IN RE: PETITION FOR ADMINISTRATIVE

SPECIAL HEARING

W/S Main Street, 667' +/- SE

c/l Cockeys Mill Road

4th Election District

3rd Councilmanic District

(246 Reisterstown Road (Main St.))

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

' CASE NO. 00-231-SPH

Reisterstown United Methodist Church, Inc. * Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Special Hearing filed by Dorothy Marsh on behalf of Reisterstown United Methodist Church, Inc., the property owner, for that property known as 246 Reisterstown Road (Main Street) in the Reisterstown area of Baltimore County. The Petitioner herein seeks a Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), Baltimore County Code of Sections 26-203(C)(8) and Section 26-278 to construct an addition (enclosed fire stairs) to the church structure [on the Maryland Historic Trust List of Potential Historic Structures]. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Administrative Special Hearing.

Section 26-172(b) of the Baltimore County Code (B.C.C.) provides that waivers from the requirements of Section 26-203 of the Code (i.e., the development plan) can be granted by the Director of the Department of Permits and Development Management (DPDM). Such requirements can be waived upon a finding that the size, scope and nature of the proposed development does not justify strict compliance, that a waiver would be within the scope purpose, and intent of the development regulations, and that the proposed development complies with all either County laws, ordinances, and regulations. In order to afford due process, the Director has

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designated the Deputy Zoning Commissioner (Hearing Officer) to consider the waiver request filed in this instance. Moreover, in order to provide public notice, the property was posted with a sign describing the request on December 10, 1999. There was no request by the public for a hearing nor any public input for the requisite period of fifteen (15) days after posting the property. Thus, the matter is eligible for review and resolution by this Hearing Officer.

The Petitioner has filed the supporting affidavits as required by Section 26-127(b)(1) of the Baltimore County Code. A description of the property contained within the case file indicates that the property consists of 2.9430 acres of land, more or less, zoned B.L.. The information submitted is persuasive to a finding that the proposed addition is consistent with the character and historic features of the existing building and will not be inappropriate. Furthermore, the Landmarks Preservation Commission reviewed the Petitioner's proposal and recommended a finding that the project is consistent with Section 26-278 of the Baltimore County Code on November 11, 1999. There is no evidence in the file to indicate that the requested waiver would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. Moreover, the relief requested complies with the requirements of the Baltimore County Zoning Regulations and should therefore be approved.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations having been met, and for the reasons set forth above, the relief requested should be granted.

SEER RECEIVED FOR FILING

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BY TELEMBOL

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THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3^{rel} day of January, 2000, that the request for Administrative Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), Baltimore County Code of Sections 26-203(C)(8) and Section 26-278, to construct an addition (enclosed fire stairs) to the church structure on the Maryland Historic Trust List of Potential Historic Structures, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1) The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCC

