IN RE: PETITION FOR VARIANCE

E/S of Winters Lane, S of Edmondson Avenue 1st Election District 1st Councilmanic District (Parcel 1165 E/S Winters Lane)

Grace A.M.E. Church, Inc. Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 03-310-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, the Grace A.M.E. Church, Inc. The variance request involves property located on the east side of Winters Lane, south of Edmondson Avenue. The variance is requested from Section 450.4.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a freestanding church identification sign with a total area of 64 sq. ft. per frontage and a height of 10 ft. in lieu of the maximum permitted one freestanding church identification sign with a 25 sq. ft. area and a height of 6 ft.

Appearing at the hearing on behalf of the variance request were Reverend Howard C. Wright, the pastor of the Grace A.M.E. Church, as well as Margaret Washington and Lemuel Johnson. The Petitioners were represented by James L. Rouse, attorney at law. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.740 acres, more or less, zoned D.R.5.5. The property is located on the east side of Winters Lane in the Catonsville area of Baltimore County. This parcel, as well as the property on the opposite side of Winters Lane, is the home of the Grace A.M.E. Church which has existed on this property and in this community for over 100 years. The church building itself was constructed in 1901. The church is interested in constructing a new identification sign on

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their property in the area depicted on Petitioner's Exhibit No. 1, the site plan submitted into evidence. As the site plan shows, the church and accessory buildings are located on a smaller parcel of property on the west side of Winters Lane. There also exists a small parking lot on that parcel. Directly opposite the church on the east side of Winters Lane is a large parking field which has been utilized by the church for the past 30 years for parishioner parking. The church is interested in locating their new sign on their parking lot along Winters Lane. The specific area of the sign is denoted on the site plan submitted.

The height of the sign was dictated by a 4 ft. security fence which runs parallel to Winters Lane. The purpose of this security fence and gate is to secure the parking lot when not in use by the church. This prevents individuals from loitering and trespassing on the parking lot. In order to be visible, the base of the sign itself had to have an elevation of at least 4 ft. Representatives of the church also indicated that they met with the members of the surrounding neighborhood and discussed the construction of the sign with those neighbors. No one had any opposition to the church's plans for the installation of this sign.

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

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

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

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

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

THEREFORE, IT IS ORDERED this 24 day of February, 2003, by this Deputy Zoning Commissioner, that the variance requested by Petitioners from Section 450.4.6 of the B.C.Z.R., to permit a freestanding church identification sign with a total area of 64 sq. ft. per frontage and a height of 10 ft. in lieu of the maximum permitted one freestanding church identification sign with a 25 sq. ft. area and a height of 6 ft, be and is hereby GRANTED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

IN THE MATTER OF THE APPLICATION OF GRACE A.M.E. CHURCH, INC. -LEGAL * COUNTY BOARD OF APPEALS OWNER -PETITIONER FOR A VARIANCE ON PROPERTY LOCATED ON THE E/S OF WINTERS LANE, 380' S OF EDMONDSON AVE.; PARCEL 1165 E/S WINTERS LANE 1ST ELECTION DISTRICT ST COUNCILMANIC DISTRICT

* BEFORE THE

* OF

* BALTIMORE COUNTY

* CASE NO. 03-310-A

<u>OPINION</u>

This case represents an appeal by People's Counsel for Baltimore County from a decision of the Deputy Zoning Commissioner in which a variance was granted by an "Opinion and Order" under date of February 24, 2003.

That Order granted a variance request made by the Petitioner, Grace A.M.E. Church, Inc., from § 450.4.6 of the Baltimore County Zoning Regulations (BCZR) to permit a freestanding church identification sign with a total area of 64 sq. ft. per frontage and a height of 10 feet in lieu of the maximum permitted one freestanding church identification sign with a 25 sq. ft. area and a height of 6 feet.

The Office of People's Counsel took a timely appeal to the Board on March 6, 2003. Due notice having been given to all interested parties, a public hearing was scheduled for September 16, 2003 at 10:00 a.m. At that time, James L. Rouse, Esquire, appeared on behalf of the Petitioners. Peter Max Zimmerman, People's Counsel for Baltimore County, appeared as Appellant.

Both Mr. Rouse and Mr. Zimmerman made appropriate opening statements as to their relative positions on the variance issue. The Board accepted Petitioner's Exhibit #1, representing a picture of the proposed church signage, and People's Counsel Exhibit #1, representing an attendance sheet.

Subsequent to Mr. Rouse's opening statement, Mr. Rouse was going to proceed into the

Case No. 03-310-A / Grace A.M.E. Church / Legal Owner - Petitioner

evidentiary portion of the hearing. However, his principal witness, the Reverend Howard C. Wright, Pastor of the Church, was not in attendance. The Board adjourned for 20 minutes to see if the Pastor could be located.

Reconvening, Mr. Rouse acknowledged that all of his proposed witnesses had notice of the hearing; and, as late as the evening before the hearing, indicated that they would be present. He did not know why they were not in attendance. Efforts to locate or contact the Pastor or members of the Board of Trustees were not successful. The Board offered to continue the case until 12:30 p.m. to enable Mr. Rouse time to make contact with his witnesses. However, Mr. Rouse was not sure he could do so, since he had another afternoon schedule to which he was committed. Additionally, Mr. Zimmerman's witnesses had afternoon commitments, and Mr. Zimmerman was prepared to proceed with his case.

Mr. Rouse requested a continuance; however, Mr. Zimmerman indicated that he could not agree to a continuance, without prejudice, in light of the presence of four witnesses who were in attendance and ready to proceed.

The Board's Rules of Practice and Procedure provide, under Rule 2, "Notice," that:

- b. Postponements and continuances will be granted at the discretion of the board only upon request in writing by an attorney of record, addressed to the board and with a copy to every other attorney of record, or party of record (if not represented by counsel) entitled to receive notice, in accordance with § 500.11 of the *Baltimore County Zoning Regulations*, setting forth good and sufficient reasons for the requested postponement.
- c. No postponement shall be granted within fifteen (15) days next prior to the hearing date except in extraordinary circumstances and for a reason satisfactory to the board, given by the party requesting such postponement indicating that the circumstances requiring the postponement are of an unusual and extraordinary nature.

