IN RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
12022 Jerusalem Road,
1920' E/S Bradshaw Road
11<sup>th</sup> Election District
5<sup>th</sup> Councilmanic District
(12022 Jerusalem Road)
The Trustees of St. Paul's Lutheran Chu

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

CASE NO. 00-066-SPHA

The Trustees of St. Paul's Lutheran Church \* of Kingsville, Maryland Petitioners \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owners of the subject property, The Trustees of St. Paul's Lutheran Church of Kingsville, Maryland, by and through Christian B. Wilson, its President. The requests are for property located at 12022 Jerusalem Road, which property is zoned R.C.5. The Special Hearing Request is for a waiver in accordance with Sections 26-171, 26-172(b) and 26-203(C)(8) and Section 26-278 of the Baltimore County Code for approval to raze an existing historic building. In addition, Petitioners are requesting a special hearing to allow existing non-conforming dwellings to be located on the subject property with a church. The variances requested by the Petitioners are as follows: 1) from Section 1A04.3B.2 to permit setbacks of 12.7 ft., 18.8 ft. and 49.8 ft. in lieu of the required 50 ft.; 2) from Section 409.8A.2 to permit a gravel surface parking lot in lieu of the required durable and dustfree surface; 3) from Section 409.8A.6 to have parking spaces on gravel surface without striping; and 4) from Section 450.4I.6 to allow a freestanding institutional sign of 60 sq. ft. on all surfaces in lieu of the permitted 25 sq. ft.

Appearing at the hearing on behalf of the special hearing and variance request were: Rev.

Michael Wollman, Gil Thompson and Jeff Clark. Petitioners were represented by John B.

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Gontrum, attorney at law. Appearing as interested citizens in the matter were Robin Beers, Doug Behr and Leigh Keller.

Testimony and evidence indicated that the property, which is the subject of this special hearing and variance request, consists of 6.929 acres, more or less, zoned R.C.5. The subject property is located on the northwest side of Jerusalem Road near its intersection with Chapman Road. The subject property is improved with The St. Paul's Lutheran Church and School. The subject church has been situated at this location for the past 150 years. It started as a small community church and has grown over the years. In addition to the church structure itself, the Petitioner also provides a private school located in a two-story school house situated on the southern portion of the site, as well as an existing brick community hall and two residential dwellings, one of which serves as a parsonage and the other which serves as a residence for the school principal.

The congregation of The St. Paul's Lutheran Church continues to grow as a result of the growth experienced in the entire Kingsville community. The current church building is not of sufficient size to accommodate this growing congregation. Therefore, the church is now in position to tear down the old church structure and construct a new facility on the property in accordance with the elevation drawings shown at the hearing. The Petitioner has made every attempt to design and construct a new church facility which continues the architectural theme of the building it will replace. Furthermore, the church has allowed input from the Greater Kingsville Community Association as to the new design of this building. Representatives of the church at the hearing before me indicated that they would continue to work with the community in achieving a final design of this project.

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In order to proceed with the construction of this new church building, a special hearing request to approve a waiver, as well as to allow the two existing non-conforming dwellings to remain on the lot is being requested.

The first special hearing request involves a waiver to allow the old church to be torn down. This property known as the "St. Paul's Lutheran Church" is listed on the Maryland Inventory of Historic Properties as No. BA-1182. The issue of whether to raze this historic structure was brought to the attention of the Baltimore County Landmarks' Preservation Commission at their February 11, 1999 meeting. After a presentation was made by representatives of the church, the commissioners voted to recommend that the waiver be granted. The recommendation of the Commission was by a 6-2 vote. After considering the testimony and evidence presented at the hearing, as well as the drawings of the new church building which preserve the architecture of the old church building, as well as the recommendation of the Baltimore County Landmarks' Preservation Commission, I find that the special hearing request to allow the old church to be torn down to make way for the new sanctuary shall be granted. In addition, the church shall be permitted to continue to utilize the two dwellings on the property, one as a parsonage and the other as the residence of the school principal. These houses have existed on the property for many years and are non-conforming. Therefore, they shall be permitted to remain.

In addition to the special hearing request, variances are requested for this project. A setback variance is generated due to the fact that the new church is proposed to be connected to the existing schoolhouse. By virtue of this connection, setback variances are generated for the schoolhouse building to remain as situated. No new additions are proposed for the schoolhouse. However, since it will be connected to the church, setback variances are necessary. In addition, a minor setback variance is being requested for one of the two existing residences that is situated on the northern edge of the subject property. There a variance is requested to allow that house to be situated 48.2 ft.

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from the property line in lieu of the required 50 ft. After considering the testimony and evidence, these variances shall be granted.

Furthermore, the church is requesting permission to utilize a gravel surface parking lot in lieu of a macadam paved lot. Corresponding with that request is a request to eliminate the requirement of painted stripes on the parking lot itself. The gravel parking lot helps the church reduce costs for this project, as well as providing a better environmental parking area given the existence of a stream nearby. Gravel surfaces help with the filtration of stormwater runoff. It also provides a rural feel to the overall property which is important given its location in Kingsville. Based on the testimony and evidence presented at the hearing, the variance request to allow the parking lot to be gravel and not striped shall be granted.

Finally, the Petitioners are requesting a variance for a new freestanding sign that will be situated at the location of the present sign. The Petitioners merely intend to construct two wing walls to the existing monument sign located along Jerusalem Road. The new sign was actually designed by students of The St. Paul's Lutheran School. In order to proceed with the addition of two wing walls to the existing sign a variance is necessary.