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



Petition for Administrative Special Hearing

to the Zoning Commissioner of Baltimore County

WOPE CO.	to the	Zoning Commis	sioner of Baltin	nore County
		T4- T-4 - 29A4 -		native the gra
	for the propert	y located at <u>2461</u>	ntly zoned B.L.	
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This Petition shall be fundersigned, legal owner(s) of the proper attached hereto and made a part hereof, 26-171, 26-172(b), Baltimore County Cod Pursuant to Sections 26 and Section 26-278 to	iled with the Departy situate in Baltimor hereby petition for a e of Sections 26-203	rtment of Permits and e County and which is a Special Hearing to ap (C)(8) and Section 26-2	described in the desprove a waiver pursents to	nagement. The scription and plat uant to Sections
pursuant to Sections 20	5-171, 26-172	(b) Bcc of	Sections 26-	203 (c)(8)
and section 26 276 76	. constituer a		(7)	e states to
the church building of the zoning regulations of Baltimore Cou	inty, to the zoning lav	v of Baltimore County.		
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Contract Purchaser/Lessee:		Legal Owner(s):		
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Name - Type or Print		Reisterstown Name - Type or Print		ist Church Inc
Training - Type of Film			Gratley / Ka	rot_
Signature	'	Sighature Doro	thy Marsh	
Address	Telephone No.	President, Bo	ard of Truste	es
Address	``````````````````````````````````````	2 5		
City State	Zip Code	Signature		
Attorney For Petitioner:	3	Address		Telephone No.
		Address		relephone 170.
Donald I. Allewalt Name - Type or Print	,	City	State	Zip Code
Klowed Lallawale	<u> </u>	Representative t	o be Contacted:	
Signature				
Allewalt & Murphy P.A.		Walter Daniel Name	Ls 410	561- 9645 200
Company 805 N. Calvert St. 410-727	-6205	1426 Broadway		0-560-3588 day
Address	Telephone No.	Address		Telephone No.
Raltimore MD 21202		Timonium, MD	21093	Zia Codo
City State	Zip Code		State	Zip Code
A Public Hearing having been formally deman	ded and/or found to be	required, it is ordered by t	he Zoning Commissioner	of Baltimore County,
this day of traductions of Baltimore County and that the prope	at the subject matter of third the reposted.	ils betition be set for a public	Healthigh advertised his to	squired by and deming
Fig. 1	4,,1	Zoning Comm	nissioner of Baltimore Cou	inty
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Case No. 00-231-50	<u>V/7 </u>	ewed By BR	Date/*	-/1/ 6/
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Affidava in Support of Administrative Special Hearing

REV 9/18/98

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	612 Bond Address	l Avenue		
	Reisters	stown, MD	21136	
	City		State	Zip C∞de
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal deman additional info	d is filed, Affi frmation.	iant(s) will be requir	red to pay a reposting and
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Signature		Signature		
Name - Type or Print		<u>Dorot</u> Name - Tvi	hy Marsh pe or Print	
			d).	
STATE OF MARYLAND, COUNTY OF BALTIN	NORE, to wit:			an days man apple yang ang dani dani dani dan
I HEREBY CERTIFY, this day of			, before me, a	Notary Public of the State
of Maryland, in and for the County aforesaid, pe	rsonally appe	ared		
Dorothy Marsh				
the Affiant(s) herein, personally known or satisfa	ctorily identif	ied to me as s	such Affiant(s), and n	nade oath in due form of
law that the matters and facts hereinabove set for	orth are true	and correct to	the best of his/her/th	neir knowledge and belief.
,				
AS WITNESS my hand and Notarial Seal				
November 17, 1999	× Not	Yalanos ary Public	la A. Bu	ooker
	Му	Commission (Expires	

GALANDA A. BROOKER NOTARY PUBLIC STATE OF MARYLAND My Commission Expires March 29, 2003

Affidavit in Support of Administrative Special Hearing

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

4)			
That the Affiant(s) does/do presently reside at	612 Bond Address	Avenue	
	Reisters	town, MD 21136	
	City	State	Zip Code
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide	ormal demand additional info	is filed, Affiant(s) will be required to mation.	pay a reposting and
	T-1/-	Saraty M	grst
Signature		Signaturé	
Name - Type or Print		Dorothy Marsh Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIN			
HEREBY CERTIFY, this day of		before me, a Notary	Public of the State
of Maryland, in and for the County aforesaid, pe			
_Dorothy_Marsh			
•	otorilu idontifi	ad to pro- pro- custo Afficient(s), and used as	Ale in also forms of
the Affiant(s) herein, personally known or satisfa			
law that the matters and facts hereinabove set f	orth are true a	nd correct to the best of his/her/their kno	wledge and belief.
AS WITNESS my hand and Notarial Seal			
November 17, 1999	<u></u> Nota	dlander A. Brooker	
	My C	ommission Expires	
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R80 9113198

GALANDA A. BROOKER NOTARY PUBLIC STATE OF MARYLAND My Commission Expires March 29, 2003

Petition for Administrative Special Hearing

to the Zoning Commissioner of Baltimore County

which is presently zoned _B.I.

for the property located at 246 Reisterstown Rd (Main St)

