IN RE: PETITION FOR VARIANCE
N/S Eastern Avenue, 1,090' W
of Dundee Village Circle
15th Election District
5th Councilmanic District
(11824 Eastern Avenue)

Shining Star Baptist Church By: James M. Johnson, Pastor Petitioner * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 03-404-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 owner of the subject property, the Shining Star Baptist Church. The Petitioner is requesting variance relief for property owned at 11824 Eastern Avenue located in the Chase area of Baltimore County. The variance request is to permit a front yard setback of 22 ft. in lieu of the required 50 ft. for a non-residential building.

Appearing at the hearing on behalf of the variance request were Rick Richardson, the engineer who prepared the site plan of the property and John B. Gontrum, attorney at law, representing the Petitioner. 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 3.26 acres, more or less, zoned D.R.3.5. The subject property is improved with the Shining Star Baptist Church which has existed on the property for many years. Located in close proximity to the church itself is an old residential dwelling which has been converted by the church into classrooms and offices for the church. The church is interested in enclosing a front porch that exists on the old dwelling. By enclosing the front porch and converting it to offices and classroom space, the setback to the right-of-way for Eastern Avenue is deficient.

24/15/03 Ameron Accordingly, in order to proceed with the enclosure of the porch, the variance request is necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and its property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner 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 Petitioner seeks 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 Baltimore County Zoning Regulations.

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 Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 15th day of April, 2003, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1B01.2C.1.a of the

Baltimore County Zoning Regulations, to permit a front yard setback of 22 ft. in lieu of the required 50 ft. for a non-residential building, be and is hereby GRANTED.

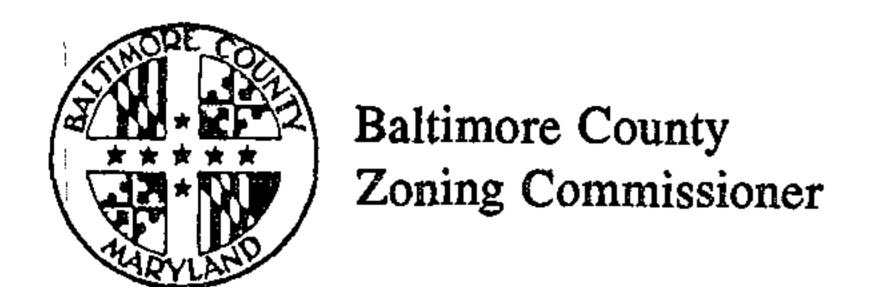
IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

IMOTHYM. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



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

Fax: 410-887-3468

April 15, 2003

John B. Gontrum, Esquire Romadka & Gontrum, LLC 814 Eastern Boulevard Baltimore, Maryland 21221

> Re: Petition for Variance Case No. 03-404-A

Property: 11824 Eastern Avenue

Dear Mr. Gontrum:

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,

with lotroco

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

c: Pastor James M. Johnson 11832 Eastern Avenue Baltimore, MD 21220

Rick Richardson, P.E. Richardson Engineering, LLC 730 W. Padonia Road, Suite 101 Cockeysville, MD 21030



REU 9|15|98

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11824 EASTERN AVENUE which is presently zoned D.R. 3.5

I/We do solemnly declare and affirm, under the penalties of

is the subject of this Petition.

perjury, that I/we are the legal owner(s) of the property which

Telephone No.

Telephone No.

Date _

Zip Code

Zip Code

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)

1B01.2C.1.a to permit a front setback of 22' in lieu of required 50'

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

unique positioning of existing building creates a practical difficulty in keeping it when converted to accessory to church use.

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

Contract Purchaser/Lessee: Legal Owner(s): SHINING STAR BAPTIST CHURCH Name - Type or Print Name - Type or Print Signature Signature / PASTOR ames JOHNSON **Address** Telephone No. Name - Type or Print City State Zip Code Signature 11832 EASTERN AVENUE **Attorney For Petitioner:** 410-335-5666 Address BALTIMORE, MD 21220 JOHN B. GONTRUM Name - Type or Print City State Representative to be Contacted: Signature ROMADKA & GONTRUM, LLC Company Name 814 EASTERN BOULEVARD 410-686-8274 <u>Address</u>≺ Telephone No. Address BALTIMORE, MD 21221 color State Zip Code City State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No. UNAVAILABLE FOR HEARING Reviewed By D. THOMPSON

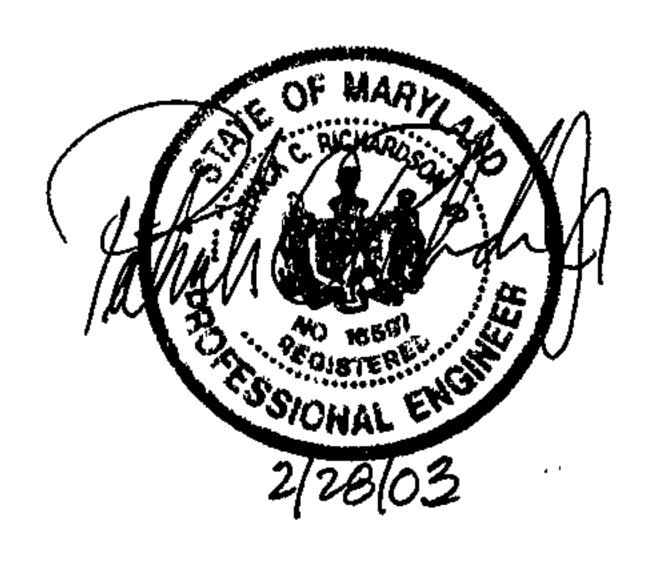
730 W. Padonia Road, Suite 101 Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

