

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
N/S Dogwood Road, 1300' N of the c/l *
Riverbirch Road * ZONING COMMISSIONER
(8800 Dogwood Road) *
2nd Election District * OF BALTIMORE COUNTY
2nd Council District *
Case No. 01-069-X
Kahler Family L.P., Owners; *
King Memorial Park, Inc., Contr. Pur. *

* * * * *

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 owners of the subject property, Kahler Family Limited Partnership, by Bonnie Kahler, and the Contract Purchasers, King Memorial Park, Inc., by Erich W. March, President, through their attorney, David K. Gildea, Esquire. The Petitioners request a special exception to approve the use of the subject property as a cemetery, in accordance with the site plan with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Erich W. March and Victor C. March, Sr., on behalf of King Memorial Park, Inc., Contract Purchasers, Chris Reid with Riemer Muegge & Associates, Inc., the engineering firm which prepared the site plan for this property, and Darrell Peterson, Esquire, and David K. Gildea, Esquire, attorneys for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 104.43 acres, more or less, zoned R.C.3, and is located on the north side of Dogwood Road, just west of its intersection with Wrights Lane in western Baltimore County. The property was the subject of prior Case No. 98-25-X in which these same Petitioners were granted special exception relief by this Zoning Commissioner on September 17, 1997 to use the property as a cemetery. As noted in the prior case, King Memorial Park, Inc. owns an adjacent parcel which contains approximately 50 acres. That parcel apparently has been used as a cemetery by the African/

ORDER RECEIVED FOR FILING

Date

By

American community for many years. King Memorial Park, Inc. contracted to buy the subject 104.43 acres from the Kahler Family Limited Partnership to enlarge its cemetery and provide additional burial sites. An additional internal roadway on the new tract is also planned to provide a second means of access to Dogwood Road.

Pursuant to Section 502.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), a special exception that has not been utilized within a period of two years from the date of the final Order granting same shall thereafter be void. Testimony and evidence presented in the instant case revealed that for certain reasons, the purchase of the property by King Memorial Park, Inc. was never consummated. Thus, utilization of the special exception relief granted in the prior case expired on September 17, 1999. The Petitioners indicated that they have finally agreed to the terms of the sale of the subject property and now wish to move forward with their proposal. Thus, the Petitioners seek re-approval of the special exception relief granted in the prior case to allow the use of the property as a cemetery.

Based upon the testimony and evidence presented, I am persuaded to grant the requested special exception. There was no indicated that the relief requested would result in any detriment to the health, safety or general welfare of the surrounding locale. Moreover, the decision in the prior case remains appropriate today. Thus, the relief requested shall be granted.

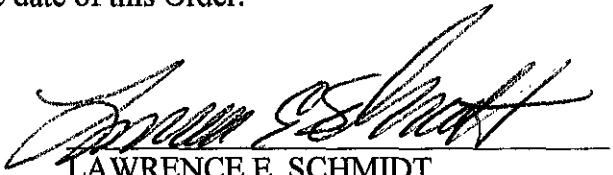
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of September, 2000 that the Petition for Special Exception to approve the use of the subject property as a cemetery, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) 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 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) Compliance with the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated August 11, 1997, and the comments submitted by the Office of Planning, dated August 31, 2000, copies of which are attached hereto and made a part hereof.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Pursuant to Section 502.3 of the B.C.Z.R., the special exception relief granted herein shall be valid for a period of five (5) years from the date of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 9/21/00
By [Signature]

Attach original petition

Date: August 11, 1997

To: Arnold L. Jablon
From: R. Bruce Seeley *ROS/gp*
Subject: Zoning Item #25

King Memorial Park

Zoning Advisory Committee Meeting of: August 11, 1997

- ☐ 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.
- ☒ Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- ☒ Development of the property must comply with the Regulations for the Protection of Water Quality, streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- ☒ Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).
- ☐ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

ORDER RECEIVED FOR FILING
GP:sp
Jablon.doc
Date *9/21/00*
By *[Signature]*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 31, 2000

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

SUBJECT: Dogwood Road and Wrights Lane (King Memorial Park)

INFORMATION:

Item Number:

01-069

Petitioner: Bonnie Kahler

Zoning: RC 2/RC 3

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to allow a cemetery is an RC 3 zone providing the following conditions are met:

1. Label the existing streams, wetlands and forest buffers as primary conservancy areas.
2. Provide a National Register level photographic documentation of the house to be razed.
3. Show the existing zoning accurately on the plan. The strip of RC 2 zoned property located to the east of the subject property adjacent to the S32°30'W 905.2 property line should be shown.

Prepared by:

Section Chief:

AFK:MAC:



Baltimore County
Zoning Commissioner

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

September 21, 2000

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

RE: PETITION FOR SPECIAL EXCEPTION
N/S Dogwood Road, 1300' N of the c/l Riverbirch Road
(8800 Dogwood Road)
2nd Election District - 2nd Council District
Kahler Family L.P., Owners; King Memorial Park, Inc., Contract Purchasers - Petitioners
Case No. 01-069-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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Bonnie Kahler
2614 Ridge Road, Baltimore, Md. 21244
Mr. Erich W. March, President, King Memorial Park, Inc.
5719 York Road, Baltimore, Md. 21212
Darrell Peterson, Esquire, 111 S. Calvert Street, #2700, Baltimore, Md. 21202
Mr. Chris Reid, c/o Riemer Muegge & Associates, Inc.,
8818 Centre Park Drive, Suite 200, Columbia, Md. 21045
DEPRM; Office of Planning; People's Counsel; Case File





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at King Memorial Park

which is presently zoned RC-3

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, leg owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto ar made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use th herein described property for

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 bounded by tl zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Contract Purchaser/Lessee:

Erich W. March

Name - Type or Print
Erich W. March, Pres.

