IN RE: PETITION FOR VARIANCE NW/S Hopewell Avenue, 533' NE of the c/l Back River Neck Road (1616-A Hopewell Avenue) 15th Election District 5th Council District First Baptist Church of Back River, Inc. Petitioner	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 03-087-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, the first Baptist Church of Back River, Inc., by James Modlin, Pastor, through their attorney, Deborah C. Dopkin, Esquire. The Petitioner requests variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1B01.2.C.1.a to permit a side yard setback of 15 feet in lieu of the required 30 feet; from Section 1B01.1.B to permit a Residential Transition Area (RTA) setback and buffer of as little as 0 feet each in lieu of the required 75 feet, and 50 feet, respectively; from Section 1B01.1.3(5) to permit a steeple with a height of 50 feet in lieu of the maximum permitted 35 feet (if necessary); from Section 409.6.A.4 to permit 35 parking spaces in lieu of the required 63; from Section 409.4.C to permit a drive aisle width of 11.8 feet in lieu of the required 16 feet for 60 degree parking; and from Section 409.12.B to approve a modified parking plan. The subject property and requested relief 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 in support of the request were James Modlin, Pastor of the First Baptist Church of Back River, Inc., and Deborah C. Dopkin, Esquire, attorney for the Petitioners. Also appearing were Alexander Ratych and Paul Ratych, on behalf of APR Associates, the consultants who prepared the site plan, and Chris Trionfo. There were no

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Date 10/3/12
By

Protestants or other interested persons present; however, a letter expressing concern about the proposal was received subsequent to the hearing from Barbara Glowack, a nearby property owner.

The subject property under consideration is a rectangular shaped lot located on the northwest side of Hopewell Avenue, nearly across from its intersection with Oakhurst Avenue, and east of Back River Neck Road in Essex. The property contains a gross area of 0.6692 acres, more or less, split zoned D.R.2 and D.R.16, and is presently unimproved. The predominant zoning of the property is D.R.2; however, a small strip of D.R.16 zoned land abuts the rear property line. The Petitioner proposes to construct a 7,360 sq.ft. Church on the property, with a seating capacity for 250 members. As shown on the site plan, the building will be located towards the rear of the lot, and an accessory parking lot providing space for 35 vehicles will be located on the front portion of the site.

It is to be noted that the First Baptist Church of Back River, Inc. also owns other property in the neighborhood. Specifically, the Church owns property on both corners of the intersection of Hopewell Avenue and Oakhurst Avenue, immediately across from the subject property. The lot on the southwest corner of the intersection is known as 1613 Hopewell Avenue and is improved with a building, which is currently the home of the First Baptist Church of Back River. Upon completion of the new Church, this building will continue to be used for office/ educational purposes. The property on the southeast corner of Hopewell and Oakhurst Avenues, known as 1615 Hopewell Avenue, is improved with a day care facility used by the Church, as well as an accessory paved parking area.

A church is a use permitted by right in the D.R. zone; thus, the proposed use of the subject property is for a permitted purpose. The relief requested actually relates to area and setback requirements, as well as parking regulations. The first variance requested is due to the narrowness of the lot. As shown on the site plan, the lot is approximately 100 feet wide and 292 feet deep. The proposed building will be 70 feet wide, thereby providing 15-foot side yard setbacks on each side, which is less than the minimum 30-foot setback required. Secondly, variance relief is requested from certain RTA requirements. It is to be noted that to the north (side) of the site, the

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Date 10/31/12
By

neighborhood features single family homes, one of which is located immediately adjacent thereto. To the other side (south) the adjacent property features both a single family dwelling and commercial uses. Apartments abut the rear of the site. Variance relief from the RTA requirements is necessary due to these differing housing types. The third variance requested is to permit a steeple with a height of 50 feet in lieu of the maximum allowed 35 feet. The Petitioner indicated that this variance may not be necessary, assuming that the steeple is not considered the maximum roofline. In my judgment, a grant of this variance is appropriate to legitimize the steeple height.

The final three variances relate to the proposed parking. The first request is to permit 35 parking spaces in lieu of the required 63; the second is to permit a drive aisle width of 11.8 feet in lieu of the required 16 feet; and, the third is to approve a modified parking plan. This appears to be the most significant issue. That is, the Church cannot provide sufficient parking under the Code on-site. Thus, in order to address this problem, the Petitioner indicated that the existing parking lot across Hopewell Avenue (adjacent to the day care facility) would be utilized to accommodate overflow parking. Moreover, the Petitioner produced letters at the hearing from nearby businesses, including The Loft, a restaurant/bar located nearby. These businesses have agreed to allow the Church to use its lots for parking on Sunday mornings when needed. In this regard, the Petitioner indicated that members of the congregation would be transported by van from any off-site parking lots to the Church building. Additionally, letters in support of the proposal were received from various neighbors in the community and the community association.

Based upon the testimony and evidence offered, I am persuaded to grant the relief requested. In my judgment, special circumstances exist that warrant a grant of the variance relief requested. I find that the Petitioner has met the requirements set forth in Section 307 and that relief should be granted. I believe the Church's efforts to provide additional parking off-site will mitigate any detrimental impact to the neighborhood. It is also to be noted that there were no adverse Zoning Advisory Committee (ZAC) comments; however, the Office of Planning has requested that a landscape plan be submitted at the building permit stage. This appears to be an appropriate restriction.

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 31st day of October, 2002, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1B01.2.C.1.a to permit a side yard setback of 15 feet in lieu of the required 30 feet; from Section 1B01.1.B to permit a Residential Transition Area (RTA) setback and buffer of as little as 0 feet each in lieu of the required 75 feet, and 50 feet, respectively; from Section 1B01.1.3(5) to permit a steeple with a height of 50 feet in lieu of the maximum permitted 35 feet (if necessary); from Section 409.6.A.4 to permit 35 parking spaces in lieu of the required 63; from Section 409.4.C to permit a drive aisle width of 11.8 feet in lieu of the required 16 feet for 60 degree parking; and from Section 409.12.B to approve a modified parking plan, 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, 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) Prior to the issuance of any permits, the Petitioners shall submit a landscape plan for review and approval by the Office of Planning.

3) When applying for any permits, the site plan and/or landscape 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

ORDER RECEIVED FOR FILING
Date 10/31/02
By

Baltimore County
Zoning Commissioner

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

October 31, 2002

Deborah C. Dopkin, Esquire
409 Washington Avenue, Suite 1000
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
NW/S Hopewell Avenue, 533' NE of the c/l Back River Neck Road
(1616-A Hopewell Avenue)
15th Election District – 5th Council District
First Baptist Church of Back River, Inc. - Petitioners
Case No. 03-087-A

Dear Ms. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance 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: Pastor James Modlin, First Baptist Church of Back River
1613 Hopewell Avenue, Baltimore, Md. 21221
Messrs. Alexander Ratych & Paul Ratych, APR Associates, Inc.
7427 Harford Road, Baltimore, Md. 21234
Mr. Chris Trionfo, 9 Wildon Court, Kingsville, Md. 21087
Ms. Barbara Glowack, 105 Oakhurst Avenue, Baltimore, Md. 21221
Office of Planning; People's Counsel; Case File

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on Recycled Paper

CRITICAL AREA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1616A Hopewll Avenue

which is presently zoned D.R. 2 + DR 16

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached

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

to be presented at hearing

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Legal Owner(s):

First Baptist Church of Back River INC
Name - Type or Print

First Baptist Church Back River
Signature

James Modlin, Pastor
Name - Type or Print

James Modlin
Signature

1613 Hopewell Avenue — 410-687-3040
Address — Telephone No.

Baltimore, — Maryland — 21221
City — State — Zip Code

Attorney For Petitioner:

Deborah C. Dopkin, Esquire
Name - Type or Print

Deborah C. Dopkin
Signature

Deborah C. Dopkin, P.A.
Company

409 Washington Avenue, #1000 — 410-821-0200
Address — Telephone No.

Towson, — Maryland — 21204
City — State — Zip Code

Representative to be Contacted:

Deborah C. Dopkin, Esquire
Name

409 Washington Ave., #1000 — 410-821-0200
Address — Telephone No.

Towson, — MD — 21204
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING 10/28/02 → 10/28/02

Reviewed By JL Date 8/21/02

Case No. 03 087 A

10/31/02

REV 9/15/98

(APP FILED FOR DRC EXEMPT)
B-9

From Section 1B01.2.C.1.a for a side yard setback of 15′ in lieu of the required 30′;

From Section 1B01.1.B to permit a residential transition area setback of as little as 0' in lieu of the required 75' and a residential transition area buffer of as little as 0' feet in lieu of the required 50';

From Section 1B01.1.B.e(5) to permit a steeple having a height of 50' in lieu of the permitted 35'; (if necessary) DCR

From Section 409.6.A.4 to permit 35 parking spaces in lieu of the required 63;

From Section 409.4.C to permit a drive aisle of 11.8' in lieu of the required 16' for 60° parking;

From Section 409.12B to approve a modified parking plan.

ORDER RECEIVED FOR FILING
Date 10/31/12
BY

APR ASSOCIATES, INC.
ENGINEERS · SURVEYORS

ZONING DESCRIPTION
FOR 1616 A HOPEWELL AVENUE

BEGINNING AT A POINT on the Northwest side of Hopewell Avenue which is 50 feet wide at the distance of 533 feet Northeast from the centerline of Back River Neck Road which is 60 feet wide.

BEING Lot No. 5 and 5A in the subdivision of Midriver Park as recorded in Baltimore County Plat Book W.P.C. 4, Folio 12; containing 29, 150 square feet or 0.6692 acres.

ALSO known as 1616 A Hopewell Road and located in the 15th Election District and 5th Councilmanic District, Baltimore County.

08/09/02

STATE OF MARYLAND
ALEXANDER PETERSON
No. 3133
REGISTERED
LAND SURVEYOR

7427 Harford Road
Baltimore, Maryland 21234-7160
(410) 444-4312
Fax: (410) 444-1647

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

087
JLL

No. 06715

DATE 3/21/02

ACCOUNT 001 006 6150

AMOUNT $ 250.00

RECEIVED FROM: Fritz Latrobe & Associates

FOR: Cost Increase

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME
8/22/2002 8/21/2002 14:42:19
REG 0502 WALKTH JEWA JEE DRAWER
RECEIPT # 220141 8/21/2002 OFLP
Dept 5 5.9 ZONING VERIFICATION
CR NO. 006715
Recpt Tot $250.00
250.00 CK .00 CA
Baltimore County, Maryland

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: #03-087-A
1616A Hopewell Avenue
NW/S Hopewell Avenue, 533' NE of Back River Neck Road
15th Election District – 5th Councilmanic District
Legal Owner(s): First Baptist Church of Back River Inc.

Variance: to permit a side yard setback of 15 feet in lieu of the required 30 feet, to permit a residential transition area setback of as little as 0 feet in lieu of the required 75 feet and a residential transition area buffer of as little as 0 feet in lieu of the required 50 feet, to permit a steeple having a height of 50 feet in lieu of the permitted 35 feet if necessary, to permit 35 parking spaces in lieu of the required 63, to permit a drive aisle of 11.8 in lieu of the required 16 feet for 60 degree parking, and, to approve a modified parking plan.

Hearing: Friday, September 27, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

9/10 Sept. 12 0561814

CERTIFICATE OF PUBLICATION

9/12, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/12, 2002.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

ZONING NOTICE

CASE # 03-087-A

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

ROOM 407, COUNTY COURTS BLDG.

PLACE: 401 BOSLEY AVENUE

DATE AND TIME: FRIDAY, SEPTEMBER 27, 2002 AT 9:00 A.M.

REQUEST: VARIANCE TO PERMIT A SIDE YARD SETBACK OF 15 FT IN LIEU OF THE REQUIRED 30 FT TO PERMIT A RESIDENTIAL TRANSITION AREA SETBACK OF AS LITTLE AS "0" FT. IN LIEU OF THE REQUIRED 75 FT. AND A RESIDENTIAL TRANSITION AREA BUFFER OF AS LITTLE AS "0" FT. IN LIEU OF THE REQUIRED 50 FT., TO PERMIT A STEEPLE HAVING A HEIGHT OF 50 FT. IN LIEU OF THE PERMITTED 35 FT. IF NECESSARY, TO PERMIT 35 PARKING SPACES IN LIEU OF THE REQUIRED 63, TO PERMIT A DRIVE AISLE OF 11.8 FT. IN LIEU OF THE REQUIRED 16 FT. FOR 60 DEGREE PARKING AND TO APPROVE A MODIFIED PARKING PLAN.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887 3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No.: 03-087-A

Petitioner/Developer: FIRST BAPTIST CHURCH OF BACK RIVER

Date of Hearing/Closing: SEPT. 27, 2002

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

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

1616 A HOPEWELL AVE.

The sign(s) were posted on SEPT. 11, 2002
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

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 28, 2002

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: 03-087-A
1616A Hopewell Avenue
NW/S Hopewell Avenue, 533' NE of Back River Neck Road
15th Election District – 5th Councilmanic District
Legal Owner First Baptist Church of Back River Inc

Variance to permit a side yard setback of 15 feet in lieu of the required 30 feet, to permit a residential transition area setback of as little as 0 feet in lieu of the required 75 feet and a residential transition area buffer of as little as 0 feet in lieu of the required 50 feet, to permit a steeple having a height of 50 feet in lieu of the permitted 35 feet if necessary, to permit 35 parking spaces in lieu of the required 63, to permit a drive aisle of 11.8 in lieu of the required 16 feet for 60 degree parking, and, to approve a modified parking plan.

HEARING: Friday, September 27, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

C: Deborah C Dopkin, 409 Washington Avenue, Suite 1000, Towson 21204
First Baptist Church of Back River Inc, James Modlin, Pastor, 1613 Hopewell Avenue, Baltimore 21221

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, SEPTEMBER 12, 2002.**
(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.

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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: 03-087-A

Petitioner: FIRST BAPTIST CHURCH OF BACK RIVER

Address or Location: 1616A HOPEWELL AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: DEBORAH C DOPKIN

Address: 409 WASHINGTON AVE ST 1000
TOWSON, MD 21204

Telephone Number: 410-821-0200

Revised 2/20/98 - SCJ

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 20, 2002

Deborah C Dopkin Esquire
409 Washington Avenue
Suite 1000
Towson MD 21204

Dear Ms. Dolpkin:

RE: Case Number: 03-087-A, 1616A Hopewell Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 21, 2002.

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. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: First Baptist Church of Back River Inc, James Modlin, Pastor, 1613 Hopewell Avenue, Baltimore 21221
People's Counsel

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Baltimore County
Fire Department

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

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

August 30, 2002

ATTENTION: George Zahner

Property Owner: First Baptist Church of Back River, Inc.

Location: Hopewell Ave.

Item No.: 087

Dear Mr. Zahner:

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.

A drive aisle of 11.8 feet does not provide sufficient operational area for fire fighting equipment.

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

cc: File

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 21, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For September 3, 2002
Item No. 087

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The proposed points of access should be 16 feet wide minimum with/10 curb-return radius.

RWB:CEN:jrb

cc: File

ZAC-9-3-2002-ITEM 087-932002

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 19, 2002

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

SEP 19

SUBJECT: 1616A Hopewell Avenue

INFORMATION:

Item Number: 03-087

Petitioner: First Baptist Church of Back River, Inc.

Zoning: DR 2/DR 16

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request provided a landscape plan is submitted to this office for review and approval prior to the issuance of any building permits.

Prepared by: Mark A Cumpston

Section Chief: Lyn Lanham

AFK/LL:MAC:

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 8·29·02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 087 JLL

Dear. Mr. Zahner:

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

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
James Modlin	927 Kevin Rd 21229
Deborah Dopkin	409 Washington Ave 21204
Chris Triunfo	9 Wilden Ct. 21087
Mike Kotzyba	7427 Harford Rd 21234
Paul Rodgers	7427 Harford Rd 21234

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on Recycled Paper

Baltimore County Zoning Commissioner
Ste 405 County Courts Bldg
401 Bosley Avenue
Towson MD 21204

November 7, 2002

RE: Case No 03-087-A

Dear Commissioner,

Thank you for notifying me of your decision in the above reference case.

I do however have two questions.

Did anyone from the Zoning Office survey the area in question? Specifically the parking situation?

In the copy of the decision I received it states that the Petitioner had letters from the neighbors and the community association. It should be noted that the neighbors and members of the association are members of the church congregation. Also I find it very hard to believe the congregation will use the parking lots of nearby businesses when they won't even park to the end of Hopewell Avenue and walk half a block to the church.

Finally, if the parking remedies outlined in the decision are not complied with what recourse do I have?

I appreciate your time on this matter. The answer to these questions will help me decide if I want to file an appeal so your swift response is greatly appreciated. You may fax me at 410-532-1987 or telephone me during the day at 4100464-5634.

