IN THE MATTER OF THE APPLICATION OF TRINITY EPISCOPAL CHURCH OF LONG GREEN – PETITIONER FOR A VARIANCE ON PROPERTY LOCATED ON THE W/S MANOR ROAD, 1,230' S OF WINDEMERE PARKWAY 12400 MANOR ROAD 11TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	* * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 03-592-A

* * * * * * * * *

OPINION

This case comes to the Board based upon an appeal from a decision of the Zoning Commissioner of Baltimore County issued under date of September 22, 2003. The appeal was entered by the People's Counsel for Baltimore County. The Board held a public hearing on this matter on April 29, 2004. (Rescheduled from April 14, 2004) A public deliberation followed on June 3, 2004. Present at the public hearing was Sandra Barnes, Esquire, representing the Petitioner. Carol S. Demilio, Deputy People's Counsel for Baltimore County, appeared on behalf of that office.

In his opinion dated September 22, 2003, the Zoning Commissioner stated the following in regard to the variance request:

> The Petitioners request relief from Section 450.4.1 of the Baltimore County Zoning Regulations (B.C.Z.R) to permit a changeable copy sign with the height of 8 feet in lieu of the maximum allowed 6 feet and a sign area of 40 sq. ft. in lieu of the maximum allowed 25 sq. ft.

In that same opinion, the Zoning Commissioner went on to describe the property in question in the following manner:

> Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the west side of Manor Road, just south of Windemere Parkway in Long Green. The property contains a gross area of 22 acres, more or less, zoned R.C.4, and is improved with two church buildings, one chapel and the other parish house.

A review of the record indicates that no one appeared in opposition to the request at the initial hearing, but the record does indicate that an adverse Zoning Advisory Committee comment was received by the Office of Planning. That agency indicated that the proposed sign was not in keeping with the rural character of the neighborhood.

In his September 22, 2003 opinion, the Zoning Commissioner delivered the following rationale for granting the requested relief:

> I do not concur with the comment from the Office of Planning that the proposed sign will be out of character for the neighborhood of the church. In fact, it appears that the church has taken great care to design a sign that is aesthetically pleasing and compatible with the surrounding locale. Moreover, the fact that the proposed sign is smaller than the sign that has existed at this location for many years is a compelling factor.

The People's Counsel for Baltimore County appealed the Findings and Conclusions of Law dated September 22, 2003 to the Board of Appeals on October 3, 2003.

In the Board hearing held on April 29, 2003, Ms. Sandra Barnes (hereinafter "Petitioner") delivered an opening statement. In that statement she explained that Trinity Episcopal Church of Long Green (hereinafter "Trinity") was willing to reduce the size of the sign to 8 ft. by 4 ft. The Petitioner argued that an 8 ft. by 4 ft. sign is the smallest sign that will still allow Trinity to advertise its church and school activities. The Petitioner also argued that it was significant that in installing a new sign the church would actually be going from two signs in the area to one sign.

In opening remarks for the People's Counsel, Ms. Demilio, Deputy People's Counsel (hereinafter "Appellant") argued that the current sign on the Trinity property does not conform to B.C.Z.R. 450.8.4, and she argued that any change to the current sign must bring it into

compliance with code. The Appellant stressed that in passing the current sign legislation, the County Council established a strict standard to grant a variance from the regulations. The Appellant also pointed out that under the legislation that was passed in 1997, all signs in the county must comply with the zoning regulations within 15 years—2012. With that in mind, the Appellant explained that granting numerous variances would in effect make that piece of legislation moot. The Appellant concluded her opening remarks by reminding the Board that it was the goal of the County Council to preserve the character of rural areas of Baltimore County.

At the Board hearing, the Petitioner presented Mr. Robert Knight as a witness on its behalf. Mr. Knight is a fifteen-year member of the church and is a member of the church vestry. Mr. Knight was also accepted as an expert civil engineer. Mr. Knight presented the Board with a brief history of the church's attendance numbers at Sunday services, indicating that at the present time approximately 60-70 people attend services on a regular basis. He indicated that the church currently has about 200 people on its rolls. Mr. Knight informed the Board that the church would like to erect a 4ft. by 6ft. sign in the same location as the current sign on the church property. The letter size on the sign would be 6 inches in height. The sign would be backlit from the inside and the light would be operated on a timer. Upon cross-examination, Mr. Knight indicated that the church attracted its members from approximately a ten-mile radius. Also on cross-examination, the Appellant presented a GIS map indicating that all of the topographical elevations in the area of the church property are similar in nature.

The Appellant presented several witnesses on its behalf. Its first witness was Mr. Mark Cunningham, Planner II, Baltimore County Planning Office. Mr. Cunningham indicated that he visited the site in question on April 28, 2004. Mr. Cunningham indicated that he found nothing

unique about this specific property and that a sign that conformed to B.C.Z.R. would be very visible from the road. The Appellant's second witness was Mrs. Sharon Rohrbaugh who resides at 13558 Fork Road. Mrs. Rohrbaugh lives two miles from the property in question and she is the Vice President of the Long Green Valley Association which represents 200-250 families in the area. She was in possession of Rule 8 Papers authorizing her to speak on behalf of the community association. Mrs. Rohrbaugh indicated that the Long Green Community Association opposed the sign because it did not fit in with the rural nature of the community. She also indicated that the church, and its school, is very well known in the area. Mrs. Rohrbaugh also indicated that the topography of the church and school property were representative of other properties in the area.

In the hearing before the Board, both the Petitioner and the Appellant chose to make closing remarks.

The Petitioner's closing remarks highlighted the following:

- The government may not impose land-use regulations that place unusual burdens on religious institutions.
- The church needs new members
- The church will remove two signs and temporary banners and replace them with one tasteful sign.
- The church needs to display a sign that can be easily read by community members.
- The local government must have a compelling interest to deny the sign.
- The petitioners have been able to demonstrate that the property has unique features.
- The petitioners are now proposing a smaller sign that actually meets B.C.Z.R. height requirements.
- Church membership is dwindling and it must attract new members.
- The topography of the land does not make a smaller sign easily visible from the road.

The Appellant argued the following points in its closing statement:

- The Supreme Court has held that zoning regulations do apply to churches and that the government does not need to demonstrate a compelling need.

- The Appellant's expert witness testified that a complying sign would be adequate to display important information to the community.
- Other uses of the property are not relevant to the granting of the variance.
- A desire for "something extra" is not a justification for a variance.
- Cromwell v. Ward requires that a site be "unique" for a variance to be granted. There is no testimony indicating that this site is unique.
- The church has approximately 600 feet of road frontage, making it very easy for individuals to recognize the sign.
- B.C.Z.R. permits banners and temporary signs to advertise special events.
- Since there is no evidence of "uniqueness," the Board may not consider practical difficulty.
- If the Board begins to hand out variances on the size of signs, then the sign law is meaningless, and B.C.Z.R. 450.8 must be strictly interpreted.
- The existence of a non-conforming sign does not permit the petitioners to erect another non-conforming sign on the premises

The Board considered all of the testimony in its public deliberation which was held on June 3, 2004. In that deliberation, the Board determined that the issue of the federal statue relating to religious discrimination is not an issue that the Board is empowered to consider. The Board's legal responsibility is to decide the zoning matter before it.

The B.C.Z.R. permits the granting of a variance of this regulation upon certain terms and conditions. The Board must determine whether or not special circumstances or conditions exist that are peculiar to the land that is the subject of the variance requested, and where strict compliance with zoning regulations would result in practical difficulty or unreasonable hardship.

The burden to establish special circumstances or conditions was clarified by the Court of Special Appeals in *North v. St. Mary's County*, 99 Md. App 502 (1994), when Judge Cathell stated:

> An applicant for variance bears the burden of overcoming the assumption that the proposed use is unsuited. That is done, if at all, by satisfying fully the dictates of the statue authorizing the variance.

Under the Court of Special Appeals decision in *Cromwell v. Ward*, 102 Md. App. 691

(1995), which sets forth the legal benchmark by which a variance may be granted, the Board of Appeals, hearing the case *de novo*, is given the task of interpreting regulations and statutes where issues are debatable in the light of the law. The first burden on the Petitioner for variance is to prove that the property is unique. This standard must be met before other parts of the variance requirements can be properly considered.

The Court defined the term "uniqueness" and stated:

> In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.

After a thorough review of the evidence and testimony before us, the Board finds unanimously as a matter of fact that the Petitioner has not met the burden as required for a variance under BCZR 307.1 and the standards of *Cromwell v. Ward*. The court clearly requires that the land itself of the subject property must be unique from others in the neighborhood to qualify for a variance. The testimony and evidence are substantial that 12400 Manor Road, 11th Election District, 3rd Councilmanic District, is not different from other lots in that neighborhood. All of the plats, maps, and photographs introduced into evidence establish that neighboring properties are similar topography. Having found that the first standard has not been met by the Petitioner, the Board need not consider "practical difficulty, spirit, or intent."

The Board also heavily weighed both the spirit and intent of BCZR 450.8.A.1.2.3 in issuing this decision. Key sections of that B.C.Z.R. read as follows:

1. In considering requests for special exceptions and variances, the provisions of this section shall be strictly construed, unless the demonstrable effect of a liberal construction will prevent or reduce the confusion and visual clutter caused by excessive signage.
2. No special exception or variance may be granted if it will result in the authorization of a sign class which is not otherwise permitted for a particular zone or use by Section 450.4.

Therefore, it is the unanimous decision of this Board to deny the request for variance seeking relief from the § 450.8.A of the B.C.Z.R that would allow construction of a freestanding sign that exceeds the square footage allowed by the B.C.Z.R.

ORDER

THEREFORE, IT IS THIS 23rd day of June, 2004 by the County Board of Appeals of Baltimore County

ORDERED that, for the reasons set forth in the foregoing Opinion, the Petition for Variance seeking relief from § 450.8.A of the *Baltimore County Zoning Regulations* (BCZR) that would allow construction of a freestanding sign that exceeds the square footage allowed by the BCZR be and the same is hereby **DENIED**.

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, Chairman

Donald I. Mohler III

John P. Quinn

County Board of Appeals of Baltimore County

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

June 23, 2004

Carole S. Demilio
Deputy People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Trinity Episcopal Church of Long Green*
Case No. 03-592-A

Dear Ms. Demilio:

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 subsequent Petitions for Judicial Review filed from this decision should be noted under the same civil action number as the first Petition.** 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: Sandra Barnes, Esquire
Trinity Episcopal Church of Long Green
Robert S. Knight, Jr., P.E.
Long Green Valley Community Association
c/o Charlotte Pine
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

IN RE: PETITION FOR VARIANCE W/S Manor Road, 1,230' S of the c/l Windemere Parkway **(12400 Manor Road)** 11th Election District 3rd Council District Trinity Episcopal Church of Long Green Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 03-592-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 owners of the subject property, Trinity Episcopal Church of Long Green, through the Reverend Benjamin W. Turnage, Rector. The Petitioners request relief from Section 450.4.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a new changeable copy sign with a height of 8 feet in lieu of the maximum allowed 6 feet and a sign area of 40 sq.ft. in lieu of the maximum allowed 25 sq.ft. 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 was Robert S. Knight, Jr., a Professional Engineer and member of Trinity Episcopal Church of Long Green, property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the west side of Manor Road, just south of Windemere Parkway in Long Green. The property contains a gross area of 22 acres, more or less, zoned R.C.4, and is improved with two church buildings, one a chapel and the other a parish house. The property is the site of the Trinity Episcopal Church of Long Green, which apparently has existed at this location for many years. Other improvements on the property include a macadam parking area and a cemetery.