Signature

King Memorial Park, Inc. (410) 835-0500

Address Telephone No.

5719 York Rd Balt. MD. 21212

City State Zip Code

Attorney For Petitioner:

David K. Gildea

Name - Type or Print

David K. Gildea

Signature

Whiteford, Taylor & Preston L.L.P.

Company

210 W. Pennsylvania Ave. (410) 832-2066

Address Telephone No.

Towson, MD 21204

City State Zip Code

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.

Legal Owner(s):

Kahler Family Limited Partnership
BOONIE Kahler, Partner

Name - Type or Print

Boonie Kahler

Signature

Name - Type or Print

Signature

2614 Ridge Rd 410-521-3030

Address Telephone No.

MD 21244

City State Zip Code

Representative to be Contacted:

David K. Gildea

Name

210 W. Pennsylvania Ave. (410) 832-2066

Address Telephone No.

Towson, MD 21204

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By TAG Date 8-11-00

Case No. 01-069X

SEP 09/15/98

ORDER RECEIVED FOR FILING

Date 4/27/00

By [Signature]

ZONING DESCRIPTION

First Parcel

BEGINNING at a point on the north side of Dogwood Road which is thirty (30) feet wide, 1300 feet more or less north of the centerline of the nearest improved intersecting street Riverburch Road fifty (50) feet wide, thence following the north side of Dogwood Road the following three (3) courses and distances, viz;

North 79°29' West, 61.8 feet, thence North 84°27' West, 127 feet, thence North 70°57' West, 274.5 feet, thence leaving the north side of Dogwood Road and running in, through, over and across the First Parcel the following two (2) courses and distances, viz; North 40°20' East, 2225.8 feet, thence North 22°21' East, 1468.8 feet, to a point on and distant 74.5 feet from the end of the eighth or South 62°31' East, 204.5 foot deed line of the land which by deed dated December 29, 1976 and recorded among the Land Records of Baltimore County in Liber 5712 at Folio 642 and was conveyed by George Edwin Kahler to The Kahler Family Limited Partnership, thence running with and binding on said eighth deed line and continuing along the boundary of said deed the following eighteen (18) courses and distances, viz; South 62°31' East, 74.5 feet, thence South 88°29' East, 82.5 feet, thence South 65°41' East, 294 feet, thence South 67°46' East, 264 feet, thence South 29°35' East, 66 feet, thence South 35°32' East, 66 feet, thence South 54°41' East, 366.9 feet, thence South 01°30' East, 58 feet, thence South 40°30' East, 17.15 feet, thence South 57°30' East, 528 feet, thence South 32°30' West, 905.2 feet, thence South 84° West, 30.5 feet, thence North 57°30' West, 474.5 feet, thence South 30°14' West, 208.56 feet, thence South 10°56' East, 138.6 feet, thence North 84° East, 72 feet, thence South 45°01' West, 1278 feet, thence South 66°39' West, 1336.5 feet to the place of beginning.

Being part of the lands conveyed by George Edwin Kahler to The Kahler Family Limited Partnership by deed dated December 29, 1976 and recorded among the Land Records of Baltimore County in Liber 5712 at Folio 642.

Third Parcel

BEGINNING at a point at the beginning of the nineteenth or South 84° West, 30.5 foot deed line of the above mentioned deed recorded in Liber 5712 at Folio 642, thence running with and binding on the nineteenth, twentieth, twenty-first, twenty-second and twenty-third deed lines of the above mentioned deed the following five (5) courses and distances, viz;

South 84° West, 30.5 feet, thence North 57°30' West, 474.5 feet, thence South 30°14' West, 208.56 feet, thence South 10°56' East, 138.60 feet, thence North 84° East, 500 feet to the place of beginning as recorded in Deed Liber 5712 at Folio 642.

Note:

The above described First and Third Parcels were developed from the recorded deeds and may not form closed mathematical figures.



01-069-X

01-069X

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 85249

DATE 8-11-00 ACCOUNT 6001-6150

AMOUNT \$ 300.00

RECEIVED FROM: Whitehead, Taylor, Preston
King Memorial Park

FOR: Special Exemption
Digwood Rd 01-069X

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT
PAID TO ACTUAL FOR
8/16/2000 8/11/2000 14:24:15
REF 0806 CASHIER PINK EXH OFFICE
DATE 5 528 ZONING DEPARTMENT
REVISED 016500 1311
CR NO. 0-0249

Receipt Tot. 300.00
700.00 OK 00.00
Baltimore County, Maryland

01-069-X

CASHIER'S VALIDATION

**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: #01-069-X
King Memorial Park
N/S Dogwood Road, 821
feet +/- NW of Wrights Lane.
2nd Election District
2nd Councilmanic District
Legal Owner(s): Bonnie Kahler
Contract Purchaser: King
Memorial Park, Inc.
Special Hearing: for a
cemetery
Hearing: Tuesday, Sep-
tember 12, 2000 at 2:00
p.m. in Room 407, County
Courts Building, 401 Bos-
ley 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.

