

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
NW/S Colonial Place, 405' NE of the c/l		
Dogwood Road (Lots 17, 18, 19 and 20 of	*	ZONING COMMISSIONER
Block 6 of Lorraine Park)		
1 st Election District	*	OF BALTIMORE COUNTY
2 nd Councilmanic District		
	*	Case No. 00-307-X
Gilbert Allis		
Petitioner	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owner of the subject property, Gilbert Allis, on behalf of Lorraine Park Cemetery Company, through his attorney, David K. Gildea, Esquire. The Petitioners request a special exception to approve the addition of the subject parcels to an adjacent cemetery. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held in this case were Gilbert Allis, property owner, his attorney, David K. Gildea, Esquire, and Melanie Moser, a Landscape Architect with Daft-McCune-Walker, Inc., who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence presented revealed that the subject property is comprised of four individual lots, as originally platted, located in an older residential subdivision known as Windsor Terrace, which was recorded among the Land Records of Baltimore County many years ago. The four lots are located on the northeast side of Colonial Place, just south of that road's intersection with Windsor Mill Road in Woodlawn. The rear of the four lots abuts the Lorraine Park Cemetery property, which has occupied a large tract of land adjacent to the subject property for many years. Over the years, the Cemetery has acquired adjacent lands to accommodate proposed expansions. Most recently, the Cemetery obtained approval for an expansion in a similar

ORDER RECEIVED FOR FILING

Date 3/21/00

By [Signature]

case before this Zoning Commissioner. In Case No. 99-143-X, special exception approval was granted for the expansion of the Cemetery through the acquisition of Lots 1 through 16 and 21 through 25 of Block 6 of Windsor Terrace, and Lots 1 through 15 of Block 28. Obviously, the area of that proposed expansion was bisected by the four lots which are the subject of the instant case. Apparently, after the hearing on Case No. 99-143-X, these properties were likewise acquired by the Petitioner so that a uniform expansion of all of the properties contained within Blocks 6 and 28 of Windsor Terrace is proposed by the Cemetery.

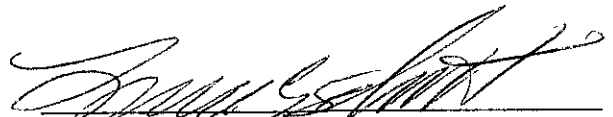
Clearly, the use of the subject parcels for the proposed use is appropriate. As noted above, the existence of a cemetery on the adjacent property is conclusive to a finding that the proposed expansion is consistent with the character of the neighborhood and will not be detrimental to the health, safety or general welfare of the surrounding locale. Thus, the Petition for Special Exception shall be approved.

It is to be noted that a Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Resource Management (DEPRM). That comment identifies the Department's general requirement that development of the property must comply with the regulations for the protection of water quality, streams, wetlands and floodplains, and the Forest Conservation Regulations. Additionally, DEPRM indicated that the location of the 25-foot stream buffer, as shown on the plan, was incorrect. This assertion was challenged by Melanie Moser, the Petitioners' expert witness. I will leave this issue to be resolved by the Petitioners after negotiation and consultation with DEPRM.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of March, 2000 that the Petition for Special Exception to approve the addition of the subject lots to the adjacent Lorraine Park Cemetery, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall comply with the applicable regulations for the protection of water quality, streams, wetlands and floodplains and the Forest Conservation Regulations.
- 3) The Petitioners shall correct, as is necessary, the location of the stream buffer as shown on the plan, subject to the review and approval of DEPRM.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 6/27/00
By Bp



Baltimore County
Zoning Commissioner

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

March 21, 2000

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

RE: PETITION FOR SPECIAL EXCEPTION
NW/S Colonial Place, 405' NE of the c/l
Dogwood Road (Lots 17, 18, 19 and 20 of Block 6 of Lorraine Park)
1st Election District - 2nd Councilmanic District
Gilbert Allis - Petitioner
Case No. 00-307-X

Dear Mr. Gildea:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception 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. Gilbert Allis, 11 Leslie Mews, Berlin, Md. 21511
Ms. Melanie Moser, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21204
DEPRM; People's Counsel; Case File





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at addition to Lorraine Park Cemetery

which is presently zoned D.R.-5.5

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

an addition to a cemetery.