ZONING DESCRIPTION SHINING STAR BAPTIST CHURCH 11824 EASTERN AVENUE 15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the North side of Eastern Avenue at a distance of 1090 feet west of Dundee Village Circle, thence running and binding on the North side of Eastern Avenue right-of-way (1) South 72 degrees 50 minutes 06 seconds West 577.21 feet, (2) North 19 degrees 42 minutes 41 seconds West 200.98 feet, thence binding on the south side of the right of way of Amtrak and, (3) North 65 degrees 54 minutes 10 seconds East 126.10 feet, (4) North 67 degrees 22 minutes 10 seconds East 100.53 feet, (5) by a curve to the left with a radius of 19,163.60 feet for a distance of 187.35 feet, (6) by a curve to the left with a radius of 220.52 feet for a distance of 98.44 feet, (7) South 31 degrees 00 minutes 00 seconds East 282.79 feet, to the northern side of Eastern Avenue and the point of beginning;

Containing a net area of 127,834 square feet, or 2.93 acres of land, more or less.



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: #03-464-A

11824 Eastern Avenue

N/side Eastern Avenue 1,090 feet west of Dundee

Village Circle

15th Election District -- 5th Councilmanic District

Legal Owner(s): James M. Johnson,
Shining Star Baptist Church
Variance: to permit a front setback of 22 feet in lieu of required 50 feet.

Hearing: Friday, April 11, 2003 at 2:00 p.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.

Contact the Zoning Review Office at (410) 887-3391.

C594598

CERTIFICATE OF PUBLICATION

3/27,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 327 ,2003.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilkings
LEGAL ADVERTISING

OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 3503 ACCOUNT OOLOOGISTO

AMOUNT \$ 325.00

RECEIVED SHINING STAR PAPTIST CHURCH

FOR: ITEM HOH 03-404-A

11832 FASTERY AVE. PN D.THOMPSON

YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND

PINK - AGENCY

DISTRIBUTION

WHITE - CASHIER

PAID RECEIPT

DUSINESS ACTUAL TIME DRW

1/06/2003 3/05/2003 14:47:24 4

PREG WS06 WALKIN KACH KXN

PRECEIPT # 138710 3/05/2003 OFLN

Dep. 5 528 ZONING VERIFICATION

CR #0. 212341

Recpt Tot #325.00

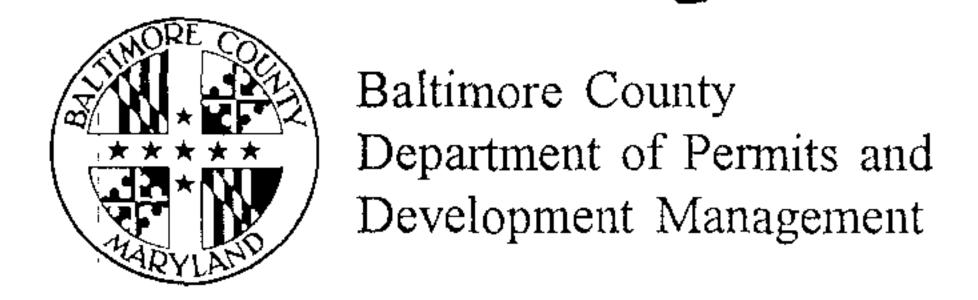
325.00 CK .00 CA

Haltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

	RE: Case No.: 03-404-A
	Petitioner/Developer: JAMES A.
•	JOHN SON
	Date of Hearing/Closing: 4/4/03
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:	
were posted conspicuously on the property	y located at 11824 EASTERN AVE
The sign(s) were posted on	3/2-7/03 (Month, Day, Year)
	Sincerely, 3/27/03
CASE # 03 404 A	(Signature of Sign Poster and Date)
A PUBLIC HEARING WILL BE HELD TO THE ZONING COMMISSIONER	SSG ROBERT BLACK
IN TOWSON, MO	(Printed Name)
PLACE: ROWLYST, COUNTY CHIRES THE THE PARTY TH	1508 Leslie Rd
REQUEST: ARMIT THE PROPERTY EXTENSION OF THE PERSON OF THE	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
Harring Wife, one is not the first transmission of the first transmiss	(410) 282-7940 (Telephone Number)
	(- exchine raminer)



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

Fax: 410-887-5708

March 18, 2003

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: 03-404-A

11824 Eastern Avenue

N/side Eastern Avenue 1,090 feet west of Dundee Village Circle

15th Election District – 5th Councilmanic District

Legal Owner: James M. Johnson, Shining Star Baptist Church

Variance to permit a front setback of 22 feet in lieu of required 50 feet.