JT/8/786 Aug.29 C415832

CERTIFICATE OF PUBLICATION

TOWSON, MD, 8/31, 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 8/29, 2000.

J. Wilkinson
THE JEFFERSONIAN,
LEGAL ADVERTISING

**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: #01-069-X
King Memorial Park
N/S Dogwood Road, 821
feet +/- NW of Wrights Lane
2nd Election District
2nd Councilmanic District
Legal Owner(s):
Bonnie Kahler
Contract Purchaser: King
Memorial Park, Inc.
Special Exception: for a
cemetery.

Hearing: Monday, Sep-
tember 25, 2000 at 2:00
p.m. in Room 407, County
Courts Building, 401 Bas-
ley 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.

9/14 Sept. 7 C417302

CERTIFICATE OF PUBLICATION

TOWSON, MD, 9/7/, 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 9/7/, 2000.

THE JEFFERSONIAN,
J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

**RE: CASE # 01-069-X
PETITIONER/DEVELOPER
(King Memorial Park)
DATE OF Hearing
(9-12-00)**

**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 Road Baltimore, Maryland 21244_____

**THE SIGN(S) WERE POSTED ON _____ 8-28-00 _____
(MONTH, DAY, YEAR)**

SINCERELY,

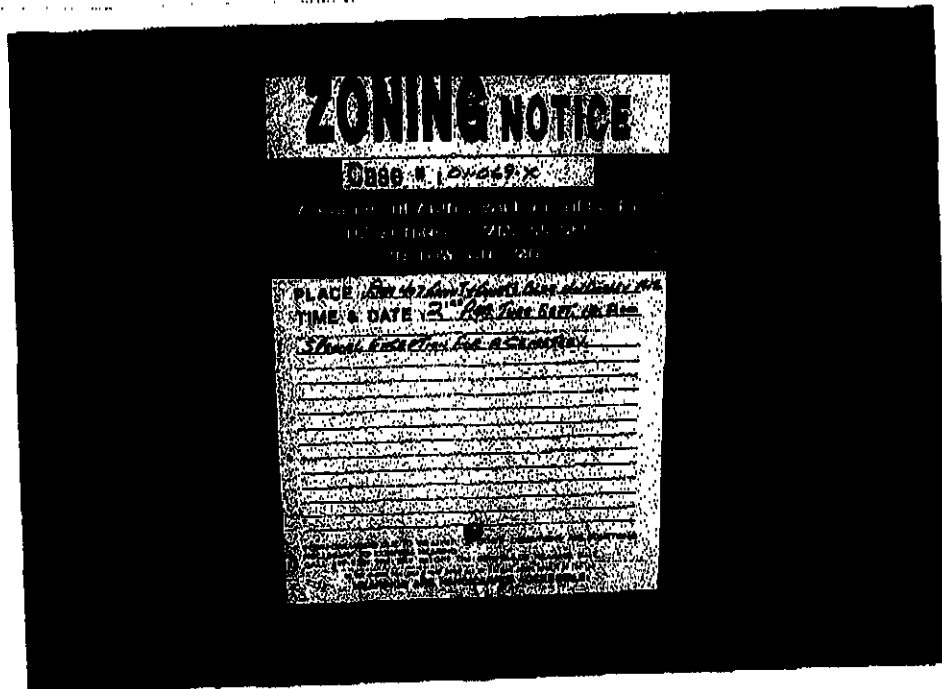

(SIGNATURE OF SIGN POSTER & DATE)

_____ THOMAS P. OGLE SR. _____

_____ 325 NICHOLSON ROAD _____

_____ BALTIMORE, MARYLAND 21221 _____

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



Posted on Dogwood 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: 01-069x
Petitioner: King Memorial Park, Inc.
Address or Location: King Memorial Park

PLEASE FORWARD ADVERTISING BILL TO:

Name: David E. Fieker, Esq.
Address: Whiteford, Taylor + Martin
210 W. Penn. Ave Towson, Md. 21204
Telephone Number: (410) 832-2000

Revised 2/20/98 - SCJ

01-069-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

August 21, 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: 01-069-X

King Memorial Park

N/S Dogwood road, 821 feet +/- NW of Wrights Lane.

2nd Election District – 2nd Councilmanic District

Legal Owner: Bonnie Kahler

Contract Purchaser: King Memorial Park, Inc.

Special Exception for a cemetery.

HEARING: Tuesday, September 12, 2000 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

Arnold Jablon
Director

C: Whiteford, Taylor & Preston L.L.P., c/o David K. Gildea, 210 W. Pennsylvania Ave.,
Towson 21204

Kahler Family Limited Partnership, Bonnie Kahler, Partner, 2614 Ridge Road,
Baltimore 21244

King Memorial Park, Inc., Enrich W. March, President, 4719 York Road, Baltimore
21212

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY AUGUST 29, 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
Tuesday, August 29, 2000 Issue – Jeffersonian

Please forward billing to:
David K. Gildea, Esquire
Whiteford, Taylor & Preston L.L.P.
210 W. Pennsylvania Ave
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: 01-069-X
King Memorial Park
N/S Dogwood road, 821 feet +/- NW of Wrights Lane.
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LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

August 17, 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: 01-069-X

King Memorial Park

N/S Dogwood road, 821 feet +/- NW of Wrights Lane.