ORDER RECEIVED FOR FILING
Date 12/8/03
By

The subject of the Petition relates to a proposed new identification sign, which will replace an existing sign located adjacent to Manor Road. Testimony indicated that the existing sign is very old and in need of replacement. The existing sign is slightly less than 8 feet high, however, has an architectural detail along the top that increases the height at that portion of the sign to approximately 8.5 feet. Additionally, the existing sign is approximately 9 feet wide. The proposed sign is actually smaller; it is less than 8 feet tall and will be 8 feet wide. The proposed sign area will contain the name of the church and its seal, and feature a changeable copy area to advertise events and services, including special religious occasions, flea markets, etc. The proposed sign will also be internally lit.

As noted above, no one appeared in opposition to the request; however, an adverse Zoning Advisory Committee comment was received from the Office of Planning. That agency's comment indicates that the proposed sign is not in keeping with the rural character of the area or historic nature of the church and its setting. Mr. Knight disputed this assertion and indicated that the sign was designed by a company (Stewart's Signs) that designs signs exclusively for churches. Additionally, that company is the exclusive supplier of signs for the Episcopal church. Mr. Knight emphasized that the proposed sign will actually be smaller than the existing sign and has been designed so as to be tasteful and attractive to the neighborhood. A drawing of the proposed sign appears on the site plan and a more detailed schematic was presented at the hearing.

Based upon the testimony and evidence presented, I am persuaded by Mr. Knight's testimony and the evidence presented that relief should be granted. I do not concur with the comment from the Office of Planning that the proposed sign will be out of character for the neighborhood or the church. In fact, it appears that the church has taken great care to design a sign that is aesthetically pleasing and compatible with the surrounding locale. Moreover, the fact that the proposed sign is smaller than the sign that has existed at this location for many years is a compelling factor.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of September, 2003 that the Petition for Variance seeking relief from Section 450.4.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a new changeable copy sign with a height of 8 feet in lieu of the maximum allowed 6 feet and a sign area of 40 sq.ft. in lieu of the maximum allowed 25 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction

1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 9/22/03
By

Baltimore County
Zoning Commissioner

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

September 22, 2003

Mr. Robert S. Knight, Jr.
5540 Hillrise Road
Glenarm, Maryland 21057

RE: PETITION FOR VARIANCE
W/S Manor Road, 1,230' S of the c/l Windemere Parkway
(12400 Manor Road)
11th Election District – 3rd Council District
Trinity Episcopal Church of Long Green - Petitioners
Case No. 03-592-A

Dear Mr. Knight:

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: Rev. Benjamin W. Turnage, Rector
Trinity Episcopal Church of Long Green
12400 Manor Road, Long Green, Md. 21092
Office of Planning; People's Counsel; Case File

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12400 MANOR ROAD

which is presently zoned RC-4

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) 450.4.1 BCZR TO PERMIT A NEW CHANGABLE COPY SIGN WITH A PROPOSED HEIGHT OF 8 FT. AND AREA OF 40 SQ.FT. IN LIEU OF THE ALLOWED 6 FT. AND 25 SQ.FT. RESPECTIVELY

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

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No

City — State — Zip Code

Legal Owner(s):

TRINITY EPISCOPAL CHURCH LONG GREEN
The Rev. Benjamin W. Turnage, Rector
Name - Type or Print

The Rev. Benjamin W. Turnage Rector
Signature

Name - Type or Print

Signature

12400 Manor Road — 410-592-6224
Address — Telephone No.

Long Green — MD — 21092
City — State — Zip Code

Representative to be Contacted:

ROBERT S. KNIGHT JR.
Name

5540 HILLRISE RD — 410 592 6928
Address — Telephone No

GLEN ARM — MD — 21057
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING 8/1 - 8/10/03

Case No. 03 592 A

Reviewed By JL **Date** 6/17/03

REV 9/15/98

DESCRIPTION FOR VARIANCE

TRINITY EPISCOPAL CHURCH LONG GREEN

12400 MANOR ROAD

11TH ELECTION DISTRICT

3RD COUNTY COUNCIL DISTRICT

Beginning of point on west side of Manor Road, a 30' wide right-of-way as maintained by Baltimore County, at a distance of 1,230' south of centerline of Windemere Parkway, also a 30' right-of-way, then westerly 25', then southerly 10', then easterly 25', then northerly 10', being an area of 250 square feet, back to the point of beginning.

592

STATE OF MARYLAND
ROBERT S. KNIGHT, JR.
No. 13484
REGISTERED
PROFESSIONAL ENGINEER

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

592 JL

No. 2551

DATE 6/17/03

ACCOUNT 001006 6150

AMOUNT $ 325.00

RECEIVED FROM: Trinity E for prof Church

FOR: Community Sign Variance
12400 Manor Rd.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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: #03-592-A
12400 Manor Road
11th Election District - 3rd Councilmanic District
Legal Owner(s): Trinity Episcopal Church Long Green, The Rev. Benjamin W. Turnage, Rector

Variance: to permit a new changeable copy sign with a proposed height of 8 feet and area of 40 square feet in lieu of the allowed 6 feet and 25 square feet respectively.

Hearing: Monday, September 8, 2003 at 10:00 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.

8/197 Aug. 21 0821779

CERTIFICATE OF PUBLICATION

8/21, 2003

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 8/21, 2003.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 03-592-A

Petitioner/Developer:
TRINITY EPISCOPAL CHURCH LONG GREEN
REV. BENJAMIN W. TURNAGE, RECTOR

Date of Hearing/Closing: 9/8/03

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

Attention: MS. BECKY HART

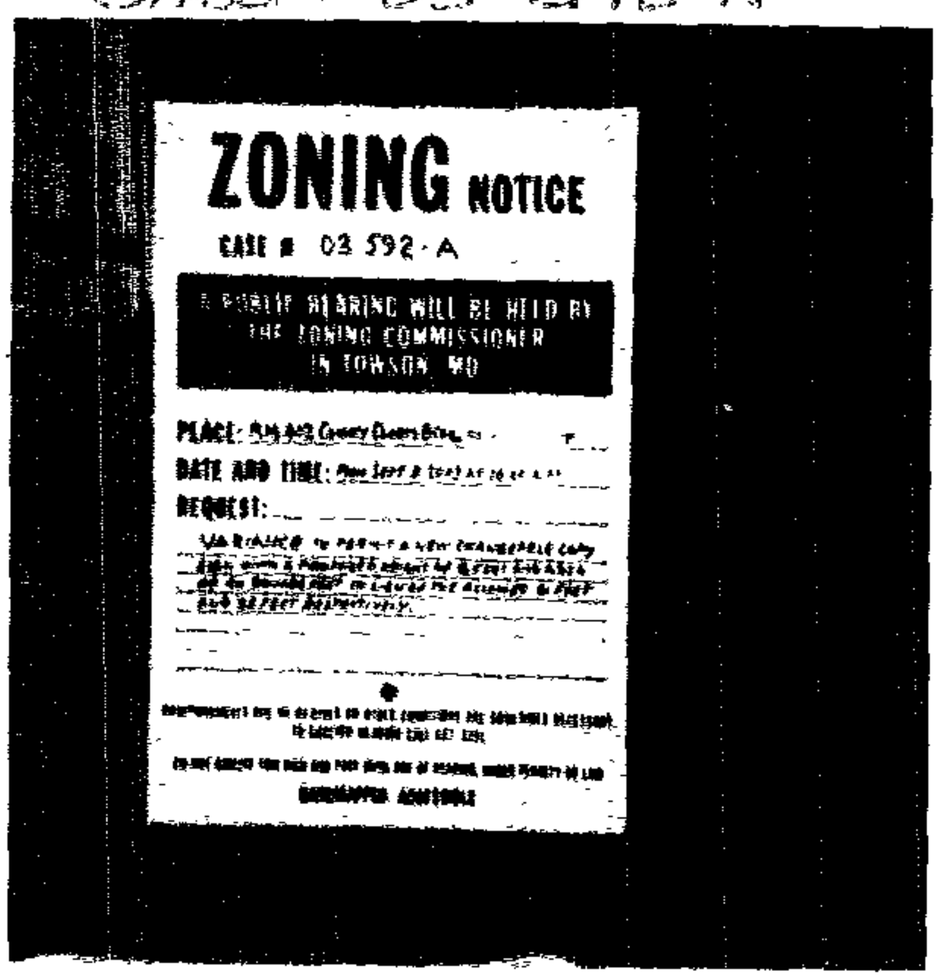
Ladies and Gentlemen:

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

12400 MANOR RD.

The sign(s) were posted on 8/23/03
(Month, Day, Year)

CASE # 03-592-A



12400 MANOR ROAD
POSTED 8/23/03
8/23/03

Sincerely,

8/23/03
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-592-A

TRINITY EPISCOPAL CHURCH OF LONG GREEN - LEGAL OWNERS

12400 MANOR ROAD, LONG GREEN

11TH ELECTION DISTRICT APPEALED: 10/3/2003

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

**********COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

RE: Case No.:_ 03-592-A

Petitioner/Developer:

TRINITY EPISCOPAL CHURCH OF LONG GREEN - LEGAL OWNERS

This is to certify that the necessary appeal sign was posted conspicuously on the property located at: 12400 MANOR ROAD, LONG GREEN

The sign was posted on 12/9, 2003

By: Gary Freund
(Signature of Sign Poster)

GARY FREUND
(Printed Name)

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-592-A

TRINITY EPISCOPAL CHURCH OF LONG GREEN - LEGAL OWNERS

12400 MANOR ROAD, LONG GREEN

11TH ELECTION DISTRICT APPEALED: 10/3/2003

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

**********COMPLETE AND RETURN BELOW INFORMATION*******

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: ~~#24~~ 03-592-A

Petitioner: TRINITY EPISCOPAL CHURCH, LONG GREEN

Address or Location: ~~12400 LONG GREEN PIKE~~ 12400 MANOR RD.

PLEASE FORWARD ADVERTISING BILL TO

Name: THE REVEREND BENJAMIN H. TURNAGE RECTOR

Address: TRINITY EPISCOPAL CHURCH LONG GREEN
12400 MANOR ROAD
LONG GREEN MD 21092

Telephone Number: 410-592-6224

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 21, 2003 Issue - Jeffersonian

Please forward billing to:
The Rev. Benjamin W. Turnage, Rector 410-592-6224
Trinity Episcopal Church Long Green
12400 Manor Road
Long Green, MD 21092

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: 03-592-A
12400 Manor Road
11th Election District – 3rd Councilmanic District
Legal Owner: Trinity Episcopal Church Long Green, The Rev. Benjamin W. Turnage, Rector

Variance to permit a new changeable copy sign with a proposed height of 8 feet and area of 40 square feet in lieu of the allowed 6 feet and 25 square feet respectively.

Hearings: Monday, September 8, 2003, at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Baltimore County
Department of Permits and
Development Management

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

July 8, 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: 03-592-A
12400 Manor Road
11th Election District – 3rd Councilmanic District
Legal Owner: Trinity Episcopal Church Long Green, The Rev. Benjamin W. Turnage, Rector

Variance to permit a new changeable copy sign with a proposed height of 8 feet and area of 40 square feet in lieu of the allowed 6 feet and 25 square feet respectively.

Hearings: Monday, September 8, 2003, at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:klm

C: Trinity Episcopal Church Long Green, Rev. Benjamin W Turnage, Rector, 12400 Manor Rd., Long Green 21092
Robert Knight, Jr., 5540 Hillrise Road, Glen Arm 21057

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 23, 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.

