintained organically for fifty years is rather difficult, and I think that can be acknowledged is not a common thing. That land is organically maintained.

Q. Miss Ritz, before the transfer of the property to the Pomykakas, approximately what was the peak population at Koinonia before? Or when you were there, in the late seventies?

A. That also is hard for me to say, because I like Mrs. Berk who testified this morning, don't keep a good track of records. I believe that the figure is given between 40 to 60. But I must say we very frequently had visitors who stayed, who came for retreat or personal renewal and occupied rooms. And I'm not really sure.

MR. NOLAN: Thank you, Miss Ritz. Witness with you.

CROSS EXAMINATION

BY MR. MACHEN:

Q. I have one question for you. A moment ago, you described participants and householders, and you gave us your understanding of what it meant by the community. Did householders participate in the community?

A. Absolutely. You see, in order to come to the community, you had to go through an interviewing process that was quite extensive and you had to spend time there

and you had to agree to the components of what we considered created a community life, and you had to agree to be part of all this.

Q. So people who had careers on the outside, but lived at Koinonia still were part of the community and very much committed to the community?

A. Yes.

Q. Were there any people there just living in the houses there and not participating? Just using them as apartments?

A. No, sir, I could not say that. Everybody, even to the -- there were people -- there was one retiree who was pretty incapacited who was quit elderly. But if he could lick envelopes or something -- he's the only one I can think of whose role would have been minimal -- but no one who was just living there who was not obliged in some way to take part in the process.

MR. MACHEN: I have no further questions.

THE CHAIRMAN: Mrs. Friedman?

MRS. FRIEDMAN: I have no questions.

MR. NOLAN: Thank you, Miss Ritz. I have no

further questions.

THE CHAIRMAN: Thank you. May may step down.

MR. NOLAN: I would like to call Lynn Moreland.

L Y N N W O O D L A N D,

having been called as a witness, was duly sworn and testified as follows:.

Q. Good afternoon, Mrs. Moreland.

A. Woodland.

Q. Excuse me. Could you state you address, please, for the record.

A. 15 Kitzbuehl Road, Parkgon, Maryland 21120.

Q. What is your profession?

A. I lead seminars.

Q. How long have you been involved in that profession?

A. One form or another, about 16 years.

Q. What has been your involvement with the Koinonia property?

A. I lead an ongoing weekly group there every week, and I used to hold my more intensive day-long seminars, and have been doing that for three or four years now.

Q. Would you please describe, when you say an intensive program, would you describe what that is and what it's entitled?

A. It's called In Roads, and it's a five-day long seminar that has a personal growth, personal development transformational type of focus.

Q. Is there a shorter program? Or are there workshops that are not as long that you also conduct?

A. Yes, I do, all different kinds of workshops on different themes for two or three days, perhaps four days, and then a weekly group that meets for three hours a week. And I am actually about to start a second biweekly group there in August.

Q. Are you licensed or certified in any particular profession, or are you trained in any particular field?

A. Before I did this, I worked for about thirteen years with the first Maryland state certified drug program as a counselor, and then with a group, private practice, doing general counseling work.

Q. And what is the fee that you pay to Koinonia Partnership for the use of the facility?

A. It's very reasonable for my weekly group. I pay $25 dollars for use of the room for the evening. For a five day intensive, I think it's 625 for the whole downstairs area for those five days.

Q. In in what area of the property do you conduct this?

A. The Carriage House building.

Q. Are you aware of any other educational programs that take place at the Carriage House?

MRS. FRIEDMAN: Objection.

THE CHAIRMAN: That question is not objectionable. The next one may very well be.

Q. Are you --

A. I see a professor who comes through before our group every week, and I don't know what she does, but she offers some kind of program. I know seminars are offered there. And often people call me and ask for the number so they can set something up to do there.

Q. Did you have any contact with this property prior to 1985?

A. Yes. I was aware of Koinonia and visited it from

time to time. In fact, I than worked for the Waldorf School before I moved to Koinonia.

Q. You mention the Waldorf School. Is that --

A. I used to bring the kids out.

Q. -- the nursery schooling we heard about earlier?

A. Right.

Q. Was the Waldorf School operated by Koinonia Foundation, or was that --

A. Oh, no. That was a completely separate entity. It's still in existence, the Waldorf School. That was in it's early formative days.

Q. So Koinonia leased the Carriage House to the Walforf School for the use as a nursery school?

A. I assume there was a lease relationship. I wasn't part of the school, but I am pretty sure -- I was friends with people who taught there. And that's my understanding.

MR. NOLAN: Thank you, Ms. Woodland. Witness with you.

CROSS EXAMINATION

BY MRS. FRIEDMAN:

Q. Ms. Woodland, how do you get participants for

your seminar program?

A. Primarily word of mouth at this point. I have done some advertising in the past. I don't do as much of that now. Actually, a few Koinonia residents have been coming to the group.

Q. Do yo charge for that?

A. I do it on a self-determined fee basis. People give what they want.

Q. But there is a fee?

A. Yes. Self-determined. Some people pay nothing.

Q. Do you have a business that you use to handle these fees and the other income?

A. This is what I do for a living. I do have a corporation and have been in the process -- well, I don't really do it that way anymore. I have turned over the business to someone else to manage, so they pay me now.

Q. So you have a corporation --

A. Yes.

Q. -- that you own?

A. Yes.

Q. Have you ever applied to Baltimore County for a

special exception for permission to hold these seminars?

A. No.

Q. You have not. And if you couldn't hold them here, where would you have to hold your seminars?

A. To tell you the truth, I haven't the faintest idea. That's why I'm here. I haven't really found an alternative space that fits our need.

Q. Have you looked?

A. Yes, I have looked around.

Q. Where have you looked?

A. I have looked at the hotel ballroom space. I called churches. There's usually problems of one sort or other in those kind of spaces.

Q. What kind of problems?

A. Well, one is hotel ballroom as well as many churches tend to be in either neighborhoods or with enough people around so that the noise factor of the workshops are a problem. And a lot of hotel ballrooms don't have the same -- well, they are a little bit too formal for my taste.

Sometimes they are prohibitively expensive.

Koinonia, I initially started renting Koinonia because it was available and it fit practically. Over the years, it's really become, in my experience, more of a sense of community. So it embodies more of a spirit I like to put out in my group. So it seems to fit very well.

Q. Have you approached any schools for permission to use their facilities?

A. I have in the past, and I can't remember which schools I have contacted. But there's usually problems in that I run very late and I need carpeted space and we have done a lot of checking around. And nothing just seemed to quite fit the bill.

Q. Have you discussed applying for special exception to continue to use this property?

A. No.

MRS. FRIEDMAN: I have no further questions.

MR. NOLAN: Nothing further.

THE CHAIRMAN: You may step down.

MR. NOLAN: I would like to call Dr. Ronald Pomykaka.

DR. R O N A L D P O M Y K A K A,

having been called as a witness, was duly sworn and tesfied as follows:

DIRECT EXAMINATION

BY MR. NOLAN:

Q. Good afternoon, sir.

A. Good afternoon.

Q. Would you state your full name and your address, for the record, please.

A. Ronald Adam Pomykaka, 1400 Greenspring Valley Road, Stevenson, Maryland 21153.

Q. Dr. Pomykaka, what's your profession and how long have you been engaged in that profession?

A. I am a dentist of 31 years.

Q. Directing your attention to 1985 and the Koinonia property, sir, you have heard testimony already concerning the cessation of some of the uses?

A. Yes.

Q. My question, sir, have you intensified any of the uses at Koinonia?

A. No way. Just the opposite. It's less intense than it was from the time we were there.

Q. You also heard in the opening statement that there was a statement made concerning the profit making nature of Koinonia, sir. Can you describe whether that is correct?

A. Well, we are not listed as a nonprofit organization, but I can say that since we have purchased it, I put $850,000 into the restoration of this place.

Q. Have you ever converted any of the buildings to a new use since 1985?

A. Not that I know of.

Q. Have you ever erected a new dwelling --

A. No.

Q. -- at the Koinonia property?

A. No way.

Q. Can you describe the mobile house that's on the property? And I believe it's depicted in Exhibit 9. Did you bring that onto the property, or was that already there?

A. That's "K." I did not bring it on. it was present in 1985 when we were there, and when I purchased the property.

Q. There's been some testimony you lived there --
A. yes.
Q. -- during the symphony showhouse?
A. We lived in there for three months.
Q. Who lives there today, sir?
A. Hughie Collins, who was here this morning and has just left to go back. And his family.
Q. Does Mr. Collins work on your property?
A. Yes.
Q. Was does he do?
A. He does painting.
Q. Is he a fulltime employee on the property?
A. Yes, he is. It's mainly painting. Sometimes he pitches in and does other things from time to time, but 90 percent of the time, he is painting.
Q. Does some of the repair work?
A. Yes.
Q. Dr. Pomykaka, I'd like to show you a document and ask you to look at that and tell me if you have seen that before today?
A. Yes, I believe I have.

Q. It is Petitioner's Exhibit 16 for identification, a copy of a letter dated May 4, 1988, from Jeffrey Long, of the office of planning and zoning, to my office?

A. Yes, it is.

Q. And this was the original zoning violation, was it not?

A. Yes, it is. Well --

Q. Was this the first?

A. The first letter I had from him. He was out prior to that and inspected it. I met him a day prior to that, but that was the first letter I ever received.

Q. Was there the first indication you had there was an alleged violation condition affecting your property?

A. Yes.

Q. What did you do as a result of this letter?

A. Oh, I made a -- I requested that I was asking for a resolution to this, and he was dragging on months after months. So I have asked you to contact the -- Mr. Long's office and see if they can get a resolution to this problem and clear it up. I didn't want it to keep dragging on month after month after month.

Q. Isn't it true you instituted your own special hearing petition, rather than?

A. Did he ever a violation case?

A. Correct.

Q. Sir, were you present at the zoning hearing above?

A. Yes, I was.

Q. And what, sir, would be the impact on the property if you were to discontinue the rental uses as mandated by the Zoning Commissioner in his order?

A. I don't see any way that I could maintain the restoration of the property at all. And it would just be -- I'd have buildings there that would be empty and I would see no way I could continue on.

Q. Now, reference was made earlier to a 1987 rezoning request that was filed with regard to the property. Did that involve the mansion and and the Carriage House and the existing buildings?

A. No way. It did not involve them at all.

Q. Would you describe --

A. The zoning request was -- I forgot how many acres

of the 45 acres that we have -- but I think it was around seven, so up on Greenspring Avenue, the point of the property, far removed from the house.

Q. Would you just indicate on the Exhibit 1 what the demarcation was?

A. This piece in here. This triangle up here. And right in here and back of these two homes.

Q. You saw all RC 5 zoning for that piece?

A. Yes.

Q. Have you ever applied to Baltimore County or to anyone else to zone the valley floor of your property?

A. No way. In fact, when I brought this up to you, I had known about the Valleys Planning Council, sort of their charter, and their reason for being, and it seemed to fit all of their reason to being, which was to retain the valley floor and to build on the height of the valley hills. So it seemed perfectly logical to do that.

Q. Have you reviewed the zoning petition in this case with the Maryland Historical Trust?

A. Yes, I did.

Q. Have they provided you with a letter concerning

this case?

A. Yes, they did.

Q. Let me show you, sir, Petitioner Exhibit 17 for identification. Is this a copy of your letter dated July 24, 1991?

A. Yes, it is.

Q. From the Director of the Maryland Historical Trust, addressed to you?

A. Yes, it is.

Q. Is that a true and accurate copy of the original facsimile?

A. Yes, it is.

MRS. NOLAN: I am going to introduce this as Petitioner's Exhibit 17 --

MRS. FRIEDMAN: I object. This becomes testimony by J. Rodney Little without any opportunity to cross examine him and/or to determine what was requested of him and what his background is do this letter. It's a very, very far-reaching statement and certainly we would be entitled to cross examine him on this. There's no reason he can't be here. If he wants to introduce evidence, if

this Board is going to have evidence taken by letter, instead of by live testimony, it's going to contravene the whole purpose of the Board's hearing.

THE CHAIRMAN: Who's the letter from?

MRS. FRIEDMAN: Rodney Little of the Maryland Historical Trust.

THE CHAIRMAN: Mr. Nolan, what is the purpose of offering the letter?

MR. NOLAN: The purpose of offering the letter is to show that the maintenance of the existing building also has some historical import and that the Maryland Historical Trust believes that these buildings should be preserved.

MRS. FRIEDMAN: If the Maryland Historical Trust felt that strongly, they should send a witness here so we can cross examine them and ask if they understand the full implication of what they are requesting and what they are saying.

We have no idea what led to this letter. We have no idea what the background is either, but it is very prejudicial and I think that it's very objectionable just

to offer it into evidence.

THE CHAIRMAN: I am going to sustain the objection.

MR. NOLAN: I am going to make an effort to have someone from the Historical Trust come and authenticate the letter, and I would like the opportunity to present him out of order if need be on Friday.

THE CHAIRMAN: The Board will grant that.

MR. NOLAN: Thank you. Could we keep that for identification purposes?

MRS. FRIEDMAN: For the record, if it's not Mr. Little, who signed this letter, I still think it's objectionable. The opportunity here is for testimony.

MR. CLARK: If it's a business record kept in the ordinary course of business for the Maryland Historical Society, certainly someone else can testify to it if they are familiar with it.

MRS. FRIEDMAN: If I may say, this letter is dated July 24 and it came on FAX at 10:42. It was clearly created for this litigation, and I think we should have the right to question as to what the origin of the letter

was.

MR. NOLAN: I will certainly lay that foundation at the time the witness is presented.

Q. Have you ever applied, Dr. Pomykaka for a permit to remove the special permit that was granted in 1950 by the Baltimore County Zoning Commissioner?

A. I have not.

MR. NOLAN: I have no further questions.

THE CHAIRMAN: Cross examination?

CROSS EXAMINATION

BY MRS. FRIEDMAN:

Q. Dr. Pomykaka, you mentioned the petition for rezoning. Is this your petition for rezoning to Baltimore County?

A. Looks like it.

MRS. FRIEDMAN: I would like to offer this into evidence.

MR. NOLAN: No objection.

MRS. FRIEMAN: People's Counsel Exhibit 1, please.

Q. Dr. Pomykaka, you purchased this property at

auction, is that correct?

A. Correct.

Q. And I show you a package of materials that was part of the auction record?

A. That's it.

Q. That it?

A. Yes.

MRS. FRIEDMAN: I'd like to offer that into evidence as People's Counsel Exhibit 2.

MR. NOLAN: No objection.

MR. FOREMAN: The packet of auction materials, auction details.

Q. Dr. Pomykaka, you never applied to Baltimore County for any special exception or special permit, have you?

A. No, I have not.

Q. For this property?

A. No, I have not.

Q. Do you know what the current assessment on this property is, tax assessment?

A. I believe so.

Q. What is it?
A. 1.25 million.
Q. Did you petition to have that assessment reduced?
A. Yes.
Q. Is that a reduction?
A. That is the reduction.
Q. What was the original assessment?
A. $1,950,000.
Q. So when you purchased it, it was assessed for $1,950,000?
A. No. The first year the assessment came out then.
Q. So the assessment came out $1,950,000 and the auction price for the property was 650,000 --
A. Well, a total of 676 with -- you had to pay an auction fee.
Q. So you purchased it for 676,000. How long after that did the county assess it for one million?
A. I believe it was the next year.
Q. Louis Collins, who lives in the trailer now, is an employee of yours?
A. Mobile home, yes.

Q. And is he paid?

A. Yes, he is.

MRS. FRIEDMAN: May I see Petitioner Exhibit 15? I believe it's the list of people who were here.

Q. I'd like to show you Petitioner Exhibit 15 and ask you if you see anybody else here on this list who is paid by you?

A. Will Worley, Christine Ritz, these two people here, JoAnn and Bryan. I'm not sure of this person here. My wife would know. I know that these people are.

Q. Let me go through this list. Curt?

A. Curt is -- he's not a full time employee of ours, but we have hired him to do some of the restoration work. But that's not his primary --

Q. Lorraine Tidal?

MRS. POMYKAKA: Lorraine has left. I'm sorry.

A. I'm not sure about that.

Q. You don't know whether she is paid --

A. No.

Q. Louis Collins, you already testified is. David Sancletti?

A. I don't know.
Q. Do you know whether he's paid or is not paid?
A. No.
Q. Will Worley, you say is. Lynn Woodland?
A. Is not.
Q. Christine Ritz?
A. Is.
Q. Brian --
A. Is.
Q. And JoAnn Dinst and Marlin Ballard?
A. I think so.
MRS. POMPYKAKA: They don't work for us.
A. I don't know Marlin that well.
MRS. FRIEDMAN: I have no further question.
A. I wanted to clear up those last two people. I do not know. They don't work for me, as far as I know.
Q. You don't know whether they are or aren't?
A. No.
MRS. FRIEDMAN: I have no further questions.
MR. NOLAN: No further questions.
THE CHAIRMAN: You may step down.

MR. NOLAN: The next live witness that we have to present today is our expert witness, Mr. Gerber, and I'd ask for a short five-minute break.

THE CHAIRMAN: The Board will take a five-minute recess.

(Whereupon, a recess was taken.)

THE CHAIRMAN: Mr. Nolan.

MR. NOLAN: Mr. Gerber.

N O R M A N E. G E R B E R,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. NOLAN:

Q Could you state your full name, sir, and address.

A Norman E. Gerber, 33 Pickburn Court, Cockeysville, Maryland 21030.

Q. What's your profession, and how long have you been engaged in that profession?

A. Urban and regional planner, sometimes called a city planner.

Q. Within the field of urban and city planning, are

environmental considerations important?

A. They come into account, yes.

Q. Within the field of land planning and regional planning, as you just mentioned, are historical preservations issues involved?

A. Yes. Sometimes.

Q. Will you describe, sir, your planning experience?

A. Most recently, I worked as director of planning for the City of Laurel.

Q. When was that, sir?

A. That was from February of '89 until October of '90. Before that, I worked for the Baltimore County planning office for approximately 31 years, the last eight years of which I was the director of the office, director of planning and zoning for the office.

During that period of time I have done all kinds of planning activities, transportation plannning, statistical planning. I have done some environemental planning in the office. I have done land use planning, zoning regulations.

Q. Let me stop you right there. With regard to

zoning regulations, will you describe what your experience is?

A. My experience in the zoning regulations as subdivision regulations, I have either written for submission to the planning board and later the Council a number of amendments to the zoning regulations. I have written them or oversaw the writing of them or other amendments of the zoning regulations and the subdivision regulations and development regulations.

I have also written part of the zoning regulations for other jurisdictions that I rewrote the Howard County parking regulations which are being formally used right now. I think they are about ready to submit them formally, but have been using them for about a year and a half.

Q. Have you ever been called upon in the past to give expert testimony in the areas of planning and zoning regulations?

A. Yes.

MR. NOLAN: I would submit that Mr. Gerber is an expert land planner and also an expert with regard to the

Baltimore County zoning regulations. I have copies of his CV.

MRS. FRIEDMAN I have no objection --

MR. NOLAN: I'd ask Mr. Gerber --

MRS. FRIEDMAN: -- with the qualifications. The reason I paused was Mr. Gerber said he was an expert with regard to the interpretation of the zoning regulations. That ultimate interpretation, of course, is a legal decision that Mr. Gerber would not be qualified to make.

MR. NOLAN: I don't disagree, but I think he can give expert testimony concerning many zoning regulations.

THE CHAIRMAN: He certainly can.

MR. FOREMAN: Eighteen.

Q. Mr. Gerber, did there come a time you were retained by Koinonia Partnership and Dr. and Mrs. Pomykaka with regard to the subject property?

A. Yes.

Q. Approximately when was that, sir?

A. First part of February this year.

Q. And what, if anything, were you engaged to do?

A. I was engaged to evaluate the situation in terms

of its current zoning and to make the recommendation as to whether or not I felt the property was correctly zoned or if the current uses fit a nonconforming use status.

Q. Did you review the zoning file in this case?

A. Yes, I did.

Q. Did you review the opinion of the Zoning Commissioner below?

A. Yes, I did.

Q. What, if any, site visit did you make of the property?

A. Well, on Febaruary 8, I visited the site probably -- I was on site to talk to Dr. and Mrs. Pomykaka for about maybe an hour, hour and a half. And I also looked at the other part of the property while I was there. And subsequent to that. I have been out there a few times looking at the edges of the site from Greenspring Avenue and Greenspring Valley Road, just looking at how the site fits into the community.

Q. How would you define the neighborhood in which this property is located?

A. It's basically, I would call it, the Greenspring

Valley, which is essentially, in my opinion, starts at approximately Falls Road and goes westward towards Reisterstown Road and is bounded on the north by, and south, by ridges, almost all which has some development along the ridges, both sides.

Q. What zoning designation or classification are adjacent to this property?

A. Part of it is adjacent RC 2 and some RC 5 to the north of it also.

MR. NOLAN: Could I have People's Counsel Exhibit Number 1?

Q. Mr. Gerber, I am going to show People's Counsel and to Mr. Machen and then I will show you an aerial photograph.

MR. NOLAN: Mr. Foreman, what's the next exhibit number?

MR. FOREMAN: Nineteen.

Q. I am going to show you what's been marked as Petitioner 19 for identification and ask you, sir, to describe it for the record.

A. This is a copy of two aerial photographs obtained

from the Baltimore County office of planning and zoning, their 200 scale. One is entitled Brooklandville and the other is Stevenson. They have been taped together in the middle northwest 12D and northwest 12E.

Q. With an arrow, sir, could you just point to with this red pen the two entrances -- the drive which entrances to Koinonia property. Thank you sir. To the west of Koinonia, the northwest, do you know the name of that subdivision?

A. I can't think of the name of it exactly. It's the Valleys-something.

Q. Well, if the record showed it was called Greenspring, would that refresh your recollection?

A. Yes, it's Greenspring.

Q. Is that an RC 5 subdivision?

A. I believe so, yes.

MR. NOLAN: I am going to introduce as Petitioner Exhibit No. 19, this aerial with the markings that Mr. Gerber has made.

Q. With regard to the analysis that you conducted, sir, do you have occasion to research and review the prior

zoning regulations in Baltimore County that predate the current zoning regulations?

A. Yes, I did.

Q. What are the uses that you found on the Koinonia property when you visited in 19 --

A. 1991.

Q. Would you just describe what uses you found, from a planning perspective?

A. I found a mansion house -- and if you bear with me just a moment -- and I found a number of other buildings that were situated mostly to the north and west of the mansion house, most of which were used as residents, but there were few that were not. But at this point, I guess about seven buildings that were used as dwellings, some of which had more than one dwelling unit in it. I found it was isolated completely from view and from essentially Greenspring Avenue and from Greenspring Valley Road. The grounds seemed to be very well kept at that point, although it was wintertime, although later this spring when I went out there, it still looked as though it had being there for many, many years.