Thank you,

Barbara Glowack

Barbara Glowack
105 Oakhurst Avenue
Baltimore Md 21221

I called Mrs Glowack, discussed case & gave her the info she wanted above
JES 11/7/02

Date: October 10, 2002

Re: Case # 03-087-A

I am writing you in reference to this rezoning request of First Baptist Church of Back River. I would like you to take into consideration my concerns in rendering your decision.

My home is located on Oakhurst Ave., which intersects Hopewell Ave. at the current location of the present church building. Both Oakhurst Ave. and Hopewell Ave. are dead end streets. There is only one ingress and egress to my house...Back River Neck Rd. to Hopewell Ave. to Oakhurst and vice-versa. The proposed site is located diagonally from the present site; simply on the other side of Hopewell Ave. and a small distance further down Hopwell Ave.

My concerns are as follows:

1) What will happen to the old church building? Will it continue to be used or abandoned? If abandoned, it would be a perfect place to draw vagrants and drug dealers into our immediate area.
2) Presently, parking is horrendous on Sundays. We have to "squeeze through" all of the cars parked at the end of Oakhurst Ave. just to get to and from Church services, ourselves. One day, my husband was not even able to get to our house because there were so many cars parked on our street. He got so mad that he left his car in the middle of Oakhurst Ave. and let those in the church figure out whose vehicle had to be removed in order for them to leave.
3) The current church building cannot support a congregation of 250, which is proposed capacity of the new building at the new site. The new site will only have parking for 35 cars. Once their congregation grows to fill this site, 35 spaces will not be enough, and I fear that the parking situation will get even worse. I don't even believe that 35 spaces may be adequate at the present time. When those spaces are eventually used up, the church members will park on Oakhurst Ave. because of its proximity to the proposed site and the fact that the affiliated day care center has parking on Oakhurst Ave.
4) I am further concerned that if I, or any member of my family, were to need emergency services on days that the church is being used, that the emergency vehicles will not be able to gain access to my property because of all the cars parked at the end of our street.
5) Finally, I am sick and tired of the members of the church using my driveway as a "turn around" in order to exit Oakhurst Ave. My children and many of the neighborhood children use my driveway for outdoor activities and I don't want them to be hurt or their play interrupted by people who have no right to be on my property at all.

Please, before making a decision in this matter, take our concerns into account. We are not against the church going there if our concerns are dealt with at the same time.

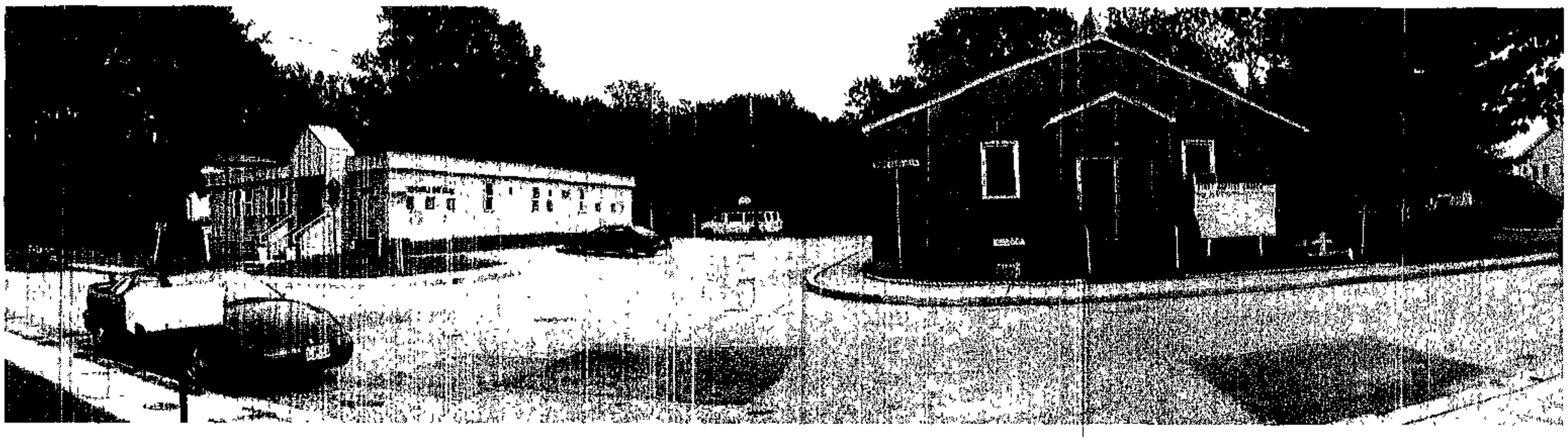
Sincerely,

Barbara Glowack
105 Oakhurst Ave.
Baltimore, MD 21221
410-686-3669

Pages: 2

From: BARBARA GLOWACK

410-686-3669



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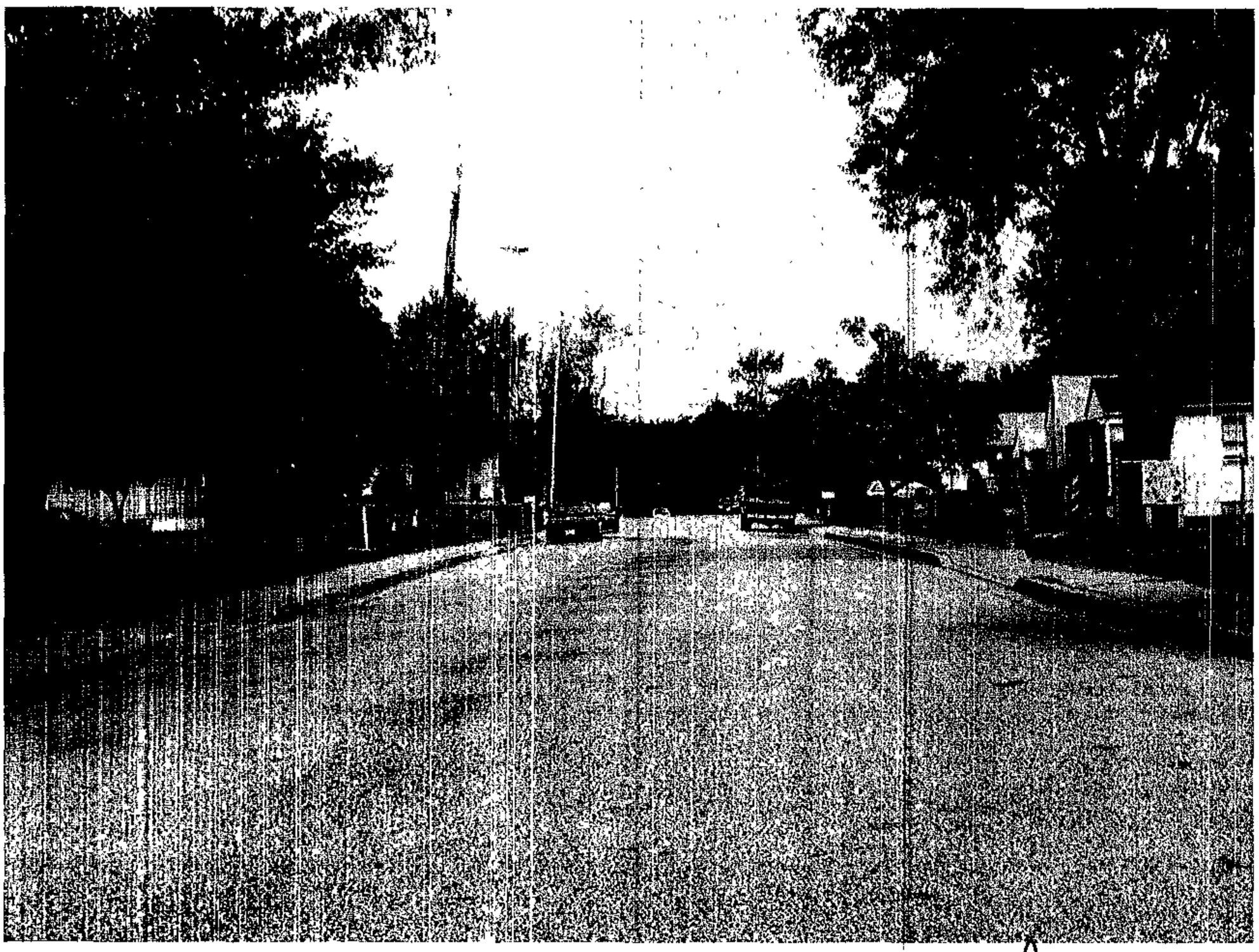
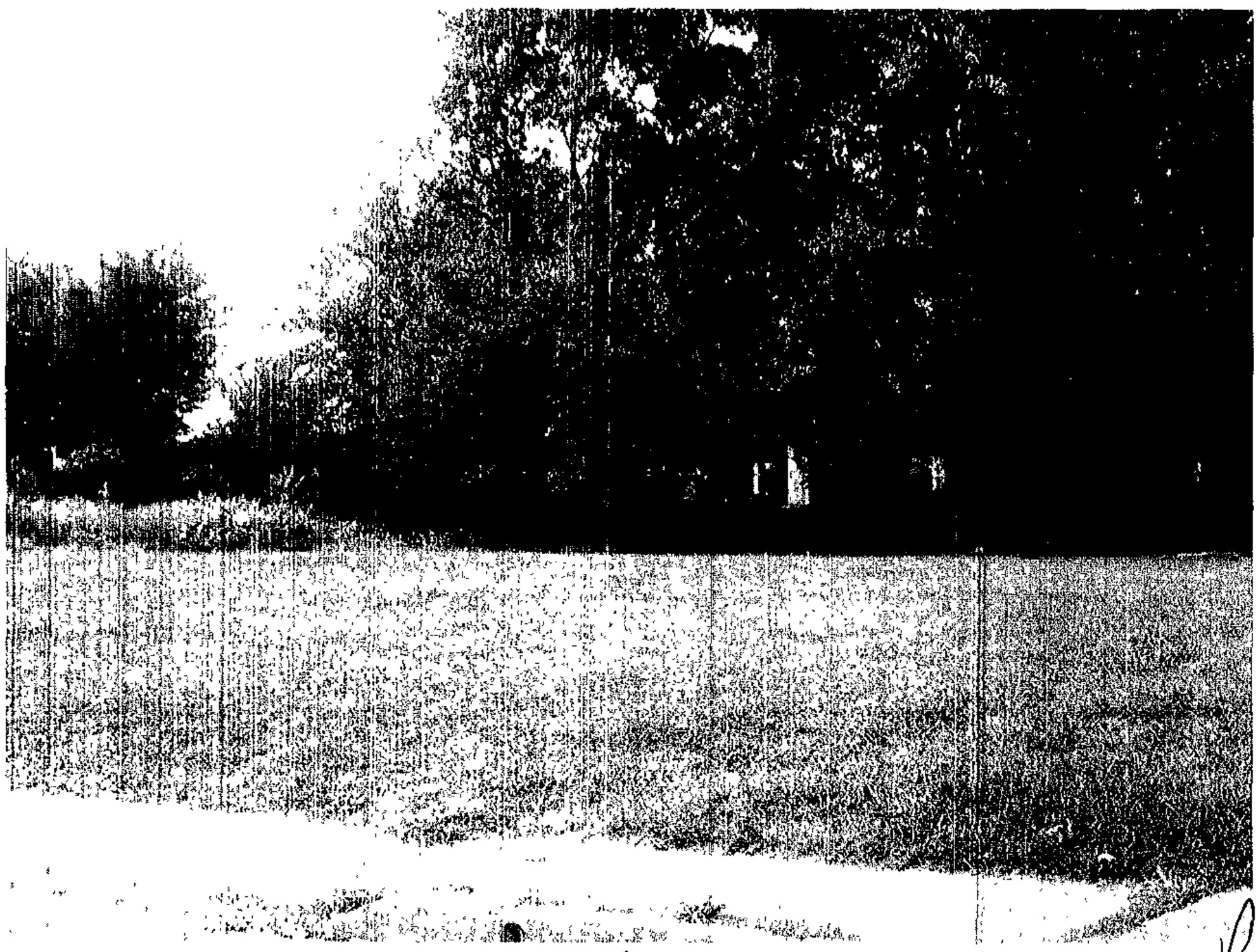


Feb 23

6

ZONING NOTICE
Future Home
Of
FIRST BAPTI
CHURCH
OF
BACK RIVE
Rev. James E. Modlin, P



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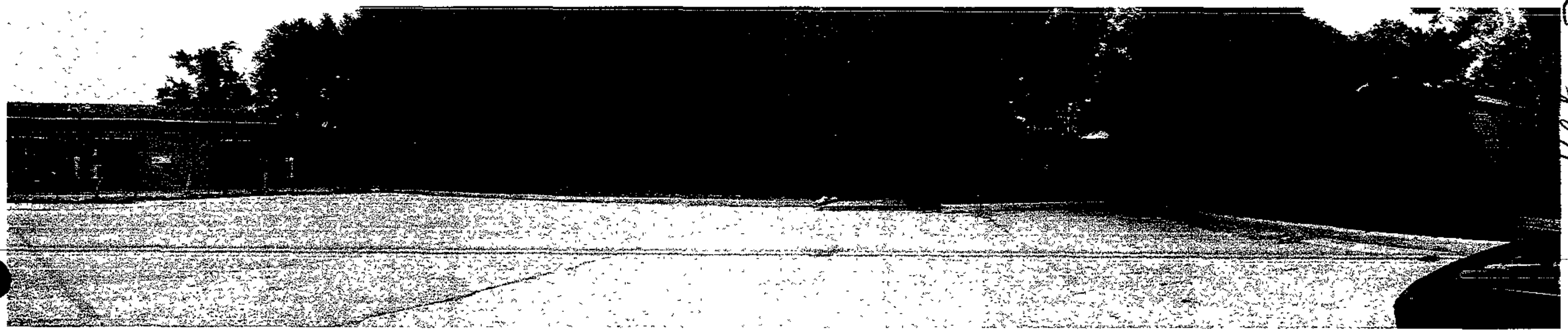

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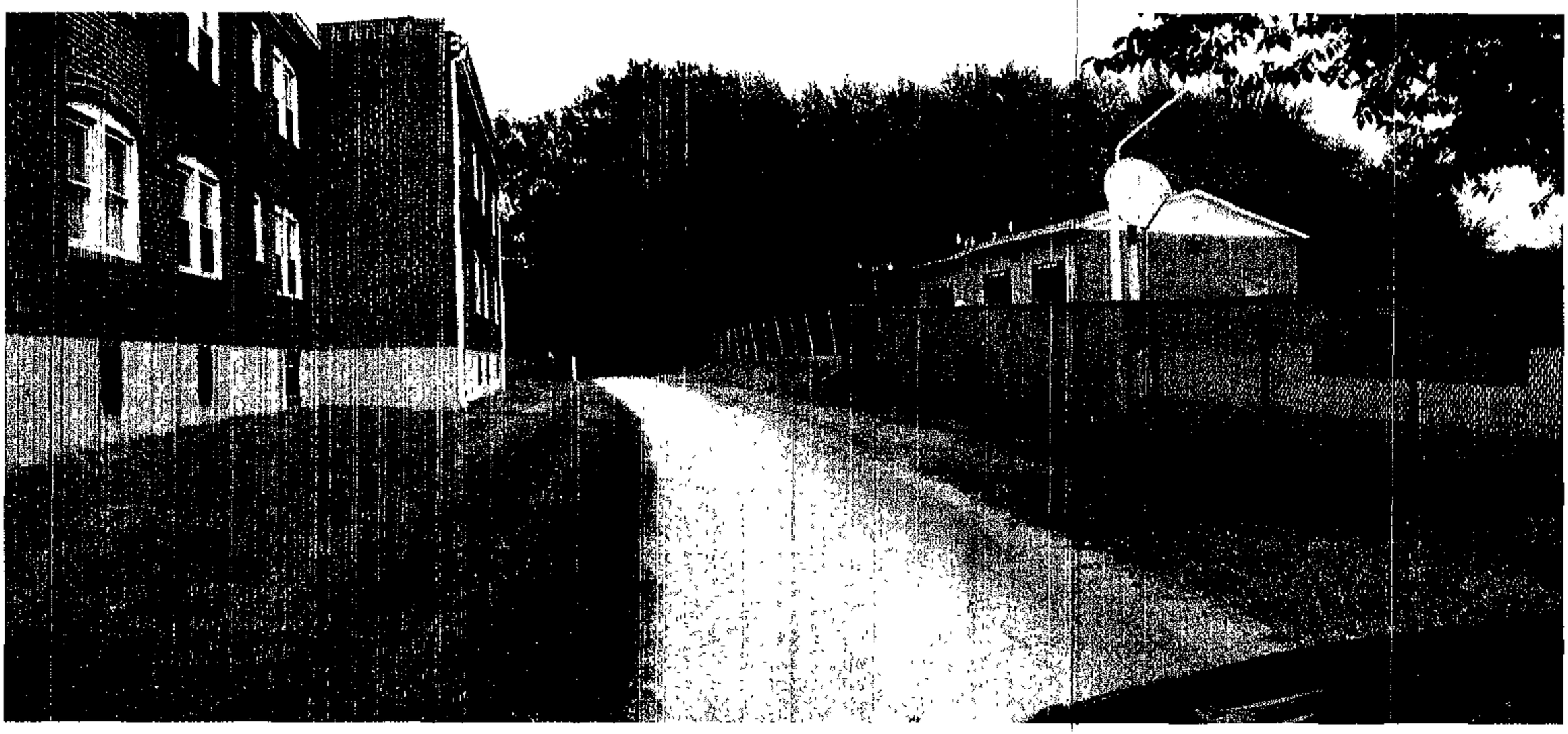