Hearings:

Friday, April 11, 2003 at 2:00 p.m. in Room 407, County Courts Building,

410 Bosley Avenue

Arnold Jablon

Director

AJ:klm

C: John B. Gontrum, Romadka & Gontrum, LLC, 814 Eastern Boulevard, Baltimore 21221 Shining Star Baptist Church, James M. Johnson, 11832 Eastern Avenue, Baltimore 21220

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MARCH 27, 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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, March 27, 2003 Issue - Jeffersonian

Please forward billing to:

Shining Star Baptist Church 11824 Eastern Avenue Baltimore MD 21220

410-335-5666

CORRECTED 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: 03-404-A

11824 Eastern Avenue

N/side Eastern Avenue 1,090 feet west of Dundee Village Circle

15th Election District – 5th Councilmanic District

Legal Owner: James M. Johnson, Shining Star Baptist Church

Variance to permit a front setback of 22 feet in lieu of required 50 feet.

Hearings:

Friday, April 11, 2003 at 2:00 p.m. in Room 407, County Courts Building,

410 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT

THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT COPERMITS AND DEVELOPONT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

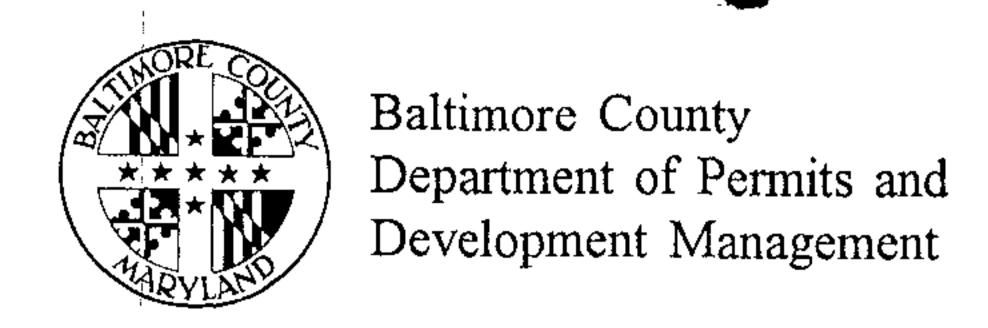
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign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

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

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

For Newspaper Advertising:	
Item Number or Case Number: 03-404-A	······································
Petitioner: SHINING STAR BAPTIST CHURCH	~ ~~~
Address or Location: 11824 EASTERN AVE.	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: SHINING STAR BAPTIST CHURCH	
Address: 11824 EASTERN AVE.	<i>(</i>
BALTIMORE, MD 21220	
Telephone Number: 410-335-5666	····

Revised 2/20/98 - SCJ



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

April 4, 2003

John B. Gontrum Romadka & Gontrum, LLC 814 Eastern Boulevard Baltimore, MD 21221

Dear Mr. Gontrum:

RE: Case Number: 03-404-A, 11824 Eastern Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 5, 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. Callibal)

WCR:klm

Enclosures

c: People's Counsel Shining Star Baptist Church, James M. Johnson, 11832 Eastern Avenue, Baltimore 21220



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

County Office Building, Room 111

March 20, 2002

Mail Stop #1105

111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Rebecca Hart

Distribution Meeting of: March 17, 2003

Item No.:

396 - 406

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.

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

cc: File



MARYLAND DEPARTMENT OF TRANSPORTATION

Robert L. Ehrlich, Jr., Governor · Michael S. Steele, Lt. Governor · Trent M. Kittleman, Acting Secretary

Date: 3.18-03

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

RE: Baltimore County

Item No. 404

DT

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US /5 .

are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,

1-

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

Syn 4/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 7, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-404, 03-411, and 03-412

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prenared by:

Section Chief:

AFK/LL:MAC

APR 9 22

MING COMMISSION.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 24, 2003

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 24, 2003

Item Mos. 396, 397, 398, 400, 401,

403, 404, 405, and 406

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR VARIANCE

11824 Eastern Avenue; N/side Eastern Ave,

1,090' W Dundee Village Circle

15th Election & 5th Councilmanic District Legal Owner(s): Shining Star Baptish

Church, James M. Johnson, Pastor

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

* FOR

BALTIMORE COUNTY

03-404-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. MMURMAN

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 March, 2003, a copy of the foregoing Entry of Appearance was mailed to, John B Gontrum, Esquire, Romadka & Gontrum, LLC, 814 Eastern Boulevard, Baltimore, MD 21221, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Robert L. Ehrlich, Jr.

Maryland Department of Planning

Audrey E. Scott Secretary

Florence E. Burtan Deputy Secretary

Michael S. Steele

March 18, 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, 03/24/03 re: case numbers 03-396-SPHXA, 03-397-SPHXA, 03-398-A, 03-400-A, 03-401-A, 03-402-SPHA, 03-403-A, 03-404-A, 03-405-A, 03-406-SPHA

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 03/17/03. 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

Local Planning Assistance Unit

cc: Mike Nortrup