Q. Did your research reveal what uses were being made of the Carriage House, first floor and second floor?

A. I went into the Carriage House in February and there were rooms divided - it had been divided into three rooms downstairs, set up with tables and/or chairs, or sometimes both, and could be used -- and was told by Dr. Pomykaka they were being used by people holding seminars, all day workshops, and that sort of thing.

Q. Did you, sir, have occasion to review the comments of the office of planning and zoning dated January 22, 1990 with regard to this case?

A. Yes.

Q. Do you have a copy of those comments, sir?

MR. NOLAN: I am going to mark this copy as. Petitioner Exhibit No. 20 for identification, and ask they be received in evidence. And I have extra copies.

Q. What is the suggestion of those comments, from your standpoint as a land planner?

A. Well, these comments make it clear that this is one of the homes that make up the National Register historic district of the Greenspring Valley and also it's

on the Maryland Historic inventory list, that the mansion is, and that it also includes some information that -- supplies some information along with the article that was written in the newspaper after this petition was filed.

I don't recall whether it was this petition or something in terms of the zoning office. I'm not sure if it had along with it the forms that were submitted for the historic site survey that had to submitted probably to both the Maryland and Natinoal Historic Trust, and it also had notes of describing what Koinonia Foundation is and was at the time, a little bit of history about what went on in this property.

Q. From your understanding of the Zoning Commissioner's order, would the cessation of the rental of the cottages promote the historic preservation of their property or adversely affect it?

MRS. FRIEDMAN: Objection.

THE CHAIRMAN: Overruled.

A. Buildings are not allowed to be used, and if they are required to remain vacant, I think that, like all vacant buildings, they would begin to deteriorate very

rapidly. And I think over a period of time -- I can't say how much time, it on condition of each of the structures, and I didn't do a structural assessment while I was there, but some deteriorate more rapidly than others because they were frame buildings and looked as though they needed a lot of maintenance. The Carriage House is a very nice old building, but I believe it also requires a lot of maintenance, just based on what I saw out there.

Q. In addition to the planning comments that have been received as Exhibit No. 20, and in addition to the zoning file, did you also have occasion to read the transcript of the deposition of Marian Carns taken in the case below?

A. I did read it, yes. I read it sometime ago. It's been awhile since I looked at it in any great detail. But what's your question?

Q. Based upon your site visit and your review of the data involved about this case, do you have an opinion to a reasonable degree of probability whether the uses being carried on by the Koinonia Partnership at their site are permitted uses?

A. Yes, I think they are.

Q. And, sir, what is that opinion?

A. Well, the original permit, special permit that was granted for a school under the early regulations, the ones that were in effect, you might say they were in effect in '45 wehn the maps were adopted. They were grnted in 1950 a permit for a school that was a very broad category.

Q. What was meant by special permit under the zoning regulations in 1950?

A. The zoning regulations that were in effect in 1950 called a heading and paragraph worded it a little bit differently. Special exception was identified in a different section of the regulations and actually identified special permit and special exception, and the tests were very similar to the ones that we see now in 502.1 and -- but that currently they have been expanded over what they were, but some of the earlier ones have been pulled in and added to and made part of the existing test.

Q. Was the special permit the name that we now know

for the approval?

A. That's a special exception today.

Q. Sir, why do you say that the special permit that was issued in 1950 vests this property with permitted use at this stage?

A. Today, we have a very long list of permitted uses, and special exceptions that are uses that are listed in each zone. They are very much more complete than they were in those days. It's a rather short list. School covered a multitude of activities. And it covered most any kind of educational activity that went on. And as far as I can see, based on what I had read in the record, what I read in the testimony, what I heard here today, the Pomykakas are still carrying on educational actities, which is what I believe they were permitted to do under the original special permit.

Q. Is the special permit still valid today?

A. I believe so. There is nothing in the regulations that says that once you have a certain period of time to use a special exception or permit, once it's granted, if you don't use it, you lose it. But once you

use it, there's nothing in the regulations anywhere that gives it time for expiration.

Now, I have seen some ordered where the order has contain an expiration date, but there is nothing in those regulations that specifically say that once the use is ceased, that the special exception or special permit also ceases. And, in fact, the zoning office very often, if you have a piece of property that you have a special exception for or special permit on, they will often ask you to have the old special exception or permit removed. That's the only real way that can be taken off. I think it's much like a variance, when you get a variance for a building size, it's there, regardless what happens with the zoning changes later on.

Q. Based upon your review of the record of this case, are you aware of any petition that has been filed by anyone to remove the special exception?

A. I'm not --the petition was filed for the day care center. Had the zoning office felt they wanted to remove that, they would have at that time asked that special permit for the school be removed, and they did not do it.

It wasn't done.

Q. In the event this Board does not agree with your opinion that the special permit is still valid, do you have an opinion as to whether the uses that are now existing on the property are permitted for some other reason?

A. Yes. I think most of the uses would still be permitted, and I would call them a nonconforming use.

Q. Why?

A. A couple uses that were there, I would like to say that I would not agree on those, but Dr. Pomykaka earlier said there was an existing automobile repair shop, which I don't think had any relationship to the school.

Maybe if it was a vocational school, it may be. But they weren't operating a vocational school at that time. And the print shop was doing business basically for anywhere else in the community. I don't believe that was -- I think they basically were commercial uses.

Q. But those were stopped. And I guess my question is, in the absense of a special permit being valid at the present time, what other basis is there for you to say

that these uses are still permitted uses?

A. All right. If you bear with me for a minute. The regulations that were approved in the map adopted in '45 and and the regulations codified in '48, from that point up to 1955, one could clearly -- by the way, there were no subdivisions in effect at that time at all. It was the planning board had some informal regulation they adopted. Excuse me. It was the planning commission then. Still in the early 50's, but they were not binding on anyone. They were used to help them review plans. Anytime you had a farm or large piece of property and you wanted to build additional buildings, houses, you could do it. But you couldn't really subdivide. You couldn't sell them off without getting permission from the county to do it. That was true all the way through until -- let me back up before I go that far.

In 1955, the zoning regulation were revised. And this property, up until '55, was zoned in a residential zone, which meant cottages only.

Q. Sometimes that's referred to as Cottage A?

A. Some people refer to it as a number of things.

Q. Have you prepared a time line?

A. I did. And I did it for my own purposes, and I would certainly be glad to share it with the Board.

MR. NOLAN: I will give counsel a copy and I'd like to introuduce as Exhibit 21, Mr. Gerber's time line.

Q. Now, sir, in terms of your analysis, did you start with Koinonia.

A. No. I went back to when Mr. and Mrs. Hoffman owned the property. I did not locate when they purchased it.

Q. Were the lease documents that were entered into evidence earlier today, were they among the documents that you reviewed?

A. Yes, they were.

Q. In other words, there were tenant houses on this property even before Koinonia Foundation came into being?

A. That's right, and they could be built literally as tenant houses on a larger piece of property. In my experience, I have run across -- I ran across some in Baltimore County built on -- tenant houses built on ten acres at one point. The houses were thought to be sold at

the time. Subsequently, 25 or 30 years later, people coming in saying, "We want to sell them now." And in some cases those earlier ones, some could meet the subdivision regulations and some could not. Some people could and some could not sell them. In this case, the property is large enough, these buildings that were built prior to Koinonia taking over could have been built legally and could be a valid use of the property. Forget about the permit for the school.

Q. What about the houses that were converted after the Koinonia Foundation acquired the property?

A. Well, they were still under from '55 -- to '55 under the original zoning regulations. They could still do that under the same regulations as they had before, but Koinonia was there and they had a special permit for a school. But even without the school, they could have built most of those buildings. I'm not -- I don't think they we would have built the commercial building, but they could have built the buildings. They couldn't have sold them or subdivided, but they could have done it.

Q. And, sir, bringing us from 1954 to 1971, will you

describe that part of your time line?

A. In 1955 when the next comprehensive revision of the zoning regulations was adopted, all the property that was formerly either, A, a cottage, B, residential, which included cottages and demi-detached. They were all placed in the most dense residential zone that was in the 1955 regulation that was R6.

Q. Was the Koinonia property placed into an R6?

A. Yes.

Q. What's the significance of that, sir? From the standpoint of these converted buildings?

A. Well, from converted buildings and even new buildings at that point, one could still build as long as part of an estate or school, it didn't matter, one could build additional residences. But the county stated before issuing the building permits, we really want to make sure you have enough land; if, in fact, you did want to sell them some day, there's enough to comply with the zoning regulations.

Q. Was that a policy?

A. That was a policy. It wouldn't wasn't spelled

out in the law. That came into being about --

Q. How much land was required under the policy?

A. 6000 square feet per dwelling.

Q. Would this property have complied with that policy?

A Could have. I didn't try to do a subdivision of the property as exists today, but I don't think there would have been any problem whatsoever doing it at that time.

Q. What's the next stage on this time line?

Q. 1971, with the adoption of the first countywide comprehensive map, this property changed to a zoning classification called RDP. It still had a minimum lot size of one acre. This is 1971 after all the development had taken place on the Koinonia property.

Q. Were there any major changes to the 1955 subdivision regulations at that time?

A. No. I am sorry, I didn't tell you. For the first time, the county had formed subdivision regulations in '55, and they, in fact, state pretty much, in fact, with some minor amendments here and there until 1982.

They were very old by the time they had been revised substantially.

Q. Was this property and the multiple cottages what are shown on Exhibit 9, was there still conforming under the RDP regulations

A. In my opinion, it could have been very easily, either as a school or as an estate or a farm, it could have operated either way and you could still have gotten permits for houses and built them.

Q. You couldn't sell them?

A. That's right, you could not sell them. Literally, you couldn't. I think some people tried to sell them, sold them by meets and bounds, and every once in awhile the county would catch somebody, and I don't think it wasn't anything until '55, there was any kind of fine placed in the regulations for doing that. And as regulations changed, this become increasingly difficult for people to get by with. And the county had better record keeping too.

Q. When you say you couldn't sell them, you mean separately?

A. You couldn't break them into lots and sell them separately. That's what I mean.

Q. At what point -- here, again, I am asking you a series of questions assuming that the special permit did not exist or was not valid. At what point under this time line would the Koinonia property and its uses be nonconforming, or become nonconforming?

A. You could not have built those houses under the current regulations with the property being zoned RC 2. RC 2 was first applied to the property in '76, and that's still basically one acre minimum lot size. It had been recommended by the planning board it be three or five acres, but it ended up back at one acre. However, 1979, the Council made amendments to the RC 2 legislation which created the lot sizes that we have now. That is essentially you are supposed to have one lot for every 50 acres and if you have less than a hundred acres, you can have two lots, period. Now --

Q. Are you referring now to Bill 178-79?

A. That's right. Those regulations -- there were a number of things that happened that would have made it

more different to build knew residences, and unless you're building it under the umbrella of the school -- and there are, one, the density requirements, the lot size requirements, the county could not -- I mean the owners of this property could not show to the county they had enough land area to enable them to comply to the development regulations, zoning regulations, subdivision regulations. If it were to be subdivided, it can no longer be done.

Q. From a zoning standpoint, in what year did the property become nonconforming? Forget about the special permit.

A. Well, I felt it became nonconforming on the effective date of 1979 on the amendment of Bill 178-79. At that point, they could no longer comply if they wanted to. They no longer could subdivide the property and sell.

Q. From a subdivision standpoint, sir, when did the subdivision regulations first apply to this property from a building standpoint?

A. In 1982, there was, I think, when the current development regulation -- and I say development regulations, because they were different -- the original

subdivision regulations of '55 only applied if there was to be splitting up of the property. But if the property was to be sold -- if you didn't want to sell your property, you didn't have a subdivision approved before 1962 -- 1962, the regulations were revised considerably and broadened.

Q. You mean '82?

A. I meant '82. They were revised and broadened, and they were called development regulations. So that any time you developed property, you had to apply for CRG approval. You might still not have a subdivision in the end, but you had to go through the CRG approval process, or you could apply for a waiver, which sometimes people did. And sometimes people were more successful than others, but you start out with the original premise you must have development approval. So that even made it more difficult to proceed with building houses of this nature, once those combinations of Bill 178-79 and the development regulations were approved.

Further, the RC 2 zone was amended so that you very clearly could have a limited number of lots for your

children if you lived there. You could have a limited number of houses. You could have a limited number of tenant houses for employees if you, say, had a farm no longer wide open like it had been in the past, I have to say around '75, '76, when the first RC 2 zone was passed. The county, I think, became very, very tried, very, very dilgent whereby policy does not allow anymore outbuildings to be built on a farm unless the person signed statements saying who this was to up there and then the county tried to hold them do it.

Q. Are you aware of any building on Exhibit 9 having being built after that 1979 policy?

A. No, I'm not aware of any. I didn't see any in the records that I saw. Like some may have been refurbished since then, but I wouldn't say rebuilding.

Q. Mr. Gerber, in your testimony this afternoon, you're indicating that 1945 is not the threshhold date for purposes of a nonconforming use determination?

MRS. FRIEDMAN: Objection.

THE CHAIRMAN: Overruled.

A. That's what I said.

Q. Are you familiar with any other zoning case in this county that applied a date, say, in the mid-1970's when assessing a nonconforming use?

A. It was a similar case. Obviously, like everything else, the facts aren't exactly the same, but I saw a case on Emmerson Farms where there had been houses built, and then on the basis of being built for residents on a farm, and they had asked in, I guess '89, to have those declared as a nonconforming use. And 1979 was used as a threshhold on that one also.

Q. I am sorry. I --

A. I think 1979 was used as the threshhold year on that one also.

MR. NOLAN: Thank you, sir. I am going to introduce this as Petitioner Exhibit No. 22.

MRS. FRIEDMAN That's the Emmerson Farm decision?

MR. NOLAN: Yes.

MR. FOREMAN: It say Zoning Commissioner decision.

MR. NOLAN: Yes, it is. Could I have exhibit 14a through F?

Q. Mr. Gerber, I am going to show you, sir, what's

been received in evidence as exhibit 14A and also 14B, as well as 14C and 14D. You can look at any of these marked 14. My question, sir, based upon your site visit and based upon your familiarity with the property, what, if any, visual impact is there on the neighborhood from the nonconforming uses or the special permit uses that are ongoing at Koinonia?

A. Well, these show very clearly, and I was surprised, I'm not sure what time of year these were shot, but they are in February, and you could not see any of the buildings from Greenspring Valley Road or Greenspring Avenue from where I drove. They simply weren't visible, because the topography and, I guess, the existing trees. It was screened.

Q. Thank you, sir.

MR. NOLAN: I give those back to Mr. Foreman.

Q. I am going to show you,sir, a copy of Exhibit 16 which was the letter from Jeffrey Long to my office, and I ask you, sir, whether, based upon your review of the zoning regulations and your review of the facts in this case, you have been able to determine whether there's any

illegal conversion that has occurred?

A. At this point, I haven't seen it.

Q. Where regard to the trailer that is shown on the 1955 plat, if that is occupied by an employee, sir, is a permitted use?

A. Possibly at that time, that at a point in time, I believe it was a permitted use.

Q. With regard to the location of more than one dwelling on a principal lot, sir, do you agree with Mr. Long's statement on that point?

A. No. Because that, as I recall, and reading the regulations, that really was designed to talk about lots that were lots to be sold eventually. There is like to be treated more in terms of a farm property than a building lot. A building lot typically was not more than two acres. This property is well over 40 acres.

Q. Sir, would the continuation of the special permit at Koinonia result in any detrimental impact to the health, safety or general welfare of this community?

A. Not as they are operating today, no.

Q. Would this continuation of the special permit

uses at their property, or the nonconforming uses as they are presently maintained, would that result in an adverse impact under any section of 502.1 of the zoning regulations? In your opinion.

A. In my opinion, it would not.

Q. Why do you say that, sir?

A. Well, I think the level of usage is very low. I was not able to find any complaint of traffic on file anywhere. There was no visible impact on it. I just don't see that the level of operation that they have operated at would be a major problem.

MR. NOLAN: Thank you, Mr. Gerber. Witness with you.

THE CHAIRMAN: Cross.

CROSS EXAMINATION

BY MRS. FRIEDMAN:

Q. Mr. Gerber, let's first dispose of the Emmerson Farms case. I assume that you researched that thoroughly?

A. I looked at the case. I had seen the case. I know the facts are different, but --

Q. Let's clarify what the facts are for Emmerson

Farms for a minute. Isn't it true in 1979 in 1979, that there was, in fact, a plat on record under the RDP regulations for 7 units on seven acres?

A. I don't recall the status of it, but I think there was a plat, yes. I think they wanted to subdivide it, the plat they used. They wanted to subdivide the property.

Q. In 1979 under the RDP regulations, how many houses were you permitted per acre?

A. RDP wasn't in existence in 79.

q. Prior to the --

A. That was RC 2. But you were allowed one acre per lot, but you had to meet other county requirements and sometimes you could and sometimes you couldn't. Also the regulations, very seldom did you get an acre developed under the RC 2 or RDP.

Q. Under the Emmerson Farms, what did you look at beingsides the decision?

A. That's really all I looked at, was the decision.

Q. So are you aware that in Emmerson Farms, there was a recorded subdivision plat for the property that was

before the Zoning Commissioner showing the seven houses on seven acres?

A. Yes, I guess I was, now that I look at it.

Q. So in 1979, prior to the recent RC 2 regulations, that would have been a legal subdivision?

A. Right.

Q. So the reason that 1979 was the correct date to look at was that in 1979 those uses were legal and this was a legally recorded subdivision?

MR. NOLAN: Prior to '79?

MRS. FRIEDMAN In 1979?

A. Wait a minute. I believe that was the first part of there where they were talking about what establishes this as a nonconforming use and they were in existence prior to the 1979 regulations, houses were? That's on the seven acre tract.

Q. So if that's the reason, that was the date that was selected, is that correct?

A. Well, I think it was because they were there and they are legally before the '79 regulations were approved.

Q. Exactly. Under the regulations that predated

'1973, they were legally --

A. Right.

Q. And there was no change in their use noted in Emmerson Farms, is that correct?

A. Right.

Q. And there was no special exception placed on that property subsequently?

A. Not that I know of, that is correct.

Q. Now, let's go to Mr. Hoffman?

A. Yes.

Q. Mr. Hoffman, prior to selling the property to Koinonia in 1955, had --

A. I thught it was in 1950?

Q. 1950. He had 45 acres, is that correct?

AUDIENCE: No.

A. I thought he had -- I thought the whole thing might be put together by that time. I know it had been assembled by other things, but I thought it had -- well, 40.8.

Q. And, now, you stated that at that time, it was zoned a residence?

A. Yes.

Q. How do you know that?

A. I looked at an old map. I remember a lot about Koinonia when I was working with the county and never really knew exactly what was going on there in the early years. But the only place the county had B residential was there where there were some semi-detached houses. And --

Q. Was all of the land in the county either zoned, A residential, or B residential?

A. Well, there was some other zones. There was some commercial zones. It was industrial zones.

Q. Were there any areas left unzoned?

A. There was something in the regulations that essentially said public land was unzoned, although I'm not sure if that was really the case or not. It changed over the years.

Q. I show you a copy of the zoning regulations that codified September 1, 1948, and ask you if you can identify those as the zoning regulations that --

THE CHAIRMAN: That's the entire regulations?

A. Very small, not much to them. This actually has some appendices added. They were very general and very broad.

Q. And as an A residential, what type of dwelling could you have?

A. Said "cottage."

Q. Which would be how many family?

A. Typically, one.

Q. And the the special permit, by special permit you could have a school, is that correct?

A. That is correct.

Q. Could you have apartment buildings in A residential?

A. Typically, not for sale, no.

Q. So whatever buildings existed there in 1949, were, in essence, grandfathered or, or would they have been legal?

A. In what year?

Q. 1949.

A. 49? I think they were legal in '49.

Q. And they would not have been nonconforming? They

would have be a legal conforming use?

A. That's right. You're talking about prior to the granting of the special permit?

Q. Yes.

A. Okay.

Q. And the rental of that cottage by Mr. Hoffman, was that legal also, at that time?

A. I think, generally speaking, yes.

Q. That was not nonconforming, it was just a legally permitted use?

A. Yes.

Q. Now, from 1950, when Mr. Hoffman joined with Koinonia in requesting the special permit for a school on that property, did that not change the use of the property from residential to a school?

A. To some degree, yes. I don't know how much of the property was being used for the the school, and at that point the petition is very vague, seems to cover the whole property. But you really don't know.

Q. Did you look at the petition?

A. Yes.

Q. And you would agree that the petition clearly describes by meets and bounds saying it was containing 45 acres, and you would agree that it said on its face it included all the buildings there built or to be built, is that correct.

A. Yes.

Q. So that in 1950 when that special permit for a school was placed on the property, the property ceased to be residential?

MR. NOLAN: Objection.

Q. And they had a school, is that correct? It has had a chance of use, is that not correct. Mr. Gerber?

THE CHAIRMAN: I will sustain his objection. Answer her second question.

THE WITNESS: Which question?

Q. It has had a change of use from a residential property to --

A. I guess I would have characterized it more as an additional use permitted on the property.

Q. Mr. Gerber, how many primary uses does Baltimore County permit on property?

A. Today, it looks for one principle use. I'm not sure that's true in 1945. I don't know that it worked that way.

Q. Do you know it didn't work that way?

A. I don't think so. I mean I wasn't around, of course, but just based on the kinds of things I saw that came back with people wanting to change something else and they said, well, I have this and that, and we were both given permits to operate. So I don't know that having one principle use would necessarily, in reality, is what was followed in 1945 It was a new game for the county, and I'm not sure it was applied very evenly at the best.

Q. But you certainly don't disagree there a special permit for a school was granted to the entire property?

A. It was granted to the entire property, based on what I read.

Q. And the evidence so far has shown that the Koinonia Foundation did use that entire property except for that limited special exception that was requested for the nursery school?

A. Yes.

Q. Now, you stated that the property zoning changed with the '55 regulations to RC 6?

A. No. I guess it did -- immediately, it did.

Q. Are you sure it didn't change to R 40?

A. I note this map came along a little later, but I'm not sure -- I thought it came on obviously later. There were some area maps done in the county that were done in the mid to late fifties, and I thought it went first to R 6 and then to R 40. That was my recollection.

Q. Would you look at the plan, Mr. Gerber?

A I didn't look at that one.

Q. I ask you to look at this map and ask if you would disagree that the correct zone was R 40, not R 6?

A. Not in '55. In '57.

Q. How about in '55?

A. Everything that was -- that was Cottage A, went to, or "B," went to R 6. Now, this was a adopted two dates, January '57, January 16, '57, and that did change it to R 40 in '57. That had one acre minimum lot size, actually, 40,000 square feet, a little bit less than an acre. The property still could have conformed to the

regulations at the time if it were to be subdivided, if it were absent a special permit for the school, it still conformed.