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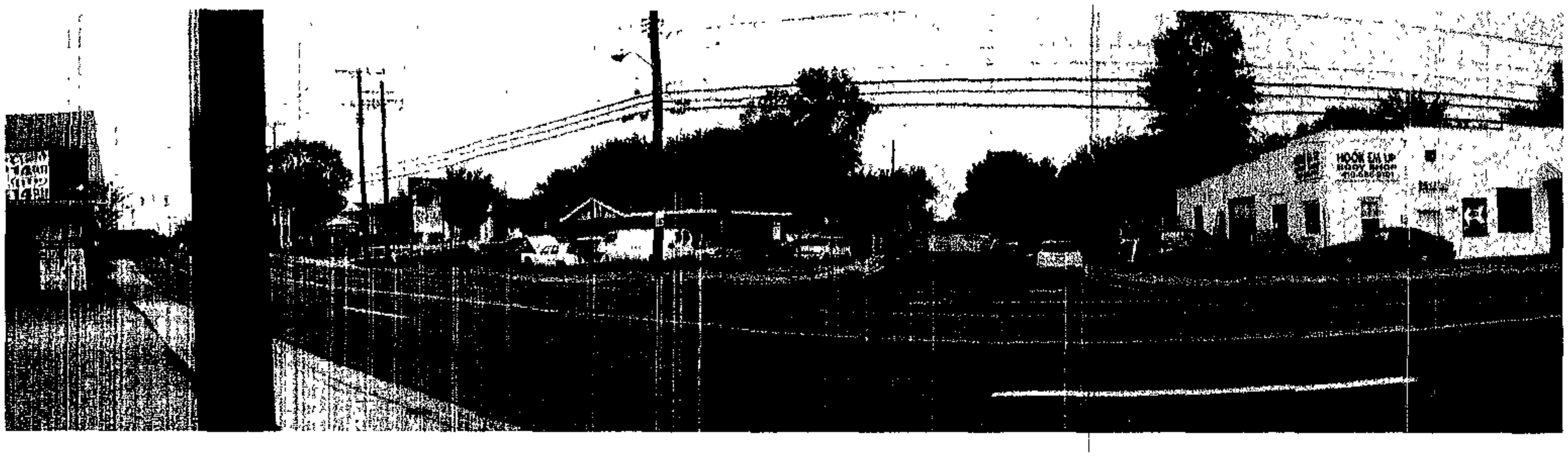

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Pd 2 pt

THE LOFT

104 BACK RIVER NECK ROAD, INC.

104 Back River Neck Road
Baltimore, MD. 21221
410 686-9522

LETTER PERMITTING
OFF-SITE PARKING

September 12, 2002

Pastor James E. Modlin
First Baptist Church of Back River
1613 Hopewell Avenue
Baltimore, MD. 21221

Re: Overflow Parking

Dear Pastor Modlin:

Please feel free to use our parking lot, at 104 Back River Neck Road, for any overflow parking needs that you may experience during your up-coming construction and on Sundays when the new church is finished.

I hope everything goes smoothly and if I can be of assistance just let me know.

Best Regards,

East Hopewell Ave. Community Association

September 16, 2002

Pat Keller
Office Of Planning
Towson, Maryland

Dear Pat Keller:

LETTER OF SUPPORT
FROM COMMUNITY ASSOC.

Subject: First Baptist Church of Back River

The Community met on September 12, 2002 with Pastor Modlin, the builder, and Linwood Johnson to discuss the new church. Our Community is in favor of the current plan to locate the church to the rear of the property. The Community agrees, since we have a problem with people who come in from the outside and like to perform their deeds under the cover of darkness. If the church were to put the parking in the rear, this would give these individuals a hiding place and since the Police has not been able to support our effort to remove these people, the last thing we are interested in is helping them to tarnish our Community. From a planning stand point the placement of the church my not be aesthetically correct, since the placement of houses usually are in line and equal frontal distance from the road we understand your concern. However this not just any house, this is the house of God, which by its very existence is the exception and not the rule. This letter is written in support of Pastor James Modlin and the members of the First Baptist Church of Back River for the submitted plan to place the church to the rear of the property with the parking in the front. Any questions or concerns please feel free to call me at (410) 682-1145 8 to 5 or (410) 682-3379 after 5.

Respectfully yours,

Nellie Butler Grinage

Nellie Butler-Grinage
Community Leader

Name	Address	Phone
[illegible]	1619 Hopewell Ave.	410-687-6209
[illegible]	" "	" "
Gloria Robertson	1622 Hopewell Ave.	410-574-9071
Lydia Robertson	1622 Hopewell Ave.	410-574-9071
Roberta Brown	1630 Hopewell Ave.	(410) 391-0521
Patricia Coughlin	1626 Hopewell Ave.	410-391-7442
Ernest Coughlin	1626 Hopewell Ave.	410-391-7442
[illegible]	1617 Hopewell Ave	410-687-5159
[illegible]	1616 Hopewell Ave	410-686-[illegible]
Milton L. Griffith Sr.	1612 " "	410-686-8595
[illegible]	" " "	" " "
George + Joan Green	1635 Hopewell Ave.	410-686-1210
Martha A. Green	1627 Hopewell Ave	410-686-8397

nb-g

cc: Linwood Johnson
Pastor James Modlin
File

1655 Hopewell Ave.
Essex, Md 21221

September 15, 2002

Jackie Y Lee 1620 Hopewell Ave (410) 391-7660

Shirley J. Hill 1620 Hopewell Ave 410-391-7660

Rob Owens 1645 Hopewell Ave 410-780-0361

Rita Scales 1629 Hopewell Ave 410-686-2015

Greg Scales 1629 Hopewell AVE 410-686-2015

Keith L. Owens 1645 Hopewell Ave 410-780-0361

Verlie Cummings 1657 Hopewell Ave 410-780-9930

LETTERS OF SUPPORT FROM
ADJOINING PROPERTY OWNERS

Sta-Leigh Inc

35 Back River Neck Road
Baltimore, Md. 21221

September 22, 2002

First Baptist Church of Back River
1613 Hopewell Avenue
Baltimore, Md. 21221

Dear Rev. Modlin:

As the owner of both lots1 and 2 on the plan for your new church I am in full agreement that the parking lot should be located in front of the church. The lot has been a haven for the homeless and drug users for years. Putting the church in the back should eliminate this problem and help all business in the area. This should also be beneficial to the home owner and apartment renters in the neighborhood.

Sincerely,

Charles R. Christ
President

September 23, 2002

To Whom It May Concern:

I do not have a problem with First Baptist Church of Back River building a new church on the property next to my house. I live 1618 Hopewell Avenue.

Thank You,

Charles Jackson Charles

C. Charles R. Jackson

June 7, 2002

To Whom It May Concern:

This is to advise that I do not have a problem with First Baptist Church of Back River building a new Church on the property next to my home.

Sylvia Hughes

POLICE REPORT FOR
SERVICE TO THE SITE

TABLE 1

CALLS FOR SERVICE GENERATED FROM 1616 HOPEWELL AVENUE
01/01/00 => 08/31/02

CC Number	Sf Code	Literal Definition	Date	Time	Remarks
001320095	J04	2nd Degree Assault (Not Domestic Abuse)	05 / 11 / 00	015204	1017 1567 ALCONBURY RD,APT H...RA 110840 C/S DARGUN...BETWEEN COMPL AND BOYFRIEND,HE IS AT 1616 HOPEWELL AV.
010470086	E05	Check On Location	02 / 16 / 01	012533	INFO FROM ALI..H/UP CALL,NO SOUNDS..GOT ANSWER MACHINE ON C/B
010470097	A12	Disturbance	02 / 16 / 01	014202	GOT A CALL FRM HER NEICE WHO WAS CRYING AND COMPL ABOUT THE BOYFRIEND AND THAT THE POLICE BEING THERE AND NOT DOING ANYTHING ABOUT IT..
010551096	E05	Check On Location	02 / 24 / 01	171344	WATER MAIN BRAKE CALLER ADV IT IS SHOOTING ROCKS OUT OF THE GROUND
010970686	A12	Disturbance	04 / 07 / 01	121340	COMP FIGHTING WITH HIS SISTERS SON 36 YOA ,SON SAYS HE HAS 2 KNIFES BUT HAS NOTHING SHOWING ,UNK INTOX
011020672	F11	Warrant/Summons Service	04 / 12 / 01	125230	
011230371	A12	Disturbance	05 / 03 / 01	085211	30YR SISTER IS AT THE HOUSE & WILL NOT LEAVE, SHE LOCKED HERSELF INT HE BATHROOM.COMPL HAS TO LEAVE 4 WORK,WAITING OUTSIDE FOR PD SO HE DOES NOT FIGHT WITH SISTER ....
011380181	C07	Hit & Run Accident - Property Damage	05 / 18 / 01	055411	SOMEONE HIT THE COMPL'S VEH DURING THE NIGHT
011410928	F12	Non Enumerated Complaint	05 / 21 / 01	163417	P/U FR ESSEX DCT, SERVE TO MILTON HUGHES..
013530552	A21	Discharging Firearms	12 / 19 / 01	110526	IN DAYCARE CENTER, W/M 40'S, WEARING WHI JACKT, WHI PANTS, STANDING INFRNT OF LOC...YELLING AND SCREAMING. THREATENING SUICIDE..ALL INFO 2ND HAND FRM WALK IN, AT THE BACK RIVERNECK PAL CENTER, MALE SUBJ THAT REPORTED IT, SAID HE WOUDL GO BACK TO LO
011650724	A37	Suspicious Subject	06 / 14 / 01	122837	WM ADULT WRG NO SHRT WALKING WITH A LIMP, WF,WRG A FLOWERED SHRT,POSS DRINKING IN THE WOODS COMPL THINKS SUBJ POSS LIVING IN THE REAR OF LOC IN THE WOODS
021930037	A53	Narcotics, Officer Initiated	07 / 12 / 02	002409	10-95

ADDITIONAL INFORMATION
WHICH HIGHLIGHTS
HOPEWELL AVE.FIFTY+ YEARS
OF DEFENDING ITSELF AGAINST
UNFAIR ZONING TO INCLUDE
INTERVENTION BY THE U.S.
CIVIL RIGHTS COMMISSION

East Hopewell Ave Community A

IN THE COMMUNITY

1655 Hopewell Ave, Essex, Maryland 21221 - Phone: 687-3768

Nellie Butler, President, Charles Poole, Vice President, Clarice Reed, Secretary

October 14, 1992

Council Chairman Richard Howard
400 Washington Avenue
Towson, Maryland 21234

Dear Chairman Howard:

We the residents and members of the East Hopewell Avenue Community Association are writing you on issue No. 5-078. Again thank you for listening to our concerns on September 17th. We were fortunate to have another meeting with Councilman Gardina. In this meeting Mr. Corruzi and Mr. John Gontrum modified their request for the zoning area. They also admitted to having enough area already zoned BL to go ahead with their expansion plans. We have also found out they have already put in their request for expansion permits in Towson. The modification area they have requested is for possible future modified expansion. If they are granted this expansion they will be within approximately 25 feet of Rev. John Brown's 2nd floor bedroom window. The only way to create a buffer from the parking area and Rev. Brown would be to install a privacy fence 20 feet high. A bit ridiculous I'd say for something they aren't sure they will need anyway. At the meeting on the 28th of September Councilman Gardina said he thought we were being unreasonable. This is why we are sending copies of this letter to each member. Although we do appreciate all the effort Mr. Gardina has put into reaching a fair and amicable solutions for both sides. We feel the Coruzzi family stands nothing to lose if this is not granted. But if it is we stand to lose everything especially Rev. Brown. If you would like to come out and see for yourself please do, as well as any of the other councilmen we are at your disposal. After Councilman Gardina left the meeting on the 28th Mr. Coruzzi offered to sell the properties back to the community. If it were that detrimental to his business to have these properties rezoned why the willingness for sale now.

In closing we are a community of Afro-American citizen, proud that we have been able to maintain our community for so many years as we have. I have enclosed some articles that may make it easier to understand our position. Mr. Gardina called me last Thursday about another motification to place a larger buffer between Rev. Brown's property. The Community and Rev. Brown are opposed to this as well. We will be grateful for your support on this issue.

Sincerely,

Nellie Butler

Ms. Nellie Butler
President, E. Hopewell Ave. Comm. Asso.

cc: Berchie L. Manley Douglas Riley Vincent Gardina William Howard IV
C. A. Dutch Ruppersberger Donald Mason Linwood Johnson

CIVIL RIGHTS HEARINGS SET

U.S. Commission To Look At City, County Actions

By FREDERIC B. HILL
(Towson Bureau of The Sun)

Baltimore city problems and real estate practices and the availability of housing in Baltimore county are the major topics to be examined by the United States Civil Rights Commission tomorrow as it begins a three-day hearing on the racial implications of suburban expansion.

A list of witnesses released yesterday for the first day's program also reflects an apparent concentration on how the shortage of low cost housing in the county has affected housing conditions in the city.

Representatives of top city government officials area real estate brokers, both black and white, and people in the county who have had broad experience with low-cost housing problems are among those subpoenaed for the first hearing.

The hearing will be held at the Social Security Administration auditorium in Woodlawn, beginning at 9.30 A.M., when the commission's staff will present a background report on the city and county.

Baltimore county was selected in July as the subject for the commission's second study of the effects of rapid suburban growth on the housing and job opportunities of Negroes and other minorities.

The bi-partisan presidential commission, has no enforcement powers but may make recommendations for federal action. Its chairman is the Rev. Theodore M. Hesburgh, (S.J.) president of Notre Dame University.

Dale Anderson, the Baltimore county executive, has been summoned to take part in the three-day hearing, as have the county's housing judge, zoning commissioner and planning director.

The hearings, are expected to begin each day at 9.30 A.M. and last until 6.15 P.M.

The agenda for the first day is:

1. 9.30 A.M.: An opening statement by the chairman, the background paper and an explanation of the ground rules.

2. 9.50 to 11.30: Condition of the city: Janet C. Hoffman, fiscal adviser to the City Council; Samuel T. Daniels, a member of the city school board; City Councilman Alexander Stark (D., 5th); and Judge Joseph Howard, of the Supreme Bench of Baltimore City.

3. 11.45: Shortage of low-income housing in Baltimore county; Judge James A. Gede, Baltimore county housing court; John F. Bacon, former director of the county's private anti-poverty agency; and Mrs. Mary Cardillichio housing director for the county Community Action Agency.

4. 2 P.M.: Robert C. Embry, commissioner of the city's Department of Housing and Community Development.

5. 2.50: A panel on how housing development has occurred in the county; Ed Holmgren former director of Baltimore Neighborhoods, Inc.; Malcolm Sherman, a former real estate broker, George Laurent, director of Baltimore Neighborhoods, Inc.; and Homer Favor, dean of the Center for Urban Affairs at Morgan State College.

6. 4.45 to 6.15 P.M.: Role of real estate brokers, F. Lee Martin, Arthur Sparrow and Ralph L. Johnson will represent Negro real estate men; William L. Antrim, James J. O'Conor and Charles W. Hammond, executive vice president of the Greater Metropolitan Real Estate Board, will represent white real estate men.

THE SUN
(Registered United States Patent Office)
BALTIMORE, WEDNESDAY, AUGUST 19, 1970

County Zoning Said To Widen Race Gap

U.S. Panel Is Told Baltimore Suburbs' Planning Policies Force Negroes Into City

BY FREDERIC R. HILL
(Towson Bureau of The Sun)

Zoning practices in Baltimore county have "systematically" served to displace low-income Negro residents and to intensify discriminatory racial practices, a consultant to the U.S. Civil Rights Commission testified yesterday.

Yale Rabin, a Philadelphia planning expert, also said the county planning and zoning policies during the last 10 years have "substantially reduced" job and housing opportunities in the county for low income people, mainly black.