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

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

David K. Gildea

Name - Type or Print

Signature

Whiteford, Taylor & Preston L.L.P.

Company

210 W. Pennsylvania Ave., 4th Floor

Address

Telephone No.

Towson, MD 21204

City

State

Zip Code

Legal Owner(s):

Gilbert Allis

Name - Type or Print

Signature

Name - Type or Print

Signature

11 Leslie Mews

Address

Telephone No.

Berlin, MD 21511

City

State

Zip Code

Representative to be Contacted:

David K. Gildea

Name

210 W. Pennsylvania Ave.

(410) 832-2000

Address

Telephone No.

Towson, MD 21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2-3 hr

UNAVAILABLE FOR HEARING

Reviewed By mta Date 1/24/00

ORDER RECEIVED FOR FILING

Date

By

Case No. 06-307-X

2000 09/15/98

Description
To Accompany Petition for Special Exception

0.22 Acre Parcel

Northwest side of Colonial Place

Northeast of Dogwood Road

First Election District, Baltimore County, Maryland



Daft•McCune•Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at the end of the second of the two following courses and distances measured from the intersection of the centerline of Dogwood Road with the centerline of Colonial Place (unimproved) (40 feet wide), (1) Northeasterly, 405 feet, more or less, and thence (2) Northwesterly, 20 feet, more or less, to the point of beginning, thence leaving said point of beginning and binding on the northwest side of Colonial Place, (1) North 41 degrees 41 minutes East 80.00 feet, thence (2) North 48 degrees 19 minutes West 122.72 feet, thence (3) South 38 degrees 13 minutes West 80.12 feet, and thence (4) South 48 degrees 19 minutes East 117.64 feet to the point of beginning; containing 0.22 acres of land, more or less.

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

January 6, 2000

Project No. 98080.A (L98080.A)



#307

00-307-X

**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: #00-307-X
Lorraine Park Cemetery
W/S Colonial Place, 405' N
of centerline Dogwood Road
1st Election District
2nd Councilmanic District
Legal Owner(s): Gilbert Allis
Special Exception: for an
addition to a cemetery.
Hearing: Friday, March 3,
2000 at 9:00 a.m. in Room
407, County Courts Build-
ing, 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 con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

2/173 Feb. 17 C370140

CERTIFICATE OF PUBLICATION

TOWSON, MD, 2/17, 2000

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 2/17, 2000.

S. [Signature]
THE JEFFERSONIAN,
ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 077963

DATE 1/24/07 ACCOUNT 001-6150

Item 307
By: mjk

AMOUNT \$ 300.00

RECEIVED FROM: Whitlock, Philip - Preston - Century

FOR: 050 - Special Exception

DISTRIBUTION

WHITE - CASHIER

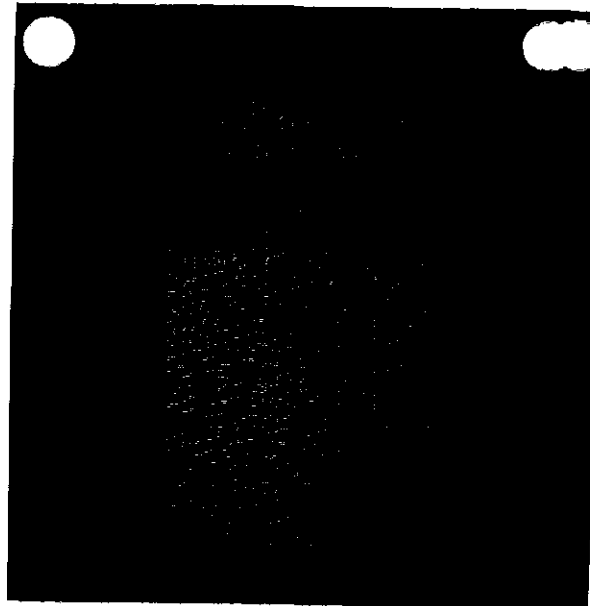
PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT
FORWARD
1/25/07 1/26/07 1/26/07
NO. 0000 000000 0000 0000
000 0 00 0000 00000000
RECEIVED BY 1/26/07 0000
OR NO. 077963
COUNT 100 000.00
TOTALS OK 000.00
Baltimore County, Maryland