2nd Election District – 2nd Councilmanic District

Legal Owner: Bonnie Kahler

Contract Purchaser: King Memorial Park, Inc.

Special Exception for a cemetery.

HEARING: Monday, September 25, 2000 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with the initials "GDZ" written below it.

Arnold Jablon
Director

C: Whiteford, Taylor & Preston L.L.P., c/o David K. Gildea, 210 W. Pennsylvania Ave.,
Towson 21204

Kahler Family Limited Partnership, Bonnie Kahler, Partner, 2614 Ridge Road,
Baltimore 21244

King Memorial Park, Inc., Enrich W. March, President, 4719 York Road, Baltimore
21212

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SEPTEMBER 8, 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
Friday, September 8, 2000 Issue – Jeffersonian

Please forward billing to:
David K. Gildea, Esquire
Whiteford, Taylor & Preston L.L.P.
210 W. Pennsylvania Ave
Towson, MD 21204

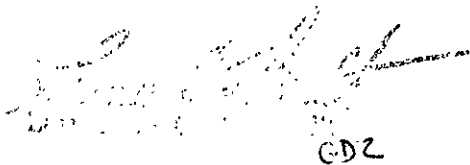
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The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

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Special Exception for a cemetery.

HEARING: Monday, September 25, 2000 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.



GDZ

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.
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Baltimore County
Department of Permits and
Development Management

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

September 6, 2000

Whiteford, Taylor & Preston LLP
C/o David K. Gildea
210 W. Pennsylvania Avenue
Towson, MD 21204

Dear Mr. Gildea:

RE: Case Number: 01-069-X, King Memorial Park

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 11, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review

GDZ

WCR: gdz

Enclosures

C: Kahler Family Limited Partnership, Bonnie Kahler, Partner, 2614 Ridge Road,
Baltimore 21244
King Memorial Park, Inc., Enrich W. March, President, 4719 York Road, Baltimore
21212
People's Counsel

Leslie
9/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

SEP - 1

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

DATE: August 31, 2000

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

SUBJECT: Dogwood Road and Wrights Lane (King Memorial Park)

INFORMATION:

Item Number: 01-069

Petitioner: Bonnie Kahler

Zoning: RC 2/RC 3

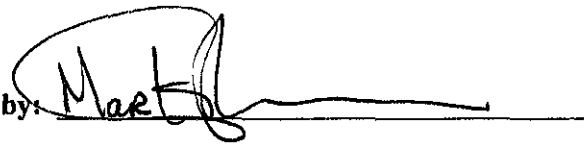
Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to allow a cemetery is an RC 3 zone providing the following conditions are met:

1. Label the existing streams, wetlands and forest buffers as primary conservancy areas.
2. Provide a National Register level photographic documentation of the house to be razed.
3. Show the existing zoning accurately on the plan. The strip of RC 2 zoned property located to the east of the subject property adjacent to the S32°30'W 905.2 property line should be shown.

Prepared by:



Section Chief:



AFK:MAC:



Baltimore County
Fire Department

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

August 22, 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 AUGUST 21, 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:

058, 059, 060, 061, 064, 065, 066, 067, 068, 069,

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

cc: File

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



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: August 30, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For August 28, 2000
Item Nos. 058, 059, 060, 061, 062, 063,
064, 065, 066, 067, 068, 069,

and

Item No. 551 (Zoning Case 00-551-A)
318 Wye Road by TAG

and

Item No. 057 (2601 Old Court Road)

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

RWB:HJO:jrb

cc: File



Maryland Department of Transportation
State Highway Administration

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

Date: 8.21.00

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

RE: Baltimore County
Item No. 069 TAG

Dear Ms. Jackson:

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,

la

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley
DATE: September 8, 2000
SUBJECT: Zoning Item #069 M/RBS
King Memorial Park

Zoning Advisory Committee Meeting of August 21, 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 the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- X Development of this property may need to comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- _____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
- X The buffer shown on the plan accompanying this petition is incorrect.

Reviewer: Betty Kelley

Date: August 29, 2000

RE: PETITION FOR SPECIAL EXCEPTION
King Memorial Park, N/S Dogwood Rd,
821' +/- NW of Wrights Ln
2nd Election District, 2nd Councilmanic

Legal Owner: Kahler Family L.P.
Contract Purchaser: King Memorial Park, Inc.
Petitioner(s)

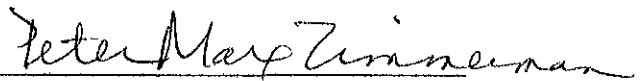
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-69-X

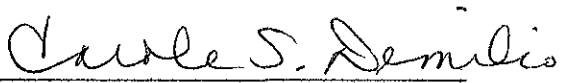
* * * * *

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.

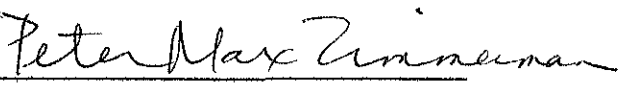
All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


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 11th day of September, 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

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Chris Reid

c/o Riemer Muegge & Associates, Inc
8818 Centre Park Drive Ste 200
Columbia MD 21045

ERICH W. MARCH

KING MEMORIAL PARK

VICTOR C. MARCH, SR.