Reinforced Discrimination

"Zoning and other development-control activities in Baltimore county have served to reinforce local discriminatory attitudes and practices, and have played a major role in significantly altering the income distribution of the black population of the county through systematic displacement of low-income black households," Mr. Rabin told the commission.

The net effect of current trends, he added, will be to force more and more low-income Negroes into the city and to widen the racial gap between the city and county

Mr Rabin's testimony went unrefuted by two county officials whose testimony followed. It came at the second session of a three-day hearing in the county on the racial effects of suburban growth in the country.

Negroes have been unable to share proportionately in any large job expansions such as in the Cockeysville area, where 16,000 new jobs have been created—because of the housing barriers. Negroes, Mr. Rabin concluded, have not shared proportionately in the growth of an almost all-white suburban county.

This growth was generated "in large measure by the construction of highways and reinforced by home mortgage insurance, school subsidies and public utilities grants," Mr. Rabin said.

A federal banking regulatory officer acknowledged later that his agency has done very little to comply with a 1968 law prohibiting discrimination in the lending of money for home mortgages.

Francis M Passarelli, assistant deputy director of the supervisory arm of the Federal Home Loan Bank Board, told the United States Civil Rights Commission that his agency checks thoroughly on a person's financial status, but hardly at all on whether he has been discriminated against by lending institutions.

Later yesterday, Thomas D. Dawes, a member of Baltimore county's Community Relations Commission, charged that the county's political leadership has "catered too much" to a vocal, extremist element in the county.

While testifying that he feels the general attitude of country

(Continued, Page A 8, Col. 6)

Zoning Said To Intensify Bias

'Systematic' Exclusion Of Negroes Charged To County

(Continued from Page A 1)

residents towards Negroes is "negative," Mr. Dawes said:

"The political leadership has failed in find a way to communicate with the moderate element in the county, which I believe . . . is a majority of people."

In addition, managers of the city's pension fund turned over to the commission statistics which show that only a small minority of the home mortgages held by the fund are in the inner city, while over 1,000 are in the suburban areas of the state.

The lack of affirmative response to federal civil rights laws by banking, building and real estate industries was the main focus of the second session of the commissions three-day hearing on the racial implications of surburban growth.

Under questioning at the second session of a three-day hearing in Baltimore county on the racial implications of suburban growth, Mr. Passarelli said he thought both matters were "important."

Rights Violation Charged

"Yet you check on one and not the other?" the Rev. Theodore M. Hesburgh, C.S.C., the commission's chairman asked.

"That's right," Mr. Passarelli replied.

The federal officer's testimony prompted Frankie M. Freeman, one of the commission members, to say that the bank board was violating the Civil Rights Act of 1968.

"The law was adopted two years ago and you're still discussing it," she said when Mr. Passarelli complained that the board was devising regulations to check on discrimination by lenders.

She added, "When a federal agency is not adopting rules, that agency is not complying with the law and this is true with respect to your board."

Just before Mr. Passarelli's testimony, Maurice B. Mitchell, a member of the commission, said apparent discrimination and lack of affirmative action by lending institutions indicated a need for a new level of banking in the country.

"Too Fat, Too Sassy"

"The savings and loan institutions have grown too fat and too sassy, and forgotten the very people they were set up to serve," he said.

"Maybe what we need is a new level of banking in a banking industry that has clearly either rejected, outgrown or priced itself out of the area of those who most desperately need personal banking help if they are to slug their way out of the trap we see them in."

Mr Mitchell told officers of three Baltimore lending institutions that the country must have "creative suggestions" and "some kind of leadership" from money lenders if all people are to have "that most common commodity—a place to live."

Earlier at yesterday's hearing, Father Hesburgh told a press conference that the Baltimore area is no different from other areas of the country in the intensity of racial problems.

"I find that listening to these hearings is like listening to confession," said Father Hesburgh, who is also president of the University of Notre Dame at South Bend, Ind.

"There is a terrible sameness. Human nature hasn't changed much across the country," he said.

He also warned that the black and white races in this country will become "horribly polarized" unless leaders at all levels begin to appeal to the better side of people and tell them about the options ahead.

Testifying last night, Mr. Rabin provided specific examples of county actions which he said caused it to become predominantly white and increasingly more affluent.

Industrial zoning, he said, has been imposed on 10 of an estimated 20 Negro "enclaves" in the county while white areas have gone relatively untouched.

He said he had no knowledge of any conscious effort to discriminate against Negroes.

Negroes Uprooted

In one case, he said, 1,330 Negroes were uprooted from homes in the Turner Station area when the owner decided to develop the land for industry.

Traditional Negro areas of the county with residents dating back a hundred years also lack such common public services as paved roads and adequate lighting, the consultant said.

While he noted that white collar Negroes have moved into the northwestern area of the county, low-income Negroes have not been able to share in the county's rapidly expanding job market because of a serious lack of housing.

Remarks Unchallenged

Most of Mr. Rabin's remarks went unchallenged by George E. Gavrelis, the county's planning director, and by Edward D. Hardesty, the zoning commissioner.

But the two officials said there was no purposeful effort to discriminate in any way. Mr. Gavrelis said the planning work was "bent within the constraints of the times" in an apparent reference to conservative political attitudes in the county.

At the first session Monday, the commission was told that the financial strength of the city government was increasingly threatened by an exodus of its industries and white population to the 97 per cent white, suburban county surrounding it.

A lack of co-operation by county leaders in low-cost housing and education was filled by city officials and county civil rights leaders.

The city's housing commissioner said Dale Anderson, the county executive, has ignored a request by the city to help find housing for the county's own low-income residents.

Robert C. Embry, the housing commissioner, said many county residents come to the city to find housing because of "a deplorable lack" of low-income housing in the county.

At the beginning of yesterday's hearing, five men who use federal financing to build low-cost housing in Baltimore county admitted there is a serious lack of housing for poor people.

Discrimination Denied

They also admitted that the housing built is occupied mostly by whites.

But, they said they do not discriminate and do not know of any discrimination in selling or renting.

Harry D. Myerberg, a builder, who has used Federal Housing Authority funds, testified that officers of his company "are informed that this is open occupancy and we must make them available to everyone, which we do."

All five men said the federal government has not appropriated enough money to encourage builders to build low rental units. Local requirements and taxes also make construction of low-cost units unprofitable, they said.

Small Profit On Loans

On the next panel—the one on financial institutions, representatives of three lending institutions said the small profit margin on loans for low-income housing works against poor persons.

However, two of the three men denied that there was any discrimination in the availability of money for homes.

Michael D. Quinn, of Weaver Brothers, Inc., said: "If you discriminate, particulary in a market like Baltimore with a large black population, you're calling out a very large market that negates the very thing you must do—maintain a high level of volume."

Negroes Denied Loans

Dr. Winfrede O. Bryson, an officer of a Negro savings and loan association, said his firm was established 18 years ago because Negroes were often turned down in requests for home financing by predominantly white banking companies.

It was the testimony of these officials which led Mr. Mitchell, a member of a Denver savings and loan board, to say that the small loan business was now too big to respond to critical needs of poor people who were once its main customers.

On the next panel—which included Mr. Passarelli—Albert T. Hampton, a Negro officer of the Federal Home Loan Bank Board, charged that banking institutions controlled by whites have not tried to avoid racial separation by positive actions.

The lack of affirmative action by institutions was a frequent theme at yesterday's hearing.

Institutions have not taken the initiative in policing their own industry in telling the public that fair housing is the law and discrimination is unlawful, several commissioners said.

Threat Disrupts Rights Hearings

The U.S. Civil Rights Commission hearings were interrupted for about an hour yesterday afternoon when a bomb scare was telephoned to the Social Security Administration building where the commission is in session.

The report was received at about 3 P.M. by a telephone operator at the Social Security Building in Woodlawn. The caller was quoted as saying: "There is a bomb in your building—four o'clock."

Baltimore county police cleared the first floor of the building where the commission was meeting. But after searching until 4.15 P.M. they found no bomb.

fied witnesses are shown in Washington as they ... probing drug use, ...

Urban-Crisis Apathy Criticized

Panel Studying County Finds Government, People 'Not Serious'

BY FREDERIC B. BILL
(Towson Bureau of The Sun)

The federal government and local communities are "not really serious" about tackling the nation's growing urban crisis, The Rev. Theodore M. Hesburgh, C.S.C., chairman of the U.S., Civil Rights commission, charged yesterday.

In the strongest statement made during the comission's three-day hearing on Baltimore county, Father Hesburgh charged that the federal government has spent billions helping build a largely white suburbia without assuring a real guarantee of equal opportunity for all.

He warned that the building of "one high fence" between blacks and whites must be halted and turned around to avert "a horrible situation." A massive educational effort by national and local political leaders is the first step, he said.

"This commission has had it up to here with local communities who have to be dragged kicking and screaming into the Constitution.

"All we get at these hearings is that people really aren't serious about equal opportunity and the government isn't serious about it."

Father Hesburgh cited testimony which documents a rapidly growing disparity between housing and job opportunities for blacks and whites in the Baltimore area. At one point, he appealed to Dale Anderson, the county executive, to take a leading role to help heal the growing disparites and racial polarization between the city and the county.

"It would be a good thing if city and county officials could get together after these hearings and try to develop some practical means to get rid of this polarization.

"You have a pretty big piece of real estate here," he said to Mr. Anderson, "and probably the most politically manageable government in the country."

Could Serve As "Breakthrough"

Father Hesburgh, who is president of Notre Dame University, then said that Baltimore could serve as a "break-through" for the country in solving its major crisis.

In reply, the county executive said he did not believe that the problems could be solved by moving a large number of people out of the city and into the surrounding counties.

Mr. Anderson said that city and county officials "do get together" at meetings of regional bodies to discuss these problems. But he was non-committal in response to the commission chairman's appeal for a vigorous effort to overcome racial prejudices and fears.

"Very Difficult Problem"

"It is a very difficult problem," Mr. Anderson said at the conclusion of his appearance before the commission.

Mr. Anderson was one of about 15 witnesses who testified yesterday at the last session of the three-day hearing by the commission. Baltimore county was selected as the East Coast prototype of a predominantly white, well-off suburban area ringing a city with a fast-growing, low-income Negro population. It is the commission's second hearing in a broad nation-wide study of the racial effects of America's rapid suburban growth.

Early yesterday, officials of three federal agencies which grant money to local governments for schools, roads and sewers told the commission they make virtually no active effort to check on the extent of discrimination in local areas in which they grant money.

Officials of the Federal Housing Administration, the Department of Transportation and the

(Continued, Page A 14, Col. 1)

Urban-Crisis Apathy Criticized

Panel Studying County Finds Government, People 'Not Serious'

(Continued from Page A 1)

Department of Housing and Urban Development testified they do not have enough staff to effectively make such checks.

The requirement for affirmative action by federal agencies to prohibit discrimination is required in the 1968 Civil Rights Act, several commission members pointed out repeatedly.

Under questioning, the department officials said they checked fully on the financial status of applicants. A deputy director of the Federal Home Loan Bank Board testified yesterday that they do the same thing.

But as the director acknowledged Tuesday, heads of local and federal offices of the national agencies said they do not follow up on programs to assure equal opportunity exists.

The testimony led Frankie M. Freeman, the commission's only woman member, to remark: "There seems to be a sort of imbalance in what law you want to abide by and the one you want to ignore."

Yesterday's testimony also revealed that $51 million in federal aid has been spent in, or allocated to building highways in Baltimore county in the 1968-1971 period.

Commission members made it clear they felt previous testimony indicated that federal monies are subsidizing a county which has not made a positive effort to meet the needs of all people.

"Dollar Is Color-Blind"

"We simply want to see that all people have the same access to the same beneficence of America, that the public dollar is color-blind in its expenditure," Father Hesburgh told August Scholer, regional administrator of the Departmen of Transporation.

In earlier testimony, city and county officials drew a clear picture of a fast growing county, which is 97 per cent white while a city with a growing low-income minority population was losing industry and jobs to the county, no housing effort was made by the county to allow lower-income Negroes to take equal advantage of the job market with whites, they were told.

Zoning policies in Baltimore county have served to displace Negro families from older county neighborhoods, a consultant told the commission late Tuesday.

Had To Seek City Housing

There was substantial evidence presented that low income families in the county—both black and white—had to seek housing in the city due to what was called "a deplorable lack" of the affordable housing in the county.

The county government, it was testified, has not moved to meet housing needs. A city official, in fact, said that Mr. Anderson had ignored a city offer to lease units in the county for county residents in order to take pressure off city resources.

"Have No Objection"

Yesterday Mr. Anderson gave a qualified endorsement to the proposal. He said he did not remember receiving the letter.

When asked if he would recommend to the County Council a resolution needed to allow the city to conduct this limited program, he said: "I'd send it down to them."

"I would recommend it to them. Yes, I have no objection to it," Mr. Anderson said.

His response was greeted with laughter from the audience, the largest of the long, three day hearings. But Father Hesburgh interrupted quickly, declaring that he would clear the room if another reaction took place.

The purpose of the commission, he said, is not to "embarrass anyone," but to develop facts.

In his remarks, Mr. Anderson said he believed that the federal government must assume the major portion of work needed to develop housing distributed evenly throughout metropolitan areas.

"The great fear is that this should be a federal program, nationwide, where we can avoid repeating the mistakes in the cities," the county executive said.

"I don't think we ought to build 23,000 units in Baltimore county unless they are built in Montgomery county or Charles county also."

Program Defeated In '64

Mr. Anderson acknowledged that there is no public housing in the county. He noted that an urban renewal program was defeated at a referendum by county voters in 1964.

However, he said that "extremist elements" do not play a major role in government policies. "The things that have happened at referendum in the past on social matters, those figures aren't made up of all extremists."

Mr. Anderson said the county government under him has promised to supply housing for residents of East Towson who are to be displaced when a new road is built through their community. He also said that private contractors are building low-cost housing in the county although it is not enough.

One positive development in the low-cost housing area was disclosed at yesterday's hearing. Officers of the Social Security Administration said they are working with the Greater Baltimore Committee to build 500 to 1,000 units within three miles of its Woodlawn headquarters, the site of the civil rights commission hearings.

Ronald Blavert, director of the Social Security housing office, said that an option has been acquired on a large tract of land for the housing.

Testifying, he said lack of construction of the units [illegible]

"Communities have to be dragged into the constitution"

wide housing for many of its clerical staff. One-third of the administration's employees are Negro. And the average salary is $5,000.

James Rouse, the developer of Columbia in Howard county, provided one other note of optimism at yesterday's hearings. Mr. Rouse said he believed that the experience of Columbia, in which black and white residents are living next door to each other, is an example of what can be done by private enterprise.

"For that to happen, it just can't be that unique. You've got to believe that the same thing could happen anywhere in the metropolitan Baltimore area."

Asked what was needed to encourage local governments to take the lead in breaking increasingly segregated areas, Rouse said there should be full enforcement of existing laws by the federal government, using whatever leverage available.

The commission's staff and members did not ask Mr. Anderson or other officials during the hearing about an example of the application of such leverage recently. A $1.4 million water and sewer grant for the county has been held up by the Department of Housing and Urban Development under new guidelines favoring communities with substantial programs for low-income people.

Howard A. Glickstein, staff director of the commission, explained at a press conference following the hearings that the agency did not want to discuss matters on which action is still pending.

Encouraged By Hearing

At the press conference Father Hesburgh said he was encouraged by the hearing on Baltimore county.

Smoking a cigar, he said the most immediate need is for more discussion between officials at the local level.

The Notre Dame president said he felt the one basic problem being uncovered fully by the hearings is that the United States is fast becoming "a bigoted polarized society." He said it is caused mainly by prejudice which he said is emotional and unreasonable.

"With all the goodwill in this country, with all the legislation coming out of our ears, and a great number of political leaders we have, there is still that fear that the world's stop upon a black [illegible]

County Planners Accept New Maps

Recommend Rezoning Thousands Of Acres And Give Charts To Council For Approval

BY FREDERIC B. HILL

The Baltimore County Planning Board approved new county-wide zoning maps for the 1971-1976 period yesterday and forwarded them to the County Council for its consideration and final adoption.

The board recommended rezoning of thousands of acres of land in what is the most comprehensive classification in Baltimore county since zoning became a legal land-use instrument in 1945. NOV 25 1970

The board also denied rezoning requests for thousands of acres as well. To most cases the denials involved land which does not have—and is not expected to have by 1976—adequate public facilities such as water and sewer, roads and schools. Sun

Areas of the county in which the board implemented earlier recommendations for more intensive residential and commercial development included the Painters Mill area, land west of the Harrisburg expressway from Mays Chapel to Shawan road, and a section of White Marsh near the Kennedy expressway. In other cases, the board recommended rezoning generally in areas next to or near now developed communities. NOV 25 1970

In about 100 instances—notably in predominantly Negro residential areas in the eastern part of the county and in the rural north—the board approved "downshifts" to residential classifications of land not being used under their industrial or commercial zoning.