Additionally, the "Notice of Assignment" sent to all interested parties states, quite specifically, that:

ASSIGNED FOR:

TUESDAY, SEPTEMBER 16, 2003 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, partles should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

In light of the circumstances, and due notice having been given to all parties as to the date and time of the hearing, the Board dismissed the case, with prejudice.

ORDER

THEREFORE, IT IS THIS Ith day of Lether, 2003 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Variance filed in Case No. 03-310-A be and the same is hereby DISMISSED with prejudice for the reasons as stated in the foregoing Opinion, rendering most the appeal filed in this matter; and, further, that the Deputy Zoning Commissioner's Order of February 24, 2004, including any relief granted therein, is rendered null and void.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott, Panel Chair

Edward W. Crizer, Jr.

Charles L. Marks



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

Peter Max Zimmerman
People's Counsel for
Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: In the Matter: Grace A.M.E. Church – Legal Owner-Petitioner /Case No. 03-310-A

Dear Mr. Zimmerman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

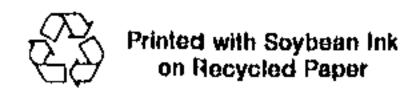
Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

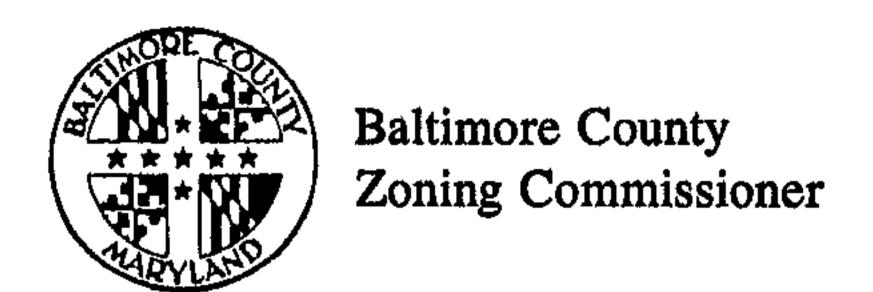
Very truly yours,

Kathleen C. Bianco Administrator

Enclosure

c: James L. Rouse, Esquire
Reverend Howard C. Wright
Pastor, Grace A.M.E. Church
Margaret A. Washington
Lemuel Johnson
Inez and Walter Reynolds
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Timothy M. Kotroco, Director /PDM





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

Fax: 410-887-3468

February 24, 2003

James L. Rouse, Esquire 2516 N. Charles Street Baltimore, Maryland 21218

> Re: Petition for Variance Case No. 03-310-A

> > Property: Parcel 1165 E/S of Winters Lane

Dear Mr. Rouse:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

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

Very truly yours,

linkly lotroee

Timothy M. Kotroco

Deputy Zoning Commissioner

Rev. Howard C. Wright

5420 Ruxton Drive

TMK:raj Enclosure

c: Margaret A. Washington, Chairperson 67 ½ Winters Lane Baltimore, MD 21228

Lanham, MD 20706

Lemuel Johnson 3819 Bowers Ave. Baltimore, MD 21207



Letteon for Variance

to the Zoning Commissioner of Baltimore County

for the property located at P/ 1165 east side of Winters Lane which is presently zoned dson Avenue D.R. 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 450,4,6,8CZR, to permit two freestanding church identification signs per frontage with a total area of 64 square free and a height of 10 feet, in lieu of the maximum permitted one freestanding church identification sign per frontage with a total area of 25 square feet and a height of 6 feet.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship Ownership of the Church since 1976, parking lot used to accommodate church or practical difficulty) 1. members; additional parking on Church premises.

- 2. Relief being sought is within the spirit and intent of B.C.Z.R.
- 3. Granting relief will not cause injury to public health, safety or general welfare.

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:		Legal Owner(s):	
	i	Grace A.M. E. Chur	ch, Inc. BM
Name - Type or Print	<u> </u>	Mana Tuna as Drink	1
Signature	 	Signature A Mach	1
Address	Telephone No.	West Signature BM	drors.
City	Zip Code		
Attorney For Petitioner:		67 1/2 Winters Lane	
. 7		Address	Telephone No.
Name Type or Print		Baltimore, MD 21228 City State	Zip Code
111 Grue		Representative to be Contacted:	- Lip Quic
Signature Law offices of James	L. Rouse	JAmes L. Rouse	
Company V5160 N. Charles Str	eet 410-366-6664	Name 25160. N. Charles street	410-366-6664
Address Homore MD.	Telephone No.	Baltmore, MD.	Telephone No. ひししし
City	Zip Code	City	Zip Code
		OFFICE USE ONLY	
Case No		ESTIMATED LENGTH OF HEARING	
		UNAVAILABLE FOR HEARING	,,
REV 9/15/98	Reviewed By _	JNP Date 1/7/03	

ZONING DESCRIPTION FOR GRACE A.M.E. CHURCH PARKING LOT EAST SIDE OF WINTERS LANE/SOUTH OF EDMONDSON AYENUE

BEGINNING AT A POINT ON THE EAST SIDE OF WINTERS LANE WHICH IS
40 FEET WIDE AT THE DISTANCE OF 380 FEET SOUTH OF THE CENTERLINE OF
EDMONDSON AVENUE WHICH IS 60 FEET WIDE. THENCE THE FOLLOWING
COURSES AND DISTANCES:

EASTERLY, 288 FEET +/-; THENCE SOUTHERLY, 154 FEET; THENCE WESTERLY, 288 FEET AND THENCE NORTHERLY 126 FEET +/- TO THE PLACE OF BEGINNING AS RECORDED IN DEED LIBER 5625, FOLIO 390, CONTAINING 32,256 SQ. FT., MORE OR LESS.

ALSO KNOWN AS PARCEL NO. 1165, WINTERS LANE AND LOCATED IN THE 1ST. ELECTION DISTRICT, 1ST. COUNCILMANIC DISTRICT.