Printed with Soybean Ink
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County Board of Appeals of Baltimore County

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

Administratively PP'd To 4/29/04

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

February 6, 2004

NOTICE OF ASSIGNMENT

CASE #: 03-592-A

IN THE MATTER OF: TRINITY EPISCOPAL CHURCH OF LONG GREEN -Legal Owner /Petitioner
12400 Manor Road
11th Election District; 3rd Councilmanic District

9/22/03 – Z.C.'s Order in which Petition for Variance was GRANTED.

ASSIGNED FOR: **WEDNESDAY, APRIL 14, 2004 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties 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).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellant : Office of People's Counsel

Petitioner : Trinity Episcopal Church of Long Green

Robert S. Knight, Jr., P.E.

Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

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County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

April 2, 2004

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 03-592-A **IN THE MATTER OF: TRINITY EPISCOPAL CHURCH OF LONG GREEN -Legal Owner /Petitioner**
12400 Manor Road
11th Election District; 3rd Councilmanic District

9/22/03 – Z.C.'s Order in which Petition for Variance was GRANTED.

which was assigned to be heard on 4/14/04 has been administratively **POSTPONED**; and has been

REASSIGNED FOR: **THURSDAY, APRIL 29, 2004 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties 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).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellant
Counsel for Petitioner
Petitioner

Robert S. Knight, Jr., P.E.

Long Green Valley Community Association
c/o Charlotte Pine

Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

: Office of People's Counsel
: Sandra Barnes, Esquire entered 4/07/04
: Trinity Episcopal Church of Long Green

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County Board of Appeals of Baltimore County

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

April 30, 2004

NOTICE OF DELIBERATION

IN THE MATTER OF:

TRINITY EPISCOPAL CHURCH OF LONG GREEN
Case No-03-592-A

Having heard this matter on 4/29/04, public deliberation has been scheduled for the following date /time:

DATE AND TIME : THURSDAY, JUNE 3, 2004 at 9:30 a.m.

LOCATION : Hearing Room 48, Basement, Old Courthouse

Kathleen C. Bianco
Administrator

c: Appellant : Office of People's Counsel

Counsel for Petitioner : Sandra Barnes, Esquire

Petitioner : Trinity Episcopal Church of Long Green

Robert S. Knight, Jr., P.E.

Long Green Valley Community Association
c/o Charlotte Pine

Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Copy to: 4-1-6

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 5, 2003

Rev. Benjamin Turnage
Trinity Episcopal Church Long Green
12400 Manor Road
Long Green, MD 21092

Dear Rev. Turnage:

RE: Case Number: 03-592-A, 12400 Manor Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 17, 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

WCR:klm

Enclosures

c: People's Counsel
Robert Knight, Jr., 5540 Hillrise Road, Glen Arm 21057

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on Recycled Paper

Baltimore County
Fire Department

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

July 1, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: June 30, 2003

Item No.: 577-580, 583-588, 590-601 592

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

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on Recycled Paper

Visit the County's Website at www.baltimorecountyonline.info

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

MDP
Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

July 1, 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, 07/07/03 re: case numbers 03-577-A, 03-578-A, 03-579-SPH, 03-580-SPHA, 03-583-A, 03-584-A, 03-585-SPHXA, 03-586-SPH, 03-587-A, 03-588-A, 03-589-SPH, 03-590-A, 03-591-A, 03-592-A, 03-593-A, 03-594-A, 03-595-SPH, 03-596-SPH, 03-597-A, 03-598-SPHA, 03-599-A, 03-600-HAS & 03-601-A**

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 07/01/03. 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
Planning Services

cc: Mike Nortrup

301 West Preston Street $ Suite 1101 $ Baltimore, Maryland 21201-2305
Tel: 410.767.4500 $ Fax: 410.767.4480 $ Toll Free: 1.800.767.6272 $ TTY Users: Maryland Relay
Internet: www.mdp.state.md.us

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

State Highway Administration
Driven to Excel

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Acting Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 7.1.03

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

RE: Baltimore County
Item No. 592 JL

Dear. Ms. Hart:

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: September 5, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For July 7, 2003
Item No. 592

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

The proposed sign cannot interfere with the lines of sight.

RWB:CEN:jrb

cc: File

ZAC-07-07-2003-ITEM NO 592-09052003

LS 9/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: July 2, 2003

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

RECEIVED
JUL - 2 2003
ZONING COMMISSIONER

SUBJECT: 12400 Manor Road

INFORMATION:

Item Number: 03-592

Petitioner: Trinity Episcopal Church Long Green

Zoning: RC 4

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends that the petitioner's to permit a new changeable copy sign with a proposed height of 8 feet and an area of 40 square feet in lieu of the maximum permitted height of 6 feet and a maximum area of 25 square feet be **DENIED**.

This office is of the opinion that the petitioner's request in not in keeping with the rural character of the area or the historic nature of the church and its setting.

Prepared by: Marlene A Cunningham

Section Chief: Lynn Lanham

AFK/LL:MAC:

RE:	PETITION FOR VARIANCE 12400 Manor Road; W/side Manor Rd, 1,230' S c/line of Windmere Parkway 11th Election & 3rd Councilmanic Districts Legal Owner(s): Rev. Benjamin W Turnage, Rector Trinity Episcopal Church Long Green Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 03-592-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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
JUL 03 2003
Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of July, 2003, a copy of the foregoing Entry of Appearance was mailed to, Robert S Knight, Jr, 5540 Hillrise Road, Glen Arm, MD 21057, Representative for Petitioner(s).

Peter Max Zimmerman
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
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 3, 2003

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

Hand-delivered

Re: PETITION FOR VARIANCE
W/S Manor Road, 1,230 S
of the c/l of Windemere Parkway
(12400 Manor Road)
11th Election District 3rd Councilmanic District
Legal Owner:Trinity Episcopal Church of Long Green - Petitioners
Case Nos. 03-592-A

Dear Mr. Kotroco

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 September 22, 2003 of the Baltimore County Zoning Commissioner in the above-entitled case.

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

Very truly yours,

Peter M. Zimmerman by c.f

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

RECEIVED
OCT 03 2003
Per.....

PMZ/CSD/rmw

cc: Robert S Knight, Jr, 5540 Hillside Road, Glen Arm, MD 21057,Representative for Petitioner

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

October 27, 2003

Trinity Episcopal Church Long Green
Rev. Benjamin Turnage, Rector
12400 Manor Road
Long Green, MD 21092

Dear Rev. Turnage:

RE: Case :03-592-A, 12400 Manor Road

Please be advised that an appeal of the above-referenced case was filed in this office on October 3, 2003 by People's Counsel. 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,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

c: Lawrence E. Schmidt, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Robert S. Knight, Jr., 5540 Hillrise Road, Glen Arm 21057

RECEIVED
OCT 28 2003
BALTIMORE COUNTY
BOARD OF APPEALS

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APPEAL

Petition for Variance
12400 Manor Road
W/s Manor Rd., 1,230 ft. s/of Windemere Parkway
11th Election District – 3rd Councilmanic District
Trinity Episcopal Church of Long Green

Case No.: 03-592-A

✓ Petition for Variance (July 17, 2003)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (July 8, 2003)

✓ Certification of Publication (August 21, 2003)

✓ Certificate of Posting (August 23, 2003) by Richard Hoffman

✓ Entry of Appearance by People's Counsel (July 3, 2003)

✓ Petitioner(s) Sign-In Sheet
None

✓ Protestant(s) Sign-In Sheet
None

✓ Citizen(s) Sign-In Sheet
None

✓ Zoning Advisory Committee Comments

✓ Petitioners' Exhibit
✓1. Plan to accompany sign variance hearing, June 6, 2003
✓2. Copy of Sign from Stewart Signs.com

✓ Protestants' Exhibits:
None

✓ Miscellaneous (Not Marked as Exhibit)
None

✓ Zoning Commissioner's Order (September 22, 2003 - GRANTED)

✓ Notice of Appeal received on October 3, 2003 – People's Counsel

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Trinity Episcopal Church, 12400 Manor Road, Long Green 21092
Robert Knight, Jr., 5540 Hillrise Road, Glen Arm 21057

date sent October 27, 2003, klm

REVEREND BENJAMIN TURNAGE
TRINITY EPISCOPAL CHURCH
OF LONG GREEN
12400 MANOR ROAD
LONG GREEN MD 21092
PETITIONER

Counsel for Petitioner
[Entered appearance 4/07/04]
SANDRA BARNES, ESQUIRE
11524 GLEN ARM ROAD
GLEN ARM, MD 21057

401-668-9111
410-767-7765

ROBERT S KNIGHT JR
5540 HILLRISE ROAD
GLEN ARM MD 21057
REPRESENTATIVE FOR PETITIONER

Case No. 03-592-A

In the Matter of: Trinity Episcopal Church of Long Green –
Legal Owner /Petitioner

VAR –To permit new changeable copy sign with a height of 8' ilo of maximum allowed 6' and a sign area of 40 sq ft ilo maximum allowed 25'.

9/22/03–Z.C.'s Order in which Petition for Variance was GRANTED.

2/06/04 -Notice of Assignment sent to following; assigned for hearing on Wednesday, April 14, 2004 at 10 a.m.:

Office of People's Counsel
Trinity Episcopal Church of Long Green
Robert S. Knight, Jr., P.E.
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

4/02/04 – The hearing in this matter was administratively POSTPONED to accommodate CBA schedule; Notice of PP and Reassignment sent to parties this date; added Long Green Valley CA to the notice; case reassigned for hearing Thursday, April 29, 2004 at 10:00 a.m. Notices sent this date via USPS.

4/07/04 – Entry of Appearance filed by Sandra Barnes, Esquire, counsel for Trinity Episcopal Church of Long Green. File and notice so noted; copy of notice for 4/29/04 hearing sent to Ms. Barnes.

4/29/04 – Convened for hearing (Wescott, Mohler, Quinn); concluded case this date; deliberation to be scheduled.

4/30/04 – Notice of Deliberation sent to parties; assigned for Thursday, June 3, 2004 at 9:30 a.m.
FYI copy to 4-1-6.

6/03/04 – Deliberation concluded (4-1-6); variance request is DENIED; appellate period to run from date of written Order. (1)

BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Trinity Episcopal Church of Long Green
Case No.: 03-592-A

DATE: June 3, 2004

BOARD/PANEL:

Lawrence S. Wescott	LSW
Donald L. Mohler III	DLM
John P. Quinn	JPQ

RECORDED BY: Theresa R. Shelton / Legal Secretary

PURPOSE: To deliberate the Petition for Variance filed by The Rev. Benjamin Turnage, Rector, Trinity Episcopal Church of Long Green to permit a new changeable copy sign with a proposed height of 8 ft and an area of 40 sq. ft. ilo the req'd 6 ft and 25 sq. ft.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- Elements of religious discrimination – federal statues – not for the Board to decide
- Board would decide only the zoning in this matter
- RLUIPA not relevant; Board does not rule on RLUIPA
- Board's job is to enforce laws that are consistent with zoning
- Does variance request meet requirements of County?
- Cromwell vs. Ward
- Is the land unique? No testimony or evidence that it was unique with specificity
- Sign regulations §450.1C – spirit of the law
- Excessive signage §450.8A1 gives clear direction to the Board
- A sign does not bring people into a Church

DECISIONS BY BOARD MEMBERS: Unanimous decision by the Board to deny the variance request.