The changes in black communities in the Bengies-Chase area and in Edgemere followed meetings with the residents in the wake of the criticism of county zoning policies by the United States Civil Rights Commission. Sun

At its three-day hearing in August, the commission generally supported a consultant's report which charged that industrial and commercial zoning was often placed on black communities and tended to force them to disrupt the neighborhoods. Sun

There was little controversy during the board's meeting, which lasted seven hours. The board gave its approval to almost all of the recommendations made by its own map subcommittee and planning staff on the 515 specific issues at stake.

The only extended disagreement between board members was over a recommendation to designate a future regional shopping center area closer to Padonia road than Timonium road in the central region.

Christian M. Kahl, a former county executive, and Edward Griffith, a board member, both argued vigorously against the recommendation. They backed designation of a 73.4-acre tract owned by A. V. Williams at the intersection of Timonium road and the Harrisburg expressway as a more appropriate center.

Mr. Williams is seeking zoning approval of the site for a residential development there.

A vote of the seven members of the board present at the meeting upheld the recommendation, 4-3. Fred Peper, joined Mr. Kahl and Mr. Griffith in voting against it.

The planning board's recommendations are available from the county planning department in Towson. A partial list, including some of the more controversial cases, follows: NOV 25 1970

1. Blue Mount Quarry case. The owners request for industrial zoning, recently denied by the county Circuit Court—DENIED.

1. Mullan Tract, southwest quadrant of the Kennedy expressway and the Beltway. Owners request for apartment zoning (D.R. 16)—DENIED. (Recommended D.R. 5.5).

2. Adams Investment Corporation. Ridge road and Gum Spring road. Owners request for D.R. 16, D.R. 10.5 and 5.5—RECOMMENDED.

3. Nottingham Village, southwest quadrant of Kennedy and Whitemarsh boulevard. Owners request for commercial and office construction — RECOMMENDED (light industrial zoning granted for offices).

4. Berg Fram Dairy and Strutt and Poole, Inc., north side of Joppa road, 600 feet west of Belair road as far as Pinedale road—RECOMMENDED (business-local requested by owners, but disapproved major shopping area).

1. Mercy Villa property, 43 acres on Bellona avenue, south of Charles street.—RECOMMENDED (3.5 residential units per acre as requested by the owner).

2. Sobeloff tract, 29 acres at Bellona and Brookside avenue. Owner request for apartment zoning—DENIED (board recommended d.r. 3.5 and d.r. 1).

3. 215-217-219 Bosley avenue in Towson. Request by James D. Nolan for apartment zoning for offices—DENIED (recommended d.r. 5.5).

4. Railroad avenue, Front avenue, in Lutherville. Board recommended against commercial zoning and apartment zoning on four requests, except for some apartment and business area on Sauts tract at Front and Seminary avenue.

5. Talbot T. Speer tract, Padonia road east of Jenifer road. Owner request for d.r. 16, 5.5, 10.5 and b-l (business-local)—DENIED. Board called for d.r 2 and some 5.5.

6. Meyerhoff Golf Course, Cockeysville. Owners request for apartment and business zoning on remainder of tract at Cranbrook road and Padonia—DENIED (board recommended d.r. 2 and 3.5).

7. Request by Victor Frenkil for zoning to build 10.5 units per acre on 175 acres on the north side of Sherwood road—DENIED (board recommended d.r. 1 on that and nearby 32-acre tract on west side of Powers avenue).

8. Frederick Offutt tract north of Sherwood and east of York road. Owners request for business-residential—DENIED. Board recommended apartments.

9. Reno[illegible] Harry A. Dundore for apartment [illegible] east of York road and north of Shawan road — board granted apartment zoning for 58 acres and [illegible] for remainder. Sun

10. Shamrock Farms, MacKenzie property—the board granted different types of zoning, including some business and apartment zoning near a planned community center at Oregon Ridge. Also recommended D.R. 3.5 and D.R. 2 [illegible] requested. NOV 25 1970

1. Johnson estate in Rockland. Board granted most of request for various types of zoning sought by the Rouse Company, the contract purchaser. It removed a C.S.C. zone which would allow gas station.

2. Dorf property, Liberty Road. Owner request for apartment-office zoning—DENIED. The board recommended retention as residential.

3. Greenberg and Small, request for apartment zoning on the west side of the Jones Falls expressway, north of Smith Avenue—GRANTED.

4. Stewart and Miller request for a medical building on McDonough Road, west of Reisterstown Road—DENIED. Board recommended residential zone.

5. Painters Mill joint venture, Jerome S. Cardin, Jack Baylin and others' request for apartment and D.R. 10.5 and 5.5—GRANTED in part. Board recommended apartment zoning and D.R. 3.5 with some left for future development.

6. Shaxro Allen, tract on southwest side of Western Maryland Railroad, northwest of Glydon Drive. Owner request for apartment zoning—DENIED. Board recommended D.R. 3.5.

7. Harvey tract, southwest side of Westminster Road, west of Reisterstown Road. Owner's request for busines—local for shopping center—GRANTED additional B-L for 2-3 acres, remainder, D.R. 3.5.

8. Rolling Road Associates, tract north of Dogwood Road. Owner's request for apartment zoning GRANTED in part, remainder deferred for future.

9. Maryland properties, Inc., request for industrial zoning west of Beltway on Windsor Mill Road—GRANTED, with D.R. frontage on Rolling Road.

10. Shifflett Bros., Inc., west side of Wrights Mill Road. Request for business—major zoning at site of controversial junkyard—DENIED. The board recommended residential use which would allow operation of a service garage as non-conforming use, but not a junkyard.

1. Apartment zoning now designated but unused at Alma avenue and Lansdowne boulevard—board granted request by residents to take the apartment zoning off the maps.

2. Chesapeake Homes, Inc., Morton J. Macks, Jerome S. Cardin, tract of 147.5 acres between I-95 and Francis avenue at Selford road. Request for apartment construction GRANTED, with statement to council that developer must settle density with residents.

3. Schmelzum tract, northwest side of Vera avenue. Owner's request for industrial zoning—DENIED. Board recommended apartment zone for 15 acres, and D.R. 5.5 for remaining 3 acres.

4. Wilton Farm Dairy, Wilkens avenue. Owner request for apartment zone on 36 acres—GRANTED, with addition of [illegible] acres. Second request for business-local ville Community College. Board recommended D.R. 5.5 on 22 acres.

5. Victor Frenkil tracts near Catonsville Community College. oBard recommended apartment development on 70 acres of 103 acres of old Knapp estate, but opposed apartment zones on tracts near Gossard and Crismer requests for apartment zones. The board recommended D.R. 3.5 on them. Also recommended D.R. 3.5 on Frenkil tract north of college.

6. Lighthouse-Garvey property, east side of Rolling road, south of U.S. 40. Owner request for business-roadside for 32 acres—DENIED. Board called for apartment zone for part of Rolling road frontage, with rest as D.R. 3.5.

7. Berman tract near Beltway and U.S. 40. Owner's request for apartment zoning—GRANTED in part, but all apartment classifications were removed from Douglas Park. NOV 25 1970

8. Raman Dulin tract 67 acres of land at Beltway and I-70N near Woodsawn drive. Owner's request for industrial zoning—DENIED.

COUNTY REZONING 5 NEGRO SECTIONS

Planners Propose Cutbacks In Nonresidential Use

By ANTHONY BARBIERI, JR.
Towson Bureau of The Sun

As a result of follow-through investigations prompted by United States Civil Rights Commission hearings, the Baltimore County Planning Board has made changes affecting five predominantly Negro residential neighborhoods on the new countywide zoning maps.

After presenting a brief, oral progress-report to the planning board yesterday, Leslie H. Graef, deputy director of planning, said that most changes would cut back areas zoned for manufacturing or commercial uses and preserve them as residential.

Passed Last Month

Mr. Graef said the changes all are reflected on the new, comprehensive zoning maps passed last month by the board and now under consideration by the County Council.

In an interview after yesterday's planning board meeting, Mr. Graef said the predominantly black residential areas affected were:

1. Bare Hills. The planning staff recommended that, in an area just north of the city line, the boundaries of a restricted light manufacturing zone be adjusted to allow for additional residential expansion.

2. Bangies-Chase. The staff recommended that in two neighborhoods in the area a shift be made from manufacturing zoning to low-density residential zoning.

3. Back River. The staff rec-

5 Negro Sections Of County Being Rezoned By Planners

(Continued from Page C 22)

ommended a shift to residential zoning in certain areas zoned for commerical uses on the new maps.

4. Catonsville. An area north of the Beltway and west of Route 40 would be shifted from high-density apartment and town-house zoning to lower-density zoning.

5. East Towson. In a change not related to the civil rights commission hearings, a light manufacturing zone would be shifted to apartment and town-house zoning.

Most of the changes, which follow visits to Negro areas by county planning staff members this fall, were the result of a planning department follow-through on the civil rights commission hearings held last summer in the county.

Consultant's Report

A consultant's report to the commission in August recommended that, among other things, the county "rezone where necessary, existing black residential areas . . . to permit continued residential uses at densities which reflect both the economic character of the community and its potential for growth."

George E. Gavrelis, county director of planning, said that the visits to Negro areas were a result of the commission's charge that some black neighborhoods were "improperly zoned." After that finding, Mr. Gavrelis said, the planning board decided to "take a look at these areas and see what has to be done."

In his report to the board, Mr. Graef said that of the approximately 30 black "settlements" in the county, "We don't think we have zoning map problems per se in 20 settlements."

Mr. Graef said a meeting with residents of the Loreley area would be held before the council acts on the zoning maps at the end of March.

Sun 11-19-70

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VOL 64 NO 41 50¢ 18 Pages

Reisterstown
Owings Mills
Glyndon
Randallstown

ndallstown, Rockdale, Lochearn and Marriottsville 10-7-92

Rockdale leader claims racial bias has impacted county approval process

By BAXTER SMITH
Times Staff Writer

The leader of a prominent community association has charged that the county has allowed intense land development in the Ripplewood neighborhood because of racial bias. The charge came at a public hearing on the four-year comprehensive rezoning process which is ending this month.

Dr. Cyril O. Byron, president of the Rockdale Civic and Improvement Association, has requested downzoning of two 42-acre undeveloped Ripplewood parcels to prevent heavy housing development there.

He suggested that ignoring the request would contribute to racial discrimination.

Byron made the plea Sept. 24 at the County Council public hearing on rezoning requests in the 2nd councilmanic district. Similar hearings were held in other council districts last month.

Byron told the council hearing that the County Review Group over the years "allowed development in Rockdale because it has a large black population — development it would not allow in an area with a large white population.

"We consider this to be racial discrimination and we have brought this matter before the Maryland Commission on Human Relations and before the U.S. Civil Rights Commission where the complaints are under investigation."

The County Review Group that Byron spoke of is the official county body that approves requests for land development projects. That body is being phased out and a new process is being born that county officials hope will allow more community input on land development.

Byron charged that past CRG practices resulted in heavy development in Rockdale, burdening the public works infrastructure there by adversely affecting sewer capacity, water and fire protection and traffic flow.

Byron's remarks were in support of a downzoning request filed by George Murphy of the Liberty Road Community Council.

The downzoning request involves undeveloped parcels between Ripple and Liberty Gardens roads, and between Abbie Place and Lynn Haven Drive.

The 2nd District public hearing heard from a score of residents who voiced concerns about possible apartment construction and other matters they said would aggravate traffic, noise, pollution and burden the Liberty Road area schools.

Like a similar public hearing held on rezoning by the county Planning Board last April, scores of local residents turned out to testify last month.

A number of them were from the Liberty Manor Civic Association which has opposed a proposal to upzone a 13-acre parcel at Old Court Road and Greens Lane which is owned by Robert and David Russell.

Upzoning of the property from medium to high density would allow apartments to be constructed there. The Liberty Manor residents opposed to the upzoning say there is an existing glut of vacant apartments in the local area, and the need for new ones is unnecessary.

The public hearings were part of the final phase of the once-every-four-years examination of property zoning in Baltimore County. The council must vote on each application for a zoning change by Oct. 16.

THE AVENUE
9-9-92

News from East Hopewell Ave. Community Association

Among the many Afro-American settlements in Baltimore County there is one section of Back River Neck Road known as Hopewell Avenue. Hopewell Avenue is a residential community made up of approximately 26 homes, two of which can be found on Oakhurst Avenue. Some of the homes on Hopewell Avenue are occupied by fourth and fifth generations of the actual settlers to this community. The community association has been reformulated.

Our concern at the present time is the ruination of the neighborhood for commercial use. In October, the County Council will decide if they are going to rezone a portion of the street for a local man to expand his business.

We as a group of civic, economic people understand that expansion is good, however, not for our community. Our association met with Councilman Gardina, the business owner, and his lawyer. We left the meeting with the feeling that we had to make a compromise or we would be forced to accept something we strongly are opposed to.

In 1957 another business was turned down when they petitioned for reclassification and special exception to make a parking lot for its business. In that petition it states that to allow the business to rezone would only lead to the entire ruination of the residential neighborhood. It further states "Any change in zoning so as to destroy, or impair a residential neighborhood's effectiveness on any side or residential deadend street should never be granted". We are still fighting a problem we felt was settled in 1957.

In closing the Baltimore County 1989 through year 2000 Master Plan in the Community Development section states several common problems among Afro-American communities. One of those being encroachment from outside the community as a particular threat. The Planning Board turned it down, also the Zoning Board. We pray that Councilman Gardina will follow the pattern set before him.

County Council hears zoning concerns

By Jackie Nickel

County Councilmembers gathered hursday at Kenwood High School to ear public comment on dozens of cal zoning issues preliminary to an ct. 15 vote. Many citizens were upset pon entering the KHS auditorium to nd out that the list of zoning issues, oviding issue numbers and other portant data, was not available free charge as in past years. It was on le in the lobby for $1 per copy, due county economic cutbacks.

The main issues included a new arina/boatyard zoning classification nd requested downzoning of a large rtion of Back River Neck.

Marina/Boatyard Zoning

veral local marina owners, includ- ob Palmer, president of Marine ades Assn. and owner of Tradewinds arina, testified in favor of a new arina/boatyard designation and quested such zoning for his busi- ss. The new category "would gitimize the marine industry," cording to Gary Rosenberger of Cut- r Marine. Current zoning hinders marina operations and forces owners to request special exceptions for almost every expansion.

The new category, while "legitimizing" many boatyard activities, would also help the county crack down on illegal "bootleg" marinas, operating offshore numerous private residences. Over 20 marina owners have requested the new marina/boatyard zoning.

Councilman Gardina introduced this bill in response to concerns from waterfront communities and marina owners. The zone was designed to address such community concerns as boat racks, compatibility, parking, landscaping, signs and other issues raised by local community associations. The primary benefits to communities are a restriction on parking which includes additional on-site parking and a strict limit on boat rack heights and setbacks.

The Planning Board has recommended "for" the rezoning.

BRN downzoning request

Several members of Back River Neck Peninsula Community Assn. testified in favor of a requested downshift of 486 acres north and south of Cape May Road and east and west of Back River Neck Road from DR 5.5 to DR 3.5. The downshift would prohibit townhouses from being built on the peninsula, as incompatible with current housing.

Carl Maynard of BRNPCA cited stressed waterways and quality of life as reasons for the reclassification. The Planning Board is "for" the rezoning.

Former County Councilmember Norman Lauenstein stated his opposition to the proposal. Downzoning where all utilities are in place is "ludicrous and a waste of taxpayers' dollars," he said. The county already has a good plan for safeguarding Open Space and protecting Critical Areas, he said. A downshift would force growth elsewhere.

Lauenstein said his family owns 55 acres on both sides of Cape May Road, designated for residential development. All utilities are in place.

Pizza John's parking

Peter Coruzzi of Pizza John's on

(See Zoning, page 2A)

THE AVENUE
9-23-92

★Zoning

(Continued from page 1A)

Back River Neck Road spoke in favor of rezoning 1.36 acres on the east side of Hopewell Ave. off Back River Neck Rd. to BL for expansion of the popular restaurant's parking facilities. The parking lot would be entered from Hopewell. Coruzzi said his family would like to work with the community and promised to buffer the area around the lot from the surrounding homes.

Several dozen residents of Hopewell attended the hearing to voice their objection. Nellie Butler said the neighbors are 100% opposed since access to Back River Neck Rd. is already difficult.

"BL means commercial encroachment," said Mrs. Butler speaking for the Afro-American community. She also cited noise pollution which could encroach on the neighborhood church and the possibility of crime escalation if the business expands.

Coruzzi said there are already plans to expand the restaurant but there are now only 83 parking spaces, far short of the number needed for increased patronage.