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

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

### Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this day of September, 1999, by this Deputy Zoning Commissioner, that the Petitioners' Special Hearing Request for a waiver in accordance with Sections 26-171, 26-172(b) and 26-203(C)(8) and Section 26-278 of the Baltimore County Code for approval to raze an existing historic building and to allow existing non-conforming dwellings to be located on the subject property with a church, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petitioners' request for the following variances: 1) from Section 1A04.3B.2 to permit setbacks of 12.7 ft., 18.8 ft. and 49.8 ft. in lieu of the required 50 ft.; 2) from Section 409.8A.2 to permit a gravel surface parking lot in lieu of the required durable and dustfree surface; 3) from Section 409.8A.6 to have parking spaces on gravel surface without striping; and 4) from Section 450.4I.6 to allow a freestanding institutional sign of 60 sq. ft. on all surfaces in lieu of the permitted 25 sq. ft., be and are hereby GRANTED, subject to the following restrictions:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioners shall continue to cooperate with the Greater Kingsville Community Association relative to the final design of this new church.
- When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KÓTROCO

**DEPUTY ZONING COMMISSIONER** 

FOR BALTIMORE COUNTY

TMK:raj

Dates Provided FOR PILING PACING PACI



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

September 28, 1999

John B. Gontrum, Esquire Romadka, Gontrum & McLaughlin 814 Eastern Boulevard Baltimore, Maryland 21221

Re: Petition for Special Hearing & Petition for Variance

Case No. 00-066-SPHA

Property: 12022 Jerusalem Road Kingsville, Maryland

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above-captioned case. The Requests for Special Hearing and Variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

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TMK:raj Enclosure

### Copies to:

Mr. Christian B. Wilson, President The Trustees of St. Paul's Lutheran Church of Kingsville, Maryland 12022 Jerusalem Road Kingsville, Maryland 21087

Mr. Gilbert Thompson 7716 Chapman Road Kingsville, Maryland 21087

Reverend Michael W. Wollman 12028 Jerusalem Road Kingsville, Maryland 21087

Ms. Robin Beers 12442 Jerusalem Road Kingsville, Maryland 21087

Mr. Doug Behr 7451 Bradshaw Road Kingsville, Maryland 21087

Ms. Leigh Keller 12233 Jerusalem Road Kingsville, Maryland 21087

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Mr. Gilbert Thompson 7716 Chapman Road Kingsville, Maryland 21087

Reverend Michael W. Wollman 12028 Jerusalem Road Kingsville, Maryland 21087

Ms. Robin Beers 12442 Jerusalem Road Kingsville, Maryland 21087

Mr. Doug Behr 7451 Bradshaw Road Kingsville, Maryland 21087

Ms. Leigh Keller 12233 Jerusalem Road Kingsville, Maryland 21087



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# Petition for Special Hearing

# to the Zoning Commissioner of Baltimore County

12022 Jerusalem Road Kingsville, MD 21087

I/We do solemnly declare and affirm, under the penalties of

for the property located at Kingsville, MD 21087

which is presently zoned \_\_\_\_

RC5

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 a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203(C)(8) and Section 26-278 to raze building

(a waiver to raze existing church building and replace with one similar in design and material).

Permission to allow 2 existing non-conforming dwellings with an existing church on lot.

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.

	perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	<u>Legal Owner(s):</u> The Trustees of St. Paul's Lutheran Church
	of Kingsville, Marykand
Name - Type or Print	Name - Type or Print
Signature	Signature BY: Christian B. Wilson, its President
Address Telephone No.	Name Type or Print
City State Zip Code	Signature 12022 Jerusalem Road 410-592-8100
Attorney For Petitioner:  John B. Gontrum	Address Telephone No. Kingsville, Maryland 21087
Name Type or Print	City State Zip Code
Signature Signature	Representative to be Contacted:
Romadka, Gontrum & McLaughlin	Gilbert Thompson
Company	Name
Aggress Telephone No.	7716 Chapman Road 410-592-7676 Address Telephone No.
State Zip Code	Kingsville, Maryland 21087 City State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
Case No. 00-66-5PHA	UNAVAILABLE FOR HEARING
•	riewed By TIZE Date 8/13/09



# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at	12022	Jerusa1	Lem Road	
which is	presenti	y zoned	RC5	

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 Variance from Section(s)

SEE ATTACHMENT

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

SEE ATTACHMENT

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, 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.

Contract Purchaser/Les	see:	
Name - Type or Print		
Signature		
Address		Telephone No.
Sity	State	Zip Code
<u> Attorney For Petitioner:</u>		
John B. Gontrum	_	
lame - Type or Print	<u> </u>	
ioneure Romadka, Gontrum & Mo	cLaughlin	
orpany 814 Eastern Boulevard	d 410–686-	
okess Paltimore, Maryland	21221	Telephone No.
<b>(政</b>	State	Zip Code
>		

Case No. 00-66-5PHA

is the subject of this Petition.			
<u>Legal Owner(s):</u> The Trustees of St. Paul's Lutheran Church of Kingsville, Maryland			
Name - Type or Print			
Signature			
Name - Type or Pript	-//	0	
x Church W/	<u></u>	Usir.	
Signature	/		
12022 Jerusalem Road	410-592	-8100	
Address		Telephone No.	
Kingsville, Maryland	21087_		
City	State	Zip Code	
Representative to be Contacted:			
Gilbert Thompson			
Name	3 F03 70	7.	
7716 Chapman Road 410	J-59Z-76	Telephone No.	
Address	21007	(Oldphorid 140.	
Kingsville, Maryland	State	Zio Code	
City	<b></b>		
OFFICE USE ONLY			