8710 DOBWOOD RD 21244

KING MEMORIAL PARK, INC
5719 YORK RD. 21212

Darrell Peterson, Esq.

~~350~~ III S. Calvert St.

Suite 2700

Baltimore, MD 21202

David K. Jelden, Esq

Walter D. Taylor, Pres
210 W. Penn. Ave
Towson, Md. 21204



IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
N/S Dogwood Road, 821' NW of * ZONING COMMISSIONER
Wrights Lane *
(8800 Dogwood Road) * OF BALTIMORE COUNTY
2nd Election District *
2nd Councilmanic District * Case No. 98-25-Y
The Kahler Family Ltd. Part., Owners,
King Memorial Park, Inc., Contract Purchasers

* * * * *

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 owners of the subject property, The Kahler Family Limited Partnership, by Bonnie Kahler, and the Contract Purchaser, King Memorial Park, Inc., by Erich March, President, through their attorney, David K. Gildea, Esquire. The Petitioners request a special exception to permit a cemetery to be located on the subject property, which is more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Erich W. March, President of King Memorial Park, Inc., Christopher J. Reed, a representative of Riemer Muegge & Associates, Inc., who prepared the site plan for this property, and David K. Gildea, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 104.43 acres, more or less, zoned R.C.3, and is presently used as pasture land. The Co-Petitioners, King Memorial Park, Inc., own an adjacent property, containing approximately 50 acres in area, which is used as a cemetery. Apparently, the cemetery has existed at this location for many years and has historically been used by members of the

African/American community. Both parcels have frontage on Dogwood Road. King Memorial Park, Inc. has contracted with the Petitioners to purchase the subject property to enlarge its grounds and provide additional space for burial sites. In that both parcels feature frontage on Dogwood Road, the new tract will be utilized to provide an additional internal roadway on the grounds. Testimony indicated that this additional roadway will provide a second means of access to the cemetery from Dogwood Road, thereby improving traffic patterns and flow.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded to grant the Petition for Special Exception. In my judgment, the proposed use is entirely appropriate for this parcel, particularly given the fact that a cemetery exists immediately next door. Additionally, the Office of Planning submitted a favorable comment indicating their support of the special exception request.

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.

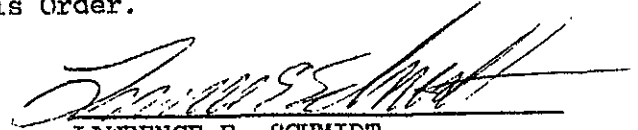
THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of September, 1997 that the Petition for Special Exception to permit a cemetery to be located on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) 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 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) Compliance with the Zoning Plans Advisory Committee comments submitted by the Department of Environmen-

tal Protection and Resource Management (DEPRM), dated August 11, 1997 (copy attached).

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Attach original petition

Date: August 11, 1997

To: Arnold L. Jablon
From: R. Bruce Seeley *RS/gp*
Subject: Zoning Item #25

King Memorial Park

Zoning Advisory Committee Meeting of: August 11, 1997

- ☐ 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.
- ☒ Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - ☒ Development of the property must comply with the Regulations for the Protection of Water Quality, streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - ☒ Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).
 - ☐ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

GP:sp

jablon.doc



Baltimore County
Zoning Commissioner
Office of Planning

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

September 17, 1997

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

RE: PETITION FOR SPECIAL EXCEPTION
N/S Dogwood Road, 821' NW of Wrights Lane
(8800 Dogwood Road)
2nd Election District - 2nd Councilmanic District
The Kahler Family Ltd. Part., Owners; and
King Memorial Park, Inc., Contract Purchasers - Petitioners
Case No. 98-25-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,