. Undersigned legal owner(s) of the property situate in F	Baltimore County and which is described in the description and place on for a Special Hearing to approve a waiver pursuant to Sections 26-203(C)(8) and Section 26-278 to
pursuant to Sections 26-171, 26	172(b), BCC of Sections 26-203(e)(x) act an addition (enclosed five stairs)
Property is to be posted and advertised as prescribed bi, or we, agree to pay expenses of above Special Hearing, according regulations and restrictions of Baltimore County adopted	dvertising, posting, etc. and further agree to and are to be bounded by the
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
Name - Type or Print	Reisterstown United Methodist Church Name - Type or Print By: Reisterstown United Methodist Church
Signature	Signature Dorothy Marsh
Address Telephone No.	President, Board of Trustees Name Appendent
City State Zip Cod	e Signature
Attorney For Petitioner:	Address Telephone No.
Donald I. Allewalt Name Type or Print	City State Zip Code
XI bused Lallewell Signature	Representative to be Contacted:
Allewalt & Murphy P.A.	Walter Daniels
805 N. Calvert St. 410-727-6205	Name 4/0 56/ - 9645 € 1426 Broadway (#100) 410-560-3588 €
Address Telephone No.	
Baltimore, MD 21202 City State Zip Code	Timonium, MD 21093 city State Zip Code
A Public Hearing having been formally demanded and/or found this that the subject mat regulations of Baltimore County and that the property be reposted.	I to be required, it is ordered by the Zoning Commissioner of Baltimore County, ter of this petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
Case No. 00-231-5PH	Reviewed By BR Date 12/1/99
REV 9 18 98	Estimated Posting Date 12/12/99

ZONING DESCRIPTION

BEGINNING for the same at a point on the west of the right of way line of Main Street, (Reisterstown Road, State Route 140), 66 feet wide, said point being 667 feet more or less Southeast from the center of Cockeys Mill Road measured along the west side of Main Street. Thence heading south along Main Street and running the following course and distances:

- 1. S 4 00' 45" E 233.24' to a concrete monument.
- 2. S 86 34' 13" W 290.95' to a concrete monument.
- 3. N 01 56' 03" E 236,33' to a cross cut in a concrete walk.
- 4. N 82 37' 02" W 247.22' to a concrete monument.
- 5. N 3 01' 58" E 173.67' to a concrete monument.
- 6. N 89 49' 28" E 300.99' to a concrete monument.
- 7. S 04 00' 45" E 70.26' to a pipe.
- 8. S 24 57' 05" E 93.86' to a concrete monument.
- 9. S 08 09' 08" E 53.00' to a concrete monument.
- 10. N 84 05' 52" E 149.90' more or less to the place of beginning.

BEING all of the land recorded in Deed Liber 5515 120, parcel no.1

CONTAINING 2.9430 Acres of land more or less.

The improvements thereon being known as No. 246 Main Street, 246 Reisterstown Road), and located in the 4th Election District, 3 rd Councilmanic District, Baltimore County, Maryland.

Walter Daniels, Architect November, 10, 1999 **BALTIMORE COUNTY, MARYLAND** OFFICE OF BUDGET & FINANCE **MISCELLANEOUS RECEIPT**

PINK - AGENCY

075775 No.

RECEIVED FROM: _ DISTRIBUTION WHITE - CASHIER

YELLOW - CUSTOMER

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CASHIER'S VALIDATION

CERTIFICATE OF POSTING

	Petitioner/Developer: Thesterstourn
	United Methodist Church
	Date of Hearing/Closing: 12/27/99
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 perjudence posted conspicuously on the property locate Restriction, MD 2/136 The sign(s) were posted on Delivery	
(N	Carrie Piarre Vanal
	Ionth, Day, Year)

RE: Case No.: <u>00-231-SPH</u>

RE: PETITION FOR SPECIAL HEARING 246 Reisterstown Road (Main Street), W/S Main St, 667' SE of c/l Cockeys Mill Rd 4th Election District, 3rd Councilmanic
Legal Owner: Reisterstown United Methodist Churc

Petitioner(s)

- **BEFORE THE**
- ZONING COMMISSIONER
- FOR
- **BALTIMORE COUNTY**
- Case No. 00-231-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 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

arole 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 28th day of December, 1999 a copy of the foregoing Entry of Appearance was mailed to Donald L. Allewalt, Esq., Allewalt & Murphy, 805 N. Calvert Street, Baltimore, MD 21202, attorney for Petitioners.