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING Reviewed By CTM/12F

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

SECENTED FOR FILING

### VARIANCES REQUESTED

- I. Variance from Section 1A04.3B.2 to permit setbacks of 12.7', 18.8' and 49.8' in lieu of the required 50'.
- II. Variance from Section 409.8A.2 to permit a gravel surface parking lot in lieu of the required durable and dustfree surface.
- III. Variance from Section 409.8A.6 to have parking spaces on gravel surface without striping.
- IV. Variance from Section 450.4I.6 to allow a freestanding institutional sign of 60 square feet on all surfaces in lieu of the permitted 25 square feet.

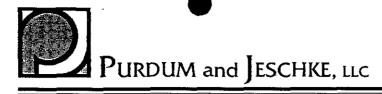
### STATEMENT OF REASONS

The setback variances are all for existing structures which were built prior to the setback requirements seeking to be varianced. Failure to grant the variances would be totally in conflict with the desire to maintain the structures and to improve the property.

The variance from the paving standard is sought for a parking lot in proximity to a stream, and the desire is to diminish runoff from the parking area. The area is not now paved and has served as a parking area for years. Striping an unpaved area is totally impractical.

The sign variance is being sought to permit a sign as depicted on the site plan and attachments. The intent of the configuration is to shield a transformer from view. If the sign were attached in two parts, it would comply with the current regulations. Only the construction and angling of the sign to shield the transfermer necessitates the variance.

Other good and substantial reasons for the variances exist which will be presented at time of the hearing.



The Professional Engineering Center 8005 Harford Road Baltimore, Maryland 21234

Consulting Engineers and Land Surveyors Civil • Structural • Environmental Phone: 410-668-8800 Fax: 410-668-8801

### ZONING DESCRIPTION ST. PAUL'S LUTHERAN CHURCH 12022 JERUSALEM ROAD BALTIMORE COUNTY, MD

BEGINNING FOR THE same at a point on the north side of Jerusalem Road at the distance of 1,920 feet, more or less, measured westerly along the north side of Jerusalem Road from the east side of Bradshaw Road, and running thence from said place of beginning, (1) North 65 degrees 18 minutes 52 seconds West 240.99 feet, thence (2) North 42 degrees 00 minutes 27 seconds East 109.15 feet, (3) thence North 65 degrees 48 minutes 37 seconds West 223.11 feet, (4) North 14 degrees 00 minutes 52 seconds East 190.63 feet, (5) North 75 degrees 27 minutes 17 seconds West 81.38 feet, (6) North 14 degrees 35 minutes 24 seconds East 299.71 feet, (7) South 75 degrees 25 minutes 38 seconds East 321.02 feet, (8) South 38 degrees 45 minutes 38 seconds East 446.88 feet, (9) thence binding on the north side of Jerusalem Road, South 39 degrees 54 minutes 55 seconds West 442.49 feet to the place of beginning.

CONTAINING 6.690 acres of land more or less.



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00.066-SPHA

DISTRIBUTION WHITE CASHIER PINK - AGENCY YELLOW - CUSTOMER	FROM: 12022 Jerusalem Pd. Item # 46 FOR: Spy + A FOR: Spy + A	DATE 8-13-99 ACCOUNT 8-001-0150 REI	BALTIMORE COUNTY, MARYI AND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT
CASHIER'S VALIDATION	*	REG MS05 CHEMILK MEN. MED JAMBER Dept 5 528 ZONING VERIFTCATION (NELN RECEIPT N. 070523 CX No. 070523 Kecht Tot 500.00 500.00 CA	PAID RECEIPT THE PAINT THE

### CERTIFICATE OF POSTING

RE: CASE #00-066-SPHA
PETITIONER/DEVELOPER:
(St. Pauls Luth. Church)
DATE OF Hearing
(Sept. 24, 1999)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Ave. Towson, Maryland 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 12022 Jerusalem Road Baltimore, Maryland 21087\_\_\_\_\_\_

The sign(s) were posted on\_\_\_\_\_\_9-9-99\_\_\_\_\_

(Month, Day, Year)

Sincerely,
Ohom Del \$9/9/9
(Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405 (Telephone Number)

NOTICE OF JOHNIG MEANING.
The Zoning Commissions of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a blic hearing in Invision. Manyand on the property identified rein as follows:

Case: 00-006-SPHA

Case: 00-006-SPHA

12022 Jerusalem Road, 1920: E/S Bradshaw Road

11th Election District - 5th Councilmanic District

Legal Owner: The Trustees of St. Paul's Lutheran Church of

Special Hearing: to approve a waiver pursuant to Sections 26:171-26-172(b), BCG pf. Sections .26:203(C)(8), and Section 26:278 to trace building and, to allow 2, existing ript-conforming developes, with an existing riptic to a lot Variance; to Appril 19:15-backs or 12.7 leet, 18.8 feet and 43.5 leet in fleu of the required by feet to permit a gravel surface parting left in leu of the required durable and dustines surface; to have parking spaces on gravel surface without stripting, and to allow a freestanding sign of 60 square feet on all surfaces in lieu of the permitted 25 square feet. Hearing: Friday, September 24, 1999 at 2:00 p.m. In Room 106, County Office Building, 111 West Chessipation Avenue.

