IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY
*

PETITION OF:
EDGEMERE FREE METHODIST CHURCH *
Legal Owners
2510 Brannan Avenue *
Baltimore, MD 21219

FOR JUDICIAL REVIEW OF THE OPINION OF * CIVIL ACTION
THE COUNTY BOARD OF APPEALS No. **3-C-04-13049**
OF BALTIMORE COUNTY *
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE *
TOWSON, MARYLAND 21204
*

IN THE MATTER OF
EDGEMERE FREE METHODIST CHURCH *
Legal Owners
2510 Brannan Avenue *
Baltimore, MD 21219

15th ELECTION DISTRICT *
7th COUNCILMANIC DISTRICT
*

BOARD OF APPEALS CASE NO.: 04-235-SPHXA

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

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PROCEEDINGS BEFORE THE ZONING COMMISSIONER
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY:

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the County Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Department of Permits and Development Management and the Board of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD APPEALS
AND DEPARTMENT OF PERMITS & LICENSES OF BALTIMORE COUNTY

04-235-SPHXA

November 6, 2003	Petition for Special Hearing filed by Joseph Woolman, III, on behalf of Edgemere Free Methodist Church requesting that the proposed building is eligible as a new Church or other building for religious worship and is therefore permitted as a matter of right in a DR 5.5 zone. That the proposed building and improvements are planned in such a way that compliance to the extent possible with RTA and use requirements. Petition for Special Exception filed by Joseph Woolman, III, on behalf of Edgemere Free Methodist Church requesting to use the described property for a community building pursuant to BCZR Section 1B01C4. Petition for Variance filed by Joseph Woolman, III, on behalf of Edgemere Free Methodist Church requesting front yard setback of 7.5 ft ilo req'd 40 ft; side yard setback of 10 ft ilo the req'd 35 feet; rear yard setback of 3 ft ilo req'd 30 feet; and to permit a total of 31 parking spaces ilo req'd 98 spaces.
December 3	Notice of Zoning Hearing
December 8	Entry of Appearance filed by People's Counsel for Baltimore County
December 23	Publication in newspaper
December 27	Certificate of Posting
January 9, 2004	ZAC Summary of Comments
January 12	Hearing Held before the Zoning Commissioner
February 13	Findings of Fact and Conclusions of Law issued by the Zoning Commissioner: Petition for Special Hearing – GRANTED Petition for Variance – GRANTED with restrictions Petition for Special Hearing – DISMISSED AS MOOT
March 10	Notice of Appeal filed by Robert Wozniak for the citizens of the neighborhood

May 14	Notice of Entry of Appearance filed by J. Carroll Holzer, Esquire on behalf of the Protestants/Appellants.
August 31	Hearing by Board of Appeals.

Petitioner's Exhibits

1	Site Plan
2	Zoning Map
3	1941 Water Main Drawing
4	Photograph
5A – 5L	Photographs
6A - 6L	Photographs
7	Letter (undated) from Bob Wozniak to Friends and Neighbors
8	Designated Parking Area For Edgemere Free Methodist Church flyer
9	Edgemere Free Methodist bulletin insert
10	Edgemere Free Methodist bulletin insert
11	Sign-in Sheet Supporters of E.F.M.C. – not dated

Protestant's Exhibits

1	1997 Development Plan
2	Envelope for Certified Mail No.: P-307 064 542 - stamped May 03, 1996
3	Concept Plan 1996
4A	Hearing Officer's Opinion and Development Plan Order dated September 14, 1998 Case Nos.: XV-676 and 99-34-SPHA, consisting of 10 pages
4B	Supplemental Hearing Officer's Opinion and Development Plan Order dated December 30, 1998 - Case Nos.: XV-676 and 99-34-SPHA, consisting of 4 pages
5A- 5J	Photographs

	6A – 6D	Photographs
	7A	Letter dated August 30, 2004 from Eva May Akers to Whom It May Concern Whom It May Concern – dated March 11, 2004
	7B	Letter from Deborah Buchanan to Whom It May Concern Dated March 11, 2004
	8	Sign In Sheet Protestants dated 8/31/04
October 4		Protestant's Memorandum and Transcript In Lieu of Final Argument filed by J. Carroll Holzer, Esquire Closing Brief filed by Joseph R. Woolman, Esquire, on behalf of Edgemere Free Methodist Church – Petitioner.
October 28		Board convened for public deliberation
November 18		Opinion issued by the Board of Appeals: Petition for Special Hearing – DENIED Petition for Variance – DENIED Petition for Special Hearing – DENIED
December 17		Petition for Judicial Review filed by Joseph Woolman, Esquire, on behalf of Edgemere Free Methodist Civil Action No.: 03-C-04-13049
December 23		Certificate of Notice sent to interested parties.
January 19, 2005		Transcript of Proceedings filed.
January 20		Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered before the Board.