The Planning Board has recomended against rezoning.

Mobile Homeowners

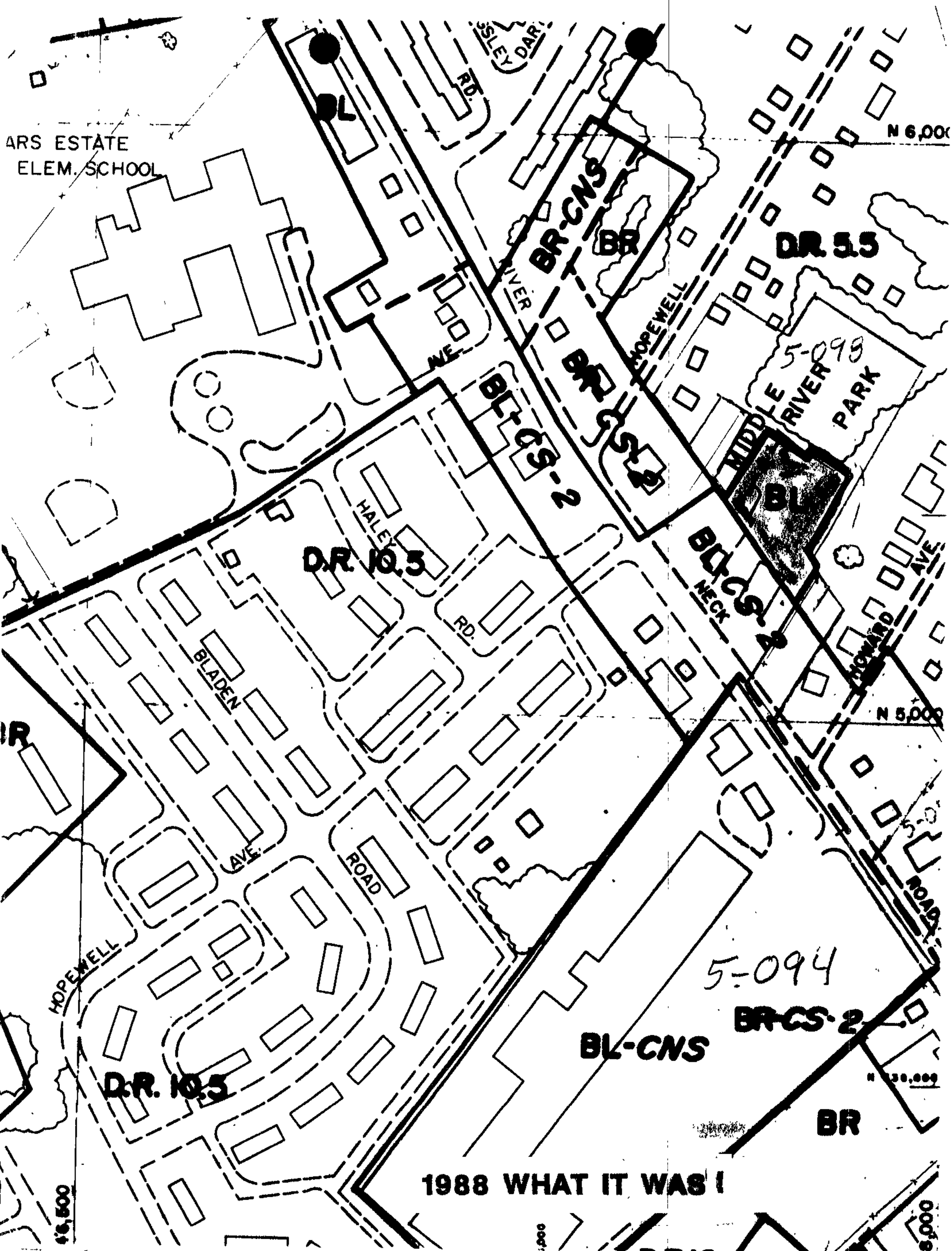
Members of the Bengies Manufactured Homeowners Assn., which includes residents of Williams Estates, Oakdale and Peppermint Woods, spoke against a rezoning request by Williams Management that would force relocation of numerous house trailers unless the owners pay for all moving expenses.

Ebenezer and Earls Rd.

Elmer Yingling of Bird River Community Assn. testified against rezoning of land at Ebenezer and Earls Rd that would increase heavy industry the area.

John H. Gease has requested MH-I for 64.17 acres which would allo heavy industry. The adjacent lan owners are concerned with traff noise, air pollution, vibrations ar water quality.