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4388.

(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3381.

(3) 114 Sept. 9.

(338) 174

# CERTIFICATE OF PUBLICATION

TOWSON, MD.,
0
2
1999

THIS IS TO CERTIFY, that the annexed advertisement was

weeks, the first publication appearing on TUES 9 , 1999. in Towson, Baltimore County, Md., once in each of \_\_\_\_\_ successive published in THE JEFFERSONIAN, a weekly newspaper published

THE JEFFJERSONIAN,

William ST.

RE: PETITIO	ON FOR SPECIAL HEARING
PETITI	ON FOR VARIANCE
12022 Jerusale	em Road, N/S Jerusalem Rd,
1920' E of Bra	dshaw Rd
11th Election	District, 5th Councilmanic
T 10 .	T 4 CC4 D H I 4 . C
Legal Owner:	Trustees of St. Paul's Lutheran Cl

hurch of Kingsville, Md.

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

**FOR** 

**BALTIMORE COUNTY** 

Case No. 00-66-SPHA

### **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 or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Mars Cimmoinan

Max Timmeran

CAROLE S. DEMILIO

Deputy People's Counsel Old Courthouse, Room 47

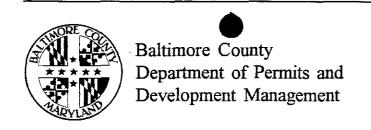
400 Washington Avenue

Towson, MD 21204

(410) 887-2188

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this August, 1999 a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esq., Romadka, Gontrum & McLaughlin, 814 Eastern Blvd., Baltimore, MD 21221, attorney for Petitioners.



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

Fax: 410-887-5708

September 1, 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: 00-066-SPHA

12022 Jerusalem Road

N/S Jerusalem Road, 1920' E/S Bradshaw Road 11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: The Trustees of St. Paul's Lutheran Church of Kingsville, Maryland

Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203(C)(8) and Section 26-278 to raze building and to allow 2 existing non-conforming dwellings with an existing church on a lot. <u>Variance</u> to permit setbacks of 12.7 feet, 18.8 feet and 49.8 feet in lieu of the required 50 feet; to permit a gravel surface parking lot in lieu of the required durable and dustfree surface; to have parking spaces on gravel surface without striping; and to allow a freestanding sign of 60 square feet on all surfaces in lieu of the permitted 25 square feet.

HEARING: Friday, September 24, 1999 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

Dulluling, 111 West Offesapeake

Arnold Jabion

Director

c: John B. Gontrum, Esquire, 814 Eastern Boulevard, Baltimore 21221

The Trustees of St. Paul's Lutheran Church of Kingsville, Maryland, 12022 Jerusalem Road, Kingsville 21087

Gilbert Thompson, 7716 Chapman Road, Kingsville 21087

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SEPTEMBER 9, 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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, September 9, 1999 Issue - Jeffersonian

Please forward billing to:

John Gontrum

410-686-8274

814 Eastern Blvd.

Baltimore, MD 21221

### **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: 00-066-SPHA

12022 Jerusalem Road

N/S Jerusalem Road, 1920' E/S Bradshaw Road 11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: The Trustees of St. Paul's Lutheran Church of Kingsville, Maryland

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HEARING: Friday, September 24, 1999 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

Lawrence E. Schmidt

. عر حد

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.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

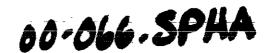
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:
Item Number or Case Number:
Petitioner: Christian B. Wilson
Address or Location: 12022 Jerusalem Rd.
PLEASE FORWARD ADVERTISING BILL TO:
Name: 1/2 Control
Name: John Gostrom Address: 814 Bosten Blod:
BOUT, md. 2/22/
Telephone Number: 410 -686 -8274

Revised 2/20/98 - SCJ



BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: September 2, 1999

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoni

Zoning Advisory Committee Meeting

for August 30, 1999

Item No. 066

The Bureau of Development Plans Review has reviewed the subject zoning item. Jerusalem Road is an existing road which shall ultimately be improved as a 40-foot street cross section on a 60-foot right-of-way.

RWB:HJO:jrb

cc: File



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

August 30, 1999

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

RE: Property Owner:

MYANMAR BUDDHIST MEDITATION SOCIETY -046 ISAIAH BAPTIST CHURCH OF MONKTON - 055

CHARLES H. MAGSAMEN, JR. & WILLIAM D. MAGSAMEN - 062

THE TRUSTEES OF ST. PAUL'S LUTHERAN CHURCH OF KGSV. - 066

WHALEN PROPERTIES - 067

Location: DISTRIBUTION MEETING OF August 23, 1999

Item No.: 046, 055, 062, 066 & 067 Zoning Agenda:

Gentlemen:

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

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

REVIEWER: Lieutenant Herb Taylor, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

## **BALTIMORE COUNTY, MARYLAND**

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** August 31, 1999

Dept. of Permits & Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** No. 12022 Jerusalem Road, Kingsville

### **INFORMATION**

Item Number:

00-66-SPH

Petitioner:

Gilbert Thompson (project representative)

Zoning:

RC - 5

Requested Action:

Special Hearing

Effey W. Long

### RECOMMENDATIONS ON THE PROPOSAL

This property, "St Paul's Lutheran Church," (circa 1919) is listed in the Maryland Inventory of Historic Properties as # BA 1182.