Q. Now, in 1955, was a school permitted in an R 6 zone by right? Or did it require a special exception?

THE CHAIRMAN: What was the date?

MRS. FRIEDMAN: 1955.

Q. Do you have the R 40 section of the zone?

THE CHAIRMAN: The question is in 1955, when it was classified as R 6, did you have to have a special exception for a school, or was it a permitted use?

A. I am reasonably sure it was a special exception, but I'd like to doublecheck it. Well, it changed a little bit. The change was made to make it a little less clear.

Let me say why. There are six zones, the special exceptions, of course the R zone were cumulative. Very often, what was permitted in the R 40 zone was permitted in the R 6, and you added zonesas I go.

These R 40 zones, as of right, you could have something called community building, swimming pool or other structure, land use, devoted to civic, social,

regulational. So it was possibly built, it was permitted as of right. But, on the other hand, under schools were not listed as such they were when under a special exception. private children's nursery or dance schools, dormitories, fraternities, soroty house, but excluding go business and trade schools. That was also pretty broad. so, depending on how you might look at it, you might claim it as of right and/or as special exception if you were applying for it under the '55 regulation.

Q. May I see what you're using? The R 40, show me where that language is regarding the special exception.

A. What you have to do is go all the way back to R 6. What you see is go back to use permitted in an R 40 zone. You go to special exception, SR 10. You go to R 10. Uses permitted in R 40. Private colleges, again, are permitted.

Q. By special exception?

11

A. Which make the special exception, including dormitories?

A. Yes. If you were applying for it at that point.

Q. And if you were building a dormitory and you had

a special exception for a school, that dormitory would be permitted because it would be part of that special exception

A. If you had a special exception for a private college or school as defined under the '55 regulations, yes, you could build a dormitory. The '45 regulations, which is silent, people just made their own decision one way or the other if this was something you might build as part of the school or you might not.

Q. In 1957, you said say it was zoned R 40?

A. From '57 up to '71.

Q. Up to '70?

A. Well, the regulations were alive in '70, but didn't effective until the maps were adopted in '71.

Q. Under those regulations from '57 to '70 under the '55 regulations, a special exception --we rather than have you fish around there -- a special exception was required for a private school and college including nursery school, church, schools, dormitories, fraternities and sorority houses, is that correct?

A. That's in R 10. But once it becane R 40, you

still could, I think, make a case for the community building.

Q. You could, but if you already had a special exception for a school, you wouldn't need that?

A. Probably, but the community building was permitted as of right.

Q. Well --

A. And buildings for educational purposes were permitted as of right.

Q. I don't want to disagree with you, Mr. Gerber, but you're looking at the -- I am looking at the official version of the '55 regulations. You're looking at the little black book. And the R 40 zone says that the following uses only are permitted, and it speaks of churches and then community buildings, swimming pools devoted to civic associations, recreational --

A. And eductional. That's what I was referral to.

Q. But it does say a private school and college?

A. That's in the R 10 zone

Q. I think this is the next page of R 40. Okay?

A. Yes.

MRS. FRIEDMAN: I'd like to offer this into evidence, if I might?

A. These regulations are saying the same thing.

Q. So under those regulations, if you had a special permit as a school, you could build a dormitory. If you didn't have a special permit as a school, could the owner of a private residence build a multifamily dwelling in an R 40 zone, Mr. Gerber?

A. If it was a farm, and at that time they said they needed to have it for farm workers, I think they could have.

Q. Under those circumstances. But there's nothing in this record that suggests these buildings were built for farm workers or anybody that came into the county?

A. Not the dormitory, no.

Q. In fact, the entire record shows that the county treated this as having a special exception or special permit for a school and when they came to the county to build multifamily dwellings, the county regarded them as dormitories, isn't that correct?

A. I don't know, because you can't find a building

permit. It's hard to tell what the county regarded them as at that. Sometimes you can make a supposition of that, but I don't know.

Q. The record show it was zoned and operated as a school, isn't that correct?

A. It also showed it was operated as a religious retreat. It shows it operated as a place for people to come and have seminars and workshops. So it was really operated as three different somewhat related kinds of things.

Q. Wouldn't all those things come under the category of a school?

A. Under the '55 -- the '45 regulations, absolutely, because it was nothing --

Q. How about the '55 regulations?

A. -- it was nothing else for them them to come under.

Q. How about '55?

A. Community building and education.

Q. Did they come to the county and ask it to be interpreted as a community building?

A. I don't know. There are no records to see at this point. Their building permit records are only kept for three years, and then they are often disposed of.

Now, the county is at least making an effort to keep those records for a longer period of time. You can go back to some of the more recent ones, but you cannot go back to the old records.

Q. Mr. Gerber, from 1955 to 19 -- to the present time, has there ever been a time when a school would have been an illegal use on this property?

A. No.

Q. Has there ever been a time when the regulations changed so that in order to continue the school, they would have had to have laid claim to a nonconforming use?

A. I don't think they had to, because I think the special permit was valid regardless of what happened with the regulations.

Q. And, could, in fact, still be valid if Koinonia was still there?

A. That's what I think, they are still valid.

Q. Do you see anything on this property then that is

really a nonconforming use?

A. No.

Q. The buildings that were built or expanded since Mr. Hoffman left were all built or extended under the auspices of auditoriums, schools, were they not?

A. Yes. We think. I don't know that for sure, but that's a reasonable supposition.

Q. But they certainly had a legally permitted use?

A. Yes.

Q. Now, how do you determine when a school has gone out of existence?

A. Depends. Very often today if a school is approved, the order is specific about what the school is, who it is, what it does. In early petitions, it did not do that. And I think the schools is so broad, that any educational activities could fall under the auspices of that original special permit.

Q. You do not know that the charter of Koinonia was not presented to the Zoning Commissioner, do you?

A. It didn't refer to it in the order.

Q. But you don't know?

A. I may have seen it. I don't know. The record is not there to tell all of that.

Q. Did you ever see the charter of the Koinonia?

A. The direct charter, no. I did not read the direct charter. I have read some literature that referred to what their purposes were, but I did not read the chatter itself.

Q. But a school is a definite entity, isn't it?

A. That was one of the activities Koinonia was going to carry on, or was to carry on and did carry on, yes.

Q. But a school is a definite entity under the zoning regulations, isn't it?

A. I'm not quite sure I understand the question.

Q. Well, if someone wants to get a special exception for a school, they have to have a specific entity that they are getting a special exception for?

A. You mean an organization?

Q. Yes.

A. Yes, but the special exception doesn't live and die with the organization, or the special permit does not. It goes on.

Q. So if somebody else wanted to put a school on their property, they could?

A. As long as the didn't violate the original order and the conditions that were in the original order. I saw none in this order.

MRS. FRIEDMAN: I have no further questions.

MR. MACHEN: I have one question to follow up on something Mrs. Friedman just asked about.

FURTHER CROSS EXAMINATION

BY MR. MACHEN:

Q. You testified before the special permit was very broad in nature and the definition of a private school was not defined, so basically anything remotely connected with education could probably come under that, so if the Koinonia foundation to and, in fact, did construct housing facilities, cultural or student dormitory, they could do that under the special permit?

A. I would assume they did. I don't know how they applied for the permit, but I am assuming they did.

Q. Now, if in 1985, having done that, they decided instead of selling the property, they would take that

dormitory and carve it up into garden apartments and start renting them out as garden apartments, would that be a permitted use?

A. I am sorry, I didn't quite understand.

Q. They would take a dormitory built under the auspices of a special permit and convert that use, close down the school, and convert the dormitory to a garden apartment and lease it out to the public as garden apartments, would they be permitted to do that?

A. With absolutely no educational activities going on there?

Q. With no educational activities going on there.

A. I think it would be very difficult for them to do that.

Q. So the use of that building as a rental apartment or rental use would have to be in connection with --

A. The other thing they could do is revert back to a farm. I think they could do it.

Q. Simply if they lease out --

A. If they didn't have a farm and don't have a school, I think it would be difficult if they weren't

nonconforming, and I think it would be difficult -- it would be difficult to do that today if you had today's to start with.

Q. And assuming in 1985, simply starting to rent out units to the public underrelated to any school activities, would that be permitted?

A. I think it would permitted -- let me say it another way. As long as the school is operating there and they can find any relationship between rental of the apartments and the school activity, however tenuous you might think it is, I think it would still be permitted.

Q. Assume no tenuous relationship between the rental activity and the school?

A. If there's no -- are you saying the school is still there.

Q. The school is still there, but there's no relationship between the rental activities and the school.

A. I think you'd be hard pressed to show that. But, practically, because I'm not sure you could show some relationship to the school, the school might be using it to fund money for another program.

Q. I am asking you to assume no relationship.

A. I am assuming it's a real world.

Q. Indulge me. Assume no relationship.

A. Absolutely no relationship whatsoever under any circumstances, probably couldn't do it.

MR. MACHEN: I have no further questions.

MR. NOLAN: I have a couple questions.

REDIRECT EXAMINATION

BY MR. NOLAN:

Q. Under the Baltimore County zoning regulations, would he change in ownership from Koinonia foundation to Koinonia Partnership invalidate the special permit?

A. Absolutely not.

Q. Would the change in ownership in 1985 disturb an underlying nonconforming use?

A. No.

Q. In your review of the zoning history of this property, of what significance to you was the 1979 zoning case that Mr. Raphael discussed this morning and the plat that was approved by Baltimore County?

A. Well, I think a nursery school was required --

didn't really came come under the broad umbrella of the school. Under those regulations, I think you'd have to have a special exception for a nursery schooling.

Q. Was it the practice in 1979 in Baltimore County when a request was submitted for a portion of the property to review the entire property and to require that, it be brought up in conformity?

A. Typically, it is. I mean I am involved in some issues now where people are just applying for a special exception and the whole property is being looked at for conformance while the special exception is just one part of the property and the whole property is being looked at and being required to bring that into conformance, or ask for additional variances, special exception, or whatever it required on that property to bring it into conformance. And I believe that's been their practice for quite a few years.

Q. Were the uses that are shown on this Exhibit 9, were they legally existing prior to 1979? In your expert opinion.

A. From all the records that I have looked at, yes,

they were there.

Q. Based upon your review of the file and the testimony that was presented today, do you have an opinion as to whether the Koinonia Partnership has intensified the uses that were existing in 1985 and 1984 in the current period?

A. Based on what I have heard today and what I have seen in the record, they appear to have fewer numbers of people on the site at any one time, or even a long period of time. Over a week or a month that existed when Koinonia was at its height. Now, from what I can see in the Koinonia, it's up and down. It started small, grew rather large and in the early eighties, it began to shrink considerably.

I red about the number of people that were living there was changing drastically and they were falling on hard times. They simply did not have the activities in the early eighties they had earlier when they started in the sixties.

Q. I assume, Mr. Gerber, that this property does not enjoy a valid special permit at this time and it must rely

on a nonconforming use status to support those residential uses. Under that scenario, would the character, nature and kind of uses under Koinonia Partnership be similiar to the character, nature and kind of the uses that were existing there in the early 1980's and late 1970's?

A. Well, those buildings were used for residences, some of them dating of back into the forties. As far as I can see, they haven't stopped being used for residences. They are still being used for residency. So from that point, I don't think they have changed in the actual use of the buildings. Maybe people who are living there are different, but they are still people living in the building as a residence. Some of the residences have been expanded. Some remodeled a little bit, some refurbished. But they are basically residents, as they have continued to be.

Q. Sir, with regard to that last point, are you aware of any of the residences that have been expanded since the Pomykakas have acquired the property?

A. Not since they acquired the property, no.

Q. Do the current uses have a substantially

different effect upon the neighborhood now than they did under the Koinonia Foundation in the early eighties and the late seventies? In your opinion.

A. My opinion, they have certainly not anymore of an impact or more severe impact than Koinonia did, if they have this much.

Q. And, sir, just so the record is clear, does the property continue to enjoy a special permit today?

A. In my opinion, it does, yes.

Q. And if this Board determines that it does not have that special permit, are they still permiteed the uses as nonconforming uses?

A. In my opinion, yes.

MR. NOLAN: No further questions.

MRS. FRIEDMAN: I have a couple questions.

RECROSS EXAMINATION

BY MRS. FRIEDMAN:

Q. Mr. Gerber, when did you leave Baltimore County as the head of the office of planning?

A. When?

Q. Yes.

A. I think it was the first part of '88, maybe the end of '87, '88.

Q. Were you aware of people filing petitions to lift special exceptions?

A. I am sorry, I didn't hear you.

Q. Were you aware of cases where people filed petitions to lift special exceptions?

A. Basically it happened when another special exception was being asked for. That's where I first become aware that's what was going on, or another use that required some other kind of zoning. I can't give you a specific instance right off the top of my head. I'd have to think about it for awhile.

Q. Is it possible that the existing special permit for a school which continues on their property precludes its use for residential purposes until that special permit it is lifted?

A. I don't think so.

Q. Don't we have a situation where we have two uses now on this property, two principle uses now on this property?

A. I don't know that that's an issue. I don't think that -- my own feeling is -- and I have seen the Zoning Commissioner look at it different ways -- that you can have two special exceptions on the same piece of property. I have seen others that say, no, you can only have one. And I think it's basically an interpretation. The regulation don't speak to it directly.

MRS. FRIEDMAN: I have no further questions.

MR. NOLAN: I have no further questions.

THE CHAIRMAN: You may step down, Mr. Gerber.

MR. NOLAN: We do have the witnesses that I mentioned earlier today, Mary Carns by videotape and Mr. Little or Mr. Bran, from his office, the Maryland Historical Trust. They have been subpoenaed and they will be here on Friday. So I would like not to rest my case now, but because of the lateness of the hour, ask that I be permitted to put that remaining testimony on Friday when this hearing resumes.

MRS. FRIEDMAN: I have no objection. However, I have Mr. Dillon here, and I would like to get him on the stand, and his testimony will not be long. But I would

like a ten-minute recess, and I will have him on and off within another ten minutes, barring Mr. Nolan's cross-examination.

MR. NOLAN: There will be some cross-examination, and I did receive, and I think the Board received, a letter indicating that the protestants would be putting on there case on Friday.

THE CHAIRMAN: Off the record.

(Discussion held off the record.)

MRS. FRIEDMAN: I'd like to call Jack Dillon and have him state his name and address, for the record.

J A C K D I L L O N,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MRS. FRIEDMAN:

Q. Mr. Dillon --

A. Jack Dillon, senior planner with the office of planning and zoning, community planning division.

Q. Mr. Dillon, how long have you been employed by Baltimore County?

A. Thirty years in February.

Q. Have you worked in the planning office during that time?

A. Yes, I have.

Q. You are familiar with this property?

A. More familiar all the time, yes.

Q. Did you at my request research the history, the zoning history of this property as it related to the zoning regulations?

A. Yes, I have tried to.

Q. And would you describe to the -- do you have an opinio as to whether up until the time it was sold in 1985, it ever operated as a nonconforming use?

A. I believe the school was operated as a conforming use under the original special permit that was granted.

MR. NOLAN: Objection. I am going to object about opinions, because I don't think he's been accepted yet as an expert.

MRS. FRIEDMAN: I would like to offer Mr. Dillion as an expert to the zoning regulations and planning.

MR. NOLAN: Can I voir dire him about list

qualifications?

VOIR DIRE

BY MR. NOLAN:

Q. with regard to the zoning regulations, Mr. Dillon, when did you first come to Baltimore County office of planning and zoning?

A. I started in the zoning office in 1964, and I was assigned at that time to the zoning office in the office of planning and zoning and worked in that office first as a basic technician on a day-to-day basis dealing with regulations, and worked my way up through a senior zoning and was zoning advisory committee chairman. I then headed up the zoning enforcement division when we shifted from the department of permits and licenses to our office and ran that for the first two years before transferring to the office of planning and zoning, environmenal.

Q. What year, sir, were you heading up zoning enforcement?

A. I believe that was in '73 to '75.

Q. And then from what period of time were you in permits and licenses?

A. I was not.

Q. I am sorry, I thought you said you were involved with permits --

A. They transferred zoning enforcement from permits and licenses to a specific deputy with the zoning office. They were handling zoning violations at that time, up until that time.

Q. Then after zoning enforcement, what did you do?

A. I transferred to the comprehensive planning division and comprehensive environmental planning division, worked there as one of the two environmental planners.

My first assignment was charged with drafting the RC zoning classifications.

Q. What year was that?

A. That was in late '75.

MR. NOLAN: I will stipulate to Mr. Dillon's expertise as a land planner and also with regard to the zoning regulations.

THE CHAIRMAN: Thank you. You were going to lose, anyhow.

DIRECT EXAMINATION

BY MRS. FRIEDMAN:

Q. I believe there's a question already that I asked Mr. Dillon.

A. In 1950, I believe, the Koinonia Foundation requested a special permit that was granted on June 23, 1950 for a private school. And that special permit encompassed the entire 45 acres known as Koinonia. That permit continued on with the activities that went an Koinonia, and in 1979, there was another request for a special exception for a nursery school under Case 80-132X. At that point in time, the zoning had changed several times from a cottage A, I guess it was in 1950, to either residual R 6 in 1955 or R 40, whichever it was at that point in time. In '47, it was R 40. 1971, it become RDP. And under the RDP zone, schools were permitted as a matter of right.

Now, they already had a special permit for a school. So the school just continued and an it wasn't any necessity there. In 76, the RC zones, when it was zone RC 2, the schools were then required to operate as a special

exception.

In fact, you would argue that the special permit for some reason had lapsed because it become a matter of right in RDP, and I'm not suggesting that, I am just saying if that were argued, then in 76 when the RC 2 came into being, that is when the nonconforming use may have begun. With regard to when the property was sold, in 1985, I'm -- it's not clear do me from the the testimony when activities at Koinonia that had traditionally been going on ceased.

It seems that at various times -- and I don't know how continuous that was -- there were other activities that were similar to what happened at Koinonia went on, albeit to a large extent they were operating under a profit making basis as opposed to an all masonnery or nonprofit bases that they previously operated under. And, to my knowledge, none of those other uses, whether they were paying for the use of the property, requested a special exception for this use. I think that's as complete a history as I have at this point.

Q. Let me direct your attention to first the various

buildings that appeared to have become multifamily buildings during the period that Koinonia operated. Based on the Carn's deposition, some of these cottages become multifamily buildings. There was in 1960, the Memorial building, an eight unit apartment house --

MR. NOLAN: I am going to object to the testimony and this kind of leading question. If Mr. Dillon has read the Carns' deposition, that's one thing. But if he hasn't read the Carns' deposition, then I wouldn't think there is any foundation for this kind of questioning..

MRS. FRIEDMAN: Mr. Nolan, you have got the deposition in evidence and I am only -- I don't think there's any dispute of the fact that in 1960 there was the Memorial building, is what she testified to? Do you want me to read it from the deposition?

MR. NOLAN: I will stipulate to 1959, not 1960. But I also believe there's a more important question here as to whether or not this witness is familiar with the Carns deposition, and I don't think she can lead her own witness.

MRS. FRIEDMAN: I only wanted to ask whether it

was a permitted use.

THE CHAIRMAN: Overruled. Answer the question.

Q. Mr. Dillon, would multifamily buildings have been permitted during these periods in these zones that you referred to?

A. Not typically in an R 40 zone or an RDP zone would have a multifamily dwelling permitted. I assume that permits were given for this and it was also assuming, since we don't have those permits --

Q. If the permit would not have been given, what would those buildings be?

A. I would assume they would have been built in violation.

Q. So let's assume that they were not built in violation. Would they have been interpreted as multifamily units under any of these zones?

A. I am couching it in terms of the fact it was operated under a special permit for a school and in that -- under that term, that context, they were probably approved -- permits were approved for a dormitory or a living quarter for people associated with schools.

Q. So they could only have been built as a dormitory in connection with the schools, is that correct?

A. That's I way I would read that, yes.

Q. Now, as far as the activity since 1985 -- and you were here today and heard the testimony -- in your opinion, are the Pomykakas running a school?

A. I heard Mrs. Pomykaka indicate they were not running a school, she was not operating a school.

Q. If the Pomykakas are renting these buildings as they testified to, is that a permitted use in this zone?

A. The way I heard the testimony, my opinion would be that they would fall into the same condition as the nursery school, that they would need a special exception to operate those individual schools.

Q. So that referencing the -- referencing the the seminar known as In Roads that Lynn Woodland spoke about, if that would continue, that would require a special exception, the same as the nursery school, is that what you are saying?

A. I don't see any distinction between the two, yes.

Q. What would that be a special exception for?

A. It could come under the same reference that Mr. Gerber related to, under community building for educational purposes. It could come under -- let's get the current regulations now.

I am referring to the current regulation, RC 2. I believe it's the special exception for schools. Anyone have page A1? I am missing a page. Under section 1A01.2C, uses permitted by special exceptions, number 19 on page 1A-9, schools, including schools for agricultural, training, profit, preparatory schools, business or trade schools, conservatories or colleges.

Q. They would have to go back to the school special exception?

A. Yes.

Q. What does the county look to for the indicia of a school?

MR. NOLAN: Objection.

THE CHAIRMAN: I am going to sustain the objection.

A. They look to see if it's an identical use.

Q. Is a school merely an educational use?

A. Well, it is a way of educational use, a way of shaping and providing guidance to whoever is attending. It also looking for structure. Frankly, we haven't had a lot of schools come through, but we look at the kind of structure they apply for when we look at nursery schools. I would assume the same thing would happen today.

I would also presume that we would review them a little bit more detailed than we did in 1950.

MR. CLARK: Mr. Chairman, I don't want to interrupt here, but I want to understand what the import of the testimony is here. Is he testifying that there's no definition of the school in the code, there's no definition of the school in the regulations? Is he testifying ow to an established practice of the present zoning office?

MRS. FRIEDMAN: No.

MR. NOLAN: I will object.

MR. CLARK: Then what's the the quality of the evidence? He's giving now his person knowledge opinion as to what he thinks the county would do as to what a definition of a school is.

MRS. FRIEDMAN: If he knows, as a planner. Does he know what the county requires of a school.

MR. CLARK: So you're asking if it's a current practice?

MRS. FRIEDMAN Yes, sir.

MR. CLARK: Do you understand?

THE WITNESS: Yes.

MR. CLARK: Understanding that that's the framework of her question, do you have an answer?

THE WITENSS: Yes.

MR. CLARK: What is your answer?

THE WITNESS: The answer would be as the community planner for this particular area of the county, if a special exception came in for a school, these are the kinds of things we would ask to see in reviewing for that, for our position on responding to a special exception, among others, environmental constraints, access parking, those kinds of things, screening, so forth.

Q. Mr. Dillon, these multifamily buildings that were built in dormitories, and they were legal as dormitories, if the school goes away, are they legal as multifamily

buildings?