00-307-X

CASHIER'S VALIDATION



AT Dogwood Road

CERTIFICATE OF POSTING

**RE: CASE # 00-307-X
PETITIONER/DEVELOPER
(Gilbert Allis-Lorraine Pk Cemet.)
DATE OF Hearing
(3-3-00)**

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

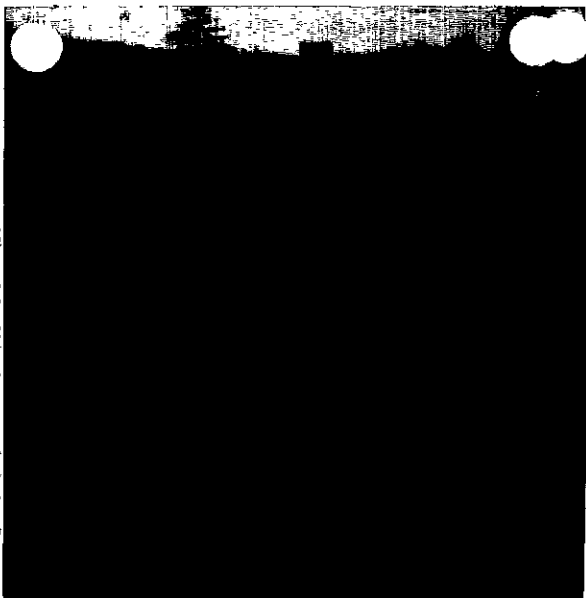
ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

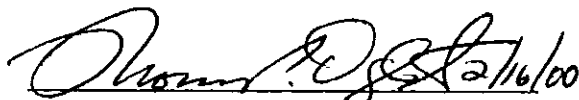
**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

Posted on Dogwood & Windsor Mill Roads Baltimore, Maryland 21235_____

THE SIGN(S) WERE POSTED ON_____ **2-16-00** _____
(MONTH, DAY, YEAR)



SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____**THOMAS P. OGLE SR.**_____

_____**325 NICHOLSON ROAD**_____

_____**BALTIMORE, MARYLAND 21221**_____

_____**410-687-8405**_____
(TELEPHONE NUMBER)

*AT WINDSOR MILL
ROAD*

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/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: 00-307-SPX

Petitioner: Gilbert Allis

Address or Location: Lorraine Park Cemetery

PLEASE FORWARD ADVERTISING BILL TO:

Name: David K. Gilden, Esq. White/O, Taylor + Preston

Address: 210 W. Penn. Ave.

Towson, MD. 21204

Telephone Number: (410) 832-2000

Revised 2/20/98 - SCJ

00-307-X



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

February 7, 2000

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: 00-307-X

Lorraine Park Cemetery

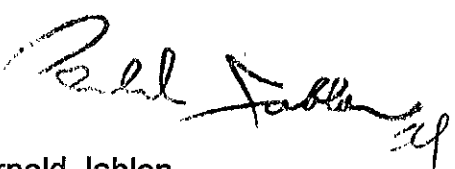
W/S Colonial Place, 405' N of centerline Dogwood Road

1st Election District – 2nd Councilmanic District

Legal Owner: Gilbert Allis

Special Exception for an addition to a cemetery.