At their meeting on February 11, 1999, the Baltimore County Landmarks Preservation Commission reviewed the demolition proposal for this historic structure as presented by the Church's representative, Gilbert Thompson. The Commissioners recommended to the hearing officer that a waiver from Section 26-278 be granted. Six commissioners supported the motion, and two commissioners voted in opposition.

KA:kra



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

Date: 9.9.99

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

RE: Baltimore County

Item No. 066

JRF/LTM

Dear. Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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,

/ Kenneth A. McDonald Jr.

P. J. Dredle

Acting Chief

Engineering Access Permits Division

The Greater Kingsville Civic Association,Inc.

July 20, 1999

To whom it may concern:

As requested, on behalf of the board of the Greater Kingsville Civic Association, Inc., we wish to make it a matter of county record that Mr. Gilbert Thompson of St. Paul's Lutheran Church on Jerusalem Road in Kingsville presented to our board that churches' architect's elevation drawings for a new church sanctuary, to be erected on the site of the present historic building. While a great many residents were saddened to hear of the proposed demolition of the old building, board members appeared heartened that the design for the new sanctuary looks respectful of what was there before.

Except for a few questions by the board, there was no lengthy discussion of the plan. The board typically does not address every concern at an initial meeting but continues discussion as a project proceeds. We have in recent years dealt with a very large number (for our community) of new church building plans and have drawn up a list of 'rural' concerns. We have a standing committee charged with helping to ensure that the rural character of Kingsville is not compromised by these new projects. We meet with the church leaders or their representatives and attempt to 'iron out' those areas of concern that we or members of our association bring forth. Since we were not aware that St. Paul's plans were so timely, we had not yet met with church leaders. We hope that since the plans shown to us did not include proposed lighting, landscaping, signage, building materials, or storm water management information that there would be opportunity in future meetings to get specific on these things. However, we were very pleased to be told that the church would not be adding any additional parking since the present parking area would meet the county's required 4:1 ratio.

Sincerely,

Doug Behr

Corresponding secretary

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The Greater Kingsville Civic Association Inc.

August 10, 1999

Re: Sr. Paul's Lutheran Church on Jerusalem Road in Kingsville

To Whom it may concern:

I am writing on behalf of the president of the Greater Kingsville Civic Association, Inc. and the Rural Protection Committee of the Association, whose responsibility it is to help ensure that new development complements the existing community.

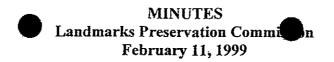
Members of the building committee from St. Paul's Lutheran Church have met with us and have apprized us of the need to obtain a number of variances in order for the new church building project to proceed. The church has done, in our opinion, a nice job of attempting to fit the new building into our historic and rural community. We wish to go on record as nor opposed to these requests for variances. We wish to make clear, however, that we are not opposed to the variance for a larger sign in this case only because one of its primary purposes is to hide a new transformer box. Otherwise, the GKCA strongly opposes sign variances.

We also thank the Church for taking the time to listen to our concerns and addressing them in such a satisfying manner.

Sincerely,

Douglas M. Behr

Corresponding Secretary



Present **Not Present** Mr. David Goldsmith, Vice Chairman Mr. Tom Carski Ms. Sandra Caslin Mr. John Chalk Ms. Marlene Koeppel Dr. Rhoda Dorsey Mr. Tim Rodgers Ms. Dorothy Foos Ms. N. Lark Schulze Ms. Rosita Hill Mr. Robert Scott Mr. Boulton Kelly Ms. Barbara Weeks

Planning Office staff present included John McGrain, Tim Dugan, Kimberly Abe, and Lenwood Johnson.

Citizens present included Robert L. Powell, Sr., Joe Smith, Chester Thoms, Dr. Richard McQuaid, Gilbert Thompson, Rev. Roosevelt Oliver, Murray Welch, John H. Beard, Ellen Stellman, Jeff Little, Sherry Jordan, Henry Warfield, and Margaret Green.

The meeting was convened at 7:06 p.m. by the Acting Chairperson, Mr. Goldsmith.

### **Opening Statement**

Mr. Thomas Lloyd Reynolds

Mr. Goldsmith stated for the record that the Landmarks Preservation Commission operates under Title 26 of the County Code, the Secretary of the Interior's Standards, and its own Design Guidelines.

### Announcements

### Review of Agenda

No changes to the Agenda were proposed.

### Minutes of January 21, 1999 meeting

Dr. Dorsey moved to defer the approval of the January 21, 1999 Minutes to the March 11, 1999 meeting to allow the Commissioners time to properly review the Minutes. Ms. Hill seconded the motion, which was unanimously approved.

### No scheduled actions on changes to County-owned structures





### 4. Public Hearing

### a. 2808 Benson Mill Road, Berean Farm

Mr. Goldsmith informed the Commission that Mrs. Gemmill, the owner of Berean Farm, 2808 Benson Mill Road, contacted Ms. Abe on this day of the meeting to withdraw the petition to nominate the Berean Farm barn to the preliminary landmarks list.

### 5. Actions on changes to privately-owned structures

### a. 14200 Cuba Road, "Gough United Methodist Church" (Landmarks List #160)

Mr. Kelly, the Chair of the Technical Committee to review the proposed handicapped-access ramp, explained that he and Mrs. Foos, on a site visit on January 22, 1999, discussed design improvements with church representatives. He stated the Committee's conclusion that the proposed ramp was not technically an alteration to the landmark exterior of the structure since it was going to be bolted to an existing staircase. Nonetheless, the church representatives were willing to accept the recommendations to shorten the ramp and beautify it with white paint and extended lattice work. The Commission unanimously approved the Technical Committee's recommendation. Mr. Chalk advised Mr. Powell, the church representative, that American with Disabilities Act requires the installation of a landing after every 30-inch rise in the ramp.