J. TILGHMAN DOWNEY, JR.

SITE RITE SURVEYING, INC. 200 E. JOPPA ROAD SUITE 101 TOWSON, MD 21286 (410)828-9060

MHITE CASH	TROM:		
		CHPT ACCOUNT	
CUSTOMEN			

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore Gounty, 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: #03-310-A

Parcel 1165 east side of Winters Lane south of Edmondson Avenue E/side of Winters Lane, 380 feet south of Edmondson Avenue 1st Election District - 1st Councilmanic District Legal Owner(s): Grace A.M.E. Church, Inc., Margaret A. Washington, Chairperson

Variance: to approve two (2) freestanding church identification signs per frontage with a total are of 64 equare feet and a height of 10 feet, in lieu of the maximum permitted one freestanding church identification sign per frontage with a total area of 25 square feet and a height of 6 feet.

Hearing: Friday, February 21, 2003 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 Handloapped 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.

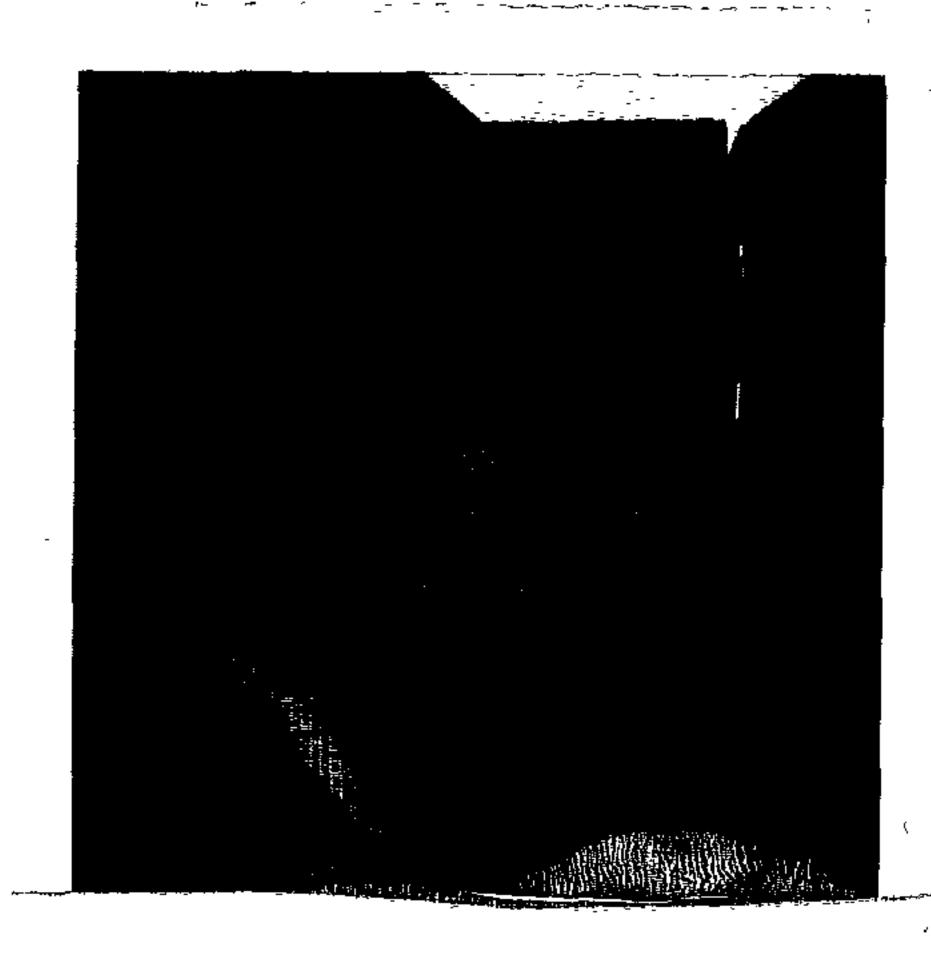
CERTIFICATE OF PUBLICATION

			•
	26,	20 <u>03</u>	
THIS IS TO CERTIFY, that the	annexed adv	ertisement was pı	ıblished
n the following weekly newspaper p	oublished in	Baltimore Count	y, Md.,
once in each ofsuccessive	weeks, the fi	rst publication app	pearing
on 26 ,2003.			
The Jeffersonian			
Arbutus Times			-
Catonsville Times			1
☐ Towson Times			1
Owings Mills Times			
□ NE Booster/Reporte	r		
☐ North County News			
	*	•	

FOAL ADVERTISING

· CERTIFICATE OF POSTING

	CERTIFICATE OF POSTING
<u>,,</u>	RE: Case No.: 03-310-A Petitioner/Developer: James L. Rouse
	remonentationer, the same of t
	ETAL
10000000000000000000000000000000000000	Date of Hearing/Closing: FEBRUARY 21,
	Baltimore County Department of Permits and Development Management County Office Building, Room 111
2 E 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	111 West Chesapeake Avenue
THE	TOWSON, MD 21204 ATTENTION: BECKY HART
	Gentiemen:
TE SE SE	This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
E 2 2	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 67/2 WINTERS LANE
C B B	The sign(s) were posted on FEBRUARY 4, 2003 (Month, Day, Year)
	firection of the property of t



Sincerely, (Signature of Sign Poster and Date) PATRICK M. O'KEEFE (Printed Name) 523 PENNY LANE (Address) HUNT VALLEY, MD. 21030 (City, State, Zip Code) 410-666:5366 ; CELL-410-905-8571 (Telephone Number)

67/2 Wintershane

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-310-A

Grace A.M.E. - LEGAL OWNERS

67 1/2 Winters Lane, Baltimore, Md 21228

1st ELECTION DISTRICT APPEALED: 3/6/2003 ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1) CERTIFICATE OF POSTING Baltimore County Board of Appeals TO: 400 Washington Avenue, Room 49 Towson, Maryland 21204 Kathleen Bianco Attention: Administrator Case No.: 03-310-A RE: Petitioner/Developer: This is to certify that the necessary appeal sign was posted conspicuously on the property located at: 671/2 Winters Lane The sign was posted on By: (Signature of Sign Poster)