Ebenezer Church, which is over 20 years old, could be severely impacte by increased industrial activit stated Rev. Mark Mooney, Pastor. Th Planning Board is against reclass fication.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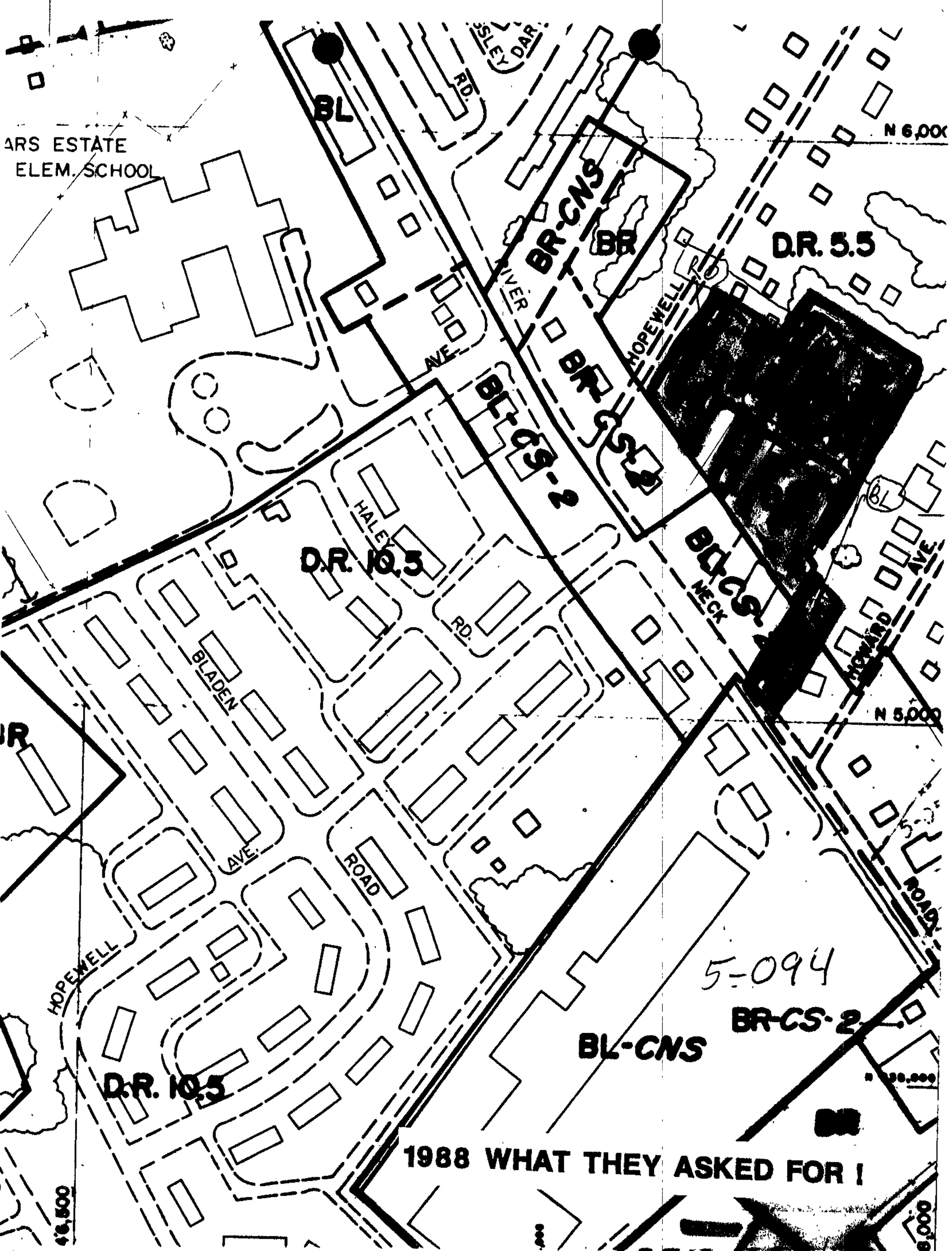
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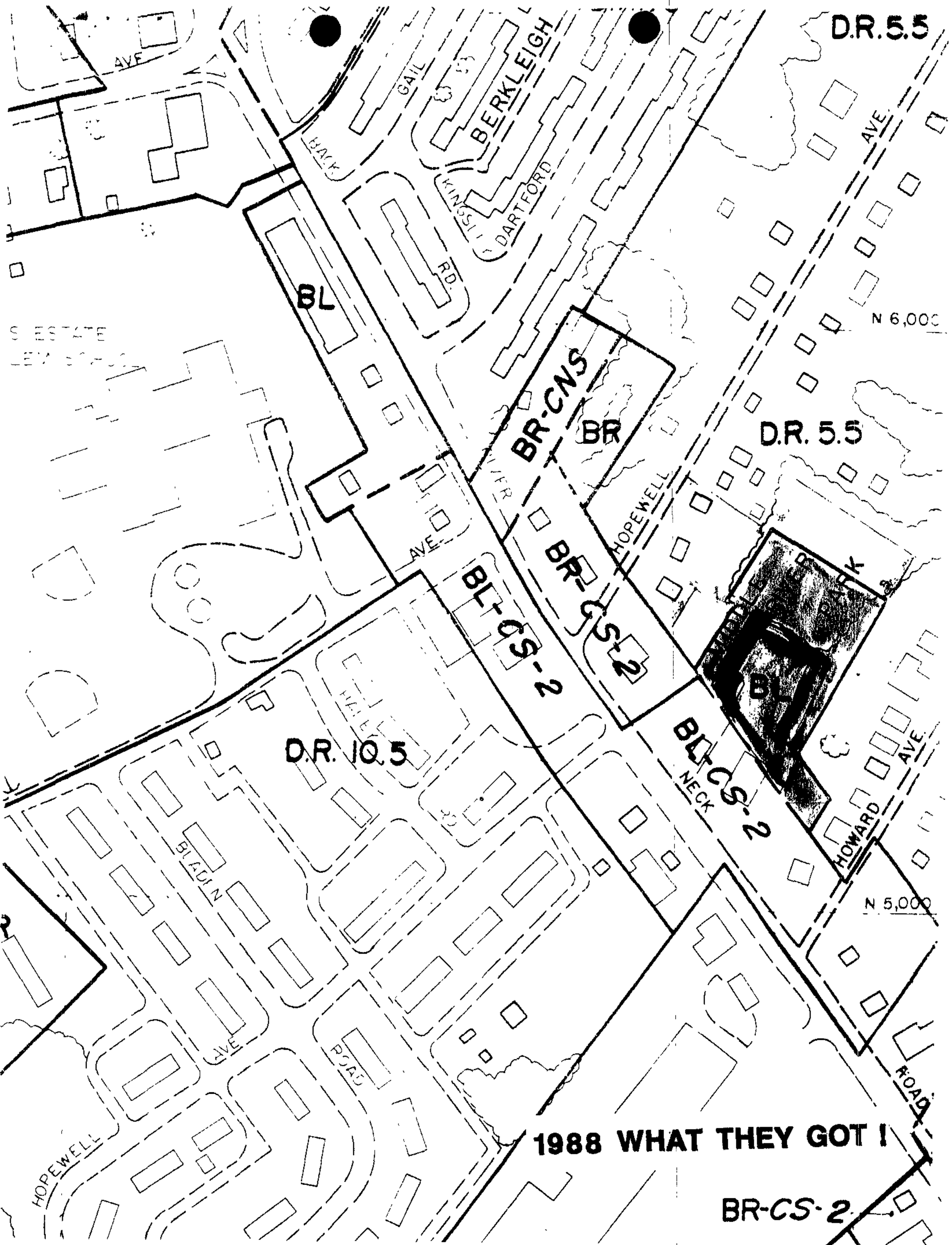
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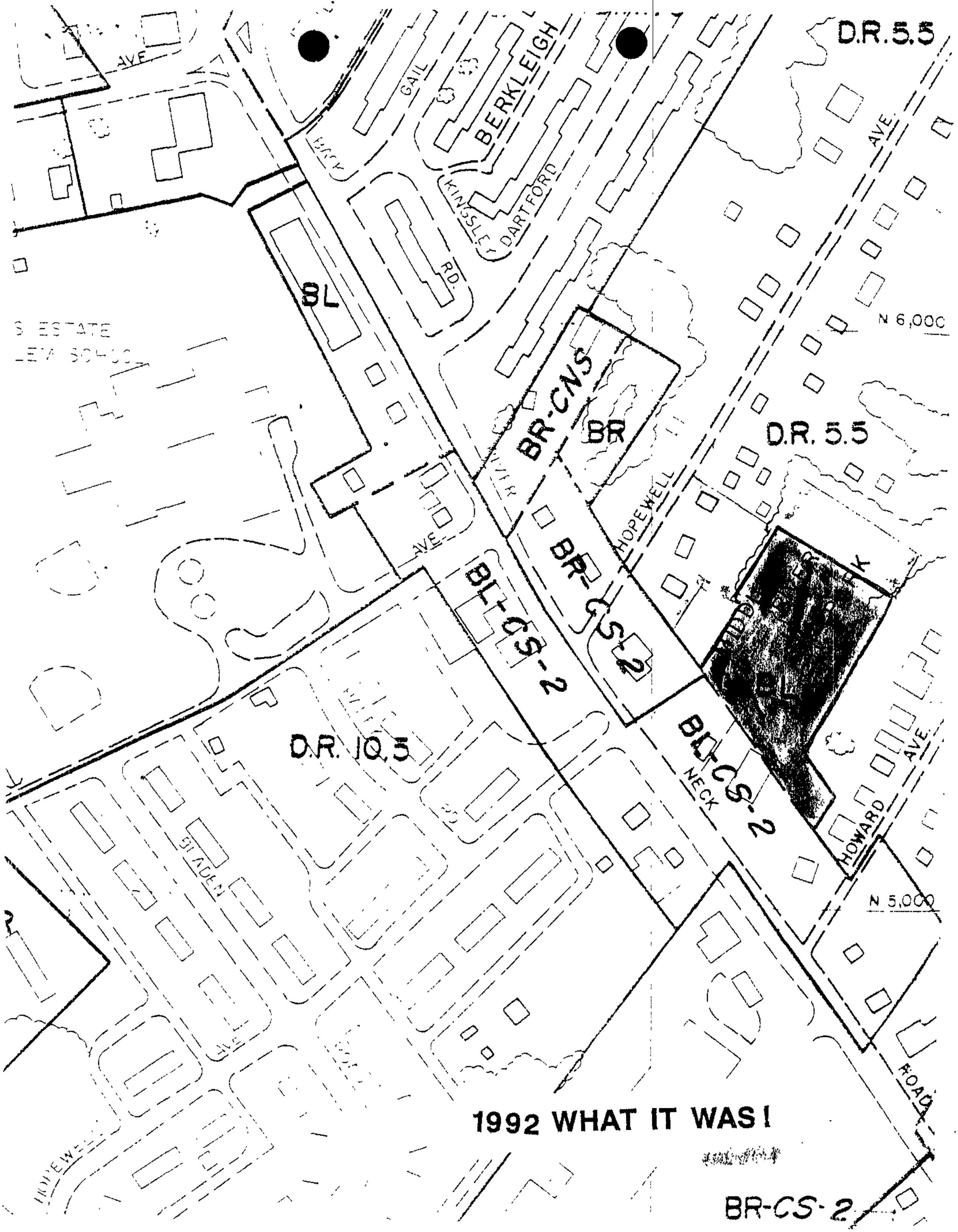
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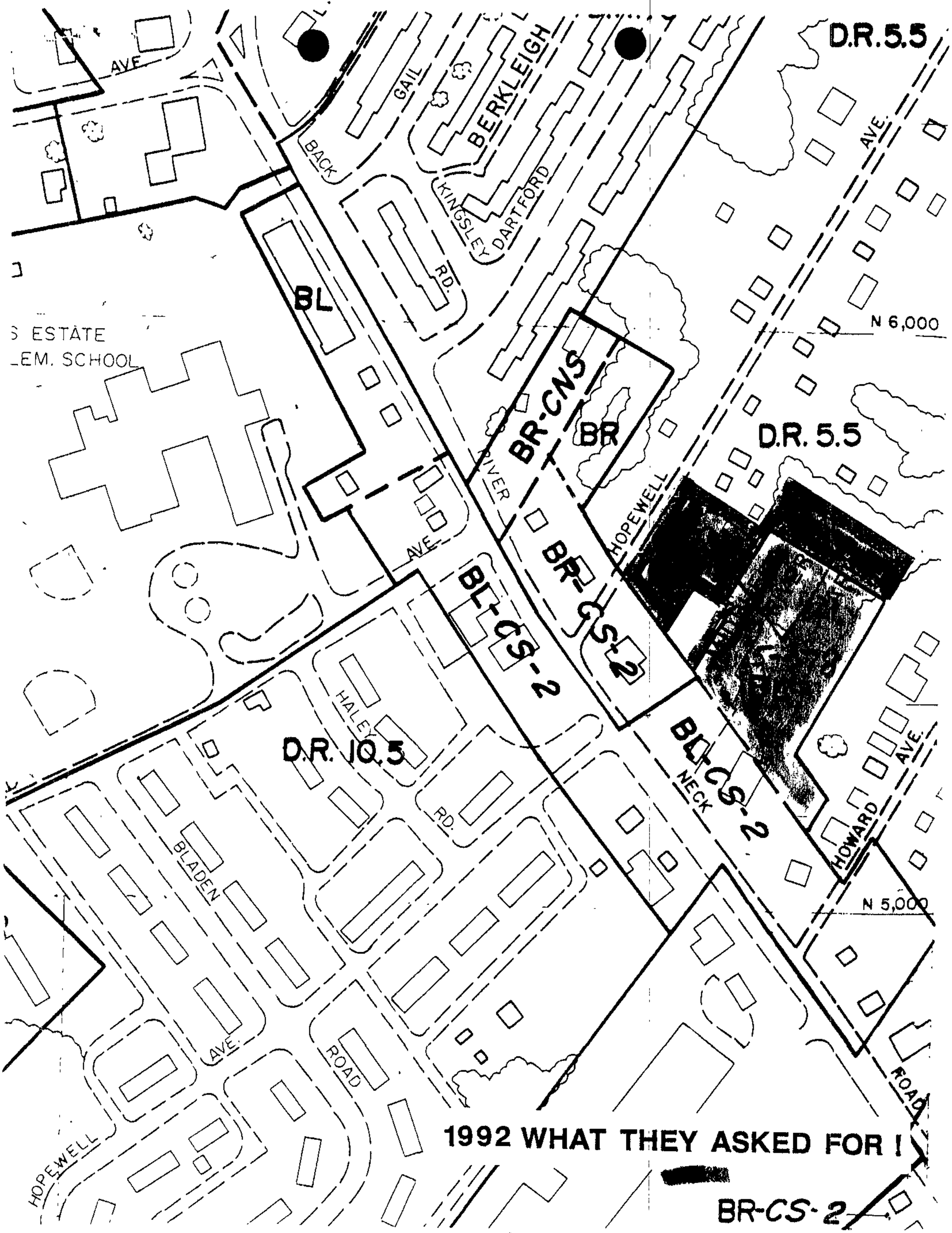
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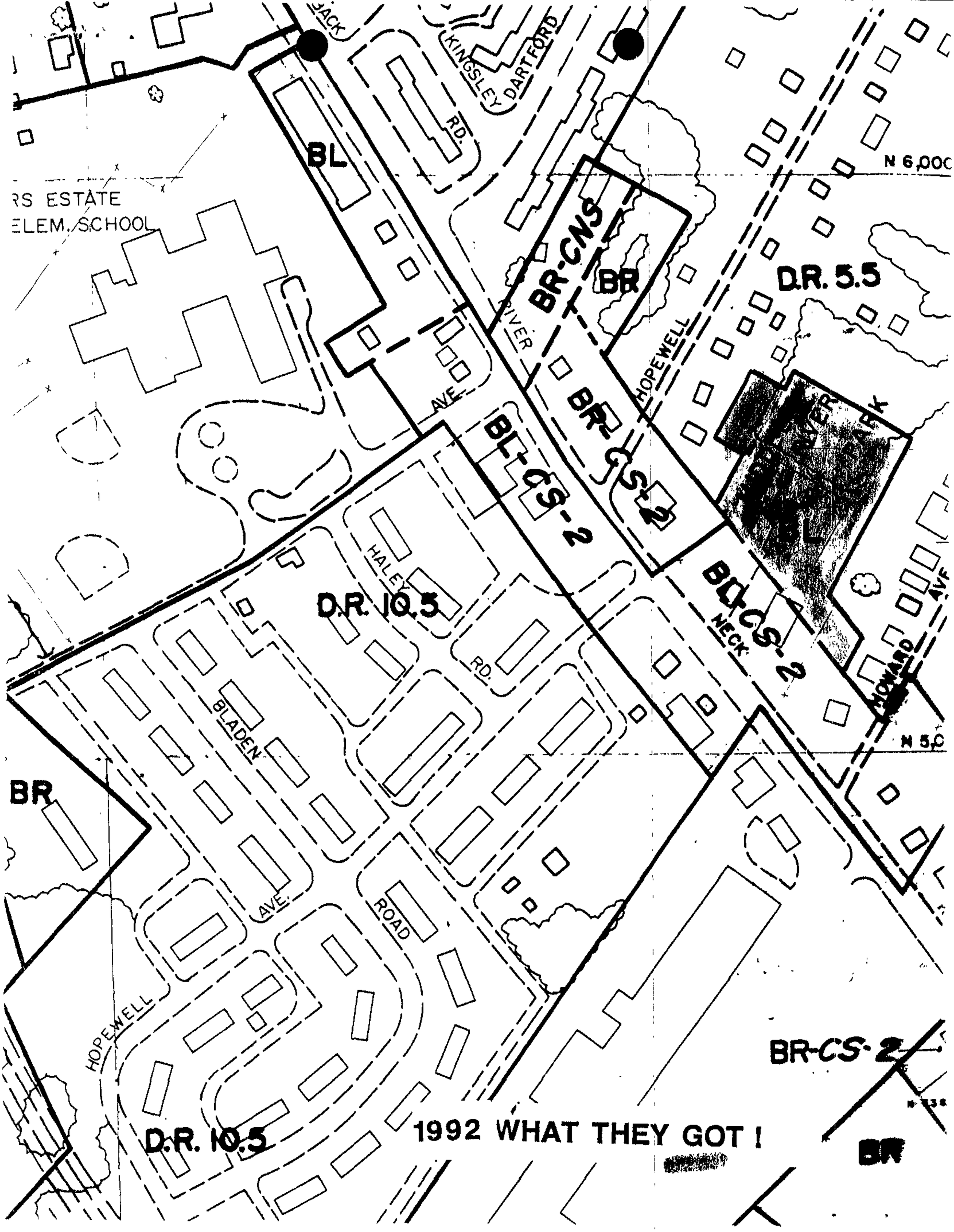
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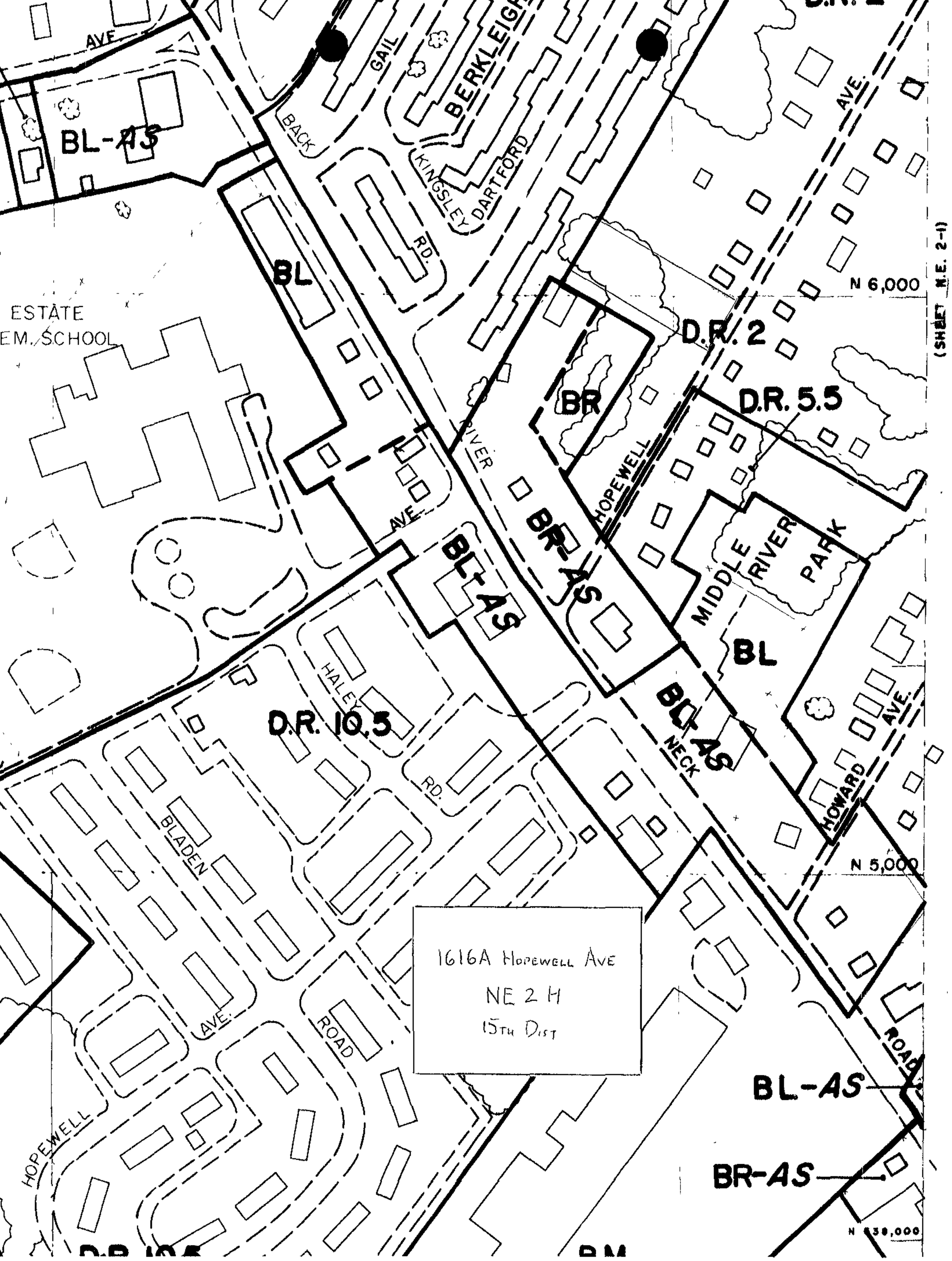
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MIDDLE RIVER PARK
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HALEY
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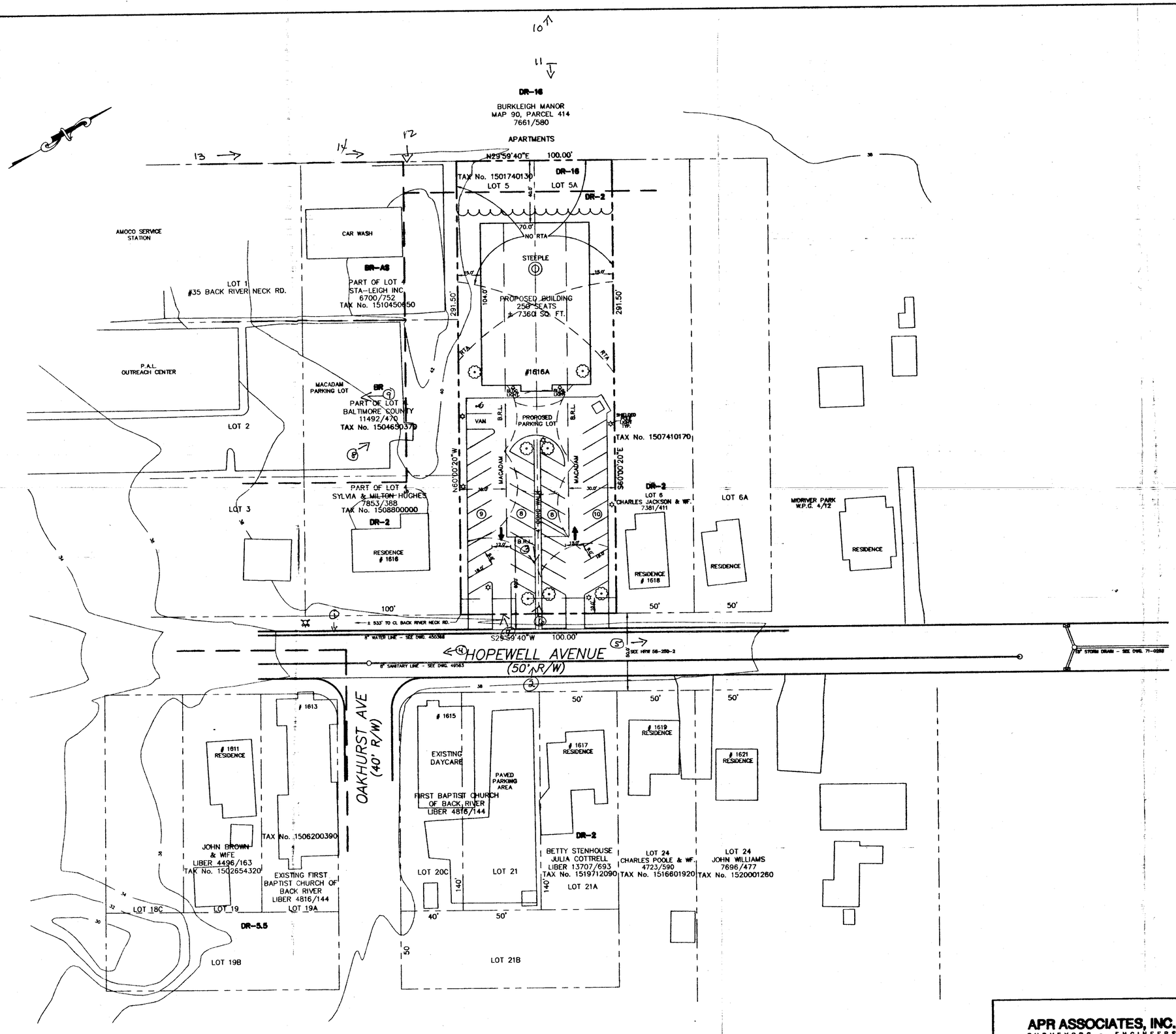
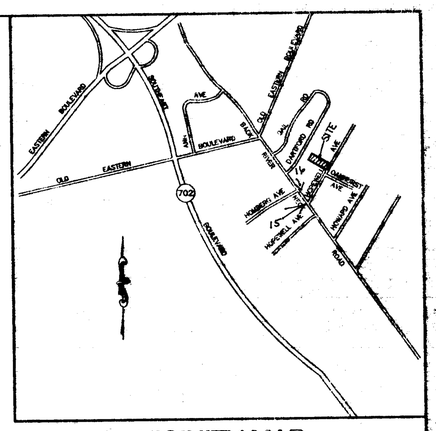
NECK
RD.
HOWARD
AVE.
N 5,000
BLADEN
AVE.
ROAD
1616A Hopewell Ave
NE 2 H
15th Dist
ROAD
BL-AS
BR-AS
HOPEWELL
N 38,000
(SHEET N.E. 2-1)

Baltimore County GIS Services Unit Date of Photography: March 1995 Scale: 1 inch = 200 feet

Baltimore County Tile: 097c1





VICINITY MAP
SCALE 1"=1000'

GENERAL NOTES:
1) OWNER – FIRST BAPTIST CHURCH OF BACK RIVER
   1613 HOPEWELL AVE.
   BALTIMORE, M.D. 21221
2) DEED REF. 5248/119
3) TAX MAP 90, PARCEL 589
4) LOTS 5 AND 5A – MIDRIVER PARK
   PLAT No. 4, FOLIO 12
5) AREA: 29,150 SQ. FT. OR 0.6692 ACRES ±
6) EXISTING USE – VACANT LOT – PARTIALLY WOODED
7) PROPOSED USE – NEW CHURCH AND PARKING LOT
8) EXISTING ZONING – DR-2
   SETBACKS:
   FRONT – 60 FEET
   SIDE – 30 FEET
   REAR – 40 FEET
9) PROPOSED ZONING – DR-2 WITH THE FOLLOWING VARIANCES REQUESTED:

   From Section 1801.2.C.1.a for a side yard setback of 15' in lieu of the required 30';

   From Section 1801.1.B to permit a residential transition area setback of as little as 0' in lieu of the required 75' and a residential transition area buffer of as little as 0 feet in lieu of the required 50';

   From Section 1801.1.B.e(5) to permit a steeple having a height of 50' in lieu of the permitted 35';

   From Section 409.6.A.4 to permit 35 parking spaces in lieu of the required 53;

   From Section 409.4.C to permit a drive aisle of 11 8' in lieu of the required 16' for 60° parking;

   From Section 409.12B to approve a modified parking plan.