HEARING: Friday, March 3, 2000 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

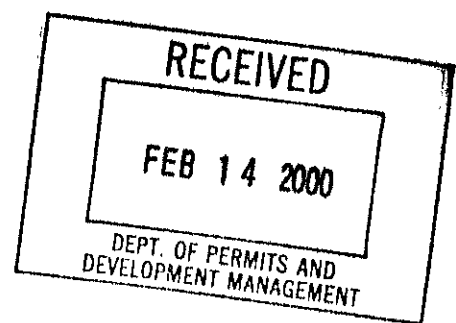


Arnold Jablon
Director

c: David Gildea, Esquire, 210 W. Pennsylvania Avenue, 4th Floor, Towson 21204
Gilbert Allis, 11 Leslie Mews, Berlin 21511

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FEBRUARY 17, 2000.**
- (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, February 17, 2000 Issue – Jeffersonian

Please forward billing to:

David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204

410-832-2000

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: 00-307-X

Lorraine Park Cemetery

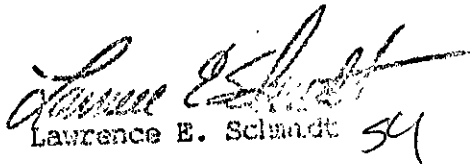
W/S Colonial Place, 405' N of centerline Dogwood Road

1st Election District – 2nd Councilmanic District

Legal Owner: Gilbert Allis

Special Exception for an addition to a cemetery.

HEARING: Friday, March 3, 2000 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

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, 2000

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

Dear Mr. Gildea:

RE: Case Number 00-307-X , Lorraine Park Cemetery

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 24, 2000.

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,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



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

I N T E R O F F I C E C O R R E S P O N D E N C E

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

DATE: February 18, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
 for February 14, 2000
 Item Nos. 305, 306, 307, 308, 309,
 310, 311, and 312

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

February 15, 2000

RECEIVED FEB 25 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: See Below

Location: DISTRIBUTION MEETING OF February 7, 2000

Item No.: See Below

Dear Ms. Stephens:

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

305, 306, 307, 308, 310, 311, 312,

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *AC for RBS*

DATE: February 18, 2000

SUBJECT: Zoning Item #307
Lorraine Park Cemetery

Zoning Advisory Committee Meeting of February 7, 2000

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X_____ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- X_____ Development of this property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Section 14-331 through 14-422 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-442 of the Baltimore County Code).
- _____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
- X_____ The 25 foot buffer shown on the existing stream, a Use IV tributary of Dead Run, is incorrect. The minimum buffer is 100 feet off of a stream.

Reviewer: Betty Kelley

Date: February 14, 2000

FEB 23

file
3/3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: February 23, 2000

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): 307

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



**Maryland Department of Transportation
State Highway Administration**

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

Date: 2.7.00

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

RE: Baltimore County
Item No. 307 MJK

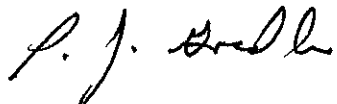
RECEIVED FEB 08 2000

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,


for Kenneth A. McDonald Jr., 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

RE: PETITION FOR SPECIAL EXCEPTION
Lorraine Park Cemetery, W/S Colonial Place,
405' N of c/I Dogwood Rd
1st Election District, 2nd Councilmanic

Legal Owner: Gilbert Allis
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-307-X

* * * * *

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.



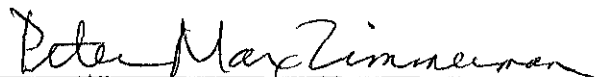
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 25th day of February, 2000 a copy of the foregoing Entry of Appearance was mailed to David K. Gildea, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioner(s).