(Printed Name)

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-310-A

Grace A.M.E. - LEGAL OWNERS

67 % Winters Lane, Baltimore, Md 21228

1st ELECTION DISTRICT

APPEALED: 3/6/2003

ATTACHMENT - (Plan to accompany Petition - Petitioner's Exhibit No. 1)

******COMPLETE AND RETURN BELOWINFORMATION****

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

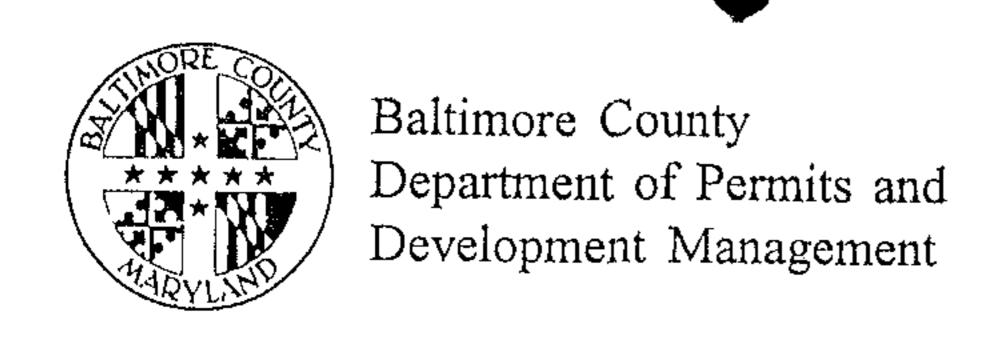
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign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

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

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

item Num	nber or Case Number: 03-3/0-A
Petitione	r: Grace A.M.E. Church, Inc. (Parlaing Lot)
Address	or Location: Parul 1165 Winters Lane
Name:	FORWARD ADVERTISING BILL TO: James John 1569
Address:	2516 N. Charles Street
Address:	2516 N. Charles Street Baltimore, MD 21218 ne Number: (410) 366-6664

Revised 2/20/98 - SCJ



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

January 22 2003

Fax: 410-887-5708

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: 03-310-A

Parcel 1165 east side of Winters Lane south of Edmondson Avenue E/side of Winters lane, 380 feet south of Edmondson Avenue 1st Election District – 1st Councilmanic District Legal Owner: Grace A.M.E. Church, Inc., Margaret A. Washington, Chairperson

<u>Variance</u> to approve two (2) freestanding church identification signs per frontage with a total area of 64 square feet an a height of 10 feet, in lieu of the maximum permitted one freestanding church identification sign per frontage with a total area of 25 square feet and a height of 6 feet.

Hearings:

Friday, February 21, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon

Director

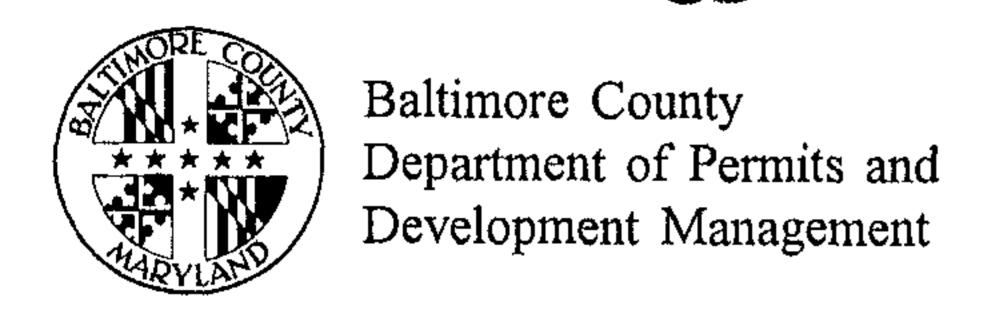
AJ:rlh

C: James L. Rouse, 2516 N. Charles Street, Baltimore 21218 Grace A.M.E. Church, Inc., Margaret Washington, Chairperson, 67 1/2 Winters Lane, Baltimore 21228

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, FEBRUARY 6, 2003.

(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.



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

February 14, 2003

James L. Rouse Law Offices of James L. Rouse 2516 N. Charles Street Baltimore, MD 21218

Dear Mr. Rouse:

RE: Case Number: 03-310-A, Parcel 1165 east side of Winters Lane, south of Edmondson Ave.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 7, 2003.

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. Supervisor, Zoning Review

U. Callahal D

WCR:klm

Enclosures

c: People's Counsel Margaret Washington, Grace AME Church, Inc, 67 ½ Winters Lane, Balto. MD 21228

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: January 28, 2003

TO:

Arnold Jablon, Director

Department of Permits & Development Management

FROM(

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 27, 2003

Item Nos. 305, 306, 307, 308, 310, 311, 312, 313, 314, 315, 316, 320,

321, 322, 323, 324, and 325

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

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley PBS FTGT

DATE:

February 20, 2003

Zoning Petitions

Zoning Advisory Committee Meeting of January 21, 2003

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

305-308/310, 311, 313, 315-319, 321-325



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary

Parker F. Williams
Administrator

Date: 1.17.03

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

RE: 1

Baltimore County

Item No. 310

JMP

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,

h

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

Jon Juni

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

MN 22 13

DATE: January 21, 2003

SUBJECT:

Winters Lane

INFORMATION:

Item Number:

03-310

Petitioner:

Grace A.M.E. Church

Zoning:

DR 5.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning conducted a field visit of the site of the subject request that revealed the following:

- 1. The proposed identification sign is not in conformance with the location requirement for an accessory use or structure. Unlike accessory off-street parking, an accessory sign must be located on the same lot as the principal use or structure served (see definition of ACCESSORY USE OR STRUCTURE in Section 101 of the BCZR). The church, which is served by the proposed sign, is located on a separate lot located on the other side of Winters Lane.
- 2. The proposed sign is excessive. The church already has a freestanding identification sign.
- 3. The proposed sign is actually an outdoor advertising sign because it would call attention to a service and activities that are located or offered on another premises (see definition in Section 450.4). Outdoor advertising signs are not permitted in residential zones.