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

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

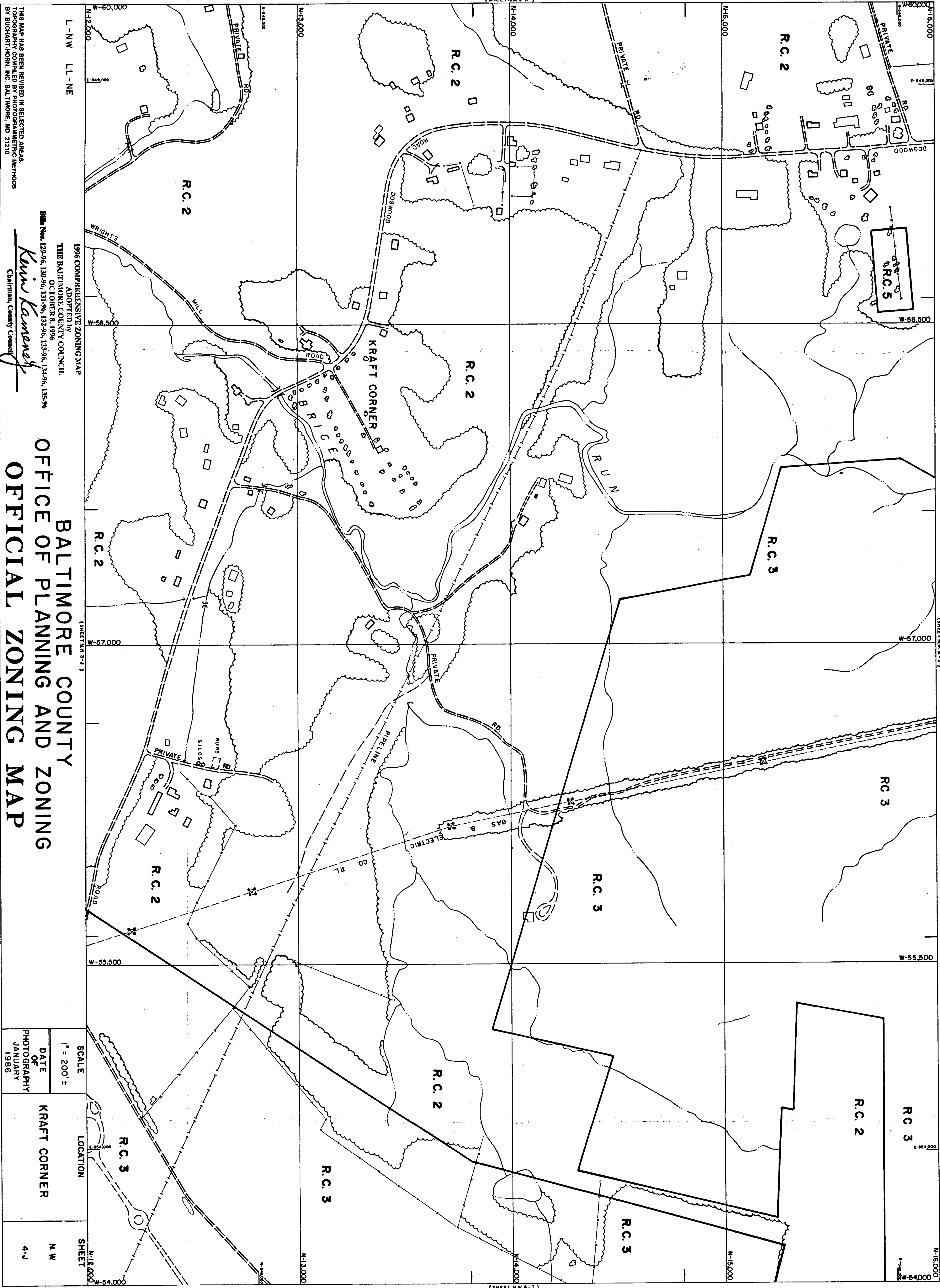
LES:bjs

cc: Ms. Bonnie Kahler
2614 Ridge Road, Baltimore, Md. 21244

Mr. Erich March, President, King Memorial Park, Inc.
8710 Dogwood Road, Baltimore, Md. 21207