FINAL DECISION: That the Petition for Variance filed by The Rev. Benjamin Turnage, Rector, Trinity Episcopal Church of Long Green to permit a new changeable copy sign with a proposed height of 8 ft and an area of 40 sq. ft. ilo the req'd 6 ft and 25 sq. ft. is DENIED.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted,

Theresa R. Shelton
County Board of Appeals

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: July 26, 2004

TO: Timothy Kotroco, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton trs
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
03-592-A	*03-592-A*	TRINITY EPISCOPAL CHURCH OF LONG GREEN	12400 MANOR ROAD

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

RECEIVED
APR 07 2004
BALTIMORE COUNTY
BOARD OF APPEALS

BEFORE THE BALTIMORE COUNTY BOARD OF APPEALS

In the Matter of : Trinity Episcopal Church of Long Green (Petitioner)
Case No. 03-592-A

Please enter my appearance on behalf of Trinity Episcopal Church of Long Green in the above-referenced matter.

Sandra Barnes
11524 Glen Arm Road
Glen Arm, Maryland 21057
(410) 668-9111
(410) 767-7765

Mailing Certification

I certify that on March 7, 2004, a copy of this Entry of Appearance was hand delivered to:

Peter Max Zimmerman
People's Counsel
Room 47, Old Court House
400 Washington Avenue
Towson, Maryland 21204

Sandra Barnes

Verified 4-29-04

Pet. Exhibits

Trinity Episcopal
03-592-A
4-29-04

1. Site ~~pla~~ plan map
2. present sign
3. proposed sign
4. view of Moon Road ~~N~~ N
5. View of MANOR Road ~~S~~ S
6. 6" size of letters
7. letter of support

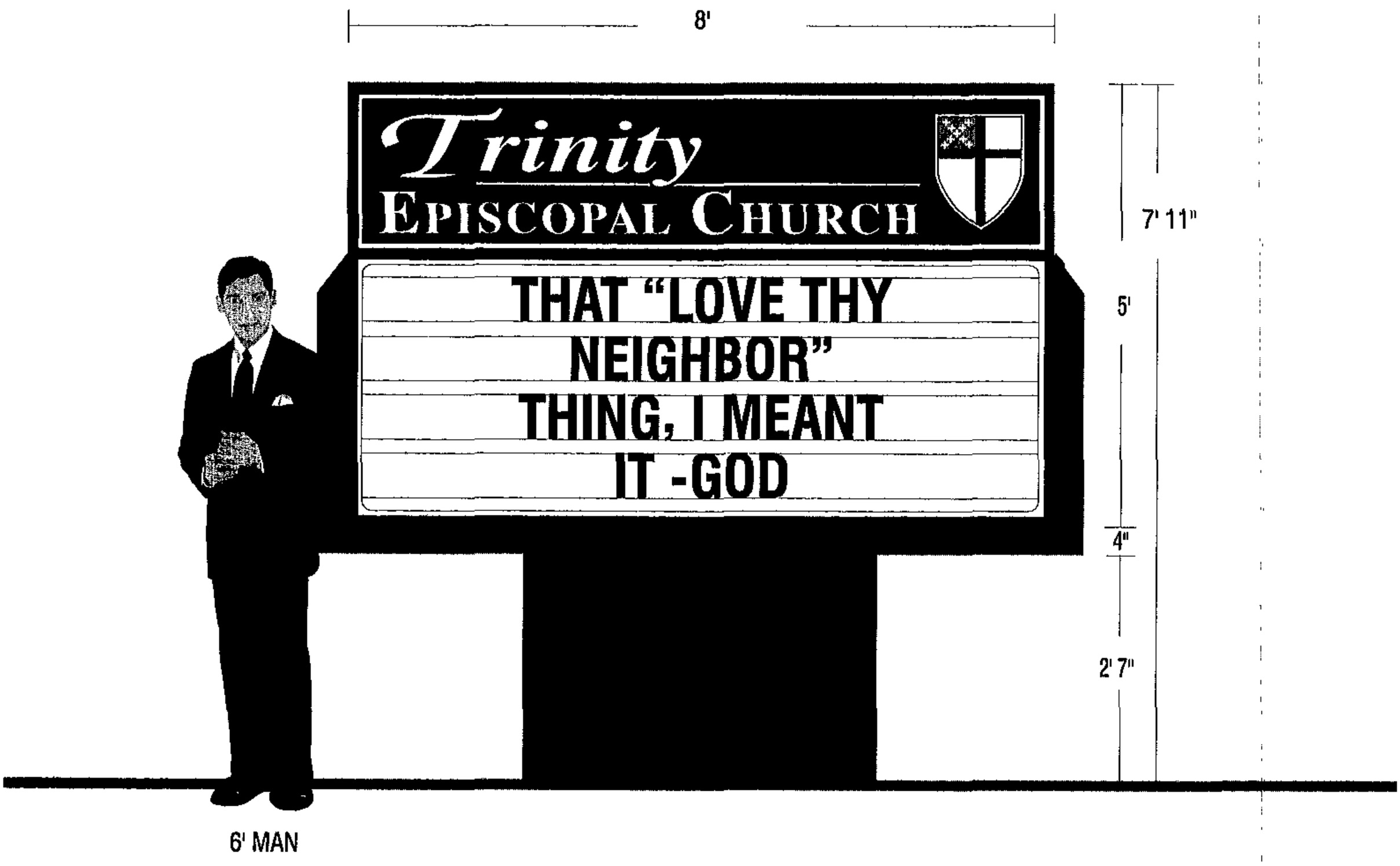
stewart signs.com

Approved as shown.
x _____ *date* _____ *1.* _____
Approved with listed changes *2.* _____
x _____ *date* _____ *3.* _____

Endorsed Supplier for
THE EPISCOPAL CHURCH through COKESBURY

COKE (Cokesbury)

Pat No2

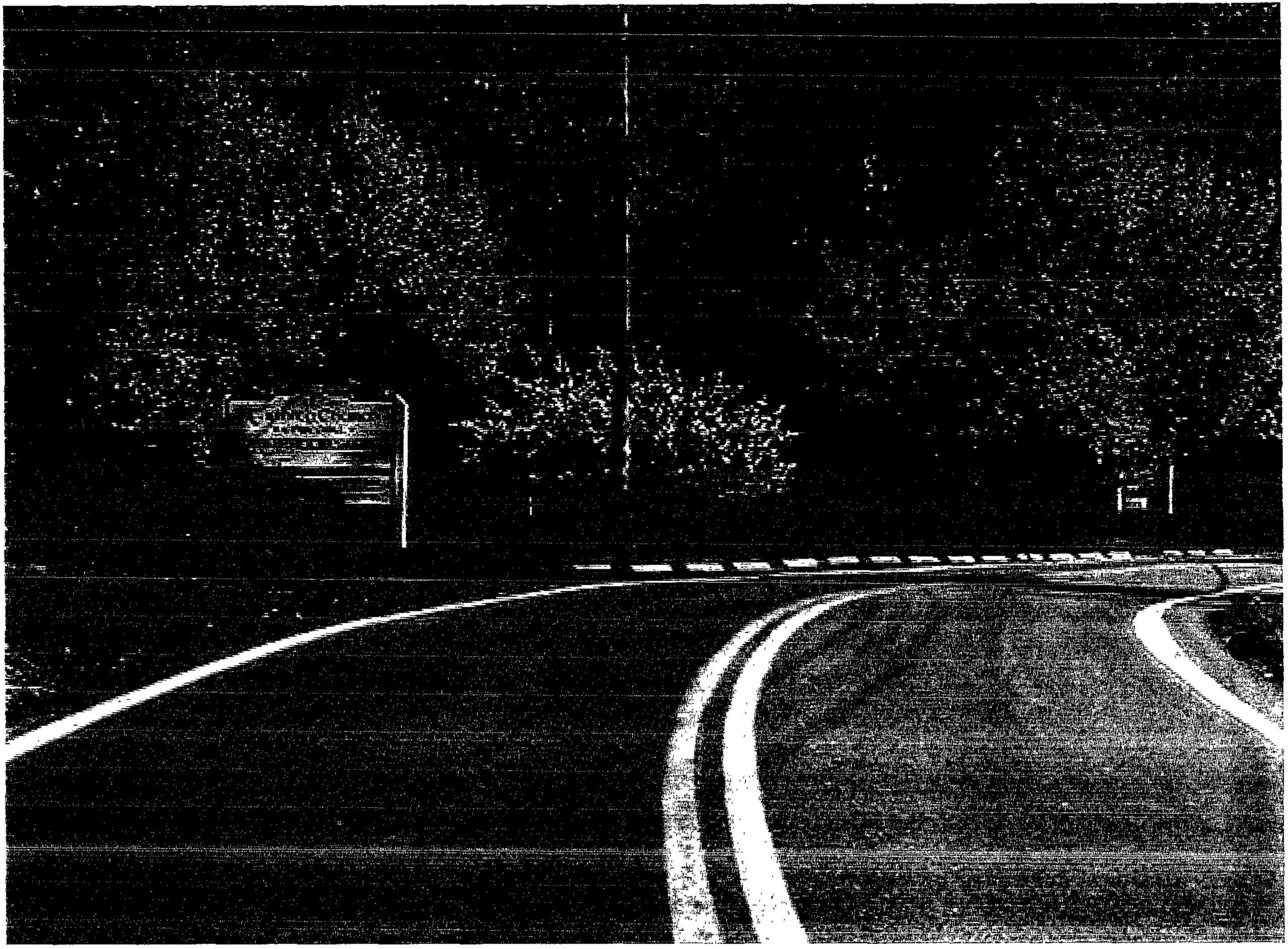


ANNOUNCER SUPRA
CABINET SIZE: 5'x8'

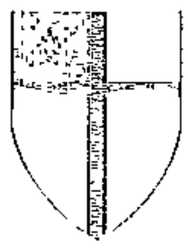
ORIGINAL DESIGN
DO NOT DUPLICATE
1/2"# 406283 6-1-03 ca/howard
cust.# 1445676 -proposal-

DUE TO THE PHYSICAL LIMITATIONS OF THE PAPER AND INK-BASED PRINTING PROCESS, THIS CUSTOM ARTWORK IS NOT INTENDED TO PROVIDE AN EXACT MATCH BETWEEN INK, VINYL OR PAINT. ARTIST'S RENDITION OF BRICKWORK, MASONRY, AND LANDSCAPING IS NOT INCLUDED IN THE PROPOSAL.