Based on the aforementioned, this office recommends that the petitioner's request be **DENIED**.

Prepared by:

Section Chief:

AFK/LL:MAC:



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Rebecca Hart

Distribution Meeting of: January 21, 2003

Item No.:

305, 307-311, 316-322, 324 & 325

Dear Ms. Hart:

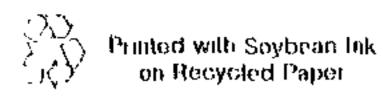
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File





Robert L. Ehrlich Jr. Governor Michael S. Steele Lt. Governor Audrey E. Scott Secretary

January 21, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 01/27/03 re: case numbers 03-305-SPH, 03-306-X, 03-307-SPH, 03-308-A, 03-310-A, 03-311-A, 03-312-X, 03-313-SPH, 03-314-XA, 03-315-SPH, 03-316-SPHX, 03-317-A, 03-318-A, 03-319-A, 03-320-A, 03-321-A, 03-322-A, 03-323-SPHA, 03-324-A, 03-325-A

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 01/16/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Junion 12 Gall

Local Planning Assistance Unit

cc: Mike Nortrup

NOTE TO FILE

DATE:

February 19, 2003

TO:

Zoning Commissioner

FROM:

Jeffrey Perlow, Planner II

Zoning Review

RE:

03-310-A (Parcel 1165, east side of Winters Lane, 380 feet south of

Edmonson Avenue), Grace AME Church, Inc.-owner

Petitioners filed this variance based on their assumption that the off-site parking lot (across the street on Winters Lane) is accessory to the church and therefore any signage placed on the same lot should be considered accessory as well. However, it is the position of this office that this additional signage is non-accessory and could be construed as an outdoor advertising sign (which is not permitted in the D.R. 5.5 zone).

RE: PETITION FOR VARIANCE * BEFORE THE

Parcel 1165 Eside Winter Ln S Edmondson

Ave; Eside Winters Ln; 380ft S Edmondson * ZONING COMMISSIONER

1st Election District

1st Councilmanic District * FOR

Legal Owner(s): Grace A.M.E. Church;

Margaret Washington, Chairperson * BALTIMORE COUNTY

Petitioner(s)

* 03-310-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 day of January, 2003, a copy of the foregoing Entry of Appearance was mailed to, James L Rouse, 2516 N Charles Street, Baltimore, MD 21218, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN People's Counsel

March 6, 2003

CAROLE S. DEMILIO Deputy People's Counsel

Arnold Jablon, Director Department of Permits and Development Management 111 W. Chesapeake Avenue Towson, MD 21204

Hand-delivered

Re:

PETITION FOR VARIANCE E/S of Winters Lane; S of Edmondson Avenue (Parcel 1165 E/S Winters Lane) 1St Election District; 1st Council District Grace A.M.E. Church, Inc - Petitioner Case No.: 03-310-A

Dear Mr. Jablon:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated February 24, 2003 by the Baltimore County Deputy Zoning Commissioner in the above-entitled case

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

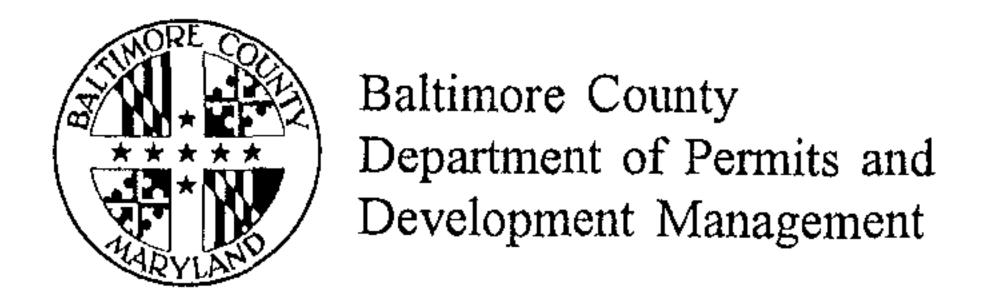
PMZ/rmw

cc: James L. Rouse, Esquire Law Offices of James L. Rouse 2516 N. Charles Street Baltimore, MD 21218

Attorney for Petitioners

RECEIVED

MAR 0 6 2003 er. bh



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

Fax: 410-887-5708

March 10, 2003

James L. Rouse 2516 N. Charles Street Baltimore, MD 21218

Dear Mr. Rouse:

RE: Case No. 03-310-A, Parcel 1165 east side of Winters Lane south of Edmondson Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on March 6, 2003 by Peter M. Zimmerman, People's Counsel for Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

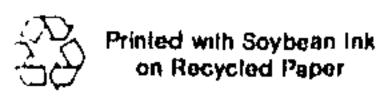
If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely

Arnold Jablon Director

AJ:rlh

c: Timothy Kotroco, Deputy Zoning Commissioner Arnold Jablon, Director of PDM People's Counsel Grace A.M.E. Church, Inc., Margaret Washington, 67 ½ Winters Lane, Baltimore 21228



APPEAL

Petition Variance
Parcel 1165 east side of Winters Lane
E/side of Winters Lane, 380 feet south of Edmondson Ave.