People's Counsel; Case Files





01-069X

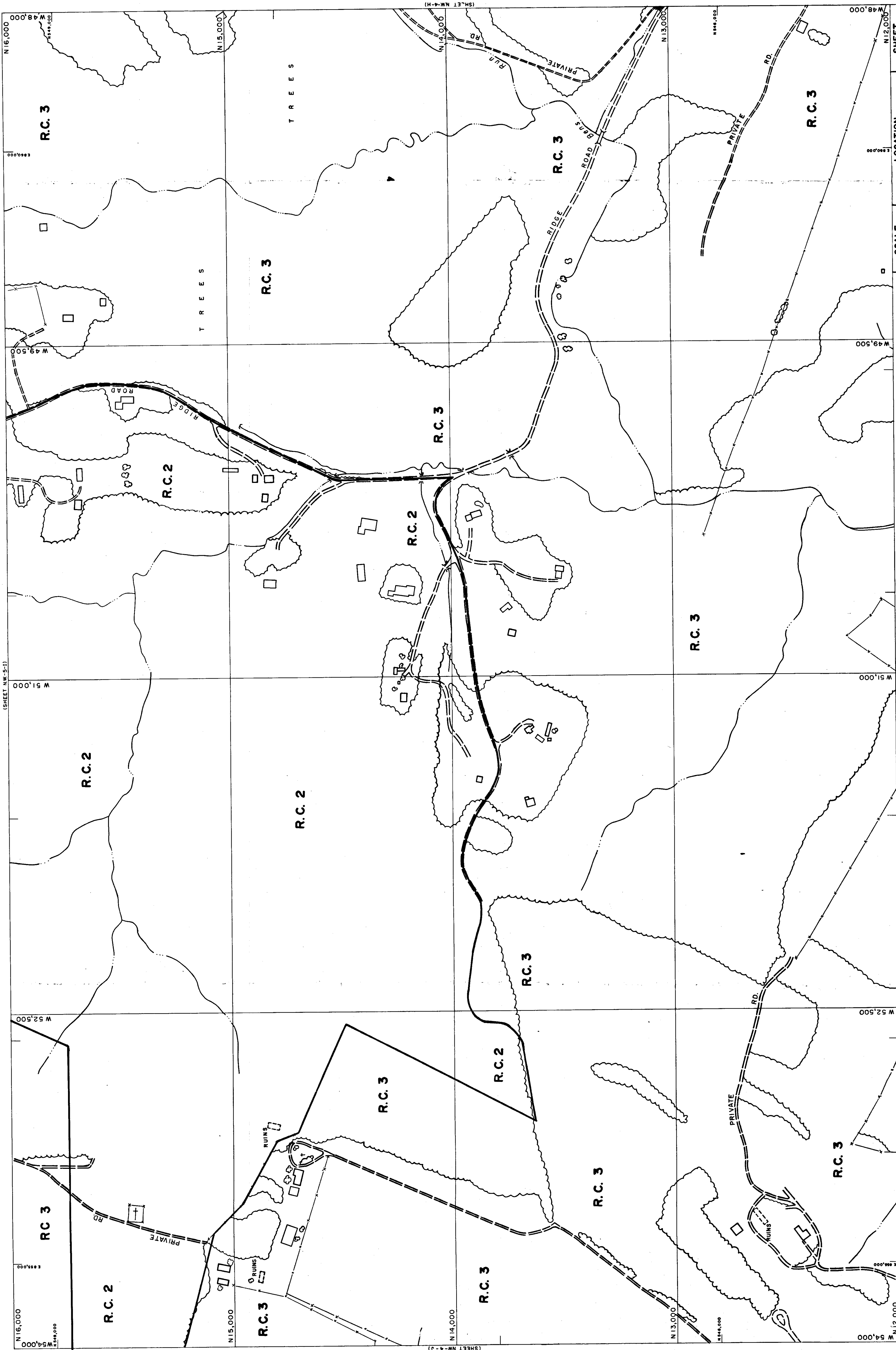
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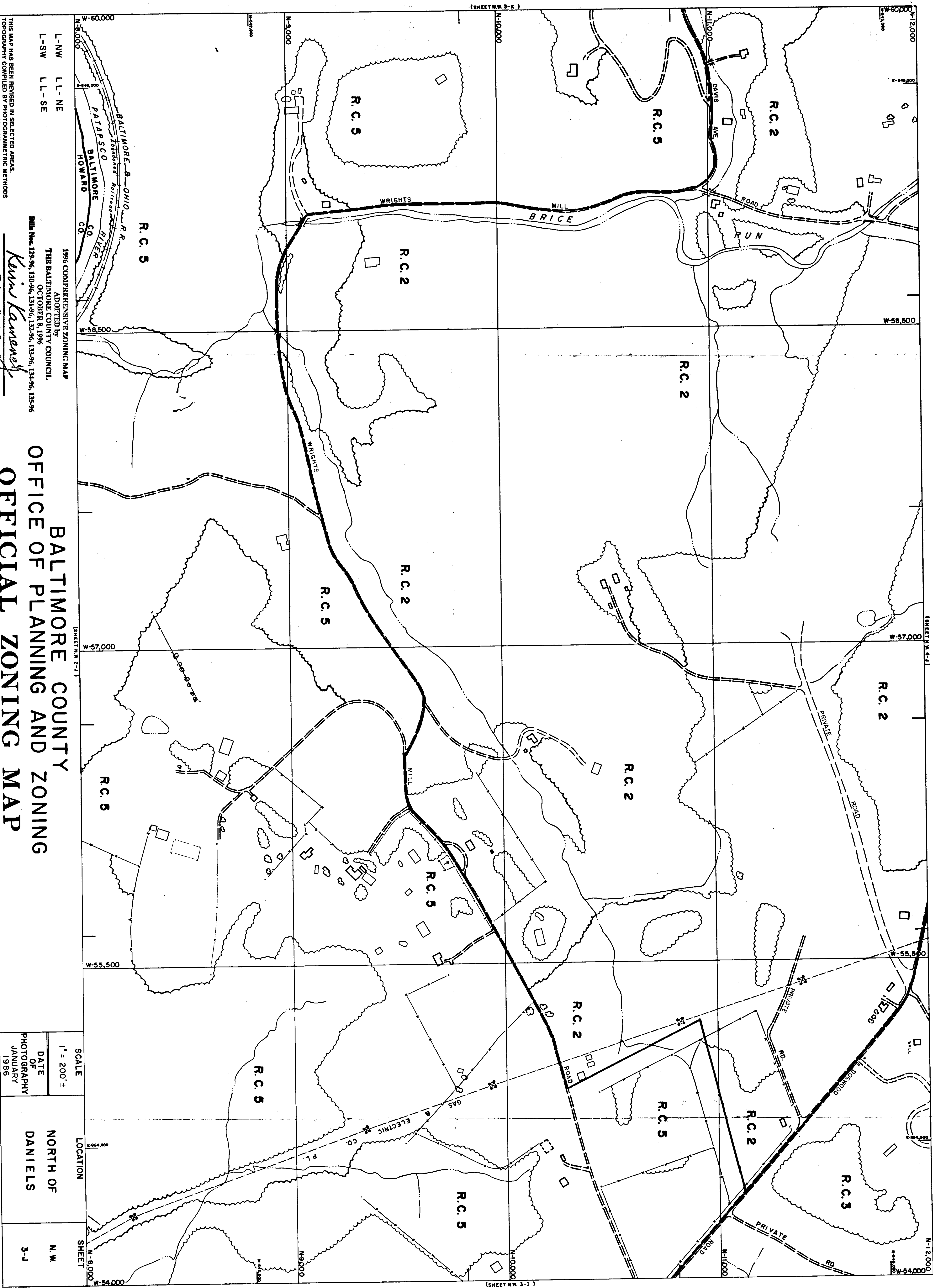
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L - NW		BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP		LOCATION HEBBVILLE		SHEET N.W. 4-I	
1996 COMPREHENSIVE ZONING MAP ADOPTED BY THE BALTIMORE COUNTY COUNCIL OCTOBER 8, 1996 Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96		DATE OF PHOTOGRAPHY JANUARY 1986					
THIS MAP HAS BEEN REVISED IN SELECTED AREAS. TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS BY BUCHART-HORN, INC. BALTIMORE, MD. 21210		<i>Kevin Kamanev</i> Chairman, County Council					