MR. NOLAN: Objection to the use of "dormitories." I don't think there's any evidence that there are dormitories.

THE CHAIRMAN: I am going to sustain it, because the only dormitory reference was to the large building.

Q. Let me just focus on that one because that's probably the clearest. Looking at Memorial Hall, which was built as a multifamily dormitory --

MR. NOLAN: Objection. That was not the evidence. I think the evidence has been that Memorial Hall was an apartment building, an eight unit building, not a dormitory.

Q. The In 1959 when Memorial Hall was built, it was a multi-unit building and the zone, the R 40 zone, would that have been permitted?

A. I don't have the R 40 zone in front of me, but I believe the R 40 zone is a single family residential classification. I know from my working with R 40 when I was in the zoning office. That was before the RDP and the RC zones came into effect that we had a difficult time, if

I can use an analogy here, and when we would deal with people who would want to put a second kitchen in for a mother-in-law and, under that, that did not meet the regulations.

The Zoning Commissioner had ruled on a number of occasions that even in a Jewish household, if they wanted a separate kitchen as a Kosher kitchen, that did not meet the zoning regulations, they were not allowed to do that. I'm sure if you came in with an eight apartment building in an R 40, that would have been a problem.

Other than the fact it was associated with a a school, is probably the only reason why I can see it would be granted.

Q. If it were built as a faculty housing or student housing for the school, would it have been legal?

A. Again, I think it was associated with the special permit and I -- unfortunately, we can't reconstruct all the records at that time.

Q. If the special use as a school ceases to exist, do those buildings then become legal?

A. I think if the school ceases to exist, and they

were built for the school, then they -- and if they continue, they would continue as a nonconforming residence of eight unit. It's as eight units. The school is no longer there. If they were modified in anyway, that could constitute a violation.

Q. Would they be nonconforming since they were potentially still legal as a school building?

A. You mean in themselves?

Q. Yes.

A. I can't answer that. I don't know.

Q. Mr. Dillon, I'd like to go back to the definition of nonconforming use in the Baltimore County regulations, 104 --

A. Are we working off currently, or --

Q. I don't think that's really changed. In order to become nonconforming, to have a nonconforming use, what are the requirements?

A. Must continue except as otherwise provided in those regulation. A nonconforming use as defined in Section 101 may continue as except otherwise specifically provided in these regulations. Provides that upon any

change from such nonconforming use to any other use whatsoever or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure ~~shall be damaged~~ by fire or other casualty to the extent of 75 percent of its replacement costs at the time of such loss has a right to continue or resume such nonconforming use shall terminate.

No nonconforming building or structure and no nonconforming use of a building, structure or parcel of land shall hereafter be extended more than 25 percent of the ground floor area of such building so used.

Q. Let me ask you a question. Could Koinonia, as when it was a school, have rented these apartments in the Memorial Building out to someone not connected with the school?

A. I think that's not in the spirit and intent of what the special permit was allowing them to do, either in the Memorial Building or converting the existing buildings to multifamily units.

Q. So there was never a permitted use to rent these

units out to anyone not connected with the school?

A. That's right.

MRS. FRIEDMAN: I have no further questions.

CROSS EXAMINATION

BY MR. NOLAN:

Q. How do you know, sir, what the spirit and intent was when you didn't arrive at the zoning office until 14 years later?

A. The spirit and intent?

Q. You just testified about the spirit and intent of the order in 1950. And I think you testified earlier today that you didn't arrive at the planning office as a basic technician until 1964. Is that basically your guess about the spirit and intent?

A. That is my interpretation of it, yes.

Q. You haven't read Marion Carns deposition, have you?

A. No, I have not.

Q. I think you testified earlier that this afternoon that the Memorial Building could be a nonconforming use?

A. It could be.

Q. Do you have your zoning regulations handy?
A. Current yes.
Q. Can you share me where in the zoning regulations it says a special exception or a special permit terminates on a property?
A. No.
Q. Sir, from a planning perspective, wouldn't you agree that there would be a loss at this site if the old residential cottages that were there in the 50's were neglected and ceased to exist?
A. If the cottages were lost.
Q. I can show you those on Exhibit 9. These two buildings here that were identified as being in existence the time Hugo Hoffman, A and B, that at the time Hugo Hoffman sold this property to Koinonia, given your understanding of the history of this property and the work that was going on here, the international work, wouldn't it be a loss if these buildings were razed?
A. I think in view of the history of Koinonia, these petitions are significant to that function of that school.
MR. NOLAN: Thank you. I have no further

questions.

THE CHAIRMAN: You may step down.

MRS. FRIEDMAN I have a question.

REDIRECT EXAMINATION

BY MRS. FRIEDMAN:

Q. Mr. Dillon, are you familiar with the practice of lifting a special exception in Baltimore County?

A. As Mr. Gerber was testifying, I was trying to think of a case. I am sure that it's happened. I can't recall a specific case.

Q. Is it possible that the special exception on this property for a school needs to be lifted in order for this property to be residential?

MR. NOLAN: Objection. Calls for speculation.

THE CHAIRMAN: Sustained.

MRS. FRIEDMAN No further questions.

THE CHAIRMAN: The Board will recess for today, and we will reconvene at 10 a.m., on Friday morning.

(Hearing adjourned.)

* * * * *

LAWYER'S NOTES

PAGE	LINE	

Pet Exhibit 25

COPY

IN THE MATTER OF: * BEFORE THE
KOINONIA PARTNERSHP * COUNTY BOARD OF APPEALS
Case No. 90-355-SPH * OF BALTIMORE COUNTY
* July 26, 1991
* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the County Office Building, on July 26, 1991, at 10 o'clock a.m.

* * * * *

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman
ARNOLD FOREMAN
C. WILLIAM CLARK

Reported by:

C.E. Peatt

Pet. Exhibit #6

APPEARANCES:

STEPHEN J. NOLAN, Esquire
On behalf of Petitioner/Appellant

JOHN P. MACHEN, Esquire
On behalf of Protestants

PHYLLIS COLE FRIEDMAN, Esquire
People's Counsel

THE CHAIRMAN: Good morning.

MR. NOLAN: Good morning, Mr. Chairman.

THE CHAIRMAN: We're here for the second day's hearing on Koinonia Partnership, Case No. 90-355-SPH. You did not rest?

MR. NOLAN: No, sir, I did not. At the hearing on Wednesday, we attempted to put into evidence, I believe, what was Petitioner Exhibit No. 7 for identification. And at this time, I would like to renew that request.

THE CHAIRMAN: Seventeen?

MR. NOLAN I'm sorry. This would be a substitute Exhibit 17. This is a certified public record of the Maryland Historical Trust, it's dated July 24, by Rodney Little, the director of the Maryland Historical Trust. And I submit that under the Section 10-204 of the Court's article.

THE CHAIRMAN It's a public record, and it shall be received in evidence.

MR. NOLAN: Hearing no objection, my next exhibit I would like to introduce --

THE CHAIRMAN Wait. Hearing no objection, the Board will accept --

MRS. FRIEDMAN: Just for the record, I don't object to it as a public document. But I do object to it being offered for the truth of the substance that it contains, because we have not had an opportunity to cross-examine this Mr. Little.

However, I will not object as a public document. Mr. Nolan is clearly correct.

MR. NOLAN: We would ask the Board to overrule the objection.

THE CHAIRMAN: The Board will overrule the objection and accept the document.

MRS. FRIEDMAN: Please note the objection for the record.

MR. FOREMAN: You want to substitute this for 17?

MR. NOLAN: Yes, sir.

MR. FOREMAN: I am going to make it substituted 17.

MRS. FRIEDMAN Is this going to be Petitioner's --

MR. FOREMAN: 17. And I am referring to the 17 that was marked for identification and replace it with the certified copy.

MRS. FRIEDMAN: What is 17?

MR. FOREMAN: We replaced the one submitted for identification and replaced it with this number.

MR. NOLAN: Mr. Foreman, what's the exhibit number?

MR. FOREMAN: 23.

MR. NOLAN: I'd like at this time to introduce as Petitioner's Exhibit No. 23, copies of Article 83B, Section 5601 of the Maryland Annotated Code; also 5602 which is entitled Legislative Findings, and 5603, that confirms the Maryland Historic Trust is an instrumentality of the State of Maryland.

THE CHAIRMAN: Any objection?

MRS. FRIEDMAN: No objection.

THE CHAIRMAN: The board will accept this as Petitioner's Exhibit No. 23.

MR. NOLAN: I'd next like to introduce as Exhibit 24, the videotape. And I would request that 24A be the

transcript of the tape since we're here for record purposes. I think the appellate court would need the transcript.

THE CHAIRMAN: Hearing no objection, so ordered.

MR. NOLAN: I believe 24 -- there's a transcript --

MR. FOREMAN: In the file.

THE CHAIRMAN: Yes, there is.

MR. NOLAN: Next, your Honor, I'd like to introduce an exhibit from the zoning file map as the next numbered exhibit. I'd like to introduce what had been Petitioner's Exhibit 15 from below. I will show that to counsel. And also what will be Petitioner 14A below.

THE CHAIRMAN: No. 25 and No. 26.

MR. FOREMAN No. 25 is a list that's on Koinonia stationery indicating sales and customers. Number 26 appears to be a magazine article and some other printed material, newspaper articles, regarding the property.

MRS. FRIEDMAN: I am going to move the entire Zoning Commissioner file into evidence, Mr. Nolan. Rather than tearing that apart, would that help expedite this?

MR. NOLAN: I would prefer those -- that's fine, but I would proffer those that we have already marked, that they remain with the new exhibit numbers. There was one exhibit I had thought was in the file and is not in the file.

If I could just have the indulgance of the Board? I wish to introduce -- this next exhibit is related to the position of the Greenspring Valley Association and it had been my understanding the letter was in the zoning file. But seeing that it's not in the file, we would like next to move this in as a separate exhibit. It was discussed below.

MRS. FRIEDMAN: I would object to this on the grounds it is in violation of this Board's Rule 8 requiring for a community association to be heard. I recognize that this may have gone as a letter to the Zoning Commissioner, but it was not put in evidence at that hearing either. And if Mr. Nolan wants to get the contents of that letter into evidence, he would have to have someone from the community association comply with the Board's Rule 8.

MR. NOLAN: In response, I will just say that this is a letter dated May 4, 1990 of the Greenspring Valley Association, Incorporated. It was signed by Spalding Getz, its president, and attached to it is a note on Greenspring Valley Association, Inc. stationery dated June 18, 1991 which readopts the position stated in letter.

And if the Board decides not to receive it in evidence, we'll still ask it be marked for identification. We believe that the objections of the protestants go more to weight than admissibility. I think --

MRS. FRIEDMAN: This Board is very specific in its Rule 8 requirement that in every case the Board has required compliance with and that letter simply does not comply with those Rule 8 requirements.

MR. NOLAN: Rule 8 only goes to persons appearing before the Board. It does not foreclose the admission of a letter. I would submit that Rule 8 only addresses persons appearing before the board.

MRS. FRIEDMAN: I would submit that the persons appearing before the Board at least can be questioned and

cross-examined, and that this is not only an attempt to avoid Rule 8, but it's even more objectionable because it offers into evidence information that we have no right to question upon.

MR. CLARK: Doesn't the rule only require that there be a meeting of the association, that the resolution that is presented to the Board state that the meeting was held, that the proposition was put to the association and whether or not they were in favor or disfavor of the proposed use, and that that resolution be presented to the Board, that the person who was appearing before the Board is the authorized representative of the association to present the decision of the body as to its position on whatever the proposed use or petition is?

MR. NOLAN: I believe that's frequent --

MRS. FRIEDMAN: For any such authority or persons to testify, it shall be shown by written affidavits in duplicate signed by the president of the association attested by the secretary that he's currently and duly elected member. And there's just a number of other requirements, but they are very specific requirements and

they require specific documentation that this Board has always required before anyone could come and speak on behalf of a community association in opposition to any petition.

And, in fact, Mr. Arland, who's here on behalf the Valleys Planning Council has obtained such information, that it's standard procedure before the Board. If the Board is going it take a letter from somebody who just signs and puts anything into this, then this completely evades the whole purpose and intent of Rule 8.

MR. CLARK: Which of the requirement are not met by the contents of this letter?

THE CHAIRMAN: Let me move this along here. If anybody in the whole wide world mails a letter to the Board of Appeals regarding a case that's before the Board, the letter goes into the file. We realize that that letter is just somebody's hypothecatin, their feelings, their thoughts. Andticationlie positive think indication we assign the weight we think it carries. And this letter, in my mind, is exactly in that posture.

Here's a letter from some group that are either opposing or not opposing. And if the letter came in an envelope with a stamp on it, it would go into the file.

MRS. FRIEDMAN May I say that would not be evidence.

THE CHAIRMAN: No, it is not evidence. The Board reads it.

MRS. FRIEDMAN: And it would not be part of the record, and that letter is not addressed to the Board

THE CHAIRMAN Let's mark it for identification only.

MR. NOLAN: What number is that?

MR. FOREMAN: 27.

MR. NOLAN: We also would introduce at this time, I believe, exhibits that have been stipulated to by counsel for both sides as Petitioner's 28. It shows there are three separate historical brochures that deal with Koinonia and Koinonia Foundation.

MR. FOREMAN: Exhibit 28 will be the brochures as described.

THE CHAIRMAN: Historical brochures.

MR. NOLAN: Absent any rebuttal evidence from the petitioners, that would be the petitioner's case in chief.

MR. MACHEN: As a matter of housekeeping, I want to make clear who the Ledger Hill neighbors are in this. There are a number of individuals who could not be here. I want to make sure their names are on the record. The Leger Hill neighbors are comprised of Mr. and Mrs. Robert Levy --

THE CHAIRMAN You want this on the record, or on the record as an exhibit?

MR. MACHEN: I have not prepared an exhibit. I am simply identifying who the neighbors are, the protestants in this case.

THE CHAIRMAN: Mr. and Mrs. Levy.

MR. MACHEN: They are my clients. Mr. and Mrs. Charles J. Arnold, Dr. Hamilton Moses, Miss Lucy Howard, W. James Howard, Mr. Thomas W. Brundiget, 3d. and Nathanial Prentice. These are all neighbors either on Greenspring Avenue or living on Greenspring Valley Road. I don't have the street addresses. They live in close proximity to the Koinonia property,

MRS. FRIEDMAN: I would like to call Jeff Long, and I don't think Mr. Long was sworn in.

J E F F R E Y L O N G,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MRS. FRIEDMAN:

Q. Mr. Long, would you please state your full name.

A. Jeffrey long.

Q. And your what is your current position?

A. I am a planner with the office of planning and zoning.

Q. You work for Baltimore County?

A. I do.

Q. How long have you worked for Baltimore County?

A. I worked for the county for the past twelve and a half years.

Q. And what positions have you held during those twelve and a half years?

A. Well, most recently, the last five or six years, I have been a zoning inspector. And the last two and a

half years, as a planner.

Q. When you were a zoning inspector, did you have occasions to deal with the zoning regulations?

A. Yes, I did. I would refer to the zoning regulations to determine whether or not a violation existed after receiving a complaint. And I also worked with zoning information counter in answering phones, answering questions regarding use regulations.

Q. Did you have occasion to, in answering those questions, to refer to prior administrative decisions regarding the zoning regulations?

A. I would at times refer to a case file, yes.

Q. Did you ever have occasion to discuss this with other people who had been in the office longer than you?

A. Oftentimes, I would discuss areas that were a bit fuzzy with Jim Dyer, who has been with the zoning office for, I believe, over 35 years. And also with both zoning commissioners I worked under, Mr. Jablon and Mr. Haines.

Q. Did you, when you worked for the zoning office, did you deal with any nonconforming use case?

A. One particular case comes to mind and the

location of the property, the location where I am sure a lot of people are familiar with was 12 York road, the corner of Berke Avenue and York Road, the southeast corner. And for years a beauty salon had operated from that site and then that use was discontinued and for a period over a year.

Subsequent to that, the property was improved. A surf shop moved in. A complaint was filed by the neighbors across the street. I investigated the case and found that the property was not nonconforming for two years, reason one, the use had substantially changed and, two, the use had not continued for period beard of a year. So there was a loss of nonconforming use since the under the -- I believe the zoning was Dr 10.5, and I believe the use reverted back to a residential use, and that would be the only use that we permitted in that zone.

Q. Did you handle other nonconforming use cases besides that?

A. Yes.

Q. Did you, in the course of handling those nonconforming cases, have occasion to refer to prior

administrative decisions and other individuals regarding the practice regarding both nonconforming use cases and also the manner in which they were handle?

A. Yes. I was referred to Jim Dyer.

MRS. FREIDMAN: I would like to offer Mr. long as an expert on Baltimore County zoning regulations and also on nonconforming uses in Baltimore County.

THE CHAIRMAN: Any objection?

MR. NOLAN: Can I voir dire him about his educational background?

THE CHAIRMAN: If you think it's pertinent.

VOIR DIRE

BY MR. NOLAN:

Q. Would you just briefly describe, Mr. Long, your educational background?

A. Yes. I am currently a part-time student at Towson State University. I have approximately eighty credits; 25 credit hours in geography and environmental planning, and I expect to graduate in about two and a half years.

Q. And you would be awarded your undergraduate

degree at that time?

A. That's correct.

Q. What year, sir, did you leave the zoning enforcement office?

A. In 1988.

Q. What year did you first join the zoning enforcement office?

A. I believe 1986.

Q. And when you first joined the county twelve and a half years ago, what were your initial responsibilities?

A. Okay. I am proud of the fact I started off with an entry level position that not many people would want to have my work at the Long View Golf Course cutting, emptying garbage bags --

Q. I would have to disagree with you. I think a lot of people would like to have that job.

A. As long as I can play golf.

Q. Since leaving zoning enforcement in '88, sir, what has your zoning work entailed?

A. I review special exceptions, special hearings, variances, and provide my office comments under the deputy

director's signature. I also coordinate the cycles zoning process, provide comments on community plans and various other duties and responsibilitiues.

Q. Is it correct to say then you're primarily attached to the deputy director of planning and zoning?

A. Yes. And the community planning division of that office.

MR. NOLAN: I am going to object, not because I don't believe that Mr. long is an excellent zoning inspector and an excellent county employee, because I know that he is. But I believe that we already have had one protestant witness on zoning regulations and that this would be cumulative and that Mr. Long more appropriately is a fact witness in this case.

THE CHAIRMAN: The Board is going to overrule your objection and accept Mr. Long, with the thought in mind if he strays into areas where he should not, on your cross examinatin you will take care of that, or I can.

MR. NOLAN: Thank you.

CONTINUED DIRECT EXAMINATION

BY MRS. FRIEDMAN:

Q. Mr. Long, have you ever visited the subject property known as, formerly known as Koinonia?

A. I have had several occasions to visit the subject property. After working for recreation and parks for about six months, I went on to work at the Department of Environmental Protection and Resource Management, which is what it's called today, when I went to work there, it was called the water and sewer program and the health department, and I was responsible for taking water samples along the metropolitan district; also took water samples at private supplies. Koinonia had a private supply at that time, and I believe it still does, and I would take samples on a monthly basis in the Mansion House.

And the most recent occasion that I had to visit the property was when I accompanied Mr. Nolan and met with Dr. Pomykaka and his, I believe his wife, at the house and we took a tour of the property. And that was the basis for my report that I took to the zoning inspector which I don't have today.

Q. Let's go back to that private water supply system. Do you check everybody's water supply system?

A. No. The State of Maryland designated certain private supplies that served a great number of people. We also took samples along Hillside Drive which is in close proximity to this property. McDonogh School. At that time we sampled that property at that time and many others.

Q. At the time you visited this, was the private water supply that was on Koinonia --

A. The Koinonia Foundation, I believe.

Q. And there was a lot of people being served by the water supply?

A. Yes, there were.

Q. When did you last visit the Koinonia property?

A. I last visited the property with Mr. Nolan, and I don't know the exacat date of that visit, but it would have been sometime before I left my position as a zoning inspector.

Q. Would you describe what you saw when you visited the property at that time?

A. What I saw, I saw the Mansion House again and then some accessory structures, some multiple family dwellings, that type of thing, and also a building that,

as I recall, Mr. Nolan pointed out was used, or had been used, I'm not clear on that, for seminars.

Q. Did you go inside any of those buildings?

A. I went inside the Mansion House to meet the ~~Pamykakas~~ initially. That's where Mr. Nolan and I arrived on the site. I did not enter any of the dwellings, but, based a conversation that I had had with both Mr. Nolan and Dr. Pomykaka, it was my understanding at least 20 people lived on that Koinonia property. And I assume that they all lived in the Mansion House.

Q. Now, you, at that time, wrote a letter dated May 4, 1988, in which you said there were some examples of some violations, is that correct?

A. May 4, 1988? I'd have to see the letter. Yes.

MRS. FRIEDMAN: Mr. Nolan, I'd like to offer this into evidence.

MR. NOLAN: It's in evidence.

MR. MACHEN: It's No. 1.

Q. Mr. Long, in that letter, you referred to multi-family location of more than one dwelling on a principle lot and location of a trailer on a private

property and an illegal conversion.

A. I didn't mention a multiple family dwelling anywhere in the letter, but I did mention and illegal conversion, which is the same thing.

Q. What do you mean by that?

A. Illegal conversionmeans a house that was intended to be used as a single family dwelling had been converted into a multiple family dwelling.

THE CHAIRMAN: Hold it a minute. Mrs. Friedman, a comment was made we already have this, but I don't find it.

MRS. FRIEDMAN: May I offer it as People's Counsel Exhibit NO. 1.

MR. NOLAN No. 1 was the zoning map request. This was a petitioner's exhibit.

MR. CLARK: Right. No. 16.

Q. Mr. Long, as part of that illegal conversion, I would like to show you what's Petitioner's Exhibit 9 and refer you to a building which is marked "L."

A. Yes.

Q. And ask if that's one of those buildings you

meant?

A. Yes.

Q. And then you mentioned a trailer. Is that "K"?

A. Yes.

Q. But were there other buildings that were used, being used for multiple family, besides those buildings?

A. I believe there were other buildings being used, some multiple family dwellings, and I believe that the -- I have to say Mr. Nolan and Dr. Pomykaka were very cooperative and provided information I thought I needed to conduct my investigation, and they did indicate when we looked at those buildings that some were being used as multi-family dwellings. We did not enter the buildings, I would think, because they were occupied.

Q. Just looking first at that building, "L," which is in the record in this case, an apartment complex with eight units in it during the period this property was used as a school, would that building have been permitted?

MR. NOLAN: Objection.

THE CHAIRMAN: Overruled. If he knows, he can answer.

A. If you take a look at the use regulations, RC 2 -- and I know the zoning has changed over the years and the regulations essentially the same, that the school is permitted and then a dormitory is an accessory use to that school, so that it would be permitted, provided there was a school.