1ST Election District — 1st Councilmanic District
Grace A.M.E.- Legal Owner
Case No.: 03-310-A

Petition for Variance (January 7, 2003)

Zoning Description of Property

Notice of Zoning Hearing (January 22, 2003)

Certification of Publication (February 6, 2003)

Certificate of Posting (posted by the Patrick M. O'Keefe) on February 4, 2003

Entry of Appearance by People's Counsel (January 22, 2003)

Petitioner(s) Sign-In Sheet One Sheet

Protestant(s) Sign-In Sheet None

Citizen(s) Sign-In Sheet None

Zoning Advisory Committee Comments

Petitioners' Exhibits:

- 1. Plat to accompany Petition for Variance
- 2. Drawing of sign for Grace A.M.E. Church
- 3. Size/Selection Chart

Protestants' Exhibits:

None

Miscellaneous (Not Marked as Exhibits):

1. A note to file from the Planner

Deputy Zoning Commissioner's Order (GRANTED – February 24, 2003)

Notice of Appeal received on March 6, 2003 from Peter M. Zimmerman, People's Counsel of Baltimore County

c: People's Counsel of Baltimore County, MS #2010 Timothy Kotroco, Deputy Zoning Commissioner Arnold Jablon, Director of PDM Grace A.M.E. Church, Margaret Washington, Chairperson, 67 ½ Winters Lane Baltimore 21228 James L. Rouse, 2516 N. Charles Street, Baltimore 21218

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

November 24, 2003

TO:

Timothy Kotroco, Director

Permits & Development Management

Attn.: David Duvall

FROM:

Theresa R. Shelton

Board of Appeals

SUBJECT:

CLOSED APPEAL CASE FILES

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	PDM FILE NUMBER	NAME	LOCATION
03-310-A	03-310-A	GRACE A.M.E.	671/2 WINTERS LANE 21228
02-479-X AND 02-480-X	02-479-X AND 02-480-X	JAMES AND KAREN YIRKA	14911 HANOVER PIKE 21136
03-267-A	03-267-A	KENNETH AND JUDY PETERS	9916 MARILYN ROAD 21128
03-548-SPH	03-548-SPH	JAMES KNITTLE	4305 BECKLEYSVILLE ROAD 21074

Attachment: SUBJECT FILE(S) / EXHIBIT(S) ATTACHED;

200' SCALE MAP: 5. W. 3-F PARK FOLLING D.R. 5.5

HANNE MARKET STATES

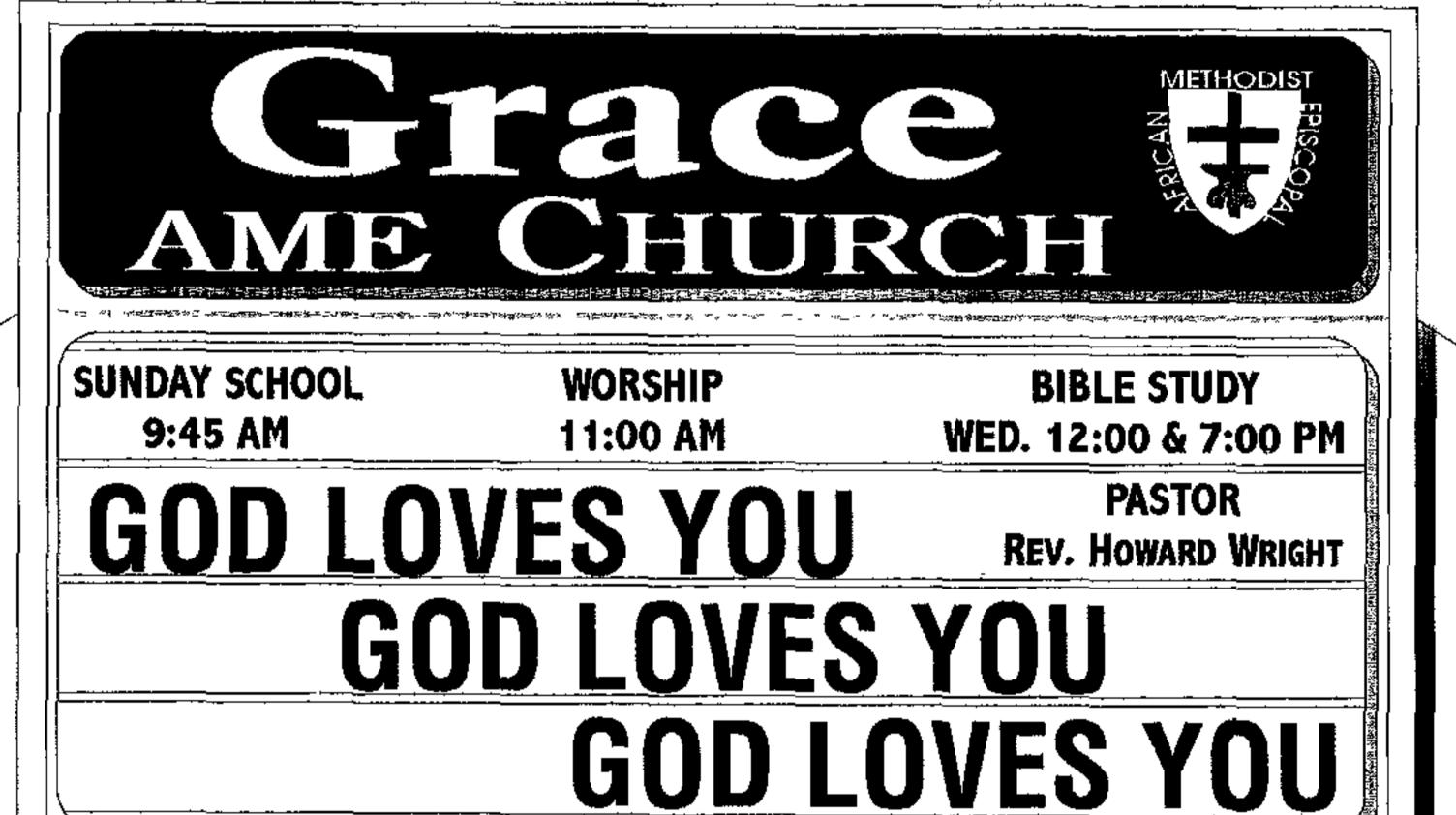
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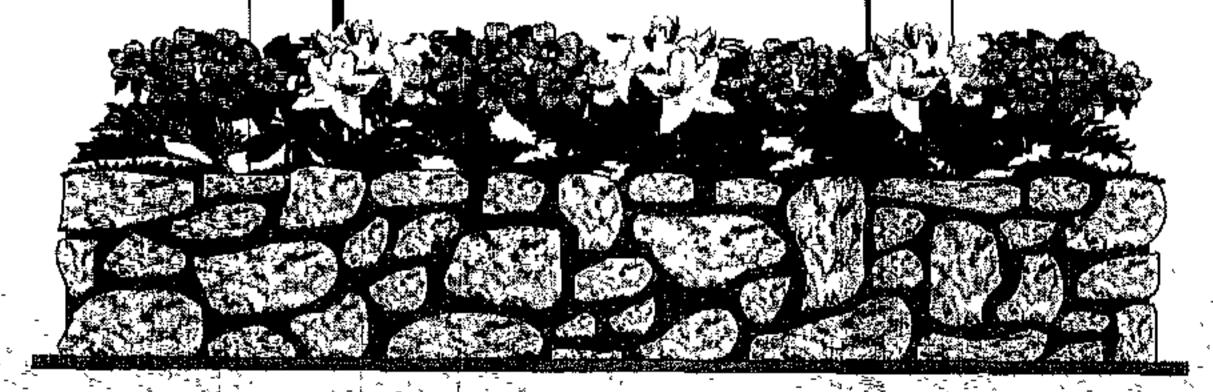
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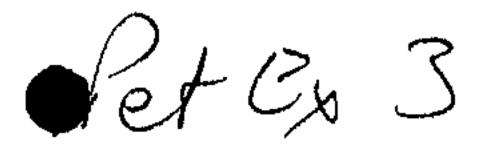