### b. 1008 Windsor Road (Sudbrook Park Historic District)

Ms. Stellman, owner, described her proposal to install a 27-inch high cupola with a weathervane on top of the property's garage. She presented photographs of a similar cupola and stated that Sudbrook, Inc. reviewed and approved the proposal. The Commissioners reviewed the materials. Mr. Carski moved that the LPC issue a certificate of appropriateness for the proposed alteration. Ms. Hill seconded the motion, which was unanimously approved.

### c. 307 West Seminary Avenue (Lutherville Historic District)

Mr. Little, owner, described renovations he had made to the main house, a contributing structure within the historic district. He described the proposed garage as Victorian-style, and stated that he intended to use the garage for storage space, which is why he had not yet proposed a driveway alignment. Mr. Little noted that the Lutherville Advisory Group approved the garage proposal. The Commissioners reviewed the material accordingly. Mr. Kelly moved that LPC issue a certificate of appropriateness for the proposed garage. Mr. Chalk seconded the motion, which was unanimously approved. Mr. Chalk recommended that Mr. Little submit a driveway alignment proposal along with the garage building permit application.



### 6. Recommendations on development proposals

### a. 50 Bond Avenue (Reisterstown National Register Historic District)

Ms. Abe stated that the proposed development was on an undersized lot and required a variance for the setbacks. She asked that the LPC recommend that a note be placed on the plan to state: "Elevations of the proposed house will be submitted to the Office of Planning for review and approval prior to the issuance of a building permit." Ms. Abe stated that the Office of Planning will, using the Commission's Historic Design Guidelines, consider design features that maintain the rhythm, proportions, architectural details, rooflines, and massing of surrounding buildings. The Commission unanimously agreed to support the recommendation, with Mr. Kelly's additional recommendation that the front of the house be oriented towards Bond Avenue to be consistent with the existing development pattern.

Mr. Lenwood Johnson presented a video of the neighborhood to illustrate the site context and provided a brief history of the neighborhood, referencing Louis Digg's book, *Holding Onto their Heritage*. Mr. Oliver, the adjacent property-owner, expressed his concern regarding the undersized-lot issue and voiced support for a design that would be compatible with surrounding historic buildings and not the more recent development.

### b. 12022 Jerusalem Road, Kingsville, "St. Paul's Lutheran Church," MHT BA # 1182

Mr. Gilbert Thompson, church representative, explained how the congregation had explored alternative solutions to the proposed demolition of the circa 1912 structure. He referenced the material he had provided, the proposed elevations, photos, and a letter describing the proposal. Mr. Thompson stated that the proposed new church, to be sited over the footprint of the existing church, would incorporate design features from the historic structure. Dr. Dorsey moved that the LPC recommend to the Hearing Officer, the issuance of a waiver from Sec. 26-278 to allow the demolition. Six commissioners voted in support of the motion, with two Commissioners voting in opposition.

### c. 1800 Greenspring Valley Road, "Willowbrook," MHT BA #1610

Mr. Henry Warfield, the project architect, described the proposal for an addition to the structure. He explained that the house was set back approximately 1300 feet from the public road, and that the proposed addition would not be visible from the public view. He described the addition as one and one-half stories, and stated that since the existing house already had three distinct period designs, his design for the addition was intended to respond to the existing house only in scale and proportion. The Commission unanimously agreed to recommend to the Hearing Officer a finding that the project is consistent with the intent of Section 26-278.



### d. 6730 Charles Street Avenue, "Villa Madrid." MHT BA # 2426

Ms. Jordan, owner, described her proposal to demolish various portions of the house that were later additions to the circa 1926 Spanish Colonial design house, and to construct a 1800-sq. foot addition. She noted that the addition would be stucco and similar in design as reflected on the elevations.

Ms. Jordan noted that the architect is Glen Fong, based in Virginia. The Commission unanimously agreed to recommend to the Hearing Officer a finding that the project is consistent with the intent of Section 26-278.

### 7. Other business

### a. Reports by Officers and Committees

Mr. Goldsmith expressed his appreciation for Mr. Scott, Mr. Carski, Ms. Koeppel, and Mr. Kelly's efforts and work on Bill No. 6-99. Mr. Dugan summarized the effects of the Bill as it relates to the Commission's operations and explained that the text would be incorporated into the Code within six months.

Ms. Foos, Dr. Dorsey, and Mr. Goldsmith volunteered to assist with the LPC's April, 1999 "Awards Breakfast" for preservation. Dr. Dorsey recommended April 15<sup>th</sup> and April 22<sup>nd</sup> as tentative dates.