Q. How about that trailer during the period it was a school, would the trailer have been permitted?

A. The trailer have been permitted?

Q. Yes.

A. The trailers are permitted outside yards, and I can take a look at 415 of the zoning regulations, and 415 may refer -- sure, okay 415 would indicate that on a form comprised of 25 acres or more in those zones were permitted subject to 415.4 a track comprising 25 acres or more outside the metropolitan district, and then on a type of site not covered by subsection 415.1B or C, of the regulations, and I don't remember how large this property is,and then there's another error complication in terms of some trailers being permitted in terms of a caretaker's residence.

Q. If the trailer were -- are you saying it would have been permitted as of right on this property?

A. I need first to know how many acres are there and how it was used before I answer that question.

Q. So it could have been used as dormitory housing.

MR. NOLAN: Objection. leading.

THE CHAIRMAN: Sustained.

Q. Could it have been used in connection with the school?

MR. NOLAN: Objection.

THE CHAIRMAN: That's fine.

A. Yes.

Q. What would it have been used as?

A. I think would be used as a caretaker's residence or some type of residential purpose.

Q. Now, if the use by the school ceases, would the apartment building still be permitted?

A. I don't think so. In fact, I know it would not be. If you take a look at --

MR. NOLAN: I am going to object here because it's cumulative of Mr. Dillon's testimony, and the Board

indicated that if he strayed into a cumulative area, that you would so rule.

THE CHAIRMAN: We covered this pretty thoroughly Wednesday, Mrs. Friedman.

MRS. FRIEDMAN Mr. Dillon said he really did not know. That was his testimony when I asked him the questions. He said, "I really don't know."

MR. NOLAN: I object. That was her zoning expert. Now we have yet another zoning expert, and --

THE CHAIRMAN: I am goig to allow him to answer this question, if the school ceases, can we still have the apartment?

A. No, sir, because that use would be accessory to the primary use, that of a school. And you lose a nonconforming use whenever that use changes. And that's a rather substantial change.

Q. Mr. Long, are you familiar with any situations where Baltimore County has required people to lift a special exception in order to change the special exception use?

A. Yes. The Chestnut Ridge Country Club filed a

special hearing, I believe, to remove a portion of the special exception to provide for subdivision of property. I reviewed that request and provided comments to the Zoning Commissioner.

MRS. FRIEDMAN: I am going to put that Zoning Commissioner's decision into evidence.

MR. NOLAN: I have no objection. I'm not familiar with it, but it just demonstrates what we have been saying all along.

MRS. FRIEDMAN: Beauty is in the eye of the beholder.

THE CHAIRMAN: Protestant No. 4 will be a finding of fact and conclusion of law under signature of J. Robert Haines. I can't read the date. Excuse me. People's Counsel.

MRS. FRIEDMAN I have no further questions.

CROSS EXAMINATION

BY MR. NOLAN:

Q. Mr. Long, your last comment about the school related uses where you have addressed the zoning regulations, you were addressing the current regulations,

isn't that correct, sir?

A. Yes.

Q. Now, when you testified earlier this morning concerning the beauty salon case, that case ultimately wound up before the Zoning Commissioner, or did it go to the District Court?

A. Went to the district court.

Q. In other words, your office had to prosecute in that case against the beauty salon owners at the District Court level, isn't that correct?

A. Well, since there wasn't an administratiave remedy, the petitioner did not elect to come in and file for a special hearing to determine a nonconforming use and refused to leave the property. Yes, we did have to prosecute that case.

Q. In this case involving the Pomykakas, your zoning enforcement office did not have to prosecute the case because they did take affirmative steps to file a petition for special hearing, isn't that correct?

A. Anytime that a violation is not had, and a petitioner avails him or herself of an administrative

process, any district court actions, fines, what have you, are held in abayance pending the outcome of the administrative process.

Q. But my question, sir, the Pomykakas didn't sit back and wait to be prosecuted? They took affirmative systems, did they not, to advance their cause with the petition for special hearing?

A. I believe I testified earlier that the Pomykakas were very cooperative, and, yes, they did file a petition.

MR. NOLAN: Mr. Foeman, I believe it's Petitioner Exhibit No. 9.

Q. Mr. Long, I am going to show you Petitioner Exhibit No. 20, which was the inneroffice correspondence from Mr. Pat Keller to the Zoning Commissioner Haines, January 22, 1990?

A. Yes.

Q. In the lower left-hand corner of Petitioner No. 20 are Mr. Keller's initials and then your initials?

A. That's correct.

Q. In fact, you drafted this as part of your responsibilities in your office?

A. I did.
Q. And he approved it?
A. He did.
Q. Mr. Keller approved it, isn't that correct?
A. That's correct.
Q. Let me ask you --
MRS. FRIEDMAN: I am going to object, because he is going beyond the scope of direct.
THE CHAIRMAN: Overruled. The letter is the missile is in evidence.
Q. I think earlier this morning you stated you were called back into in this case only yesterday, isn't that correct?
A. Yes.
Q. So since January 22, 1990, you really haven't had much involvement with their case, isn't that correct?
A. None whatsoever.
Q. Isn't it true, Mr. Long, that nowhere in Petitioner's Exhibit No. 20, is there any recommendation by your office against the special hearing petition, isn't that correct?

A. I have to explain something.

Q. No, sir. Just answer my question, is that correct, that there's no recommendation against the special petition?

A. I am restricted to a yes or no question?

Q. Just answer that question first.

A. No, there's no recommendation.

Q. Why don't you explain? I am sure she's going it ask you.

A. Thank you. Basically, a nonconforming use case, our office does not provide a substantive comment for one reason. When we receive request for a special hearing to determine a nonconforming use -- and I know that you filed many, Mr. Nolan -- there's hardly any information in the folder to prove the nonconforming use. So essentially we let the facts speak for themselves at the hearing and provide very little comment, because there's nothing to comment on. It either is a nonconforming use or isn't, and that can only be proven at the time of the hearing.

Q. And under section 500.7, are you aware if the Board hsa the interpretive authority to decide that

question, ultimately, doesn't it?

A. Under the Zoning Commissioner's rules, yes.

Q. And so your office did not take a position for or against this nonconforming use case?

A. That is correct.

Q. You mentioned, sir, you went inside Grammar C. You didn't go inside any of the other buildings, is that correct?

A That's correct.

Q. You don't may have any evidence today, do you, Mr. Long, that there's any condition on the property right now that's a detriment to the health, safety or general welfare of the community, do you?

A. No, I don't.

Q. And you haven't undertaken any analysis is your your evaluation of the 1945 zoning regulations, have you?

A. I am familiar with the zoning for '45.

Q. But have you analyzed this case in light of the '45 regulations?

A. No, I have not.

Q. And you haven't analyzed this case in light of

the 1955 zoning regulations, have you?

A. Yes, I have.

Q. You have. Okay.

MR. NOLAN: Could I have the photo exhibits, please?

Q. Under the '55 regulations and the '55 map, this property was zoned R 6, isn't this correct?

A. Yes.

Q. In 1957, the property designation changed to R 40, isn't that correct?

A. Which year?

Q. 1957. Are you familiar?

A. I'm not familiar.

Q. I won't ask you that then. Let me ask you another question, sir. I would like you to take a minute to look at 14A, and see if you recognize that.

A. That's either the exit or the entrance into the Koinonia property. I think because of the angle of the drive, it's probably the exit.

Q. Sir, let me ask you if --

A. This is Greenspring Avenue.

Q. That is --

A. Greenspring Valley Drive.

Q. And then exhibit 14 C?

A. That's the hairpin turn just before the drive.

Q. Let me have you read the back of 14B.

A. From Villa Julie side looking at property to the left of entry number two.

Q. And does that seem like a fair and accurate representation to you?

A. Yes.

Q. And, lastly, 14 E, can you identify what you see in that photo?

A. That's -- I believe it's the large building that -- no. See, the trees really obstruct the view of the property. It's -- if I could see a different angle.

Q. Well, I think you just answered my next question. This property is very well screened, wouldn't you say, as a planner?

A. It's a beautiful property, beautiful landscaped property.

Q. You're not aware of any adverse visual impact

from this property today, are you, sir?

A. The property cannot be seen from Greenspring Valley Drive.

MR. NOLAN: I have no further questions. Thank you, Mr. Long.

MRS. FRIEDMAN: I have one question. I think it's one. I may have a series.

REDIRECT EXAMINATION

BY MRS. FRIEDMAN:

Q. Mr. Long, Mr. Nolan asked you about the policy of prosecuting a case unless a petitioner files a petition. What is the effect when a petitioner files a petition in a zoning violation case? Does the office pursue the zoning violation?

A. Does the office pursue -- well, generally, if the petitioner received a letter such as the one that was taken into evidence, or a correction notice, and if, after receiving that notice, or letter as it was in this case, the petitioner files a petition, then, yes, the case is held in abeyance as long as the petitioners acts in a good faith manner and as long as the petitioner doesn't take a

lot of time.

Q. So then that if that case takes a year, two years, three years, that activity can continue until the case in the special hearing is resolved?

A. Yes.

Q. So that as long as this case is alive, the office would take no action?

A. That's absolutely correct. And it's not always because the office doesn't want to take any action. It's because if you take a case such as this to district court and district court discovers that the case has not been heard by this Board or it's under appeal, district court will not take the case. They will ask that the case be brought back after the case has exhausted all of its administrative appeals.

MRS. FRIEDMAN: I have no further questions.

MR. NOLAN: No questions.

THE CHAIRMAN: You may step down, Mr. Long?

MR. MECHAN: We would like to call Daniel J. Tuomey.

D A N I E L J. T U O M E Y,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. MECHAN:

Q. Mr. Tuomey, could you state your name, address and occupation, please.

A. Daniel Tuomey, and I am an attorney, and my address is 36 South Charles Street, Suite 2400, Baltimore 21201.

Q. Were you ever affiliated with the Koinonia Foundation?

A. Yes, I was.

Q. What is the Koinonia Foundation?

A. Koinonia Foundation is a corporation organized under the laws of the District of Columbia which has received 501 C 3 tax exempt status from the internal revenue service, and it is -- it owned at one time, the Koinonia, the property known as Grammar C, referred to as Grammar C, which is the subject of that matter.

Q. What was the nature of your affiliation with Koinonia?

A. I was a member of the Board and I was also counsel to the Board, to the corporation.

Q. Did you hold any elected offices in addition to being a Board member?

A. I was the -- if I remember correctly, I was not only the chairman of the executive committee of the Board, but I was also the president of the foundation, and I believe I also served a term of the vice president of the foundation. Yes, I served terms in both offices.

MR. MACHEN: I would like to offer into evidence --

MR. NOLAN: No objection.

Q. Do you recognize that writing?

A. Yes.

Q. State what it is.

A. That's the certificate of incorporation, or a copy of the certificate of incorporation that was filed in the District of columbia organizing Koinonia Foundation.

MR. MACHEN: We'd like to offer into evidence the certificate of incorporation for the Koinonia Foundation.

MR. FOREMAN: That will be Protestant 1.

Q. Could you read for the record, Mr. Tuomey, the third article of the certificate?

A. "The particular business and objects of said corporation shall be to establish, maintain and operate facilities for receiving and giving instruction in using and applying religious concepts and activities including facilities for one or more churches, parsonages, schools, libraries, hospitals, recreational centers, rest homes, orphanages, religious missions, both foreign and domestic, to provide assistance through gifts of funds and services or otherwise to charatible and religious insitutions which have objects similar to one or more of the objects of this corporation.

And no part of the net earnings, if any, of which shall innure to any member of the benefit thereof."

Q. Do you recognize that writing, Mr. Tuomey?

A. Yes, sir. That's what early it Koinonia received from the United States Treasurey Department in 1952 notifying the Koinonia Foundation of its tax exempt status.

MR. MACHEN: I'd like to offer in evidence

Protestant's No. 2.

MR. NOLAN: No objection.

A. The third page, I believe, is a more current version of that, restating the same thing, but it's not clearly --

Q. Would you read the first paragraph of that letter?

A. Page one, "It is the opinion of this office based upon the evidence presented that you are exempt from federal income tax under the provision of Section 101(6) of the internal revenue code as it is shown that you are organized and operated exclusively for educational and religious purposes."

Q. What was the relationship between the board and the daily operation of the management of the Koinonia Foundation?

A. Are you asking from a transactional point of view?

Q. How familiar was the board with the activity of the --

MR. NOLAN: What year?

MR. MACHEN: Throughout Mr. Tuomey's affiliation with the foundation.

Q. Mr. Tuomey, what years were you familiar with and affiliated with the Koinonia Foundation?

A. I served in the capacities mentioned, I believe it was 1975, possibly '76, I'm not sure. I think it was '75 through approximately 1981. And then I believe I was off of the board in any official capacity from 1981 until -- no -- 1983, at which time I served as counsel to the foundation only until approximately the time of the sale of this property which I believe occurred in '85 or '86.

Q. During that period of time when you served with the board, how familiar would you say the board was with the activities of the Foundation?

A. The board met on a quarterly basis every year. The turnout was always strong. We had a fairly large board. And I believe -- I do not recall any meetings at which we had a problem obtaining a quorum. When the board was not in session, we had an executive committee of the board that consisted of people that were local to the

area, were readily available to the executive director who was the representative of the board, effectively the chief operating officer who resided on the premises.

I make that distinction as far as people who were board members and resided in the area, because we had a board that consisted not only of people from this immediate area, but also from throughout the country. I don't think we had anybody, to my knowledge, outside the country, but we had people all over the United States on the board and, in shorts, from my personal observation, that the board was not only close in its immediate presence, but also it was an extremely conscientious board, given its responsibilities.

Q. Mr. Tuomey, I want to refer you to -- I believe it's Petitioner No. 9 -- and I would like to ask you some questions about some of the buildings. Item D, known as -- could you recognize this building identified as "D"?

A. Yes, sir, I do. In what is that?

A. I believe that's converted -- used to be a chicken coop and was converted into living quarters.

Q. Do you know when that conversion took place?

A. If my memory serves me correctly, it was about 1976. It would be shortly -- just about the time I came on the board, as I recall. It would be sometime in the mid to late seventies, to the best of my recollection.

Q. Item "G," do you recognize that?

A. That's the foundation, what I knew as the Garden House. I believe there's a structure on top of that that was removed from it. It used to be, you know, a building like -- of the caliber of some of these other buildings we have here.

Q. What was the use of the Garden House?

A. My recollection was it was originally designed for instructional purposes, and then it was transferred into quarters or hoped to be transferred into quarters for living purposes. And then, because of lack of means and the nature of its construction, it ultimately started to decay and they had to start to take it down.

Q. What was the nature of the construction, the improvement inside the building?

A. It was -- the partitions were very thin in the sense it would give visual privacy, but it would not give

any -- by any means sound privacy. It was very thin partition, something like pressed woods or something of that nature.

Q. Do you think up to the standards of what a normal apartment building would be?

A. By no shape or fashion.

Q. Why were the standards so much lower?

MR. NOLAN: Objection.

THE CHAIRMAN: Why are we going in this direction?

MR. MACHEN: I want to establish the nature of these buildings were very much oriented towards dormitory type use for the students and residents at Koinonia, not ever intended to be constructed for rental outside.

MR. NOLAN: I object, for two reasons. One, this gentleman only became involved in Koinonia 15 years after that building was built and, secondly, he's a fact witness. He's not being offered as an expert witness with regard to the architecture or engineering suitability of any structure. I think that calls for an opinion. I renew my objection.

MR. MACHEN: He was testifying to the intent that Koinonia had when --

MR. NOLAN: In 1960.

MR. MACHEN: He can testify as to 1976.

THE CHAIRMAN: You're going through each and every building with this?

MR. MACHEN: No, sir.

MR. NOLAN: That's an opinion question.

THE CHAIRMAN: Overruled. Answer, if you can.

A. The purpose of the buildings was to carry out its purpose for which it was organized, and that was for the educational program that Koinonia Foundation was organized to carry out, and it was designed, given the budgetary restraints that existed, the realities, it would be the minimum that would be necessary to accomplish that end. It just did not have money to have any anything other than the bear minimum, you know, structures in place.

Q. I ask you to identify building "L."

A. Building "L" was a building which -- as you go around the clock face, it is to the left of and which is the Carriage House, and was a series of small

apartment-like structures made of brick from the exterior.

Q. When was that constructed?

A. I don't know the date of construction. That was in place by the time I was there. And that was about 1975 it was in place.

Q. What was the nature of the interior on the Memorial Building?

A. The Memorial -- you're referring to "L"?

Q. Yes.

A. It was same type of partitioning, very thin and visual privacy, but not, in any essence, sound privacy, perhaps even to the next apartment, possibly as far as down the hall.

Q. Are you familiar with the general business affairs of Koinonia?

A. At what time?

Q. During the time you were affiliated with them?

A. No question, absolutely.

Q. How would you characterize the residential uses of the property at Koinonia?

A. The board's unequivocal purpose and instruction

to the executive director was that those facilities were to be used only for the purposes of Koinonia was educational and spiritual activities.

Q. Were the residential structures ever used for any purposes other than the educational and religious purposes?

A. To my knowledge, no. The board always instructed the executive director to remember that anybody who lived there participated in Koinonia educational program.

Q. Was it ever suggested that the buildings be used for apartments, for outside rental?

A. That was discussed at board meetings, and it was always rejected.

Q. Why was it rejected?

A. As a 501 C 3 organization, Koinonia was at risk if it had income from any activity that was unrelated to its organizational structure. And if it failed to report that income, and fail to pay taxes on it, you know, a tax exempt organization, it did not have to pay any tax on its income received from it's organizational purposes.

I am aware personally that that was discussed at

board meetings, that it was charged that was repeatedly given to executive directors as they were replaced and during this tenure.

Q. Was there any concern about the zoning compliance in addition to the taxes?

A. That was also -- Koinonia literally did not want to create any environment that would find itself threatened by either being unwelcome by the neighbors, spending its income or its finance on defending a zoning, asserted violations, or anything of that nature.

We had a very, very tight budget, and as counsel I was constantly reminding them of those two responsibilities.

Q. I want to ask you a few questions about the sale of the property. When did Koinonia begin to discuss selling the property?

A. At the board level there was -- it was approximately a year before the sale actually occurred.

Q. And what were the reasons for the sale?

A. It was driven by the economics of the board, being able to fulfill its responsibilities in maintaining

the property and running i's educational and spiritual purposes at that location. The property was becoming very deteriorated, because it just didn't have the money to maintain the premises. So we realized that at some point, we were not being responsible if we were going to continue to allow the thing to wind into the ground.

Q. How did the board decide to go about selling the property?

A. By, you know, discussion by the board and a votes on a resolution.

Q. Did you contact any realtors or appraisors to establish a price?

A. I did not remember all of the realtors that wore contacted, but it was the main, you know, players in the market place in that area. O'Conor, Piper & Flynn, and people of that caliber.

Q. What advice did the board get with respect to the pricing on the property?

A. We were looking for -- I remember correctly-- something close to a million two. And we received written as well as oral reports from the realtors that we were

being overly optimistic to expect that, that given the market place at the time, given the zoning restrictions that were on the property as far as development, and given the very clearly expressed committment of the neighbors to maintain the community at the stand they believed it should be kept and, therefore, we ought to be less aggressive.

MR. MACHEN: I believe we offered into evidence the option packet?

MR. NOLAN: Yes.

Q. I am showing you, Mr. Tuomey, an action package prepared by Michael Fox, auctioners, but which I believe is already in evidence. On page six, there's a listing of tax assessment on the property. What was the tax assessment at the time of the auction?

A. According to this, it's assessed at $539,020.

Q. What was the value the assesser put on the property?

A. 1, 239,890.

Q. What price did the property ultimately sell for at auction?

A. If my memory is correct, 660. They set a reserve at that sum, and we had a problem getting a reserve in, if I remembe correctly, and we had a discussion whether we would accept it. So it came out at 660. I believe that either correct, or withen $10,000.

Q. Why did you accept a price that was about half of what the appraisal appraiser said it was worth?

A. The Steve Fox organization -- Michael Fox -- excuse me -- the auctioneers that advertised it aggressively throughout the east coast companies, we felt it was was very well marketed in that regard.

The turnout was very disappointing. Although I didn't take a count at the time, or if I did, I didn't retain it. My visual memory has maybe twelve to 20 people there. And I don't now how many of that would be the auctioneer's staff which were considerable.

And, again, my memory was -- we found there were two people bidding, and one person -- the bidding did not go on very long and it was not a very aggressive bidding. So we realized it had been very affectly marketed. We saw the turnout. It was a good day, a beautiful day, and we

also had the sobering letters from the realtors who knew the community.

And with a very, very reluctant and heavy heart on the part of all the board members who really cared about the property, we accepted that offer.

MR. MACHEN: No further questions.

CROSS EXAMINATION

BY MR. NOLAN:

Q. Good morning, Mr. Tuomey.

A. Good morning.

Q. You're under subpoena to be here today, isn't that correct?

A. That's my understanding.

Q. Would you agree, sir, that the Koinonia movement has historical significance in this country?

A. Well, you would have to define that a little better for me because the Koinonia has been used by different groups, meaning different things.

Q. Would it be fair to say the Koinonia Foundation and its work in training people to go overseas, wouldn't you agree, sir, that has historical significance?

A. Absolutely, yes.

Q. Have you ever heard it compared to the predecessor, to the Peace Corp?

A. No, sir.

Q. You never heard that?

A. No. I have heard it compared to a successor group. The Peace Corp came after Koinonia.

Q. Okay. Now, isn't it correct, Mr. Tuomey, that you haven't prepared any zoning analysis concerning the 1985 and beyond uses, isn't that correct?

A. Since 1985?

Q. Yes.

A. No, absolutely not, sir.

Q. And you have no opinion, sitting here today, with regard to the compliance by the Koinonia Partnership, with regard to any zoning regulations today?

A. I have no interest. That's not a matter of -- my interest is a Koinonia board member, or former -- present Koinonia board member.

Q. You mentioned earlier, sir, when you became involved with the Koinonia foundation in 1975, and after

that it was your experience that the board was an extremely conscientious board? I think that was the determinate you used?

A. Yes, sir.

Q. Is it fair to say the board was in the habit of complying with laws and ordinances?

A. It's been a law abiding board. There's no question that was its intent. And whenever it was aware of anything, it made sure it complied with it, or did come into compliance.

Q. As the counsel to the foundation and earlier as chair of the executive committee of the board, would you have had access to the archives and historical documents of the foundation?

A. Those would have been available to me, yes, sir.

Q. Did you ever have occasion to look at them?

A. Yes, sir. I spent some time looking at them and going through some of it. I can't say I scrutinized every single paper, but I have looked at their records.