PETER MAX ZIMMERMAN

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 00-307-X

Date Completed/Initials

2/1/00 - scj

PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

[Signature] (g. West Allis)

123 Wenthers St.
Salt. Md 21202

Melanie Moser

DMU 200 E Pennsylvania
Towson 21286

[Signature] Phil

WTP 210 W. Penn. Ave
Towson, MD 21204



IN RE: PETITION FOR SPECIAL EXCEPTION
NWC Dogwood Road and
Colonial Place
5608 Dogwood Road
1st Election District
2nd Councilmanic District
Legal Owner: Chan Suk Kwon, et al
Contract Purchaser: Lorraine Park
Cemetery Company, Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-143-X

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for property located adjacent to Dogwood Road in the Woodlawn community of western Baltimore County. The Petition was filed by Chan Suk Kwon and Gilbert Allis, property owners, and Lorraine Park Cemetery Company, Contract Purchaser. Special Exception relief is requested to approve the use of the subject property as a cemetery, to be added to an existing cemetery located adjacent thereto known as Lorraine Park Cemetery. The subject property is more particularly shown on the plat to accompany the Petition for Special Exception, marked as Petitioners' Exhibit No. 1.

Appearing at the requisite public hearing held for this case were Gilbert Allis, co-Petitioner, Melanie Moser of Daft, McCune, Walker, Inc., the preparers of the plan, and David K. Gildea, Esquire, counsel for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is approximately 2.409 acres in area, zoned D.R.5.5. The property is actually comprised of 36 lots of record as originally set out in the plat of the subdivision known as Windsor Terrace. The lots at issue are numbered 1 thru 16 and 21 thru 25 of block 6, and 1 thru 15 of block 28. The subject parcel at issue is actually bisected by 4 lots (Nos. 17 thru 20 of the Windsor Terrace subdivision) which are not owned by these Petitioners but are owned by Baltimore County. Presently, the property is unimproved.

As noted above, the subject tract is immediately adjacent to the grounds of the Lorraine Park Cemetery, which has existed at this location for many years. Lorraine Park

Cemetery proposes acquiring the subject property to obtain additional land for cemetery use. It is not anticipated that any buildings or other improvements will be made to the property, rather the site will be used for individual graves.

Clearly, the use of the subject parcel for the proposed purpose is appropriate. As noted above, the existence of the cemetery next door is conclusive to a finding that the proposed expansion is consistent with the character of the neighborhood and will not be detrimental to the health, safety or general welfare of the community. Thus, the Petition for Special Exception shall be approved.

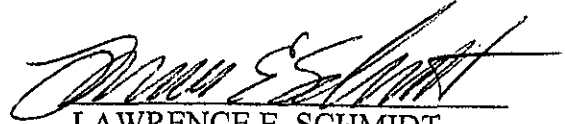
It is to be noted that a Zoning Plans Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Resource Management (DEPRM). That comment identifies the department's general requirement that development of the property must comply with the regulations for the protection of water quality, streams, wetlands and floodplains, and the Forest Conservation Regulations. Additionally DEPRM indicated that the location of the 25 ft. stream buffer, as shown on the plan, was incorrect. This assertion was challenged by the Petitioners' expert witness, Melanie Moser, at the hearing. I will leave this issue to be resolved by the Petitioners after negotiation and consultation with DEPRM.