### b. Reports and correspondence

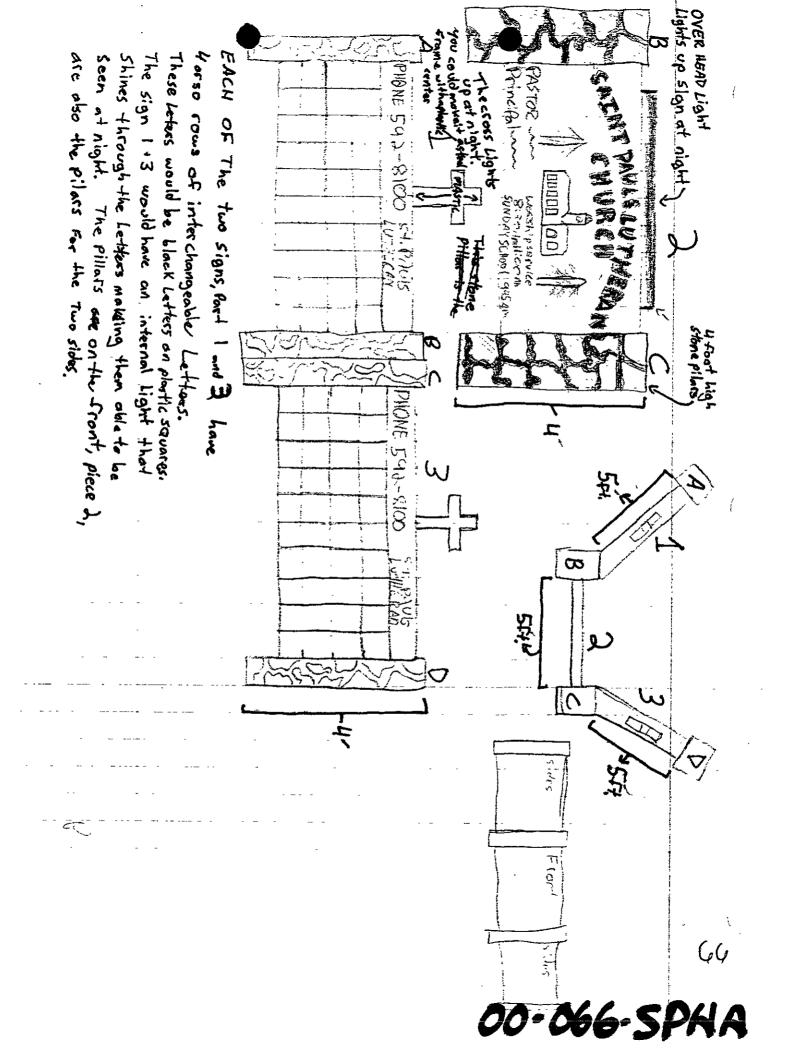
Mr. Dugan stated that at 5:16 p.m. on the day of this meeting, Mr. Hart, the property owner, had faxed a draft schedule for the work he proposed on the Cameron Mill Miller's house property. The schedule included information on the new garage/living unit and associated landscaping and development work, as well as later stabilization and restoration work proposed for the final landmarks list structure (the Cameron Mill Miller's House) currently on the 5.6-acre site. Mr. Dugan informed the Commissioners that the proposed exterior stabilization and restoration work indicated on the schedule would require LPC approval, which is also known to Mr. Miller.

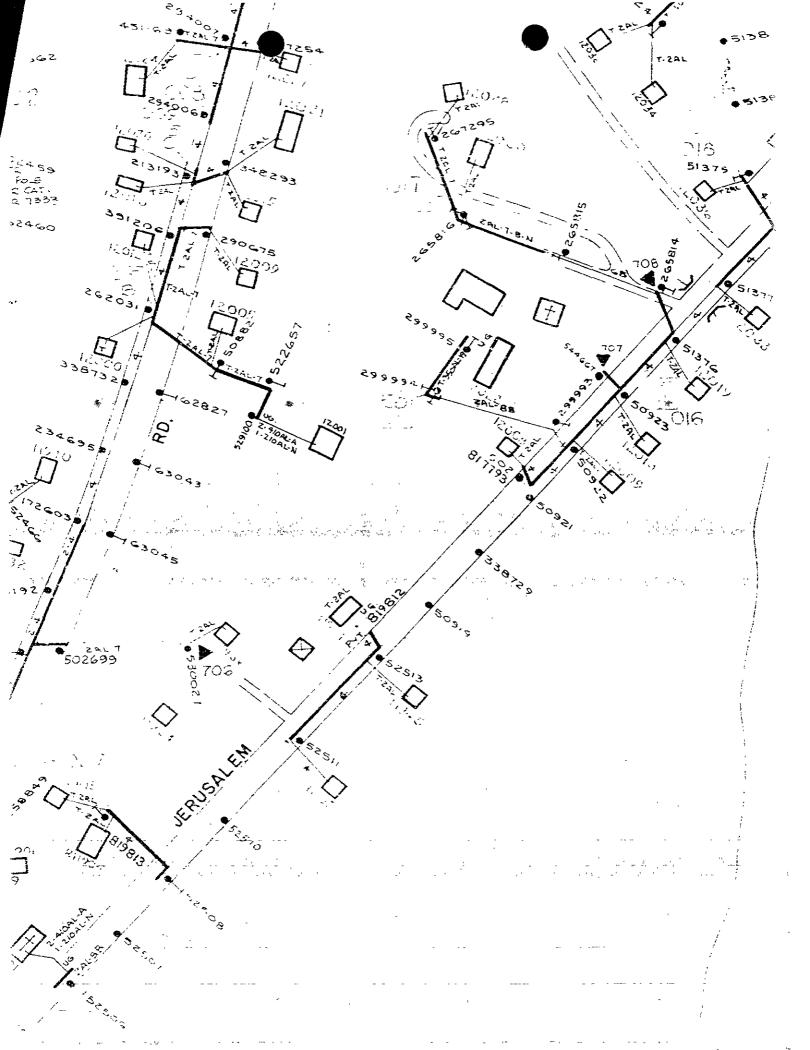
After discussion, the Commissioners agreed to revise their recommendation made at the January 21, 1999 meeting. Mr. Goldsmith moved that the LPC recommend that the building permit for the garage/living unit be issued, but that the occupancy permit for this garage/living unit be withheld pending the LPC's review and approval of exterior stabilization and restoration plans for the Cameron Mill Miller's house (Final Landmarks List # 29). Dr. Dorsey seconded the motion, which was unanimously approved.