PETER MAX ZIMMERMAN

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE SPECIAL HEARING INFORMATION SHEET AND DATES

		200					•	
Case N	Number 00-	231	-SPH	Address_	246	Main 5	t. (Rois	terstown Rd)
Contac	ct Person: _	Bruh Planner,	o Rudai Please Print Your N			Phone Nu	mber: 410)-887-3 <u>391</u>
Filing	Date:1	2/1/99	Posti	ng Date: _	12/12/90	Closi	ng Date:	12/27/89
Any contact made with this office regarding the status of the administrative special hearing should be hrough the contact person (planner) using the case number.								
POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.								
2.	a formal red	guest for a p	date is the de ublic hearing ig, the proces	. Please ι	understand	that even	if there is	feet to file no formal
3.	commission order that to the commission of the c	er. He may: he matter be thin 7 to 10 da	ng date, the (a) grant the set in for a ays of the clos hearing. The	e requested public hea sing date) a	i relief; (b) aring. You as to wheth	deny the re u will receiv er the petition	equested r re written on has bee	eller; or (c) notification en granted,
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.								
		,	(Detac	ch Along Dotted L	.ine)			
Petitic	oner: This P	art of the Fo	rm is for the	Sign Poste	or Only			
			THE SPECIA					,
Case l	Number 00-	231 -	SPH Addre United Me	ess <i>2</i>	46 Mai	in St. CR	eisterito	un Rd)
Petitio	ner's Name	Reistastown	United Me	ethodist ch	uich, Inc.	Telephone _	410 - 560	- 3588
Postir	ng Date:	12/12/9	ĵ	Cld	osing Date	12/6	17/89	
Wordi	ng for Sign:	Administrati	ve Special He	earing to ap	prove a	waiver P	ursuant	to
Sect	ions 26-1	71, 26-172	(b) BCC	of Section	sus 26.	203 (c)(8) and.	pection
26 -	278 to	construct	an addit	ion (enc	losel Ci	re stairs) to +	he
church building.								
		d					1	VCR - 7/28/99

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

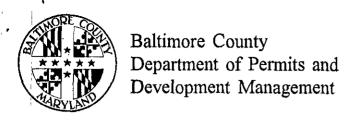
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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:				
Petitioner: REISTERSTOWN UNITED METHORST CHURCIL				
Address or Location: 246 MAIN STREET				
PLEASE FORWARD ADVERTISING BILL TO: Name: WPUTER DONIELS, RELHITECT				
Address: 1476 BROADWAY KO				
TIMONIUM, Mb. 21093				
TIMONIUM, Mb. 21093 Telephone Number: 410-560-3588				



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

December 29, 1999

Mr. Donald Allewalt Allewalt & Murphy P.A. 805 N. Calvert Street Baltimore, Maryland 21202

Dear Mr. Allewalt:

RE: Case Number 00-231-SPH, 246 Reisterstown Road (Main St)

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 12/1/99.

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, please do not hesitate to contact the commenting agency.

Sincerely.

Richards & My W. Carl Richards, Jr. Zoning Supervisor

Zoning Review

WCR:rsj

Enclosures

c: Walter Daniels











BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: December 21, 1999

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for December 20, 1999

Item Nos. 181, 222, 223, 224, 225, 226, 227, 228, 229, 231, 232, 233,

and 235

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

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 28, 1999

Dept. of Permits & Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

No. 246 Main Street

INFORMATION

Item Number:

00-231-SPH

Petitioner:

Walter Daniels (Architect)

Zoning:

BL

Requested Action:

Special Hearing

RECOMMENDATIONS ON THE PROPOSAL

On November 11, 1999, the Landmarks Preservation Commission (LPC) reviewed the proposal for the addition of an enclosed fire stair that would connect along three feet of the back corner of the 1860's sanctuary which is listed as MHT # BA 1230 on the Maryland Inventory of Historic Properties. The addition would be in brick with a matching asphalt roof, and with recessed panels and detailing in a style similar to the original sanctuary.