The
J.M. Stewart
Corporation
1-800-237-3928

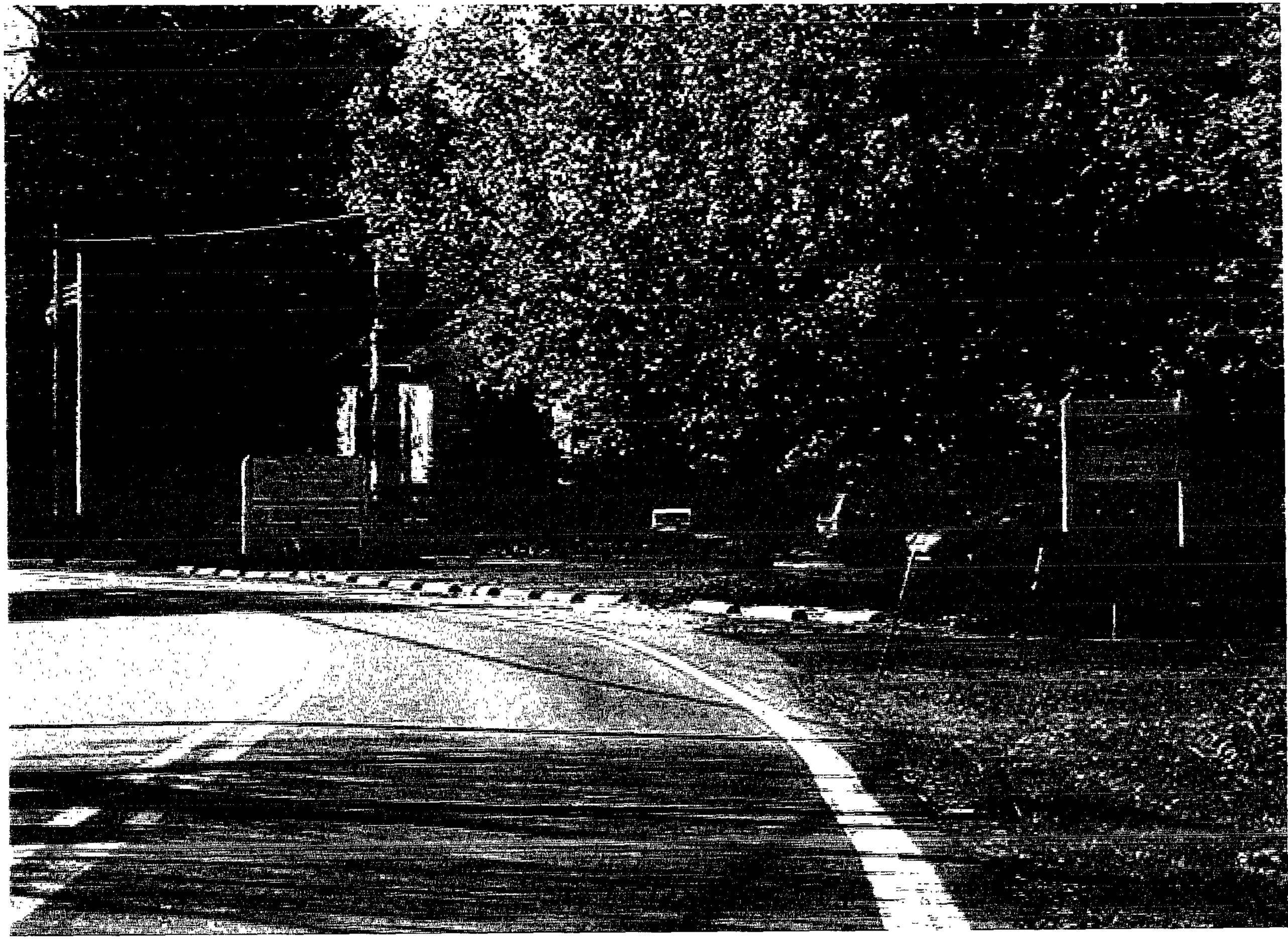


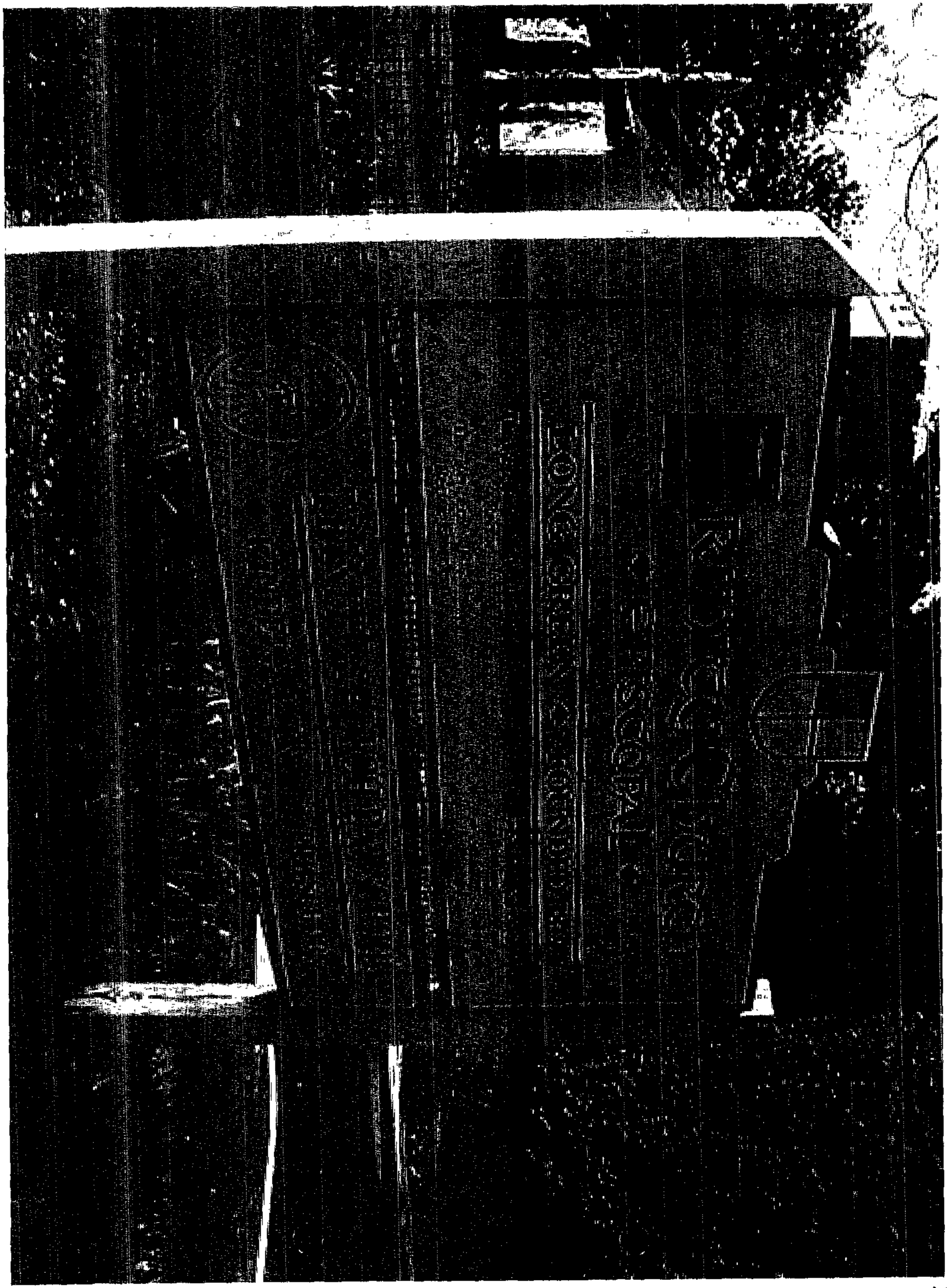
stewart signs.com



Endorsed Supplier for
THE EPISCOPAL CHURCH through COKESBURY

COKE (Cokesbury)





"9

UNO.

Pat # 6

#7

April 27, 2004

Re: In the Matter of : Trinity Episcopal Church of Long Green (Petitioner)
Case No. 03-592-A

To Whom It May Concern:

We are the neighbors of Trinity Episcopal Church of Long Green. We understand that Trinity would like to replace its existing sign with a smaller 8 by 4 foot sign with internal lighting and changeable text. We believe that this will be an improvement from the two existing signs and the occasional banners and temporary signs used to advertise church and day school events. We do not believe that the sign will detract from the rural nature of our residential community or diminish the values of our properties.

We have no objection to the lighting of the sign. The street light near the sign already lights the area. In addition, Trinity has assured us that the light will be turned off in the evenings by 9:00 p.m.

Trinity Episcopal Church is a good neighbor. We support Trinity's efforts to attract new members and to more easily promote its church and day school activities. As residents of this community, we can attest that the speed and volume of traffic on Manor Road have increased. With increased speeds and the curve in Manor Road before the Church, we understand the Church's need for a tasteful sign that can be quickly and easily read.