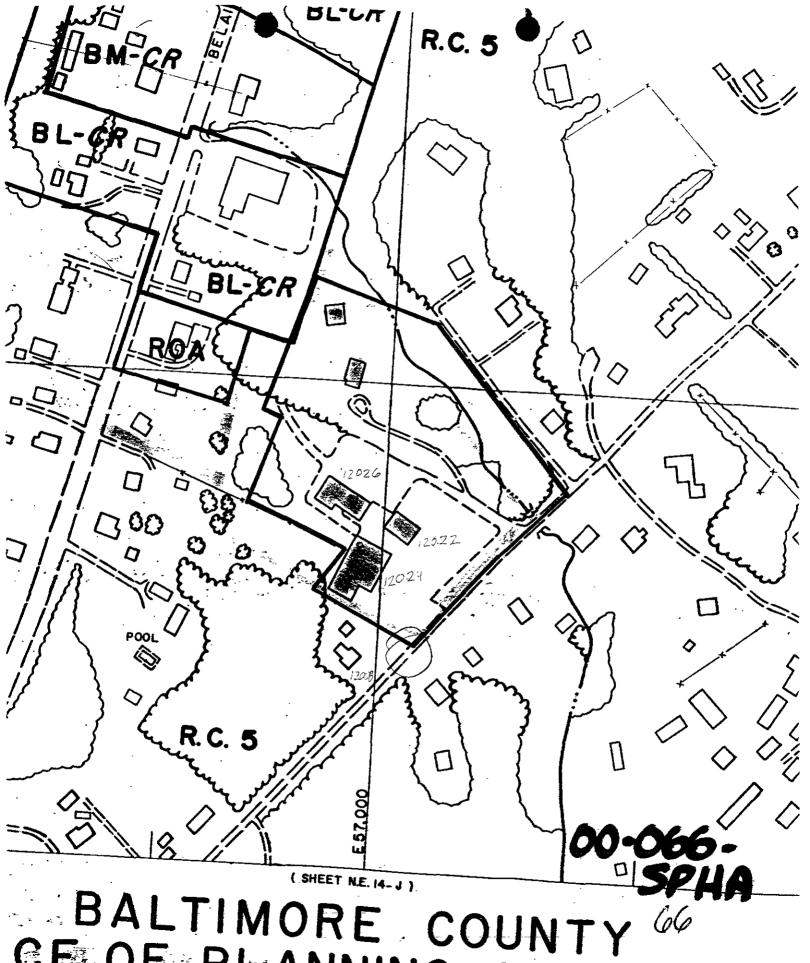
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### PETITIONER(S) SIGN-IN SHEET

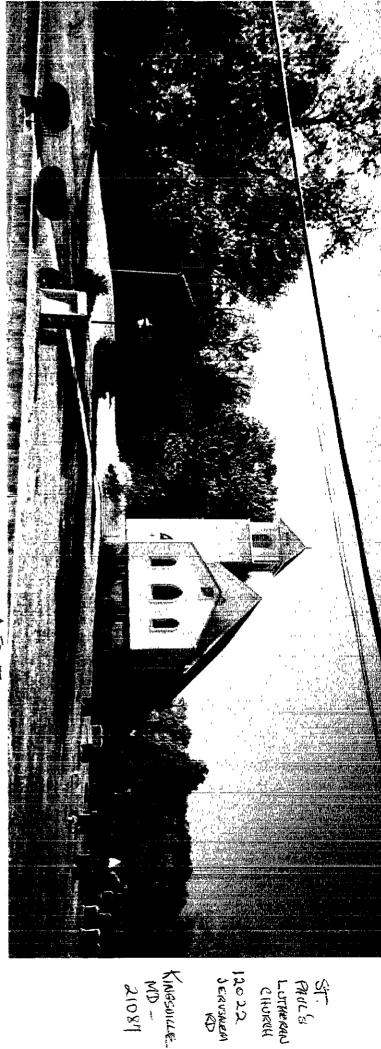
- NAME	ADDRESS
Key Mirkel H. Wollman	12028 Jarusalen Rd Kingsville Md. 21087
Dil Thomproer	7716 CHAPMAN RD-IdINGSOILLE
ROBIN BEERS	12442 JERUSALEM ROAD 2/087
DOUG BEHR	7451 BRAPSUAU Rus ZIOB7
JO OR	12442 JERUS ALEM ROAD 21087 7451 BRAYSMAURA 21087 7313 NEW COT RD KINSSILLE
Tend Velle	12233 JERUSAIEM RX KINGSVINE
	-







CE OF PLANNING AND ZONIN(



1 FRONT JERUSALEM ROAD

THIS LOOKS LIKE WOODEN SIDING AND WOOD SHAKES BUT IT IS REALLY JINYL MATERIAL THAT WE PUT ON IN 1984 AFTER ROTTEN BOARDS WERE REPAIRED AND TERMITE PAMAGE WAS REPAIRED

SIDE VIEW FROM CEMETARY

EXXX #2