The LPC unanimously agreed to recommend to the Hearing Officer that the addition as proposed was consistent with the intent of Section 26-278.

Section Chief: 9

AFK:KA:kra



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

Date: 12, 17.99

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

RE: Baltimore County

Item No. 231

BR

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.

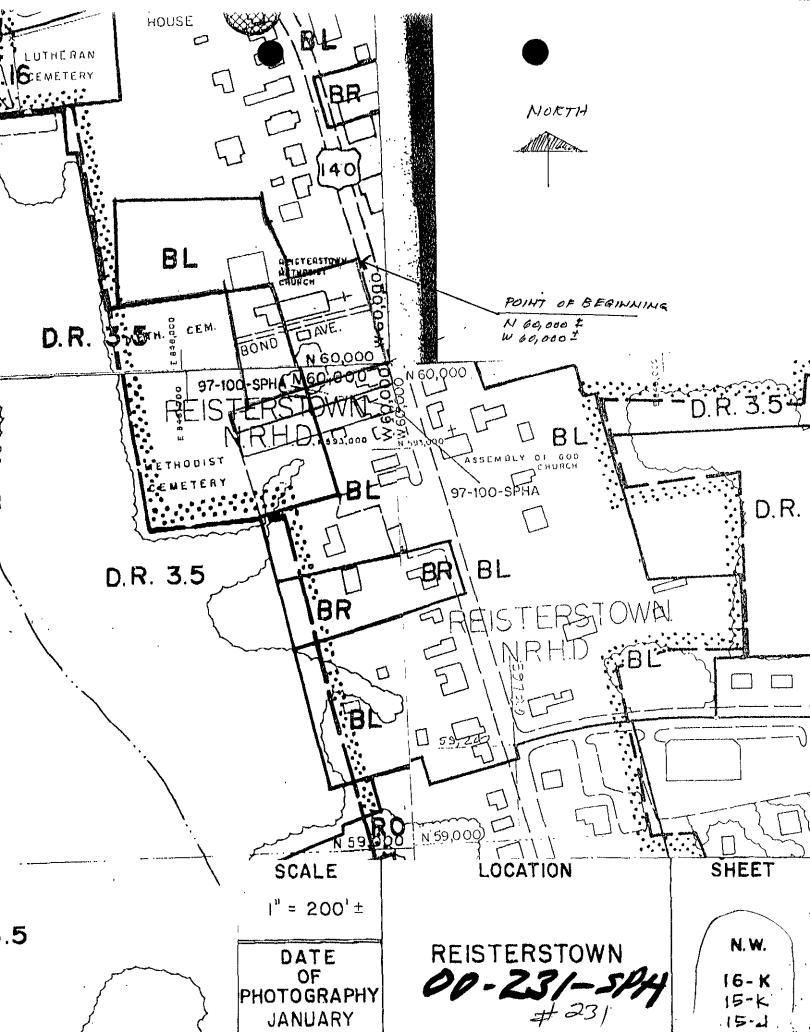
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