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

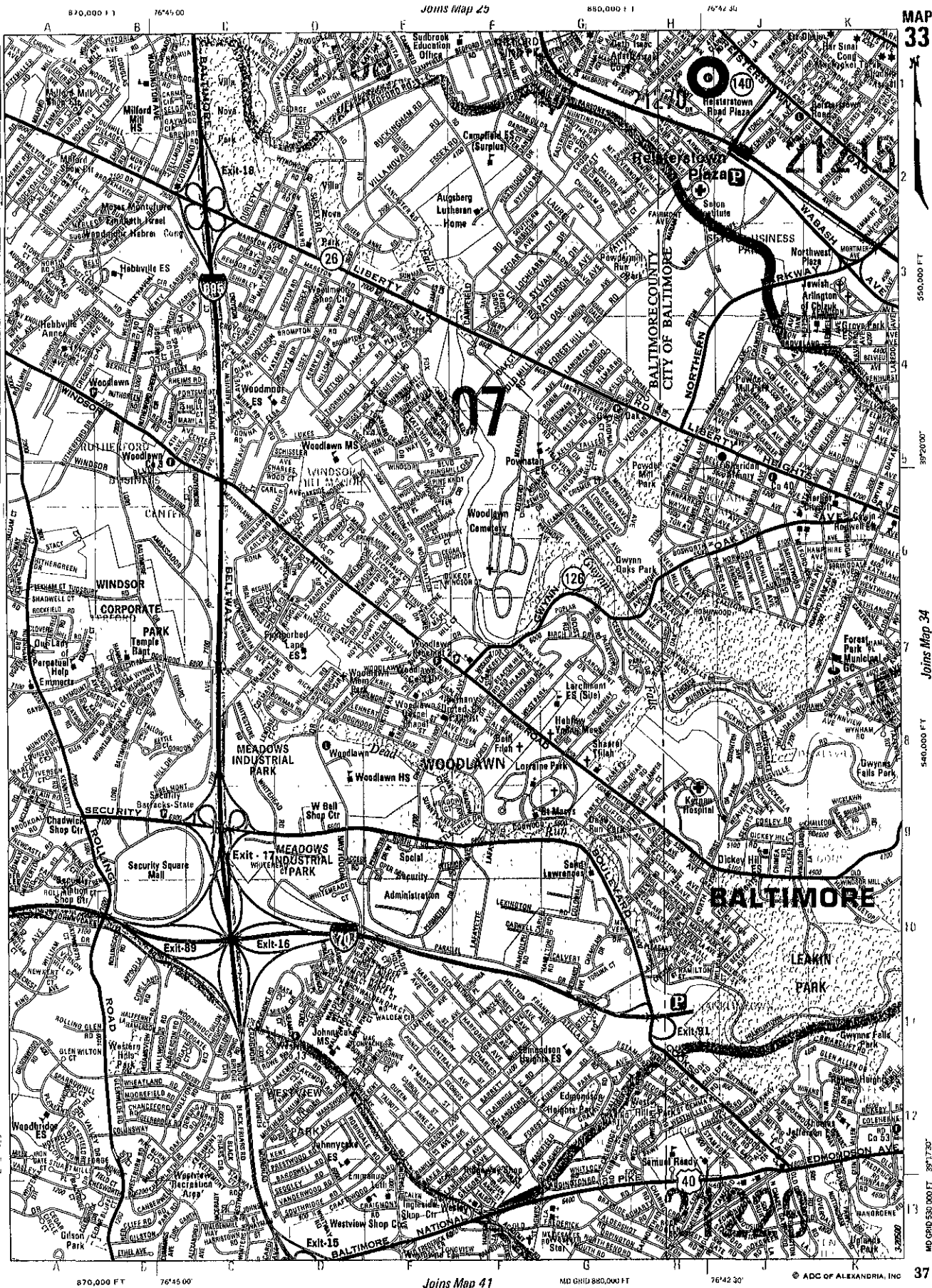
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of January 1999 that the Petition for Special Exception to approve the use of the subject property as a cemetery, to be added to an existing cemetery located adjacent thereto known as Lorraine Park Cemetery, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners are hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired.

2. The Petitioners shall comply with the applicable regulations for the protection of water quality, streams, wetlands and floodplains and the Forest Conservation Regulations.
3. The Petitioners shall correct, as is necessary, the location of the stream buffer as shown on its plan, subject to the review and approval of DEPRM.

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

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY



MAP 33

550,000 FT

39°20'30"

540,000 FT

39°17'30"

Join Map 34

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