10) PARKING REQUIRED – 1 SPACE PER 4 SEATS = 63 SPACES
    PARKING PROVIDED – 35 SPACES
    PARKING NOTE – PERMANENT STRIPED DURABLE DUSTLESS PAVING
11) EXISTING UTILITIES SHOWN WERE NOT FIELD LOCATED
12) 5th COUNCILMANIC DISTRICT
13) PREVIOUS ZONING HEARINGS – NONE
14) PREVIOUS CRG, DRC, WAIVERS – NONE
15) HEIGHT OF PROPOSED CHURCH – 28 FEET
    STEEPLE – 44 FEET
16) ALL SIGNS WILL COMPLY WITH SECTION 450 BCZR
17) THERE WILL BE NO CHURCH FUNCTIONS DURING SERVICES

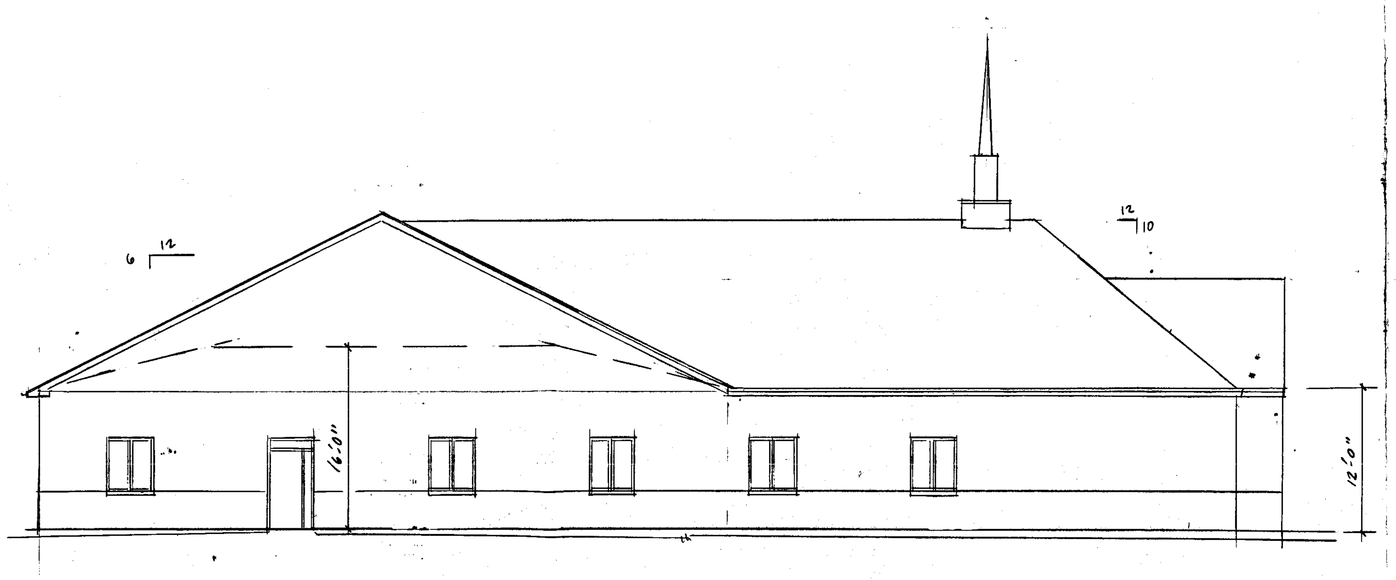
Petition No 1

APR ASSOCIATES, INC.
SURVEYORS • ENGINEERS
7427 Harford Road Baltimore, Maryland 21234-7188
(410) 444-4312 FAX:(410) 444-1647
E mail : apr444@erols.com

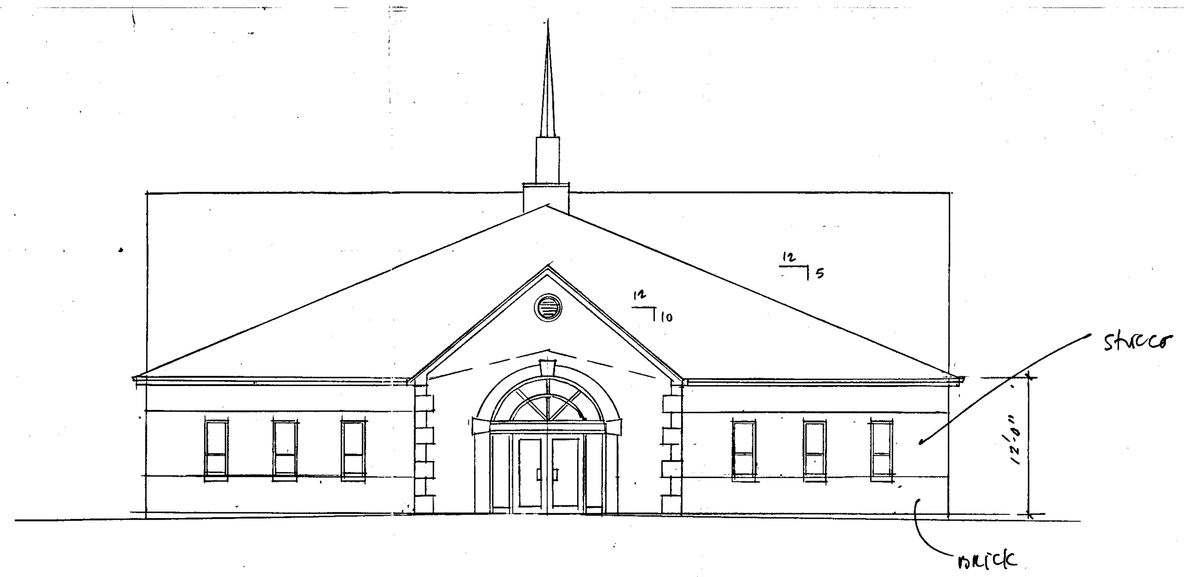
STATE OF MARYLAND
ALBERT R. WILLIAMS
REGISTERED PROFESSIONAL LAND SURVEYOR

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE
FIRST BAPTIST CHURCH OF BACK RIVER
1616A HOPEWELL AVENUE
15th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
DATE: AUGUST 13, 2002 *SCALE: 1"=30'*

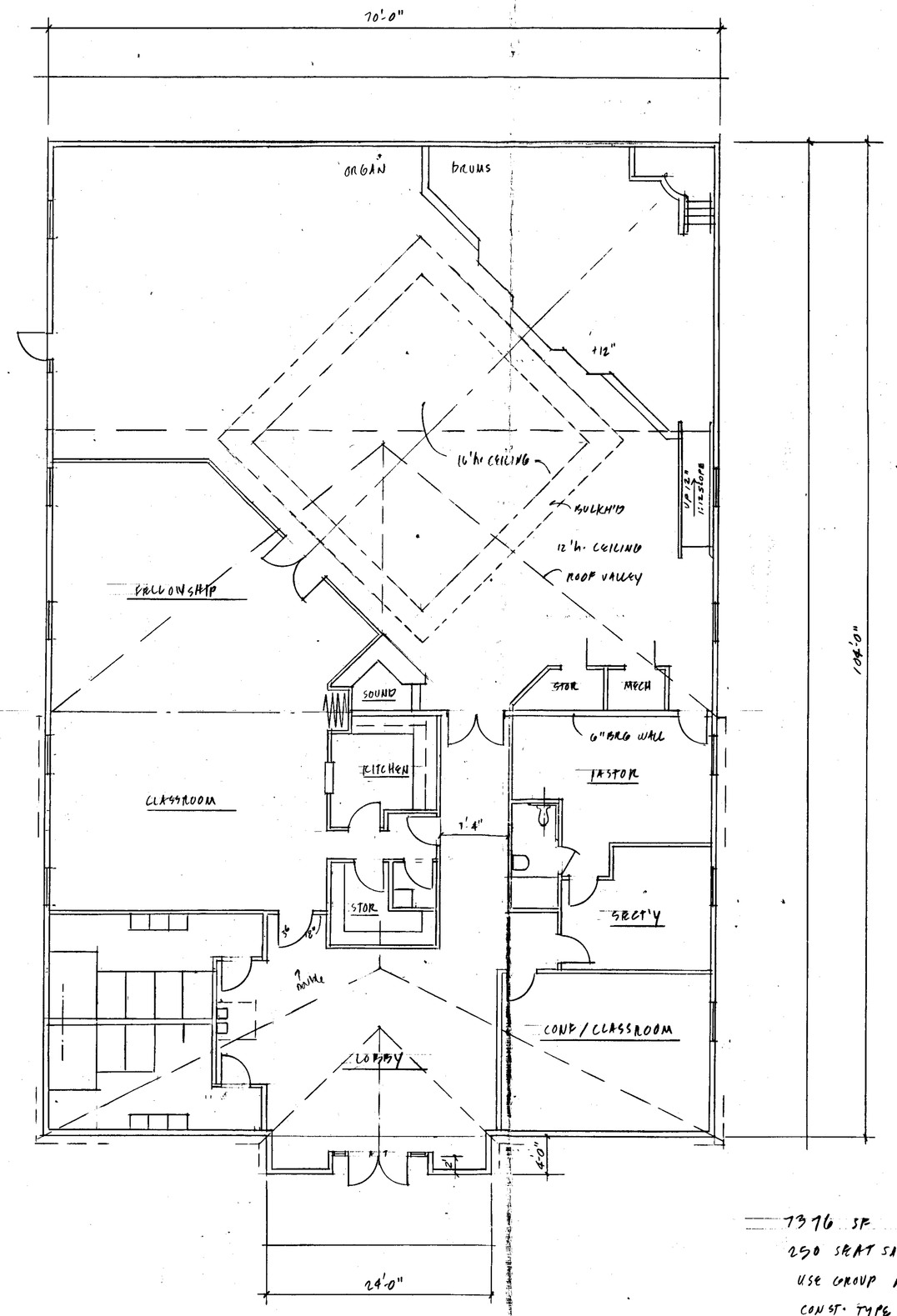
F:\DRAW\2031C Tue Aug 20 09:54:25 2002



ELEVATION



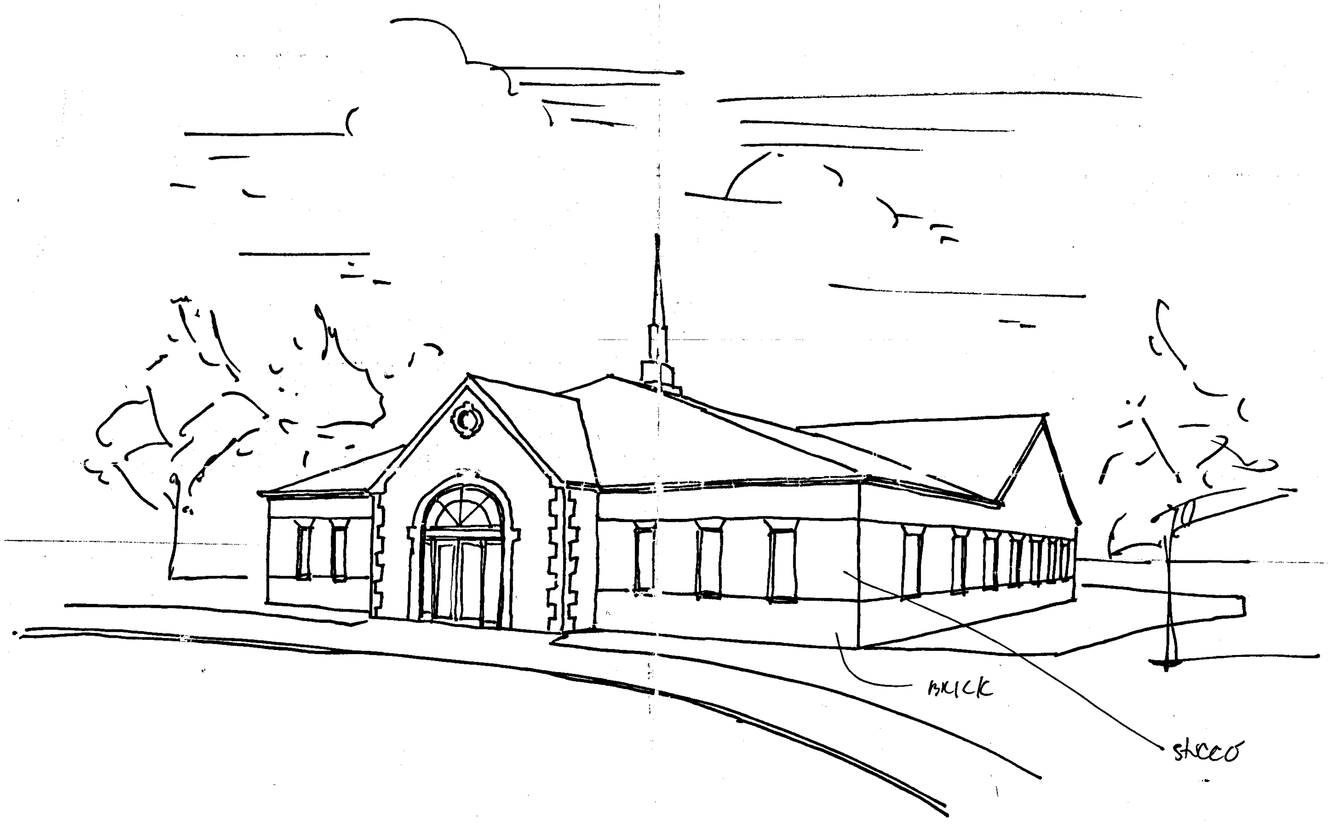
ELEVATION



FLOOR PLAN

7376 SF
250 SEAT SANCTUARY
USE GROUP A-3 (9500 SF ALLOWABLE)
CONST. TYPE II-B PRE WOOD TRUSSES
METAL STUD WALLS
UNSPRINKLERED

ARCHITECTURAL DRAWINGS **SCALE:** 1/8" = 1'-0" **DATE:** 9/3/02	**REVISIONS** 9-6-02	Rev No3	214 WASHINGTON AVENUE TOWSON, MARYLAND 21204 OFC: 410 832-7888 FAX: 410 832-7888 PAUL J. GORMAN, ARCHITECT MEMBER OF THE AMERICAN INSTITUTE OF ARCHITECTS	FIRST BAPTIST CHURCH of BACK RIVER HOPKWELL AVE, BALTIMORE COUNTY	**ARCHITECT**	**A-1**



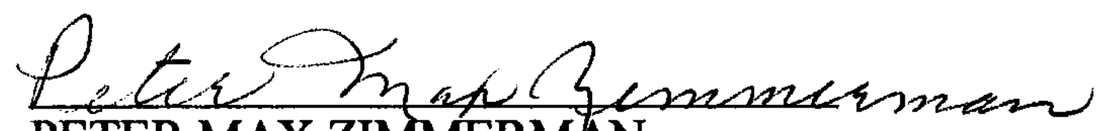
Ref No 4

RE:	PETITION FOR VARIANCE 1616A Hopewell Ave. 533' NE Back River Neck Road 15th Election District 5th Councilmanic District Legal Owner: First Baptist Church of Back River, Inc. James Modlin, Pastor Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 03-087-A

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

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

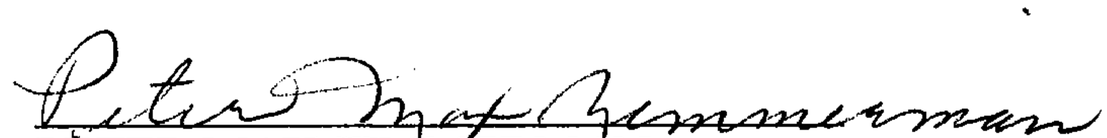


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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 3rd day of September, 2002 a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esq., 409 Washington Avenue, #1000, Towson, MD 21204 Attorney for Petitioner(s).



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 12, 2002 Issue – Jeffersonian

Please forward billing to:
Deborah C Dopkin
409 Washington Avenue
Suite 1000
Towson MD 21204

410 821-0200

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: 03-087-A
1616A Hopewell Avenue
NW/S Hopewell Avenue, 533' NE of Back River Neck Road
15th Election District – 5th Councilmanic District
Legal Owner First Baptist Church of Back River Inc

Variance to permit a side yard setback of 15 feet in lieu of the required 30 feet, to permit a residential transition area setback of as little as 0 feet in lieu of the required 75 feet and a residential transition area buffer of as little as 0 feet in lieu of the required 50 feet, to permit a steeple having a height of 50 feet in lieu of the permitted 35 feet if necessary, to permit 35 parking spaces in lieu of the required 63, to permit a drive aisle of 11.8 in lieu of the required 16 feet for 60 degree parking, and, to approve a modified parking plan.

HEARING: Friday, September 27, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ
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.