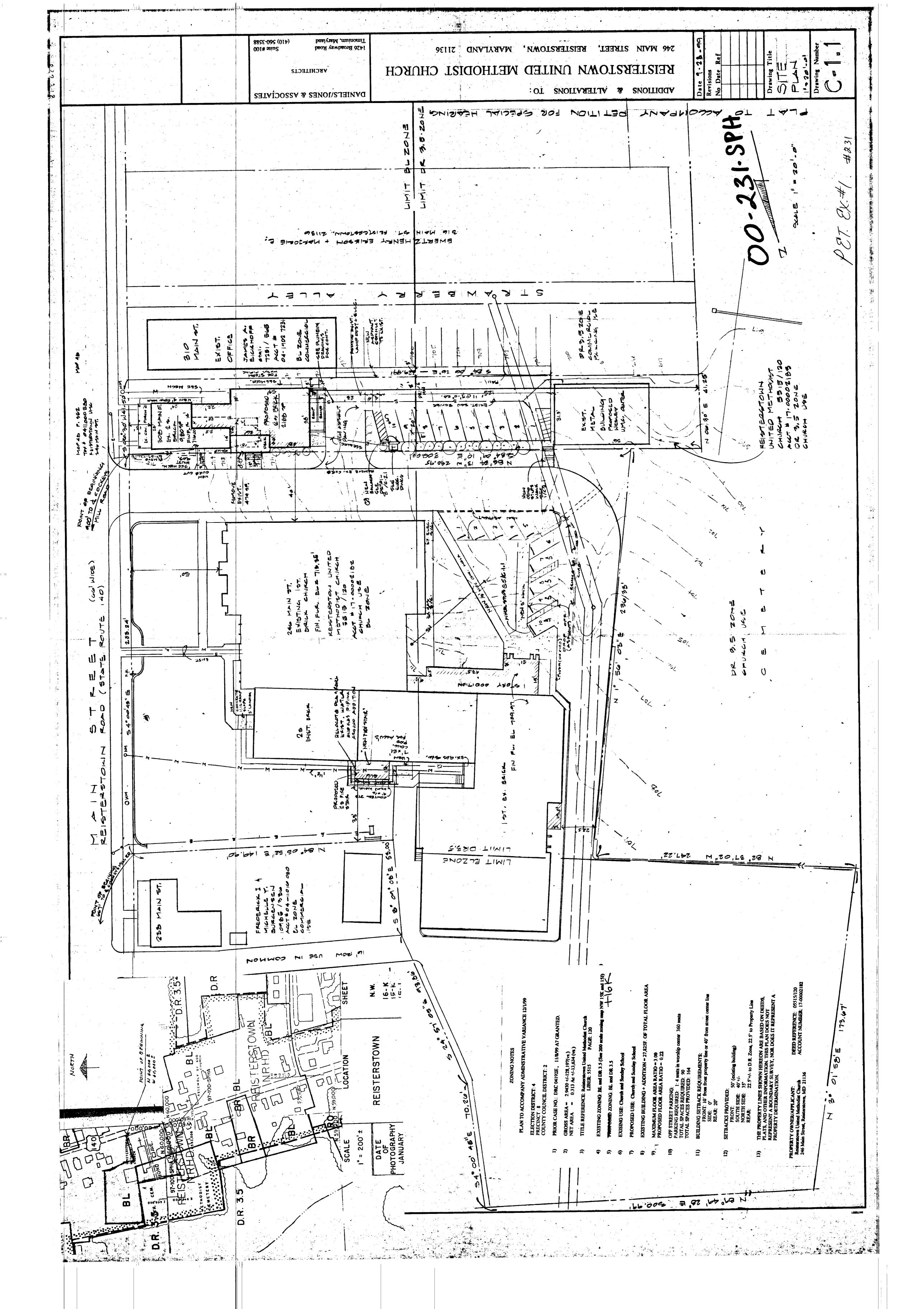
Very truly yours,

10

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

1. 1. Hould







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

Fax: 410-887-3468

January 3, 2000

Donald L. Allewalt, Esquire Allewalt & Murphy, P.A. 805 N. Calvert Street Baltimore, Maryland 21202

Re: Petition for Administrative Special Hearing

Case No. 00-231-SPH

Property: 246 Reisterstown Road

Dear Mr. Allewalt:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Special Hearing has 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 Department of Permits & Development Management. 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

TMK:raj Enclosure

Copies to:

Ms. Dorothy Marsh c/o Reisterstown United Methodist Church, Inc. 246 Reisterstown Road Reisterstown, Maryland 21136

Mr. Walter Daniels 1426 Broadway (#100) Timonium, Maryland 21093