Q. Based upon your experience, or review of those records, you have never seen any documents that dated to

the Memorial Building was built without a building permit?

A. I have no knowledge of that.

Q. And with regard to that Memorial Building --

MR. NOLAN: I will show counsel. What is our next exhibit?

MR. FOREMAN: Exhibit No. 29.

Q. I am going to show as Petitioner Exhibit No. 29 for identification and ask you to exam that, sir. Would you just tell the Board what Exhibit 29 is?

A. It appears to me to be a rendering of a drawing of a design for the Memorial Building, but it does not reflect it in its detail, as I recall it, while I was at Koinonia.

Q. Would you just read the description?

A. Family unit for Koinonia Foundation, Frederick E. Moeler, Associated, architects. Looks like four and a half at the bottom.

Q. Thank you, sir. So, in other words, in the pendant of this picture, or with the aide of this picture, do you know, sir, whether or not an architectural firm was engaged to build that building?

A. I have no idea whether that is true or not.

Q. All right sir. I am going to introudce this, but would you like to substitute it later with a photocopy of Petitioner's Exhibit No. 29?

MRS. FRIEDMAN: I really -- I don't object to its authenticity, but I don't think that he has proved anything though this witness as to what that exhibit is. It's a photograph.

THE CHAIRMAN: Well, I listed as an artist rendering of the Memorial Building.

MRS. FREIDMAN: We don't have a date, we don't know where it came from, and this witness has said it was beyond any knowledge he has had.

THE CHAIRMAN: The Board will accept the exhibit for just what it is,

MR. NOLAN: Thank you, sir.

Q. Mr. Tuomey, do you know Marion Carnes?

A. Yes, I do.

Q. Was she a respected member of the Koinonia Foundation and family?

A. Unequivocably a grand lady, and a kind --

absolutely. I would seriously question the sanity of anyone who would take issue with her. I will agree with that. Thank you, sir. As a person. Not necessarily what she may believe. But as a person, she was wonderful.

MR. NOLAN: Can I have Petitioner Exhibit NO. 28.

Q. Mr. Tuomey, I am going to show you the originals of Petitioner's Exhibit No. 28 which are a series of -- seems like the one was marked.

MR. NOLAN: They are three copies of the same thing, and I think I might have handed up the wrong thing. Let me just show counsel -- I had given you three separate brochures, I believe.

BEAR with me one minute, Mr. chairman.

THE CHAIRMAN: Certainly.

Q. I am going to show you the three brochures that have been received in evidence as Exhibit No. 28, and I have here in a couple instances the original brochures from which these copies were made.

And, sir, I'd like to show you what is entitled Koinonia and refer you to the second page of this portion of Exhibit 28 under the word "resources?" And would you

read that paragraph, sir?

A. Koinonia is blessed with 45 acres of woods, meadows, and organic garden. We have facilities from music, dance, meditation, pottery and swimming and spacious meeting rooms. As part of Koinonia's outreach and service to the public, we rent our conference facility to light-minded organizations for their own meetings and conferences. We are located just north of Baltimore, Maryland, in the Greenspring Valley.

Q. Thank you, sir. And now I'd like to just direct your attention to this other portion of Exhibit No. 28 and ask you to read, sir, the third paragraph on the back page. I am sorry. Could you just start reading with the second paragraph?

A. The Carriage House has two open spacious rooms plus a small lounge, each interconnected with the others providing implicit or larger areas as desired for up to 200 people. These facilities are a comfortable setting for your next meeting or seminar. We can also dress up for wedding parties and handle every detail from the catering to the flowers, making event a very special

occasion.

Our 45 five acres of woods and meadows does include an orchard, a large organic garden, all easily acessible for leisurely walks.

Koinonia invites you to joint these facilities at your convenience. Koinonia is a runner's delight.

MR. NOLAN: Thank you very much. No further questions.

MR. MACHEN: Nothing further.

THE CHAIRMAN: Mr. Foreman has a question.

MR. FOREMAN: Mr. Tuomey, what activity from 1975 to 1981 are you familiar with that went on on the premises?

THE WITNESS: Oh, golly. There was educational programs. They would be -- they were not religious in the sense of a religious denomination, but they were spiritual in the sense of those issues that were becoming into community awareness in the 70's that now we take for granted, such as holistic healing in the sense of the right ways of living spiritually. And, emotionally, there was meditation there in the vein of perhaps the early

Christia fathers as well as the eastern gerus, or whatever you would call them.

I would say those are two dominant types of programs that were given there. There was at one point they had Lobach literacy program which is used throughout the world in solving the problem of illiteray. The originator practice, Frank Lobach, if I recall correctly, had been a board member out there.

Let's see, whatever else they might have had. Properly prepared food in the sense of organic gardening and preparing it in a helpful way. Golly, they had a very extensive series of programs over time and the only way I can give you anything more specific would be to do a review.

Q. Following along with the programs you had, how many people do you have working at their foundation?

A. Golly, I would say that there was -- I would be surprised if ever there was less than five people. And, you know, it might have at times gone as high as 20 people.

Q. Did those people reside on the premises?

A. I believe almost all of those people resided there. We had -- I do know we had at one time an accountant who was a bookkeeper who did not reside on the premises, but my recollection was it was pretty close to a hundred percent. And one of the reasons for that was that it was a way that we could afford to have people support the organization, and because of the very limited budget, we were dependent on public support.

Q. How did the organization support itself?

A. It was literally donations. It was through bequests. We are listed in the internal revenue's bulletin which lists all tax exempt organization, so that people would leave bequests to us in their wills and when they passed on, we would be contacted. We also received money from people who participated in the program. And there were some people there that did not reside -- I'm sorry. That did reside on the premises and participated in its program in addition to paying there for their food, they would pay for their accommodation as you pay if you were a resident in any college.

Q. In these brochures, were you familiar with these

at all?

A The first one, I am familiar with. And I do -- which was the one that you have, sir, in your hand now which has the -- what I would call the front side and artist rendering of a magnificant tree on the property and the bamboo on the right side. The other two, I do not have any recall of those, so I cannot tell you if they were ever circulated. And if so, when they were circulated from the people that came on the property to use, outside people were invited onto the property, they paid a service fee. To my knowledge, they were light minded organizations because they had to have that index into our tax exempt purpose, because if we just brought on a group that was not indexed into our purpose, we are not extending our tax exempt purpose. So I cannot speak for any other group. That's why in the first one, it looks that light minded organizations qualifier. They did pay for the use and it was consistent with Koinonia's tax exempt purposes.

I can't speak to any other.

Q. These brochures that are listed as Exhibit No. 28, do you have any idea as to their date of origin?

A. The only one that I am aware of, as I indicated to you before, was the very first one. And that, my memory, puts it at perhaps the late seventies, maybe 1980. The other two, as I said before, I have no knowledge when they were prepared, and I have no knowledge as to whether they were ever circulated, you know, to anybody outside of Koinonia's structure. So I can't comment on the other ones.

Q. The question I have, based on these brochures, do you have any knowledge as a board member from the president of the organization about the giftshop or a printshop or a draftshop or anything like that on the premises?

A. Yes, sir. There was -- we had a printshop because of the educational purposes that had been going on, as Mr. Nolan alluded to. Koinonia got its driving energy out of setting up the training program to send people over to Europe after the Second World War to rebuilt it.

But to rebuild it from a viewpoint of not just physical, but also for from the spirtual viewpoint. It

was by way of a footnote the Episcopal bishop, Bishop Layton ton served on the board, I believe in the early 70's, so it had that sense of a clearly define spiritual purpose of the world.

We had the printshop that supported that originally so as to create the literacy program documents, what have you, and then it went on to support other printed material needs that Koinonia had. The giftshop was a small room more like perhaps a large closet that had books that were kind of historical from that actiity, as I recall. It might have had some pottery that had been prepared on the site.

Q. The natural food store, was that part of the garden?

A. That's my recollection. But we are going back into the late seventies, early eighties.

Q. Strain your recollection. Did you realize any income or do you remember realizing any income from these at all?

A. It was extremely modest, but there was no questions some transaction occurred in which there were

sales and there would have been some money received from it for not only the premises which derives some income from the various activities.

Q. Was there also an endowment for the foundation?

A. In the sense that we received bequests and at one time there was a fair amount. It might have been as as close to a million dollars. As I recall, it was a considerable sum. A million sounds high. It was a considerable sum that had been.

But what happened, we got on that spiral where so many of the things we were doing were of an advant guarde, have now moved into the mainstream of society today and are now less and less of a unique position in the community. And we wound up going back, and that was a driving energy for having to terminate what we were doing.

Q. Was part of the board function at the time the board was in existence with the property to raise money also?

A. There is no question as part of our tax exemption, it required that we be supported by the public. There's no question that we had to do that, and that was

another thing we had to do to maintain our tax exempt status, was to make sure we were supported by the public.

Q. Did you, as a board member, also review any of the income statement of the foundation on a yearly basis or quarterly basis?

A. Absolutely. And each quarter, an annual report.

Q. Do those quarterly terms and annual reports, in your memory, going back quite sometime, would you be able so cite various sources from the premises that drew income other than the craft shop and the things like that which are moderating? Anything else that may have drawn income?

A. It would be the activities of the programs. It would be gifts. And we had also had a membership type of program which was a way the people could hopefully identify with us on a regular basis and contribute annually, like many nonprofit organizations have, but would have been from those sources, as best I can recall.

Q. Do you recall whether or not any income was derived from the groups that came in and used the property?

A. I am certain absolutely it would have been some

to the extent we had people coming out there using the property. It would have been some money paid by people there.

Q. Do you know how many times other groups may have used the property?

A. Mr. Foreman, I cannot tell you that with any specificity on that.

MR. FOREMAN: Thank you.

THE WITNESS: You are welcome.

THE CHAIRMAN: Mr. Clark?

MR. CLARK: No. You asked the questions I was going to ask.

THE CHAIRMAN: You may step down, Mr. Tuomey.

MRS. FRIEDMAN: I would like to call Margaret Worral.

M A R G A R E T W O R R A L L,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MRS. FRIEDMAN:

Q. Would you state your name, for the record,

please.

A. Margaret Worrall.

Q. What's your position?

A. Executive director of the Valleys Planning Council, Incorporated.

Q. Are you here today on behalf of the Valley Planning Council?

A. Yes.

Q. Do you have your Rule 8 material?

A. Yes.

MR. NOLAN: I will stipulate that Mrs. Worrall is an authorized representative and has complied with Rule 8.

MRS. FRIEDMAN: But, for the record, we have an affidavit.

Q. And do you have a letter that you prepared on behalf of Valleys that represents the position of the Valleys?

A. Yes.

MRS. FRIEDMAN: I would like to offer it into evidence. Mr. Nolan, have you seen it?

MR. NOLAN: Yes.

MRS. FRIEDMAN: Thank you.

MR. FOREMAN: Peoples No. 6.

Q. What is the position of the Valleys Planning Council in this matter?

A. The Valleys Planning Council supports the decision of the Baltimore County Zoning Commissioner, robert Haines, dated July 16, 1990. The letter explains that.

MRS. FRIEDMAN: The letter speaks for itself. We have extra copies that we can give to the Board.

Q. Is there anything else that you would like to tell the Board on behalf of the Valleys Planning Council.

MR. NOLAN: Objection. Not a proper question.

THE CHAIRMAN: Overruled. Anything else you want to tell us?

THE WITNESS: No. I think the letter speaks for itself.

MR. NOLAN: I withdraw my objection.

MRS. FRIEDMAN: I have no further questions.

THE CHAIRMAN: Cross examination, Mr. Nolan?

MR. NOLAN: Yes. Mr. Chairman.

CROSS EXAMINATION

BY MR. NOLAN:

Q. It is your understanding, isn't it, Mrs. Worrall, a representative of the Valleys Planning Council was present at the sale, the auction sale in May of 1985?

A. You just told me that, but that's the only knowledge I have of that.

Q. I thought Mr. Puckett had told you?

A. No.

Q. Is it true, is it not, that it wasn't until 1988 that the Valleys Planning Council took a position with regard to the Pomykaka property?

A. I really don't know that. I was not working there at that time, and I don't know whether they took a position before that or not.

Q. When did you first become involved in a professional employment capacity with VPC?

A. January of 1991.

Q. Is the Greenspring Valley Association, Incorporated, a member association of the Valleys Planning Council, Inc.?

A. Yes.

Q. Do you have in your file with regard to this matter, a letter dated May 4, 1990?

A. Yes.

MR. NOLAN: Could I have that exhibit that was for identification?

Q. I am going to show you what's been marked Petitioner 27 for identifiction. You indicated, I think a couple moments ago, that the Greenspring Valley Association is one of your member associations, isn't that correct?

A. Yes.

Q. And is that the association with the most immediate connection with this area of Greenspring Valley?

A. It's one of them.

Q. In this letter that you were provided with earlier, doesn't this association state that it would not be opposed to the continued limited residential rental of the existing buildings, provided that the entire property is restricted by covenants?

A. Yes, that's what this letter states, from the

Greenspring Association.

Q. And, in fact, the Greenspring Association has confirmed its position as recently as June 18, 1991, isn't that correct? I will let you read that.

A. Yes. Your letter appears --

MRS. FRIEDMAN: Is this the letter she has in her file?

MR. NOLAN: Yes.

Q. I believe you said you have one of these in your file?

A. May I comment on that?

Q. Just tell me if it's in your file.

A. It is now, but as of the date it was written, it was sent the same time he sent you this.

Q. So you didn't have it as early as 1990, but you you were made aware of it?

A. Just recently as last week.

MR. NOLAN: I have no further questions. Thank you very much.

REDIRECT EXAMINATION

BY MRS. FRIEDMAN:

Q. When did you get the copy of that petitioner's exhibit?

A. It was last week before Mr. Getz went on vacation.

Q. Did you discuss that with Mr. Getz?

A. No, I did not.

Q. Do you know anything about the circumstances surrounding that letter?

A. No, I do not.

Q. That letter refers to covenants. Are there covenants?

A. Not that I know of,

MRS. FRIEDMAN: I have no further questions.

THE CHAIRMAN: Anything further? You may step down.

MRS. FRIEDMAN: I have some housekeeping I would like to make sure I have in the record. Mr. Nolan has seen all of these, I believe. I have copy of the Baltimore County zoning regulations from 1948, a photocopy that I would like to offer into the record.

MR. FOREMAN: People's Counsel No. 7.

MRS. FRIEDMAN: I have copy of the 1955 zoning regulations as they relate to the R 40 zone, R 20.

THE CHAIRMAN: 1955?

MRS. FRIEDMAN: They go R 6 through R 40 zones.

MR. NOLAN: I just object to portions of it going in. I don't object to the authenticity of it, but I just suggest that that's not the entire regulations as contrasted with the earlier exhibit.

MRS. FRIEDMAN: Right.

THE CHAIRMAN: The Board will overrule the objection and accept People's Counsel No. 8.

MRS. FRIEDMAN: I'd like to offer into evidence a copy of the 1969 regulations, also excerpted. Again, these are limited to the R 40 zone.

MR. NOLAN: I am going to object, not for authenticity, but for relevance. It's been testified to at this particular time, this property was zoned R 40.

THE CHAIRMAN: The Board will accept the exhibit with that thought in mind.

MR. NOLAN: Also, I point out Section 101 and Section 104 have been omitted from that abstract.

MRS. FRIEDMAN: Mr. Nolan, if you would like to add anything to these regulations, I'd be happy to have you offer them, and any other sectionsa you want.

MR. NOLAN: Thank you.

MRS. FRIEDMAN: I'd also like to offer into evidence the 1975 regulations which have the RDP zone description. Here's another copy, Mr. Nolan, you can look at it.

MR. NOLAN: No objection.

MRS. FRIEDMAN: Finally, I'd like to offer into evidence the RC 2, which is a current regulation.

THE CHAIRMAN: RC 2 will be No. 11. To make the record straight, People's Counsel No. 7, a copy of the 1948 zoning regulations. People's Counsel No. 8 is the 1955 zoning regulations encompassing the R 6 designation through R 40. People's Counsel No. 9 would be the 1969 regulations as referred to, the R 40 zones. People's Counsel Exhibit No. 10, the rural deferred planning zone. And People's Counsel No. 11, the regulations assigned the RC 2 zone.

MRS. FRIEDMAN: Okay. In addition, I have a

number of exhibits here which I'd like to offer them separately that Mr. Nolan could follow this. The comments from Baltimore County of the attachment to the Baltimore County planning office comments contains footnotes referencing certain background material that was reviewed in preparing the Historical Register Center for the Grammar C property. And that these are from those footnotes. This is from the book the Greenspring Valley. It's history, and that is the excerpted portions dealing with the Koinonia property.

THE CHAIRMAN: People's Counsel NO. 12, excerpted from Greenspring Valley book.

MRS. FRIEDMAN: This is an article that appeared in the Baltimore Sun paper on March 31. All these didn't have a date, but they are referenced in that. This is an article, "How To Be At Home When Abroad."

I think this is also in the 70's. This is from the Baltimore Sun Magazine section. I'm sorry, the News-American magazine.

THE CHAIRMAN: Let's get this on the record. People's Counsel 13, an article from the Sun papers,

Baltimore Sun --

MRS. FRIEDMAN: Excuse me. This is the News-American, exploring inner peace at Koinonia from April eight, 1973.

MR. NOLAN: No objection.

MRS. FRIEDMAN: This is from the Baltimore Sun, March 31, 1978, a spiritual retreat in a material setting. That is not part of that historical footnote, but it does date from the same time.

MR. CLARK: This has the date, March 31, 1978, written at the top?

MRS. FRIEDMAN: Yes. That just came from the archives of the Pratt Library. I would like to move into the record, the Zoning Commissioner's file as evidence, if there's anything left in there that hadn't been part of the record.

THE CHAIRMAN: People's Counsel 16 will be the Zoning Commissioner's file in toto.

MRS. FRIEDMAN: That would conclude my case. Thank you.

MR. NOLAN: Could I just look at the file? I

have a question about whether or not the Carns' deposition exhibits are in the file so as you view that tape, I think it will be important to refer to the exhibits.

MRS. FRIEDMAN: Those exhibits will be a part of the record as well. I will just note for the record that the photographs have been from the Carns deposition are now a part of Exhibit 9, so we would ask the Board to have this Exhibit 9 with you at the time you view the Carns videotape. I cannot swear that the letter designations hold entirely.

MR. CLARK: The Carns deposition is labeled as such and are in the back of the transcript.

MR. NOLAN: I have just two short rebuttal witnesses. I call Christine Ritz to the stand.

C H R I S T I N E R I T Z,

having been recalled, testified further as follows:

DIRECT EXAMINATION

BY MR. NOLAN:

Q. Ms. Ritz, would you state your name, again, for the record.

A. Christine Claire Ritz.

Q. You are still under oath?

A. Yes, sir.

Q. You were here earlier today when Mr. Toomey testified about the Acorn House, were you not?

A. Yes, sir.

Q. And for the Board's information, will you just point out which photograph on Exhibit 9 is the Acorn?

A. It would be photograph lettered "D."

Q. Is that the same photo to which Mr. Toomey referred?

A. Yes, sir.

Q. Mr. Tuomey indicatd that the chicken coop was converted sometime in 1976. Will you tell the Board what your recollection is concerning the type of that conversion?

A. My recollection is that there were several people who occupied that dwelling prior to the time when I did, and that the conversion was made sometime in the mid-1950's.

Q. When did you move into the Acorn, chicken coop, if you please?

A. I did not move into that building until approximately 1985 or '86.

Q. When did you first arrive at Koinonia?

A. I arrived at Koinonia in 1975 or 1976, approximately the same time Mr. Toomey was associated with the board.

Q. Do you have any personal knowledge as to whether that had been occupied continuously in the sixties and the seventies.

A. Yes, I do. And, yes, it was.

Q. Have you been acquainted with the people who lived there?

A. Yes. I still am acquainted with the most elder of those people.

Q. Now, there was reference made to a print shop. Based upon your personal knowledge, Miss Ritz, was the print shop ever taking in work for outside projects, nonrelated to the Koinonia Foundation?

A. At a later time in the Foundation's history, yes, that was done in the past

Q. Was that done prior to 1985?

A. Not to my knowledge. Oh, did you say --

Q. Prior to '85.

A. Prior to 1985. But after, I would say 1982 or '83.

MR. NOLAN: No further questions.

CROSS EXAMINATION

BY MR. MACHEN:

Q. Just one or two questions. You testified the chicken coop conversion was in the mid-fifties?

A. Correct.

Q. Are you familiar with the Carns deposition?

A. I have not heard that, sir. I want to qualify that I cannot testify accurately about that date. I have only be told by Mrs. Carns about the people who requested and helped to make the renovation. And to my recollection, it was done in the mid-fifties. It may have been a little later.

Q. But you weren't there when it was done?

A. No, sir.

MR. MACHEN: Thank you.

MR. NOLAN: No further questions. One more

rebuttal witness. Mrs. Pomykaka.

A N N M A R I E P O M Y K A K A,

having been recalled, testified further as follows:

DIRECT EXAMINATION

BY MR. NOLAN:

Q. Mrs. Pomykaka, you are still under oath from the other day. I want to show you Petitioner's Exhibit No. 28, and with regard to that one brochure that says Koinonia Foundation; Decision and Preparation for Overseas,, do you see any date on that?

A. It says 1964 Schedule.

Q. Now, how did you find those documents?

A. I found them in various places in the house. One of the porches had been converted into an office. I found some in the files that were in there. There were two historical files that were upstairs in the former library area. I found some of these there. Some were in obvious historical folders that were marked historical. They were in binders that had some of the early writings.

Q. Do all those brochures predate 1985?

A. Definitely. I am a collecter of history things.

That's why the house, I wanted to preserve the history of it.

MR. NOLAN: No further questions. That would be the petitioner's rebuttal case.

THE CHAIRMAN: Thank you. Closing statements?

MR. NOLAN: Yes, sir. Thank you. On Wednesday, Mr. Chairman, and members of the Board, I started this case by saying that this was a case about historic preservation, and I believe the preponderance of the evidence in this case demonstrates that there are important historic issues surrounding this case.

This case is before the Board with regard to an amended petition for special hearing which seeks both the conformation and approval of nonconforming uses, but also expressly requests that the Board confirm the continuation of certain special exception uses.

We believe that the evidence in this case more than sufficiently shows that the Zoning Commissioner erred in applying the 1945 date in his decision below. We believe that the correct analysis is, as Mr. Gerber said, the application of a 1979 date when the RC 2 area

requirement changed under Bill 178-79. Or that if the Board finds that that is not correct, that we still are nonconforming applying Mr. Jack Dillon's date of 1976.

The Zoning Commissioner adhered to a 1945 threshhold. And, as the Board will see from the Emmerson Farms case, that's not the correct threshhold in Emmerson Farms. The Deputy Zoning Commissioner correctly applied in that case a threshhold of the mid 1970's when RDP came into being.