Communication

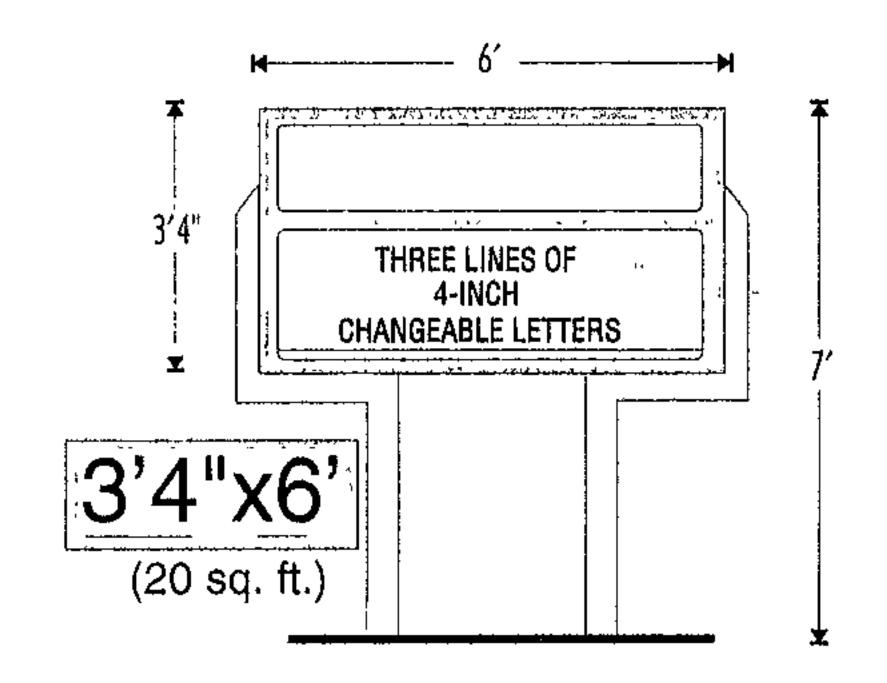
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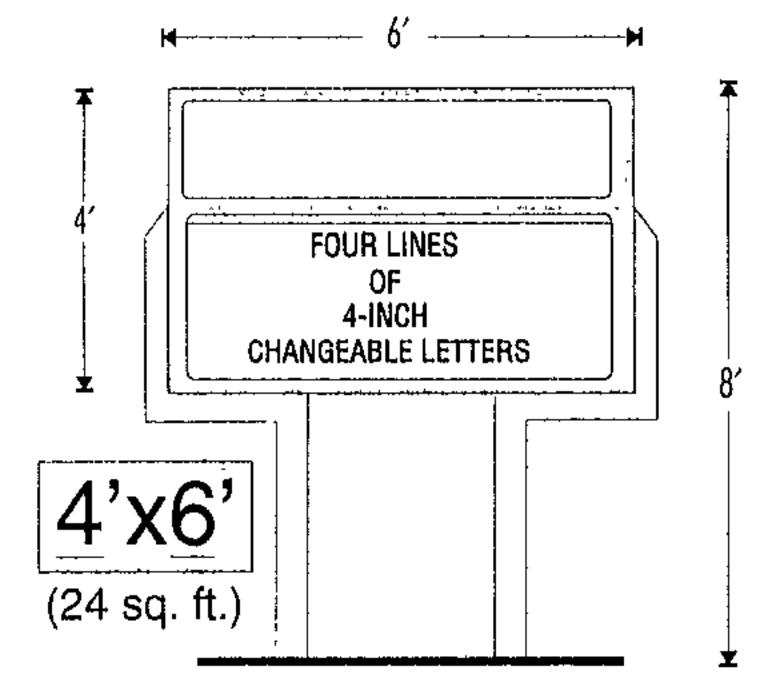
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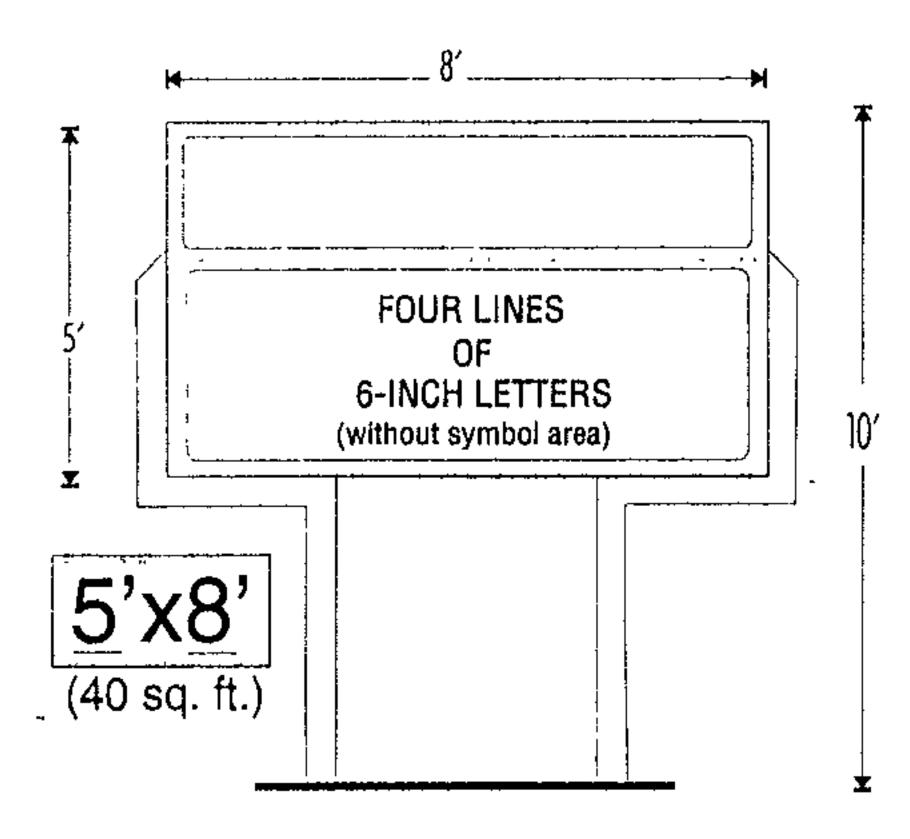
Size/Selection Chart