Sincerely,

Kevin & Marina Lynch
12401 Manor Rd
Glen Arm, Md 21057

Wm J Mizto Jr
Mary Louise Mizto
12421 Manor Road
Glen Arm, MD

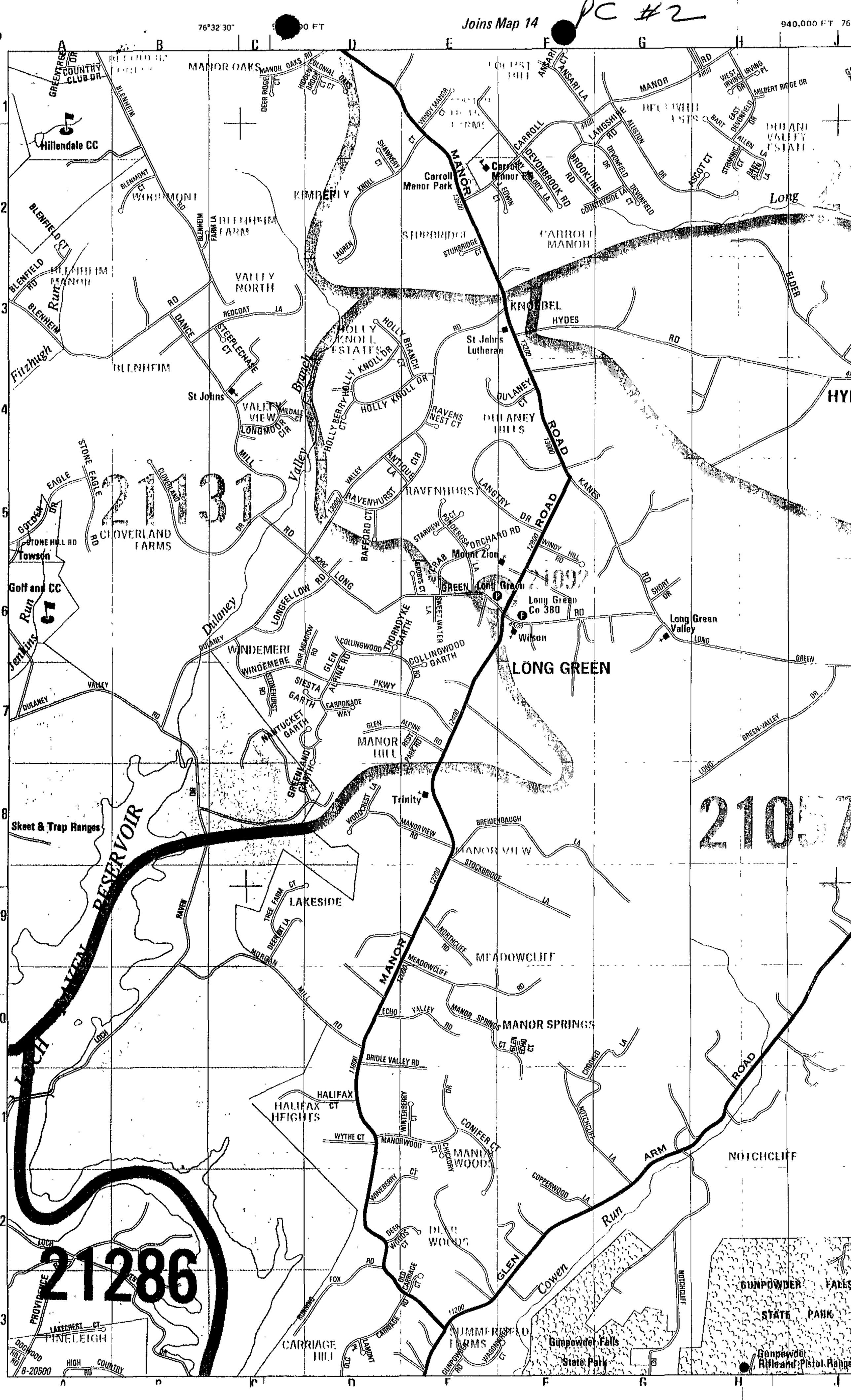
Trinity Episcopal
03-592-A
4-29-04

Drafted 4-29-04

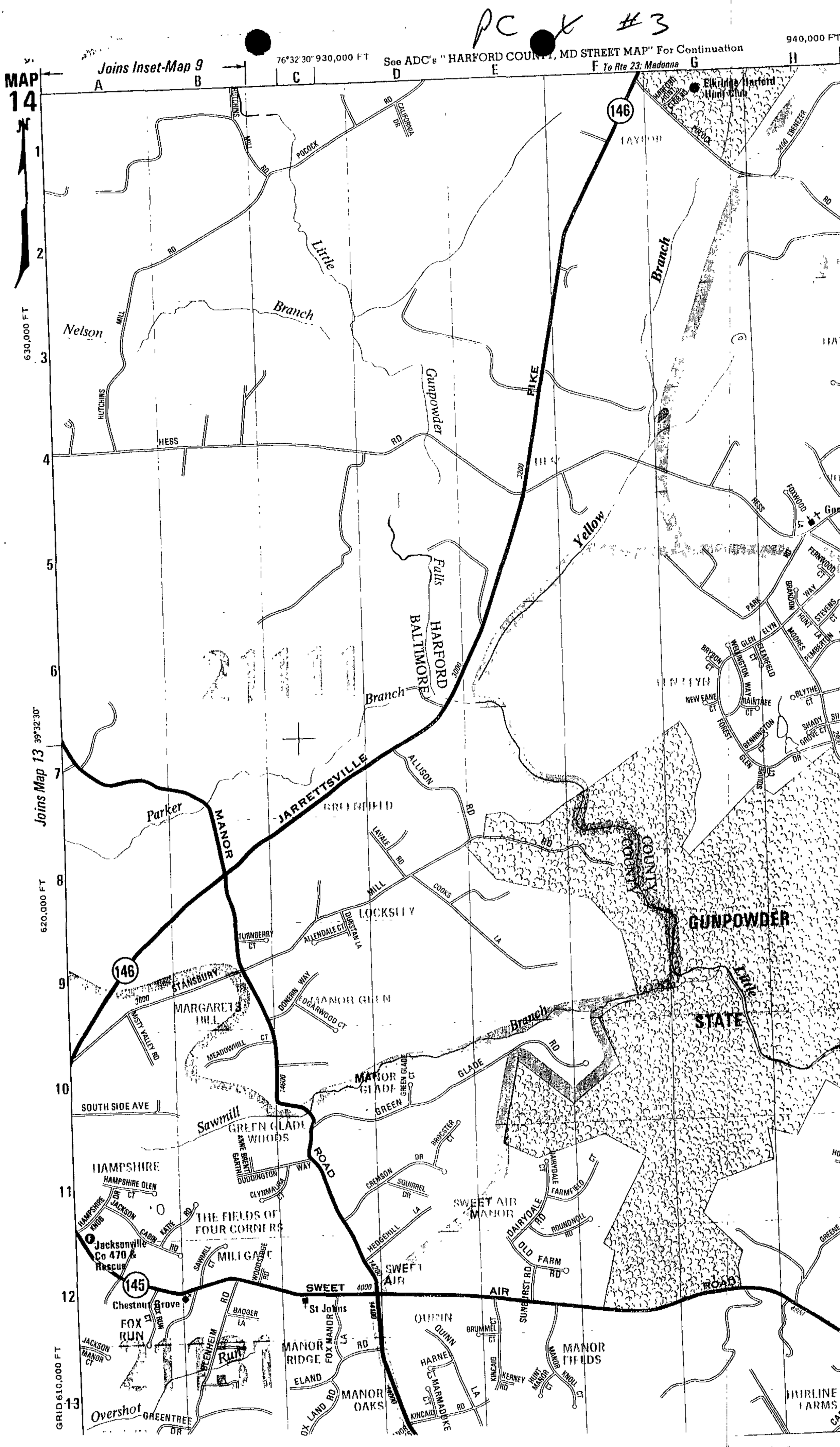
People's Council
EXHIBITS

1. GIS map of Area
2. ABC map of region
3. ABC map 14
4. Inter-office Memo Recommending Denial
5. Long Green Valley Assoc.
6. Bal. Co. Zoning map — 2000 scale

PC #2


Joins Map 14
76°32'30"
940,000 FT
MANOR OAKS
COUNTRY CLUB DR
GREENTREE DR
Hillendale CC
BLENHEIM RD
BLENMONT CT
WOODMONT RD
BLENFIELD CT
BLENFIELD RD
BLENHEIM MANOR
BLENHEIM FARM
BLENHEIM
Run
Fitzhugh
KIMBERLY
VALLEY NORTH
DANCE RD
REDCOAT LA
STEEPLECHASE CT
St Johns
VALLEY VIEW
LONGMOOR CIR
MILDALE CT
Carroll Manor Park
Carroll Manor
MANOR
STURBRIDGE
CARROLL MANOR
CARROLL
DEVONBROOK RD
BROOKLINE RD
LANGSHIRE RD
MANOR RD
ANSARI LA
ANSARI CT
WEST IRVING PL
MILBERT RIDGE DR
EAST DEVONFIELD DR
ASCOT CT
Long
ELDER
KNOBEL
HYDES RD
St Johns Lutheran
HOLLY KNOLL ESTATES
HOLLY KNOLL DR
HOLLY BRANCH CT
HOLLY BERRY CT
Branch
Valley
DULANEY CT
DULANEY HILLS
RAVENS NEST CT
ROAD
KANES
LANGTRY DR
RAVENHURST
ANTIQUE CIR
VALLEY LA
BAFFORD CT
STONE EAGLE
EAGLE
GOLDEN DR
STONE HILL RD
CLOVERLAND FARMS
CLOVERLAND RD
21131
Towson
Golf and CC
Jenkins
Run
Dulaney
LONGFELLOW RD
LONG
ORCHARD RD
Mount Zion
CRAB LA
GREEN
Long Green
Long Green Co 380
Wilson
Long Green Valley
SHORT DR
LONG GREEN
WINDEMERE
WINDEMERE RD
FAIR MEADOW RD
GLEN ALPINE RD
COLLINGWOOD
THORNDYKE GARTH
COLLINGWOOD GARTH
SIESTA GARTH
CARRONADE WAY
NANTUCKET GARTH
GREENLAND GARTH
MANOR HILL
GLEN ALPINE REST
PARK RD
PKWY
GREEN-VALLEY DR
Trinity
WOODCREST LA
MANOR VIEW RD
BREIDENBAUGH LA
MANOR VIEW
STOCKBRIDGE LA
Skeet & Trap Ranges
RESERVOIR
LAKESIDE
TREE FARM CT
DEERBIT LA
MORGAN MILL RD
NORTHCLIFF RD
MEADOWCLIFF
MEADOWCLIFF RD
ECHO VALLEY RD
MANOR SPRINGS
MANOR SPRINGS
GLEN ECHO CT
CROOKED LA
BRIDLE VALLEY RD
HALIFAX CT
HALIFAX HEIGHTS
WYTHE CT
MANORWOOD CT
WINTERBERRY CT
CONIFER CT
CHICKORY CT
MANOR WOODS
NOTCHCLIFF LA
NOTCHCLIFF
COPPERWOOD LA
ARM
Run
Cowen
GLEN
DEER WOODS
DEER WOODS CT
FOX RD
RUNNING
OLD CARRIAGE RD
CARRIAGE HILL
SUMMERFIELD FARMS
GUNPOWDER RD
WAGONWHEEL CT
Gunpowder Falls State Park
GUNPOWDER FALLS STATE PARK
Gunpowder Rifle and Pistol Range
21286
PROVIDENCE
LOCH
LAKECREST CT
PINELEIGH
DOGWOOD HILL RD
HIGH COUNTRY RD
8-20500
21057

PC X #3


MAP 14
Joins Inset-Map 9
See ADC's "HARFORD COUNTY, MD STREET MAP" For Continuation
76°32'30" 930,000 FT
940,000 FT
To Rte 23; Madonna
Elkridge Harford Hunt Club
146
POCOCK
CALIFORNIA DR
HUTCHINS
MILL RD
Little Branch
Nelson
Gunpowder
PIKE
HESS RD
Yellow
Falls
HARFORD
BALTIMORE
Branch
JARRETTSVILLE
ALLISON RD
Parker
MANOR
LOCKSLEY
GUNPOWDER
STATE
STANSBURY
MARGARETS HILL
MANOR GLEN
MAJOR GLADE
GREEN GLADE WOODS
Sawmill
SOUTH SIDE AVE
HAMPSHIRE
THE FIELDS OF FOUR CORNERS
Jacksonville Co 470 & Rescue
145
Chestnut Grove
FOX RUN
SWEET AIR
SWEET AIR ROAD
St Johns
MANOR RIDGE
MANOR OAKS
MANOR FIELDS
Overshot
GREENTREE DR
Joins Map 13 39°32'30"
620,000 FT
GRID 610,000 FT

PC #4 cd

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: July 2, 2003

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

SUBJECT: 12400 Manor Road

INFORMATION:

Item Number: 03-592

Petitioner: Trinity Episcopal Church Long Green

Zoning: RC 4

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends that the petitioner's to permit a new changeable copy sign with a proposed height of 8 feet and an area of 40 square feet in lieu of the maximum permitted height of 6 feet and a maximum area of 25 square feet be **DENIED**.

This office is of the opinion that the petitioner's request in not in keeping with the rural character of the area or the historic nature of the church and its setting.

Prepared by: Mark A Cunningham

Section Chief: Lyn Lanham

AFK/LL:MAC:

PC Ex # 5

RESOLUTION

THE LONG GREEN VALLEY ASSOCIATION

RESOLVED: That the position of the Long Green Valley Association as adopted by the Board of Directors on the zoning matter known as:

Case # 03-592-A Trinity Episcopal Church of Long Green

is that:

It is the long-standing position of the Long Green Valley Association that current zoning regulations should be upheld and that special exceptions should not be granted since they degrade the rural character and, once granted, lead to a domino effect. In this situation, Trinity wishes to erect a new sign that is considerably larger than current regulations allow, e.g., 42 square feet and 8 feet above the ground as opposed to the 25 square feet and 6 feet above the ground allowed with no variance. The Board of Directors unanimously upheld this position at its regular monthly meeting of December 16, 2003. Additionally, the Board voiced concerns with regard to the lighting of signs in rural areas, especially in areas not zoned commercially. Backlit signs are the most unacceptable and the Board understands that it is the intention of the Church to backlight this sign. Least intrusive to the rural environment are those that have lights on the ground shining up on the sign and that are operated on a timer that automatically shuts off at night.

AS WITNESS our hands and seal this 28th day of April, 2004.

ATTEST:

LONG GREEN VALLEY ASSOCIATION:

SECRETARY **Carol Trela**	**PRESIDENT** **Charlotte Pine**

AFFIDAVIT

STATE OF MARYLAND:
BALTIMORE COUNTY, ss:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the Board of Directors of the **LONG GREEN VALLEY ASSOCIATION.**

ATTEST:

Carol Trela
SECRETARY
Carol Trela

Charlotte Pine
PRESIDENT
Charlotte Pine

RESOLUTION

LONG GREEN VALLEY ASSOCIATION

RESOLVED: That at the Annual meeting of the Long Green Valley Association held on April 29, 2003, it was decided by the Association that the responsibility for review and action on all zoning matters for the period of time until the next annual meeting be placed in the Board of Directors consisting of the following members:

Mary Ambrose	Roger Hayden	Sharon Rohrbaugh
Rosanne DiFonzo	Denise McCloskey	Carol Shaw
Donna Felling	Steven Preston	John Storck
Patricia Garner	Charlotte Pine	Carol Trela

AS WITNESS our hands and seal this 28th day of April, 2004.