01-069X



L-NW L-L-NE
L-SW L-L-SE

1996 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
BIBL Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200' ± DATE OF PHOTOGRAPHY JANUARY 1986	NORTH OF DANIELS	N.W. 3-J

Kevin Kammerly
Chairman, County Council

DRAWING NUMBER
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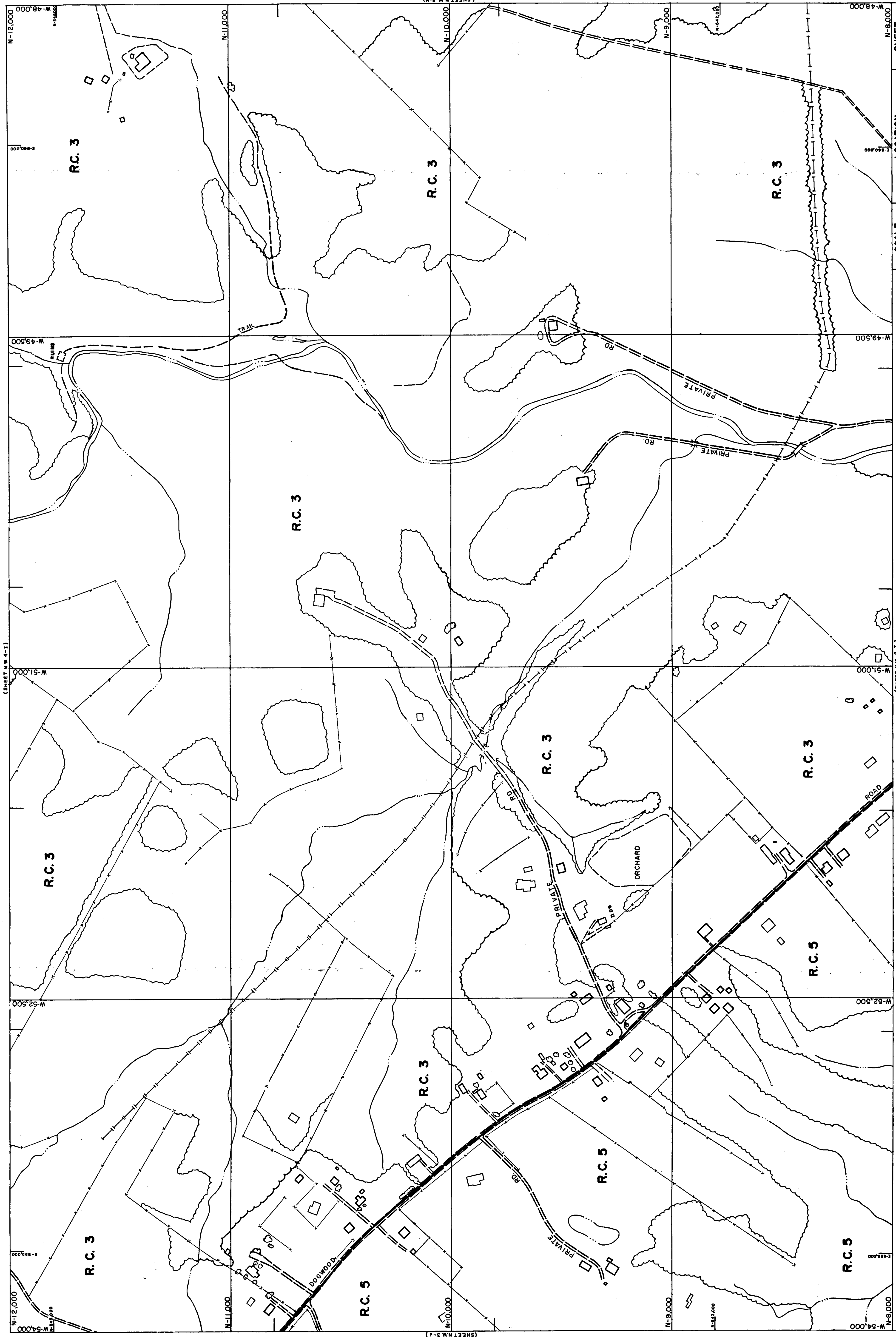
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**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

1994 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

Kevin Kamenev
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

SCALE	LOCATION	SHEET
1" = 200' ±	NORTH OF HOLLOFIELD	N.W.
DATE OF PHOTOGRAPHY JANUARY 1986		3-1

01-069X



W 22,500
N 13,000

SITE INFORMATION:

1. LOCATION: SUBJECT PROPERTY LOCATED ON NORTHWEST CORNER OF DOGWOOD ROAD, 807'.
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