Custom sizes are available.



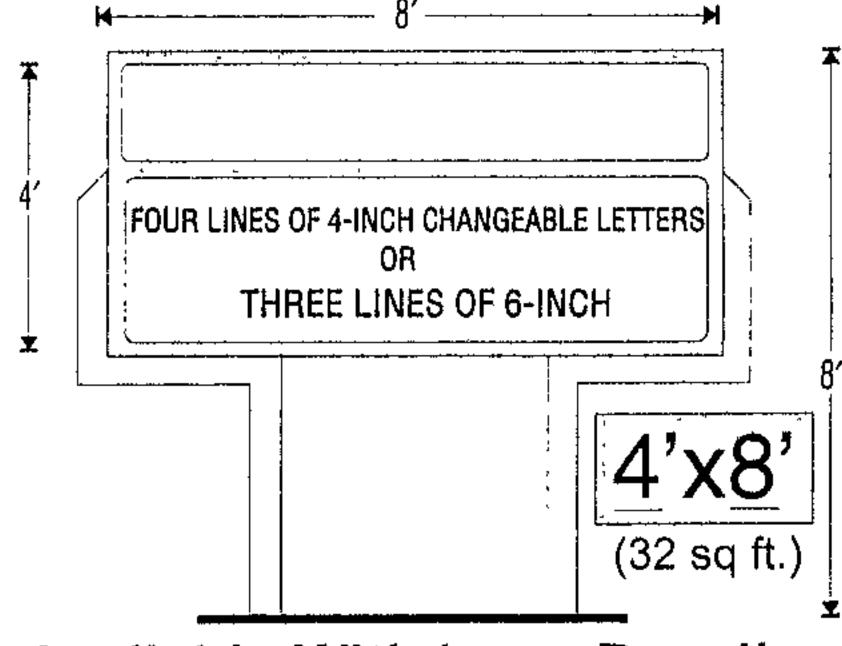




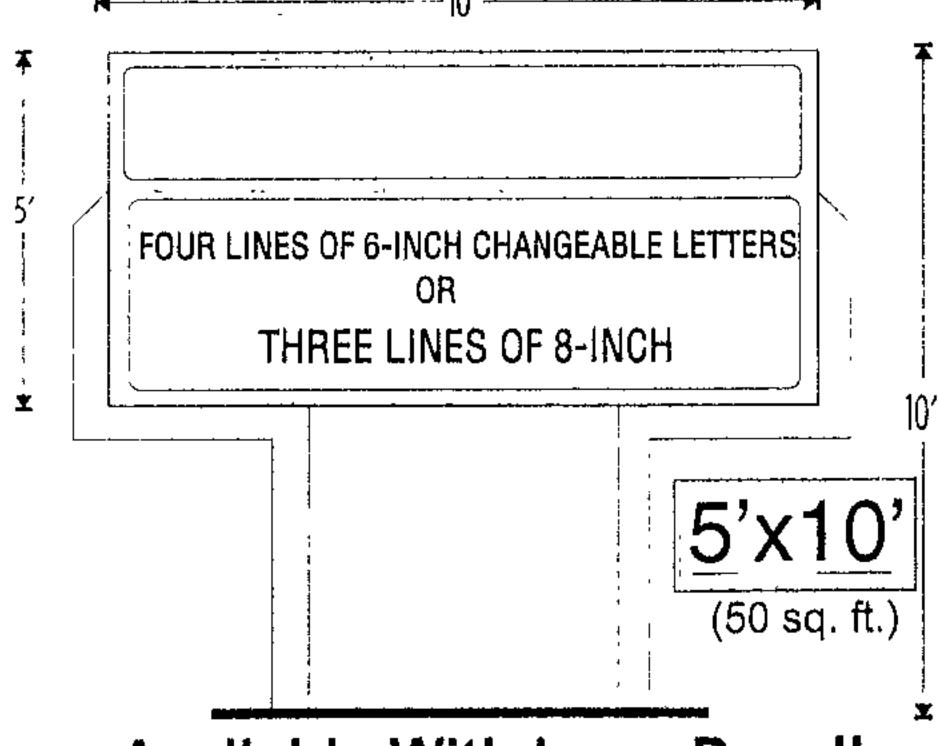
Readability is a function of speed and distance.

Letter Size	Speed F	Readability Distance
4"	to 25 mph	165'
6"	to 40 mph	220'
8"	to 55 mph	385'

Sign Size	Symbol Area	Letter Size
4' x 6'	n/a	4"
4' x 8'	with	4"
4' x 8'	without	6"
5' x 10'	with	6"
5' x 10'	without	8"



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