ATTEST:

Carol Trela
SECRETARY

Charlotte Pine
PRESIDENT

LONG GREEN VALLEY ASSOCIATION
ANNUAL MEETING
April 29, 2003

Board Members Present:

M Ambrose	**R Hayden**	**S Rohrbaugh**
R DiFonzo	**D McCloskey**	**C Shaw**
D Felling	**C Pine**	
P Garner	**S Preston**	

LGVA President Charlotte Pine called the meeting to order at 7:30 PM at the Long Green Valley Fire Hall.

The group voted to approve Rule 8. This allows the Board Members to speak at public hearings on behalf of the group.

Two current board members Denise McCloskey and Carol Shaw were approved to serve another term on the board.

County Councilman Brian McIntire of the 3rd district, spoke to the group and fielded questions through out the evening.

State Representatives J B Jennings and Pat McDonough spoke to the group. They reminded us they ran as a team and to approach either man with our concerns for the area.

Steve Preston, a LGVA board member gave a presentation on the Chesapeake Bay. He works for the US Geological Survey and is assigned to the Chesapeake Bay Project. He showed us maps of the geographical area involved in the clean up of the bay. Five state governments, NY, NJ, PA, MD and VA plus numerous agencies of the federal, state and local governments and numerous non-profit organizations are all working together to develop and implement a plan to clean up the bay.

Nancy Pentz of the Baltimore County Department of Environment Protection and Resource Management spoke next focusing on the Baltimore County area and in particular the Long Green Creek. The County would like to work with property owners and develop specific plans to clean up and revitalize the creek. The Long Green Creek and its surrounding land has been recognized by the County Government as a unique area of the County which is in need of help.

Bill Huey 3rd District County Planner spoke last. He described the 4 year Master Plan process which will start again this summer and fall. All property in the county may be rezoned during this period. Property owners, civic associations and government agencies can request any parcel to be rezoned. We should start reviewing the zoning in our area and decide if there are any parcels we wish to submit for consideration.

The meeting was adjourned. Refreshments for the evening were provided by Sharon Rohrbaugh.

PC Ex #1

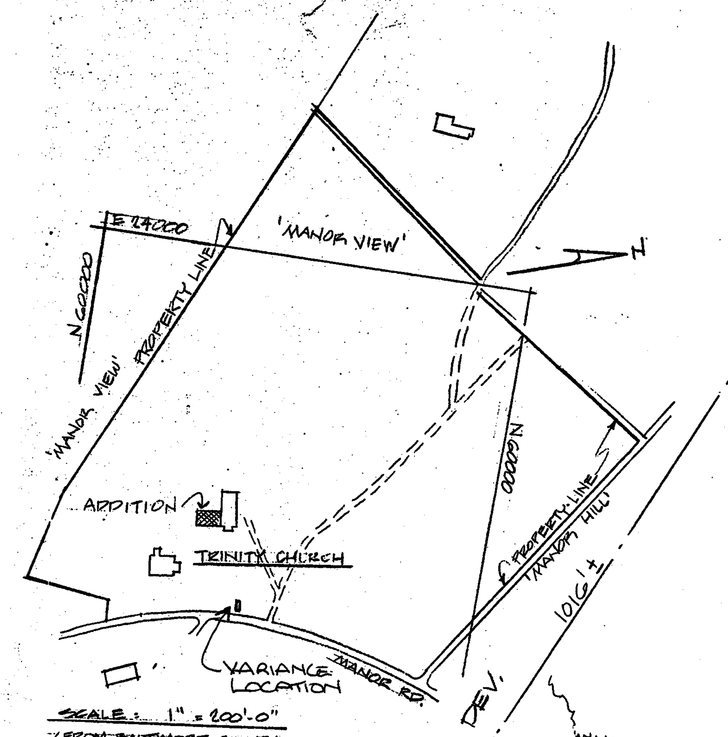
Map Produced By Baltimore COunty GIS Services
Production Date: April 1, 2004
Aerial Photography From April 2002

Legend

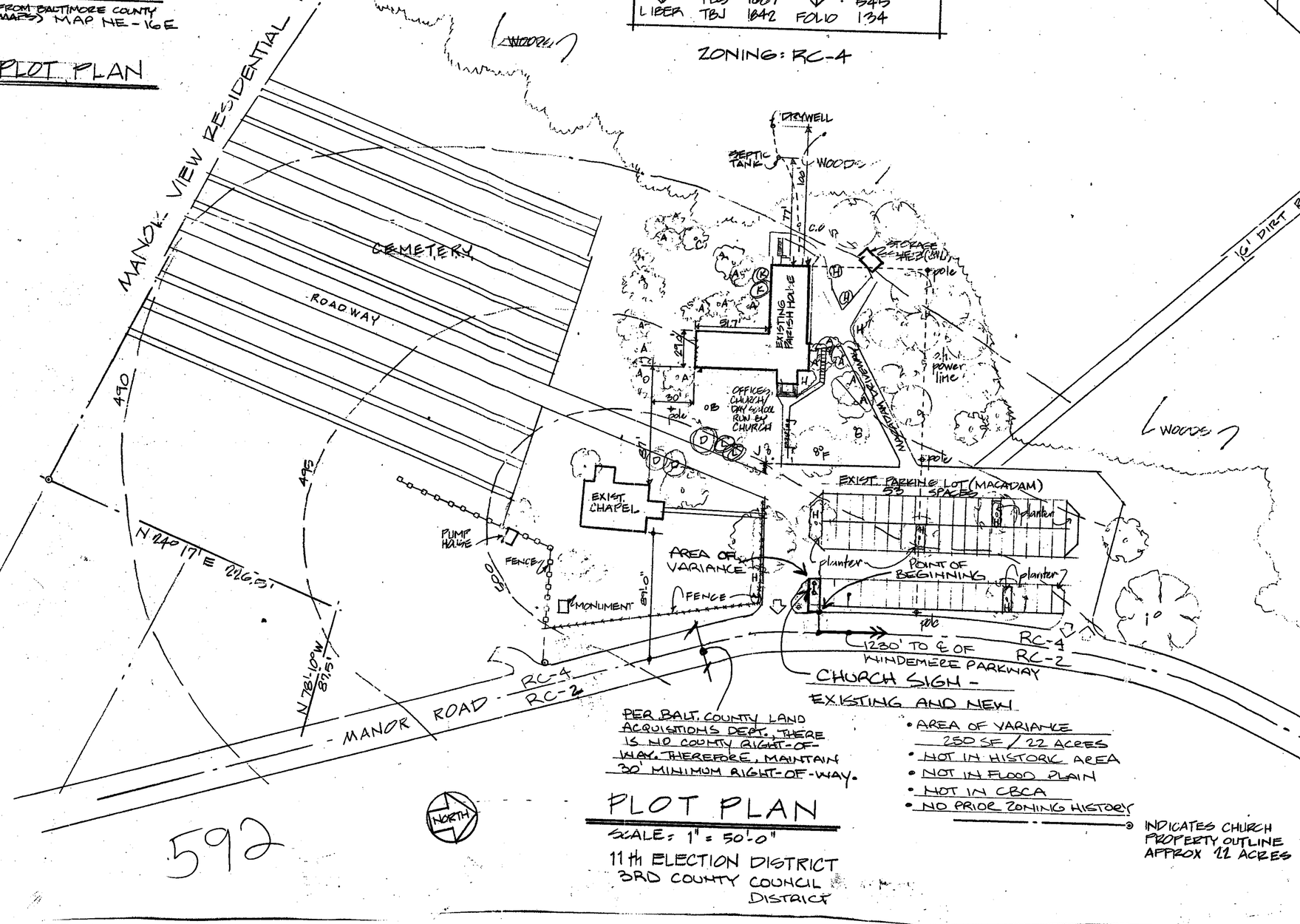
- Index Contour
- Intermediate Contour
- Index Depression Contour
- Intermediate Depression Contour
- Parcel Boundaries

0 25 50 100 150 200 Feet

PC 1



PLOT PLAN



PLOT PLAN

SCALE: 1" = 50'-0"