I also believe that it should be noted that under the 1945 regulations which governed this property initially, that Section Three, which deals with resident zoning, under Section 3A, use regulations, it says any resident zone except as hereinafter expressly provided, no building or land shall shall be used and no building or structure shall be herefter erected, altered, repaired or used, except for one or more of the following uses:

So the '45 regulations did contemplate and permit that situation that Mr. Gerber referred to whereas as long as you would have more than one dwelling on a farm property. And I think it's clear from the express

language of the '45 regulations that these were still conforming in 1945.

We also think that, in looking at the authority for this petition for special hearing, Section 500.7 allows this Board broad interpretive authority and power. We believe this property complies with Section 101 of the definition of a nonconforming use. We also ask the Board to consider Bill 98-75, which addresses the purposes of the RC zones.

In Section 1A00.1 2c, one of the purposes in 1975 was to protect both natural and manmade resources from compromising effects of specific forms and density of development.

We submit that this property and the historic attributes of this property constitute a manmade resource and that they are not incompatible with the finding of the RC 2 zones. We also submit that under Article 83B, which is hereby in evidence, that this property constitutes a historic property under the laws of this state, and that this Board can look to the legislative findings in our Maryland Code to see that the General Assembly wants to

promote the continuation and preservation of properties such as this.

In 5602, it says that the General Assembly finds that once historic properties are lost or destroyed, a vital part of our community life and development cannot be replaced.

We believe that the Zoning Commissioner's order would result in the loss of a vital part of our history and a vital part of our community life in this area of Greenspring Valley Road,

Section 1A01 of the RC 2 zone provides in its declaration of findings that the RC 2 was to encourage agricultural development, but it was also to prevent continued urban intrusion into the agricultural areas.

I would submit that the great weight of the evidence in this case shows that Koinonia is a retreat from urban intrusion and is a santuary from urban intrusion, and has been for over forty years. And the maintenance of these uses is not in contradiction of the RC 2 purposes and findings.

Furthermore, in reviewing the testimony and

applying the testimony to the law, we see that Mr. Raphel testified that it was the procedure, well established procedure in this county that anytime a new petition came before the zoning office, that you had to upgrade the whole site and bring the whole site into compliance.

Well, in 1979, the zoning office had the opportunity to review this entire site, and there was no question about the existence of the special permit at that time.

We contend the special permit continues in force up to the present time. And that it is limited to solely the Carriage House, that the Pomykakas have demonstrated and the testimony in this case has demonstrated that there are educational activities and training that continue in the Carriage House to the present time, and that the residential cottages are supported by nonconforming use status.

Lane Berk testified as the neighbor there was no detrimental impact and that traffic from the property just ebbed and flowed like a tide, that there was no traffic problems generated. And she testified there would be a

detrimental effect if these residential cottages were lost.

What about Mr. Dillon's comment the other day, that the zoning had changed from R 6 to R 40 in 1957. I suggest to you that is of no effect and has no importance, because Mr. Dillon later admitted that the Memorial Building, which you will see when you view the Carns deposition, was completed by 1959, and by the exhibits it was dedicated New Year's day, 1960. If Mr. Dillon is correct, his threshhold from the Memorial Building is '76. Well, certainly, that building was completed 16 years before, and that should be approved as a nonconforming use.

Miss Ritz testified on Wednesday concerning a continuation of a community that's still exists at Koinonia, that the Pomykakas have promoted this sense of community. She also testified concerning the agricultural uses on this property, and the additional exhibits that came into evidence today show the dollar sales that are generated from those agricultural uses.

This isn't some hobby. As Miss Ritz said, this is

a full-time enterprise. Also, Mr. Gerber and the Maryland Historical Trust agree that these residential cottages should remain in active service. Mr. Gerber pointed out that at the very least, funds derived from the rental cottages will help promote the maintenance and preservation of Grammar C and the Carriage House, and Exhibit 17 from the Maryland Historical Trust confirms that. He says although the buildings built after World War II are not part of the easement property, they are a continued use and occupancy provides for their protection as well as providing an income to help with the substantial costs of maintaining the Manor House and Carriage House.

It is important for the preservation of Koinonia that these buildings remain in active service. The Zoning Commissioner, ignoring the correct date, also ignored that important point. Mr. Gerber also pointed out that there has been a reversion to farm uses by virtue of the mushroom farm and the organic farm. Mr. Gerber also pointed out that, and the testimony establishes, that the special exception for the school is still being used.

And, as Mr. Dillon indicated, he could not point to anyplace in the regulations where the special permit could be said to have lapsed. And this morning, Mr. Long indicated that Mr. Gerber is right, when somebody wants to remove a special exception, they file a petition and they seek to have it removed.

Mr. Long also testified that he was not aware of any detriment to the health, safety or welfare at the property, that there was no adverse visual impact, and, lastly, he pointed out that in the zoning case that's before us, the planning office took no position against the continuation of the nonconforming use.

Lastly, Mr. Tuomey, I think, demonstrates, if anything, he demonstrates the change of ownership. That's all he was testifying about. What was the ownership under his tutelage? The change of ownership does not alter or disturb a nonconforming use.

This is also set forth in the Emmerson Farms opinion, a change in ownership, as Mr. Gerber testified, would not cause the special exception to lapse.

Mr. Tuomey also confirmed that the historical

significance of this property, in fact, he described it as the Peace Corp, as the successor to the Koinonia Foundation.

It's clear from Mr. Tuomey's testimony and from Exhibit No. 28 that these premises were offered for weddings and for outside trainings, and he mentioned, in answer to Mr. Foreman's question, or he stated in answer that Koinonia derived income from these other groups. He also confirmed, I believe, as to Exhibit 28, the existence of the organic gardening activity Miss Ritz described as having been longstanding on this property.

Finally, I think Doctor and Mrs. Pomykaka indicated that when they bought the property, they were advised that they could continue to maintain what was there. And that's all they seek under this special hearing petition, to continue what's there and to recognize the continuation of the special exception permit.

People's Counsel makes a big point about McKinney, but I suggest that once the Board reads McKinney, you will see it's distinguishable from this

case, because McKiney does not talk about the establishment of a nonconforming use. McKinney is important because McKinney addresses the intensification of uses or the change in uses.

And we submit this case before you this afternoon does not contravene the Court of Special Appeals holding in McKinney. And, in fact, Mr. Gerber, if you recall, in his testimony, I led him through point by point and he confirmed that the current use is not different in character, nature and kind. And that testimony is uncontraverted. He also confirmed that the current use does not have a substantial effect upon the neighborhood. And that is uncontraverted.

Lastly, there's been no evidence, there's been not one single bit of evidence from Mr. Dillon, Mr. Long, Mrs. Worrall, or Mr. Tuomey, that there's been any enlargement or extension of the original nonconforming use. Not one protestant witness testified as to any change from prior to 1985 to now, the time when the Pomykakas are operating the property.

And, lastly, look at who didn't appear in this

case. Let's look at who is too busy to come into this hearing room and come before you Board members and offer evidence, or too busy to be heard.

Mr. and Mrs. Levy didn't come. Doctor and Mrs. Arnold are not here. Dr. Hampton Moses, he didn't testify. Mrs. Lucy Howard, she lives in New York, so that's probably why she didn't come. Mr. James Howard. He was here, but he hasn't taken an effort to come up to testify. Mr. Thomas Brungent did not take the stand. And Mr. and Mrs. Nathanial Prentice did not take the stand.

We have nothing to hide from this Board in our case. We believe our case is a strong case, and that when you weigh all the evidence and apply the law, that you will grant their petition. Thank you.

MR. MACHEN: I will br brief and I will touch lightly on the fact I'd like to go back to, for a minute, to the statement I made at the opening argument. This is not a nonconforming use case. This site, all we heard from the petitioner, this is a clear case of a change in use. By the petitioner's own testimony, the use has changed.

In order to be a nonconforming use, there must be a lawful use which due to a change in zoning becomes nonconforming or, if you recall, in this case there's been no change in zone that's relevant to the inquiry. There has only been a change in use in a private school to multi-family apartment rentals in an RC 2 zone.

Mrs. Pomykaka testified she and her husband are not operating a private school. Both zoning expert witnesses testified that if, in their opinion, the Foundation had converted to apartment rentals in 1985, that would not a lawful use separate and apart from the operation of a private school.

Christine Ritz and Dan Tuomey both testified no one lived at the Koinonia property who was not actively involve in the religioius, educational or community affairs of the Koinonia Foundation.

The Pomykakas are not operating a private school. They are leasing apartments to the general public, something which Koinonia Foundation did not do. That's a change in use.

You heard a lot of technical testimony from Mr.

Gerber and others how various times in the past multi-family clusterd apartment rentals might have been legal on this property, but that's not relevant.

I suppose I could point out a glitch in the code cited, 1956. I could operate a restaurant on this property. That doesn't mean 35 years later, you can come back and then you can have Kentucky fried chicken, and rentals started in '85 when the Pomykakas bought this property.

I will grant the Pomykakas have demonstrated convincingly they are nice people. I take it it is true they are sincere in their dedication to historic preservation and their earnest desire to preserve the charm and tradition of the Koinonia Foundation.

But their case can't be decided based on their niceness. Why? Because the next owner might not be so nice. Suppose the Pomykakas had not put one nickle into the preservation. Suppose they had not kept a half dozen people on the payroll to keep up and maintain the property. Suppose they were a landlord that comes by once a month to collect rent and ignore tenant's complaints.

The legal case, you have heard, would have been just the same. The being question is it would have been a different, far less appealing case.

Now, why aren't the protestants here? Mention was made of the fact a number of my clients did not appear in the courtroom. The petitioners presented evidence that the use the Pomykakas was putting on this property are no more burdensome on the land than the use that was being put to by the Koinonia Foundation. And we offer no evidence to contravert that, because that is not the issue.

We are concerned about precedent. We are concerend about a policy decision here. St. Paul School, Villa Julie, Maryvale, St. Timothy's, Garrison, Koinonia Foundation, all institutional in operation in RC 2 zones.

What happens when the institutional use ceases to operate? Can the next owner of those buildings convert them to a somewhat similar use under some vague theory of nonconforming use?

We can't allow in an RC 2 zone the policy decision whereby someone can come in and use these

buildings for some other purpose without express zoning authorization. The policy of RC 2 zones mandate a very high standard dealing with rural conservation. The facts need not have developed this way. The Pomykakas bought at auction. They testified that they did not care about, or investigate the zoning on this property. There was testimony that the property was sold at a distressed price, largely to the well-known zoning problems. The Pomykakas proceeded, despite these threats.

Why should we now bail them out of a mistake at the cost of setting a dangerous precedent? It's unfortunate this case has been construed as a neighborhood war. We think of conservation as being a good thing. There is often a consensus on the objective and means to achieve. I think the Pomykakas have focused too much on their own community, and the neighbors are looking at the big picture.

We ask the Board of Appeals, when they apply the law and the facts in this case, to look at the big picture.

MRS. FRIEDMAN: I would like to just address the

equality of it, because everybody has discussed the fact quite thoroughly.

To have a nonconforming use, you must prove a nonconforming use. You must prove that a use was in existence prior to the regulations that were the first zoning regulations in Baltimore County or you must prove that a use that was legal under one set of regulations becomes illegal because a subsequent regulations made that use illegal. McKinney was a situation where the court had two cases. The first one never got to it and this Board had made the judgment there was, in fact, a valid nonconforming use for parking, that there is no finding here of any valid nonconforming use. McKinney had that in front of them. And their threshhold question and the various steps there, and the threshhold question was already that there was a nonconforming use, what was the scope of it.

This board is being asked to make that initial determination, whether there was a valid nonconforming use. And McKinney is relevant because McKinney speaks about what happens when something looks like something

else. When the Pomykakas put people in the same building that the Koinonia Foundation put people in, and the look of residence is a residence is a residence.

Well, McKinney says that's just not true. You have to look at the use. Their property was legal until 1985 and so could be legal today. Under every regulation I gave this Board, a school was a permitted use, either by right or it was permitted by special exception.

There's a special exception on this property. This property could never be used for multi-family housing. If the Board will look at those regulations, you will see there are R 6, R 40, RDP. They were single family houses. This property got multi-family dwellings, if you look at the Carns deposition, you will see that one of the things that Koinonia did was to send families abroad and to take whole families, and that was part of their mission.

This was built within the context of their mission as a school and their there training. It was not built as an apartment house. Maybe there was some illegal activity that went on there. They did not rise to the

level of nonconforming. They just were not permited, and hidden behind the trees, which Mr. Nolan went to great pain to point out, lots of things could have happened there that the county didn't approve.

We only know what the county did approve. The point here is that this is a very important case. This isn't a case of the Pomykakas, who are clearly nice people, and they have expended a lot of energy, but this is a case of what are we going to do as county with institutional uses within they cease to be institutional uses. And there's an awful lot of schools in trouble, schools that have big buildings, dormitories, all kinds of activities. Are we going to let people take them over without getting permit, permitting any other development standards and convert them privately to their own private purposes? I would hope not.

These buildings were built as dormitory housing. They weren't built under multifamily requirements in Baltimore County. It would prevents the county from taking a good good look at everything as it's converted. The Pomykakas. If they are running it this as a farm

certainly have a right to the use of some of these as tenant housing under our RC regulations, that probably, if this were going to be placed in preservation, it could probably be created, or the Koinonia Foundation for preservation. None of that is in existence. This is a private residence for a farm. Grammar C is historic. The Carriage House is historic. The trailer is not.

This Board is being asked to give a carte blanch for what's on this property without anybody looking at anything. When we hear we have a water supply there that used to be tested because it was part of the school, and a lot of people were served, just like the McDonogh School is served.

This is a very, very dangerous case. It's a situation where we see nice people, we want to help them out, but in the process of doing that, a lot of people may be placing themselves at risk because of this.

I think what I would ask the Board again to look at McKinney and also look at the zoning regulations insofar as they describe the standard for a nonconforming use. And I think you will see that is just not what this

Board has before it as far as the continuation of a special exception.

And I'm not sure which one Mr. Nolan is talking about. There are two on this property. One for the school on the property and one for a nursery school. There's no nursery school continuing. That can't even be discussed. And as far as the special exception for a school, there's just no school being on here.

You know, I teach my children every day, but I'm not running a school at my home. A school is a formal thing, and that's not what's happening here. Thank you.

MR. NOLAN: Just very briefly, I want to say there's no danger here. There's no evidence whatsoever of any danger. I would like to submit to the Board that as can you consider these uses, you keep in mind that farming is permitted as of right, that Hope Chest and California House, that they were there prior to 1950. There's no evidence that any of these structures or buildings arose after 1990.

And the evidence in this case is that by Mr. Dillon's standards, they were lawful and conforming up to

to 1976 . Mr. Gerber states he believes that it's a later date, 1979, that's when they become nonconforming.

Lastly, Mr. Machen keeps referring to rural conservation. I think we are talking about something that's broader here. The regulations do not speak about rural conservation. RC means resource conservation, and we believe that this is an important resource, that it is permitted, that we have shown by a preponderance of the evidence.

And with regard to the argument about precedent, I would submit to the Board there's no other property like Koinonia in Baltimore County. St. Paul's has been through their zoning hearing, and other schools down the road will deal with their zoning on that basis. But what's before the Board is the evidence in this case, and we submit that we have shown by more than a preponderance of the evidence that the petition should be granted. Thank you.

THE CHAIRMAN: Thank you. The Board will take this case under consideration and we will issue a written opinion and order reflecting that opinion.

Any appeal of that order will run from the date

of order and not from today's date. Thank you all very kinly.

(Hearing concluded.)

* * * * *

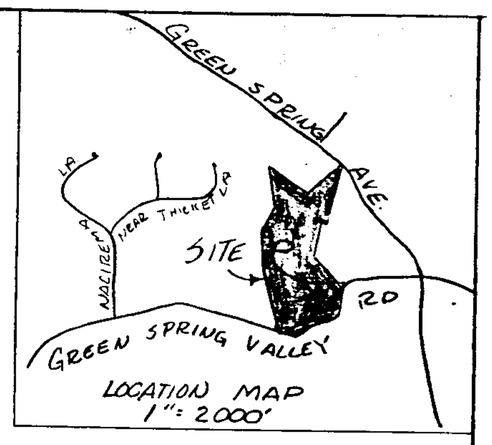
LAWYER'S NOTES

PAGE	LINE	

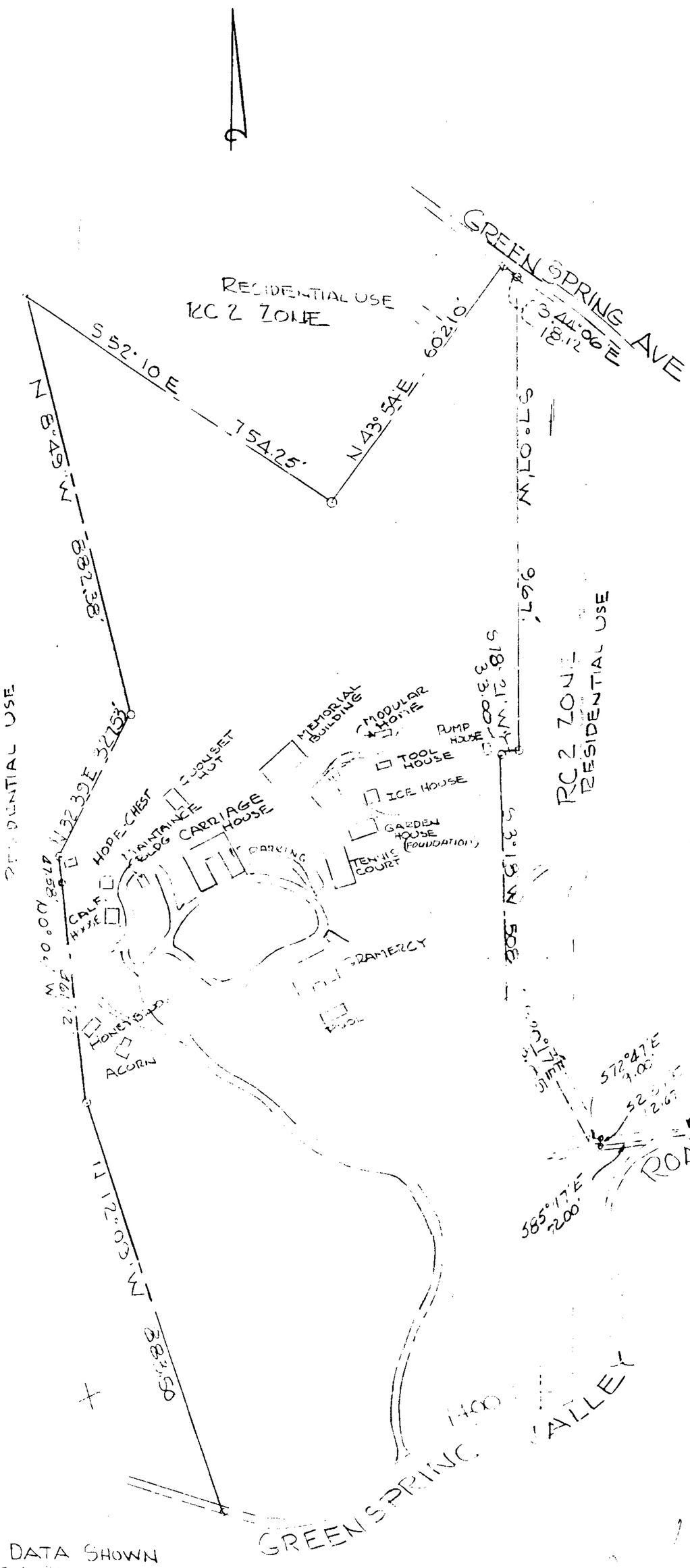
...ion of the Board
...ber 1, 1990
...ington, on the Board
...ed on ~~July~~ August 29, 19...

...

...



LOCATION MAP
1" = 2000'



NOTE: DATA SHOWN HEREON - COMPILED FROM DEED PLATS AND OTHER SOURCES AND NOT FROM COMPLETE SURVEY

GENERAL DATA

AREA OF SITE	44.8 Ac.±
EXISTING ZONE	RC 2
EXISTING USE	RESIDENTIAL & EDUCATIONAL
PROPOSED ZONE	RC 2 - WITH NON CONFORMING FOR EXISTING USE

SPECIAL EXCEPTION GRANTED FOR NURSERY SCHOOL (IDCA 79-X-42X)

PLAT FOR SPECIAL HEARING

1400 GREEN SPRING AVENUE

KOINONIA PARTNERSHIP

3rd ELECT. DIST. BALTO. CO.

SCALE 1" = 200 DEC 20 1989

MICROFILMED

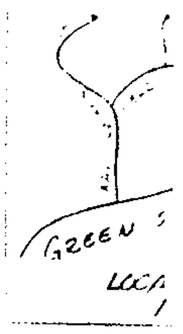
1947

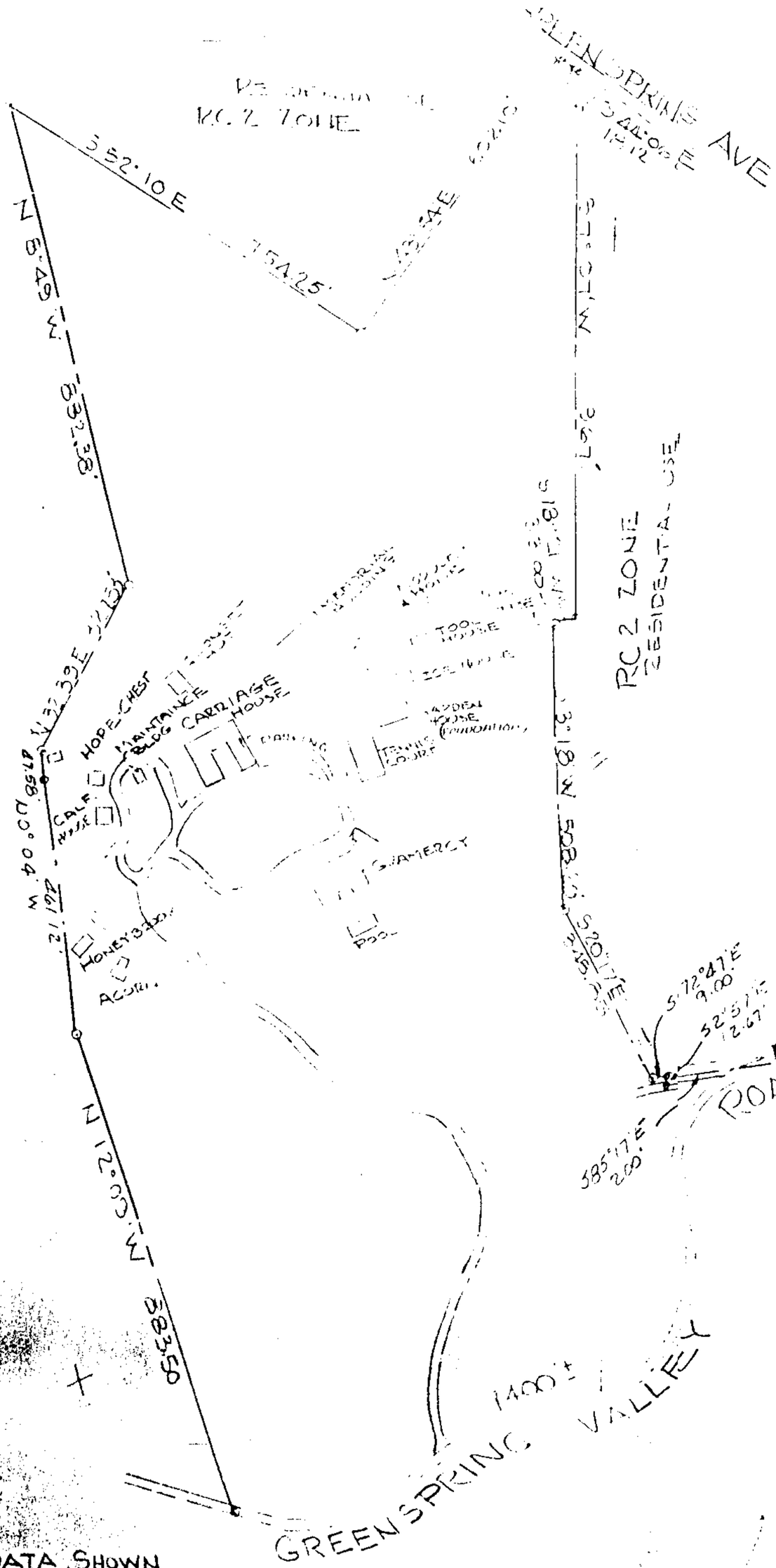
Petitioners Ex. #1

Exhibit A

Petitioner's Exhibit #3

LEFT SIDE





GENERAL DATA

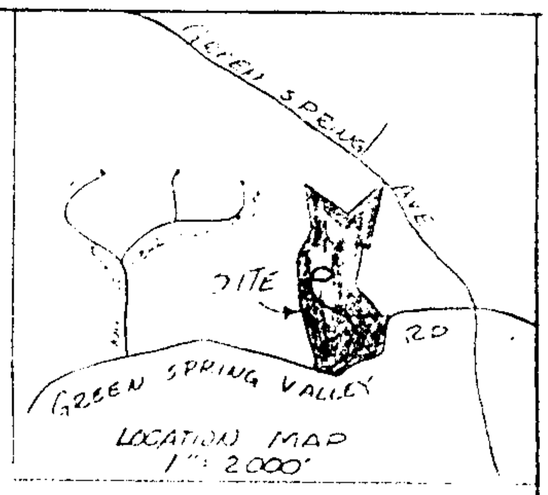
AREA OF SITE	44
EXISTING ZONE	RC 2
EXISTING USE	RESIDENTI
PROPOSED ZONE	RC 2 - WITH FOR

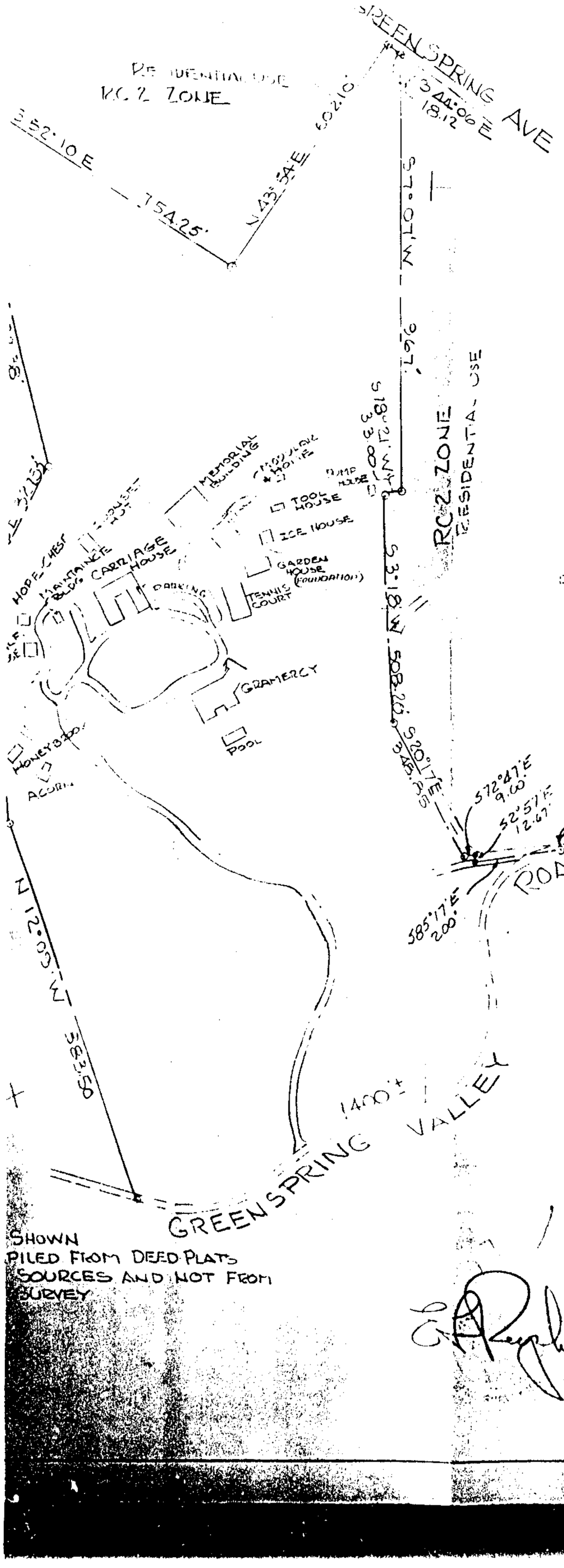
SPECIAL EXCEPTION GRANTED
SCHOOL (EDCA [illegible])

PLAT FOR SPECIA
"1400 GREEN SPRING
KOINONIA PAR
3rd ELECT. DIST.
SCALE 1" = 200

NOTE: DATA SHOWN HEREON COMPILED FROM DEED PLATS AND OTHER SOURCES AND NOT FROM COMPLETE SURVEY

RIGHT SIDE





RESIDENTIAL USE
RC 2 ZONE

S 52° 10 E
154.25'
N 43° 54' E
S 44° 06' E
18.12

GENERAL DATA

AREA OF SITE	44.8 Ac±
EXISTING ZONE	RC 2
EXISTING USE	RESIDENTIAL & EDUCATIONAL
PROPOSED ZONE	RC 2 - WITH NON CONFORMING FOR EXISTING USE

SPECIAL EXCEPTION GRANTED FOR NURSERY SCHOOL (IDCA 79-XA-X)

PLAT FOR SPECIAL HEARING

"1400 GREEN SPRING AVENUE

KOINONIA PARTNERSHIP

3rd ELECT. DIST. BALTO. CO.

SCALE 1" = 200 DEC 20 1979

SHOWN
PILED FROM DEED PLATS
SOURCES AND NOT FROM
SURVEY

1947

...a public hearing having been held on the petition and the public meeting held on [illegible] by the Zoning Commissioner, it is the opinion of the Zoning Commissioner that the relief requested should be granted.

Upon hearing on petition for a special permit to use the property for the uses it is for a Private School and it appearing that by reason of location, the said petition should be granted, therefore

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of June, 1990, that the aforesaid petition for a special permit, as set forth and more particularly described in the petition and plan accompanying the same, be and the same is hereby granted.

Zoning Commissioner
of Baltimore County

SPECIAL HEARING: #90-355-SPH

WHEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 7th day of July, 1990, that the herein petition for Special Hearing to approve and confirm the lawful nonconforming, residential, institutional and other uses, as indicated on Petitioner's Exhibits 3 and 10, be hereby DENIED.

IT IS FURTHER ORDERED, that Petitioners shall cease and desist the existing and/or leasing of the subject property on or before March 30, 1991.

J. Robert Haines
Zoning Commissioner
Baltimore County

APPEAL: #90-355-SPH

Case No. 90-355-SPH Koinonia Partnership

ORDER

IT IS THEREFORE this 2 day of August, 1991 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Special Hearing to approve and confirm the lawful and nonconforming residential, institutional and other uses as shown on Petitioner's Exhibit No. 3 and the continuation of the approved special exception use for educational purposes be and is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

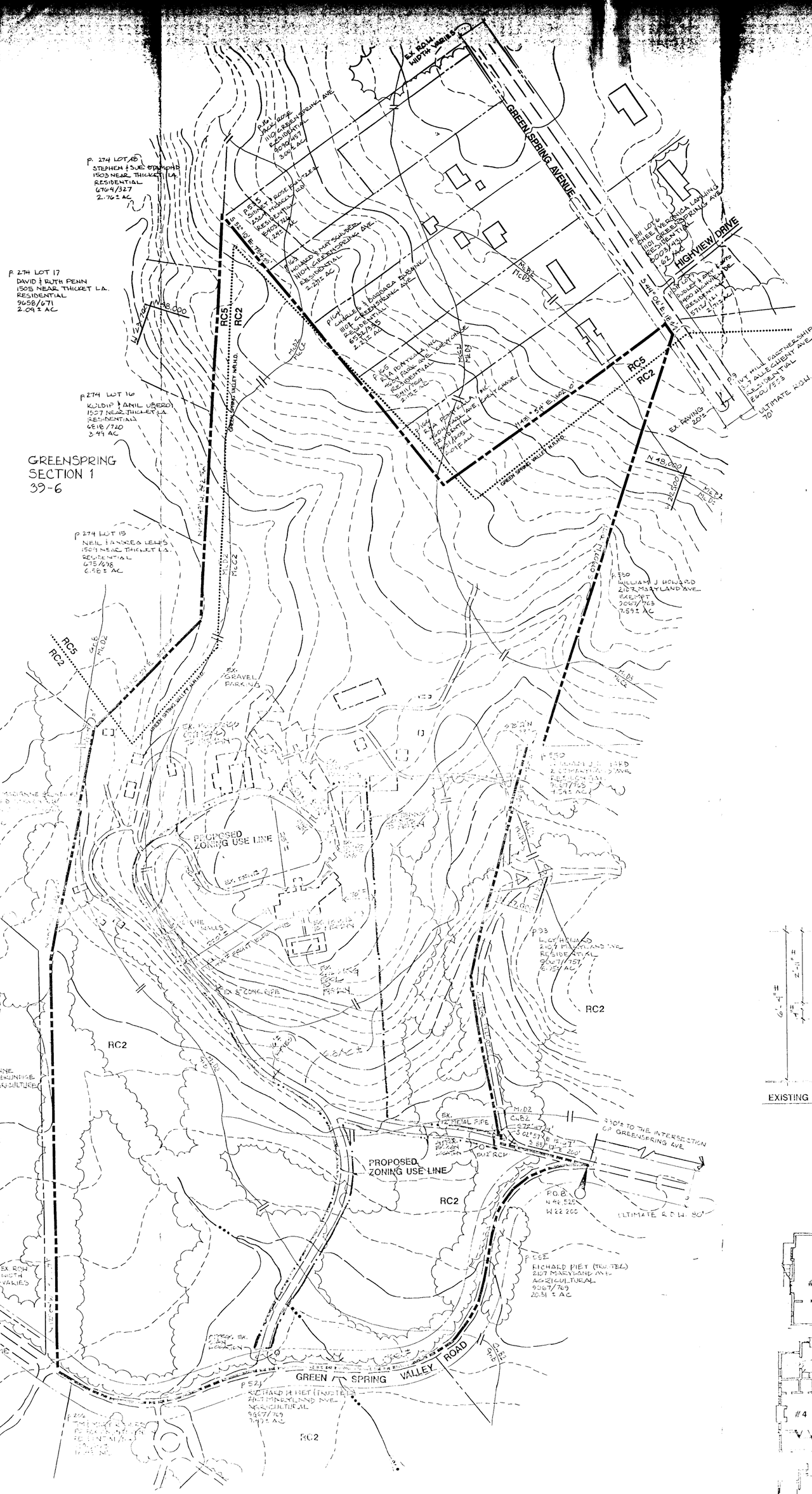
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

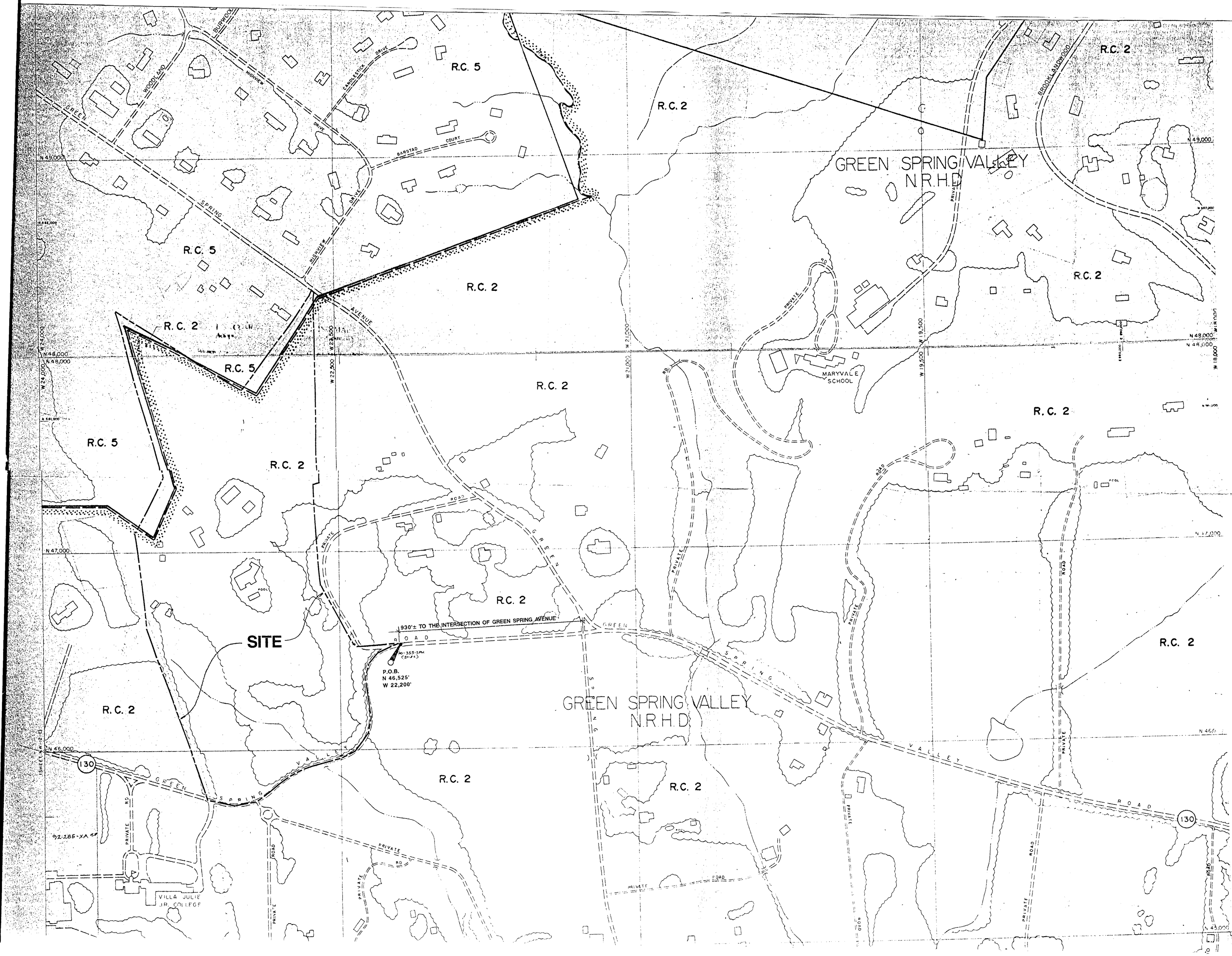
William T. Hackett, Chairman

Charles Clee

Lawrence Stahl

Arthur G. Neimann


GREENSPRING SECTION 1 39-6
GREEN SPRING VALLEY ROAD
GREENSPRING AVENUE
HIGHVIEW DRIVE
PROPOSED ZONING USE LINE
RC2
RC5
P.O.B.
N 48,525
W 22,200
P/O 274 LOT 18
STEPHEN J. SUE BRADSHAW
1503 NEAR THICKET LA.
RESIDENTIAL
6704/327
2.762 AC
P/O 274 LOT 17
DAVID J. RUTH PENN
1505 NEAR THICKET LA.
RESIDENTIAL
9058/671
2.092 AC
P/O 274 LOT 16
KULDIP & ANIL UBEROI
1507 NEAR THICKET LA.
RESIDENTIAL
6618/710
3.49 AC
P/O 274 LOT 19
NEIL FANNING & LEWIS
1501 NEAR THICKET LA.
RESIDENTIAL
LIBER/638
6.082 AC
P/O 274 LOT 15
ELIZABETH A. HOWARD
1500 GREENSPRING AVE.
RESIDENTIAL
6704/327
2.762 AC
P/O 274 LOT 14
RICHARD & JANE SCHNEIDER
1502 GREENSPRING AVE.
RESIDENTIAL
6704/327
2.762 AC
P/O 274 LOT 13
JOHN & MARY ANN FRANCIS
1504 GREENSPRING AVE.
RESIDENTIAL
6704/327
2.762 AC
P/O 274 LOT 12
ALAN & ELIZABETH BROWN
1506 GREENSPRING AVE.
RESIDENTIAL
6704/327
2.762 AC
P/O 274 LOT 11
ALAN & ELIZABETH BROWN
1506 GREENSPRING AVE.
RESIDENTIAL
6704/327
2.762 AC
P/O 274 LOT 10
ALAN & ELIZABETH BROWN
1506 GREENSPRING AVE.
RESIDENTIAL
6704/327
2.762 AC
P/O 274 LOT 9
ALAN & ELIZABETH BROWN
1506 GREENSPRING AVE.
RESIDENTIAL
6704/327
2.762 AC
P/O 274 LOT 8
ALAN & ELIZABETH BROWN
1506 GREENSPRING AVE.
RESIDENTIAL
6704/327
2.762 AC
P/O 274 LOT 7
ALAN & ELIZABETH BROWN
1506 GREENSPRING AVE.
RESIDENTIAL
6704/327
2.762 AC
P/O 274 LOT 6
ALAN & ELIZABETH BROWN
1506 GREENSPRING AVE.
RESIDENTIAL
6704/327
2.762 AC
P/O 274 LOT 5
ALAN & ELIZABETH BROWN
1506 GREENSPRING AVE.
RESIDENTIAL
6704/327
2.762 AC
P/O 274 LOT 4
ALAN & ELIZABETH BROWN
1506 GREENSPRING AVE.
RESIDENTIAL
6704/327
2.762 AC
P/O 274 LOT 3
ALAN & ELIZABETH BROWN
1506 GREENSPRING AVE.
RESIDENTIAL
6704/327
2.762 AC
P/O 274 LOT 2
ALAN & ELIZABETH BROWN
1506 GREENSPRING AVE.
RESIDENTIAL
6704/327
2.762 AC
P/O 274 LOT 1
ALAN & ELIZABETH BROWN
1506 GREENSPRING AVE.
RESIDENTIAL
6704/327
2.762 AC
P/O 274 LOT 20
ALAN & ELIZABETH BROWN
1506 GREENSPRING AVE.
RESIDENTIAL
6704/327
2.762 AC
P/O 274 LOT 21
ALAN & ELIZABETH BROWN
1506 GREENSPRING AVE.
RESIDENTIAL
6704/327
2.762 AC
P/O 274 LOT 22
ALAN & ELIZABETH BROWN
1506 GREENSPRING AVE.
RESIDENTIAL
6704/327
2.762 AC
P/O 274 LOT



49-333-SPH

25' 100' 400'
50' 200'

NORTH

SCALE: 1"=200'

ELECTION DISTRICT: 3
COUNCILMANIC DISTRICT: 3

200 SCALE ZONING MAP TO ACCOMPANY ZONING PETITION

SOURCE: BALTIMORE COUNTY 1992
200 SCALE ZONING MAPS NW 12D & 13

[redacted]

KOINONIA PROPERTY

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS ● LAND PLANNERS ● SURVEYORS ● LANDSCAPE ARCHITECTS
7115 AMBASSADOR ROAD, BALTIMORE, MD 21244
(410) 944-ENGR, (410) 944-3647
11-22-95

PETITIONER'S EXHIBIT 4 C

90-355

GREENSPRING AVE.

VICINITY MAP
1" = 2000'

BUILDING DETAIL
NO SCALE

SEPTIC SYSTEM

EXISTING BUILDING SPIRITUAL TRAINING CENTER

16' 3' 32' 35' 35'

THIS PORTION OF EXISTING BUILDING TO BE USED AS A NURSERY SCHOOL

BEGINNING

N-70°E 100'

0.23AC±

EAST 250'

S-20° W 100'

N-20° E 100'

S-70° W 100'

EXISTING SPRING AREA

EXIST WELL

N32°39'E 332.1'

971.4'

507.4'

249.1'

GENERAL DATA

AREA PROP 44.8 AC

EXIST. ZONE R-C 2

EXIST USE - SPIRITUAL C

PROP. ZONE R.C. 2 WITH S.

PROP. USE - 0.23 AC OF S

FOR NURSERY SCH

SPECIAL EXCEPTION REQUEST
TO ALLOW A NURSERY SCHOOL
IN R.C.-2 ZONE

DAYS OF OPERATION - 5 DAYS
HOURS OF OPERATION - 9-12 M
MAX. NUMBER OF STUDENTS - 16
TRANSPORTATION -

SHRUBBERY HAS BEEN CLEARED
FROM THE RIGHT OF WAY OF
GREEN SPRING AVE.

To Greenspring Av 2000'

EAST DRIVE

WEST BOUND ONLY SIGN

NO RIGHT TURN SIGN

NO LEFT TURN SIGN

VALLEY ROAD

GREENSPRING

1400'

NORTH

WEST

ALDEN

80-132X

PLAT TO ACCOMPANY ZON
PETITION FOR SPECIAL EXCEP
FOR NURSERY SCHOOL

KOINONIA FOUNDATI
3RD ELECT. DIST. BOLTO
SCALE 1" = 200' SEPT. 5,

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY _____
DATE 6-2-80

80-132-X

MICROFILMED

MICROFILMED

E. F. RAPHEL & ASSOCIATES
Planning Design Development Services
201 Courtland Avenue
Towson, Maryland 21204