11th ELECTION DISTRICT

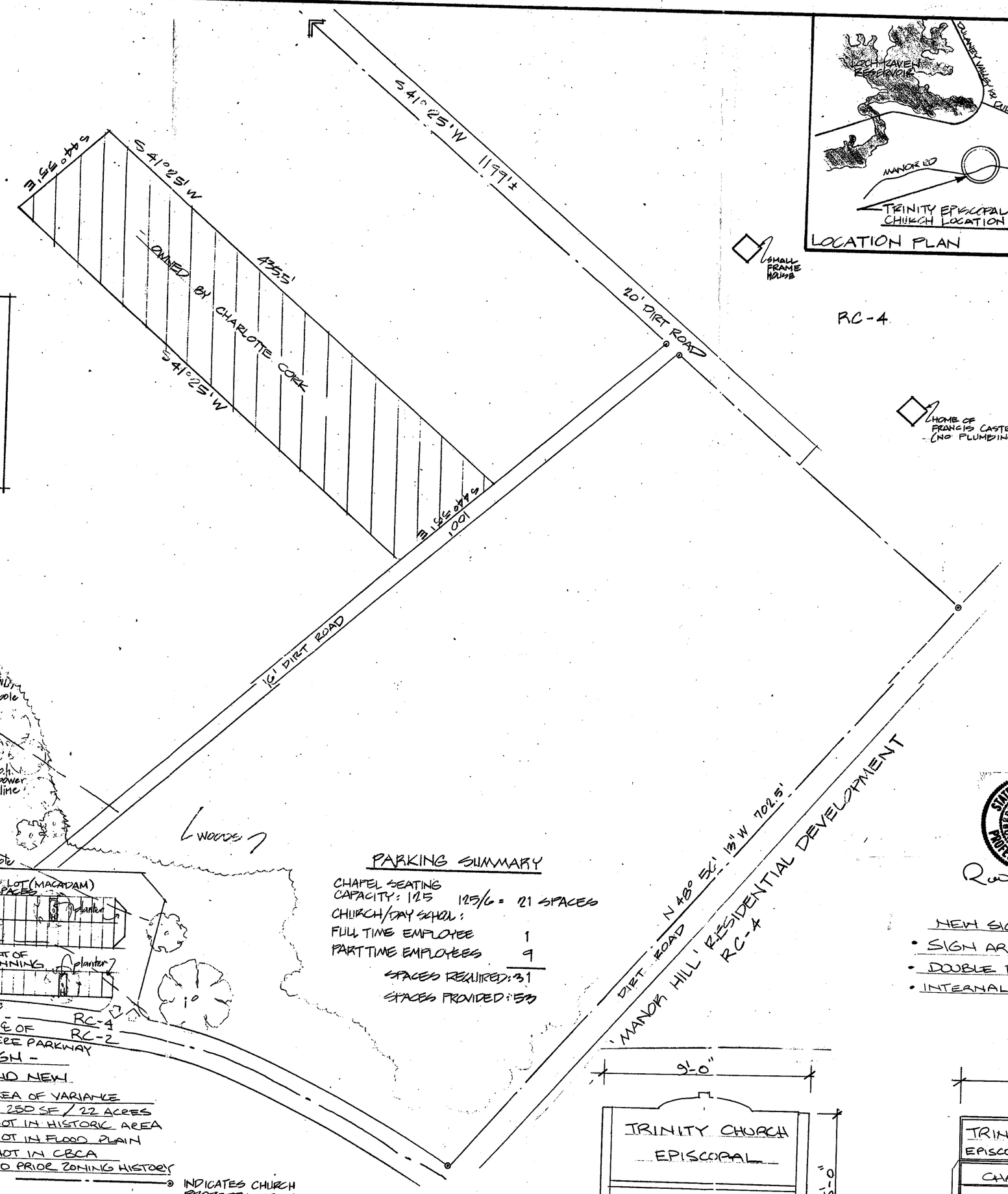
3RD COUNTY COUNCIL DISTRICT

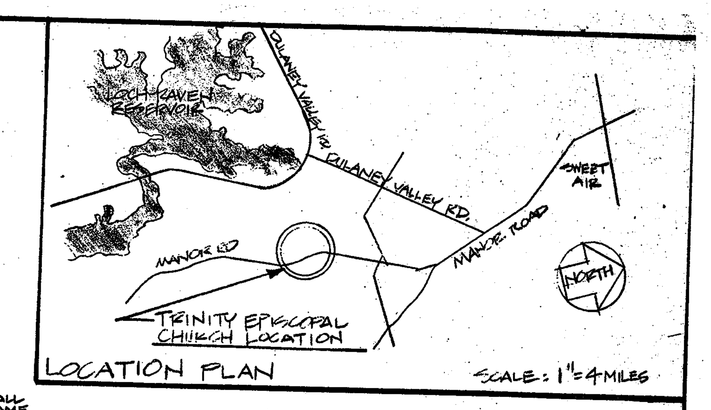
- AREA OF VARIANCE 250 SF / 22 ACRES
- NOT IN HISTORIC AREA
- NOT IN FLOOD PLAIN
- NOT IN CBCA
- NO PRIOR ZONING HISTORY

INDICATES CHURCH PROPERTY OUTLINE APPROX 22 ACRES

TRINITY EPISCOPAL CHURCH DEED REFERENCE				
LIBER	WG	155	FOLIO	288
	LMB	195		126
	LMB	195		141
	GWB(Jr.)	1109		386
	GWB(Jr.)	943		117
	GWB(Jr.)	1147		425
	GWB(Jr.)	1107		540
	JWB	1344		209
	JWB	1362		376
	TBG	1667		545
LIBER	TBJ	1842	FOLIO	134

ZONING: RC-4





LOCATION PLAN

PARKING SUMMARY

CHAPEL SEATING CAPACITY: 125 — 125/6 = 21 SPACES

CHURCH/DAY SCHOOL:

FULL TIME EMPLOYEE 1

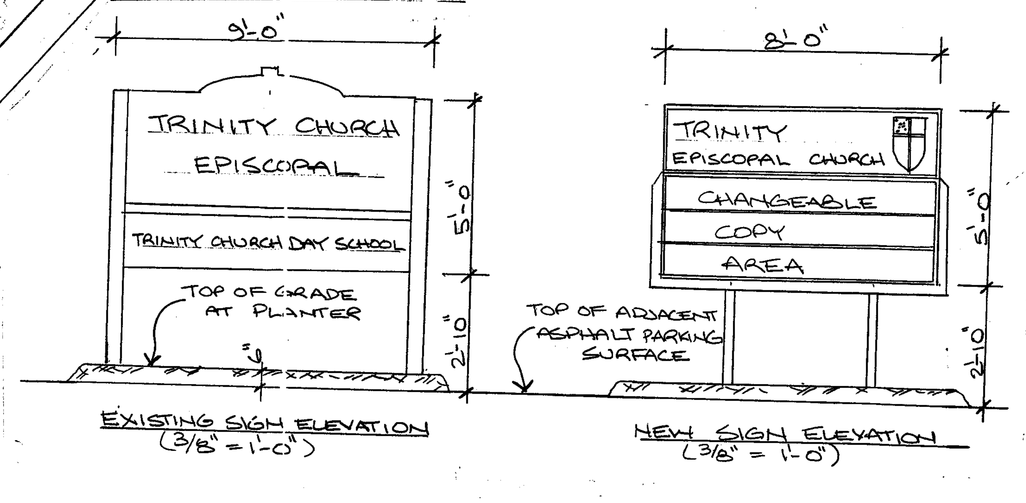
PART TIME EMPLOYEES 9

SPACES REQUIRED: 31

SPACES PROVIDED: 53

NEW SIGN DETAILS

- SIGN AREA - 40 SF
- DOUBLE FACED
- INTERNAL ILLUMINATION



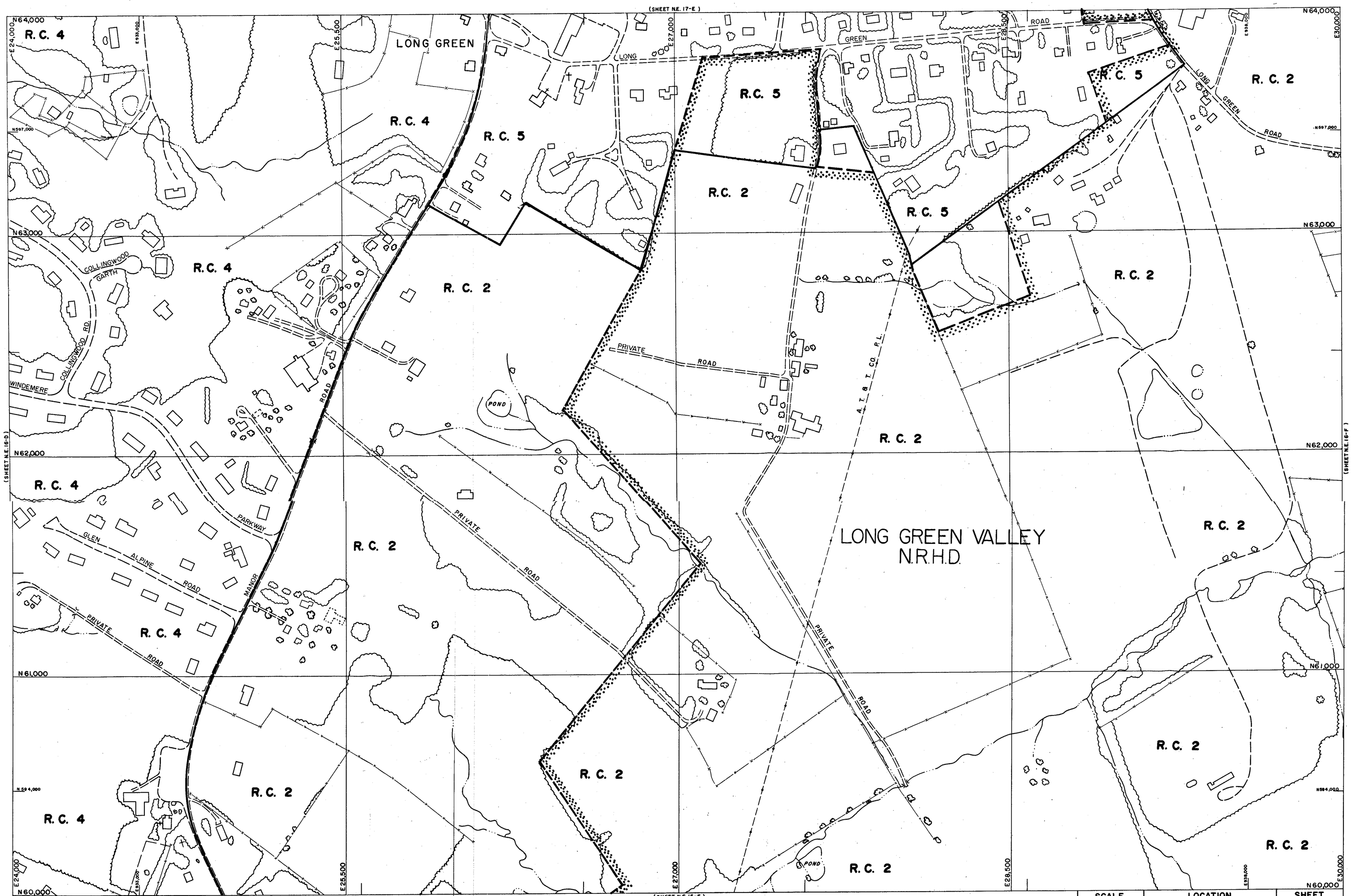
EXISTING SIGN ELEVATION (3/8" = 1'-0")

NEW SIGN ELEVATION (3/8" = 1'-0")

PLAN TO ACCOMPANY SIGN VARIANCE HEARING
JUNE 6, 2003

SIGN REPLACEMENT PROJECT
TRINITY EPISCOPAL CHURCH LONG GREEN

12400 MANOR ROAD BALTIMORE COUNTY, MD 21092



R-NE Q-NW
U-SE UU-SW

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

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

Joseph Bartenfelder
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200' ±	LONG GREEN	N. E. 16-E
DATE OF PHOTOGRAPHY JANUARY 1986		

PC
EX #6

NE 16 E

03-592-A

LONG GREEN VALLEY ASSOCIATION
P.O. Box 91
Baldwin, Maryland 21013

MINUTES FOR JANUARY 20, 2004

A regular meeting of the Board of Directors of the Long Green Valley Association was held at Boordy Vineyard.

***Board Members In attendance* (*)**

M. Ambrose*	**R. DiFonzo***	**P. Garner***	**S. Preston***
D. McCloskey	**S. Rohbaugh***	**C. Shaw***	**R. Hayden***
C. Trela*	**C. Pine***	**D. Felling**	**J. Storck***

1. A quorum was declared present.

2. Guest were Mr. Bob Knight, 5540 Hill Rise Road, Glen Arm Road, 21057 (410-592-6928), bknightertki.com and Capri Ebright, 4 Lauren Knoll Court, Baldwin, Md. 21013

3. Mr. Knight spoke regarding the new sign that Trinity Episcopal Church on Manor Road wishes to erect in place of the old one. A special variance was required because the sign will be larger than current zoning laws allow. According to Mr. Knight, the variance was granted sometime in September, however, the People's Council of Baltimore County appealed the ruling. Mr. Zimmerman (of the People's Council) asked the association their position on the issue. At the December 16th meeting, the LGVA's board voted unanimously to support Mr. Zimmerman and the People's Council and oppose the granting of a sign variance. This vote was in keeping with the Board's position on "signage" of any kind: to uphold current zoning regulations with no exceptions. Any exceptions degrade the rural character of the area and once granted, many more are soon to follow. Mr. Knight explained that the current regulations allow a sign a maximum of 25 square feet and 6 feet above the ground. They are asking for one 42 square feet and 8 feet above the ground. The Church would be willing to make their sign 32 square feet and 6 feet in height.

The Board stood by its past position and voted unanimously to oppose larger signs than current zoning allows. The Board also voiced concerns regarding the lighting of signs in rural areas as they give the area a commercial look. Signs with lights inside are the most unacceptable. Least intrusive are those that have lights on the ground shinning up on the sign and are operated on a timer that will shut off at night.

A letter stated LGVA's position will be sent to Mr. Zimmerman with a copy to Mr. Knight.

4. C. Shaw and C. Ebright reviewed the Umerley property proposed development. The Board voted unanimously to support the down zoning of both parcels (186 acres and 97 acres) and to oppose the development of both parcels. C. Trela will send a letter to Mrs. Ebright and the Kimberly Homeowners Association stating the Board's position and asking for their help with this issue. The Board voted unanimously to have a strategy session with C. Holzer regarding this development because of the legal issues involved. This will be Friday, January 23rd at 2:00 p.m.