Respectfully submitted,

Theresa R. Shelton

Theresa R. Shelton, Legal Secretary
County Board of Appeals of Baltimore County
400 Washington Avenue, Room 49
Towson, MD 21204 (410) 887-3180

c: Joseph Woolman, Esquire
J.Carroll Holzer, Esquire
Office of People's Counsel

12/23/04

IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY
*
PETITION OF:
EDGEMERE FREE METHODIST CHURCH *
Legal Owners
2510 Brannan Avenue *
Baltimore, MD 21219

FOR JUDICIAL REVIEW OF THE OPINION OF * CIVIL ACTION
THE COUNTY BOARD OF APPEALS No. **3-C-04-13049**
OF BALTIMORE COUNTY *
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE *
TOWSON, MARYLAND 21204
*
IN THE MATTER OF
EDGEMERE FREE METHODIST CHURCH *
Legal Owners
2510 Brannan Avenue *
Baltimore, MD 21219

15th ELECTION DISTRICT *
7th COUNCILMANIC DISTRICT
*
BOARD OF APPEALS CASE NO.: 04-235-SPHXA

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

RECEIVED 2004 DEC 2 A 11:58 CLERK OF CIRCUIT COURT BALTIMORE COUNTY

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the County Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

Joseph Woolman, Esquire
Gildea, Llc, 300 East Lombard Street, Suite 1440, Baltimore, Md 21202-3228

Pastor Timothy Rush
2918 Delmar Avenue, Baltimore, Md 21219

J. Carroll Holzer, Esquire
Holzer And Lee, 508 Fairmount Avenue, Towson, Md 21286

Donald Russell
2509 Pac Lane, Baltimore, Md 21219

Chesapeake Bay Critical Area Commission
1804 West Street, Suite 100, Annapolis, Md 21401

Robert Wozniak et al
2402 Carolyne Avenue, Baltimore, Md 21219

Julie Shkor
8515 Esquire Road, Baltimore, Md 21219

Frank Deroose
2508 Pac Lane, Baltimore, Md 21219

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

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

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

Theresa R. Shelton

Theresa R. Shelton, Legal Secretary
County Board of Appeals, Room 49
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410-887-3180)

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Joseph Woolman, Esquire, Gildea, Llc, 300 East Lombard Street, Suite 1440, Baltimore, Md 21202-3228; Pastor Timothy Rush, 2918 Delmar Avenue, Baltimore, Md 21219; J. Carroll Holzer, Esquire, Holzer And Lee, 508 Fairmount Avenue, Towson, Md 21286; Donald Russell, 2509 Pac Lane, Baltimore, Md 21219; Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, Md 21401; Robert Wozniak et al., 2402 Carolyne Avenue, Baltimore, Md 21219; Julie Shkor, 8515 Esquire Road,

Baltimore, Md 21219; Frank Deroose, 2508 Pac Lane, Baltimore, Md 21219; Peter Max Zimmerman, People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204; Carole S. Demilio, Deputy People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204, this 23rd day of December, 2004.

Theresa R. Shelton

Theresa R. Shelton, Legal Secretary
County Board of Appeals, Room 49
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410-887-3180)

County Board of Appeals of Baltimore County

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

December 23, 2004

Joseph Woolman, Esquire
Gildea, LLC
300 East Lombard Street
Suite 1440
Baltimore, Md 21202-3228

RE: Circuit Court Civil Action No. 3-C-04-13049
Petition for Judicial Review
Edgemere Free Methodist Church
Board of Appeals Case No.: 04-235-SPHXA

Dear Mr. Wollman:

In accordance with the Maryland Rules, the County Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days. The cost of the transcript of the record must be paid by you and must be paid in time to transmit the same to the Circuit Court within the sixty day timeframe, as stated in the Maryland Rules.

The Court Reporter that you need to contact to obtain the transcript and make arrangement for payment is as follows:

CAROLYN PEATT
TELEPHONE: 410- 486-8209
HEARING DATE: 8/31/2004

This office has also notified Ms. Peatt that a transcript on the above captioned matter is due by February 17, 2005, for filing in the Circuit Court. A copy of your Petition, which includes your telephone number, has been provided to the Court Reporter, which enables her to contact you for payment provisions.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Theresa R. Shelton

Theresa R. Shelton
Legal Secretary

/trs
Enclosure
c: Carolyn Peatt, Court Reporter
J. Carroll Holzer, Esquire
People's Counsel for Baltimore County

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on Recycled Paper

County Board of Appeals of Baltimore County

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

December 23, 2004

J. Carroll Holzer, Esquire
Holzer And Lee
508 Fairmount Avenue
Towson, Md 21286

RE: Circuit Court Civil Action No. 3-C-04-13049
Petition for Judicial Review
Edgemere Free Methodist Church
Board of Appeals Case No.: 04-235-SPHXA

Dear Mr. Holzer:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed on December 17, 2004, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to the Maryland Rules.

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, **must be filed under Civil Action No. 3-C-04-13049.**

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Theresa R. Shelton

Theresa R. Shelton
Legal Secretary

/trs
Enclosure

c. Joseph Woolman, Esquire
Pastor Timothy Rush
Donald Russell
Chesapeake Bay Critical Area Commission
Robert Wozniak et al
Julie Shkor
Frank Deroose
Office of Peoples Counsel for Baltimore County
Pat Keller, Director/Planning
Jefrey Long / Planning
Lawrence E. Schmidt, Zoning Commissioner
Timothy Kotroco, Director/PDM

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PETITION OF EDGEMERE FREE METHODIST CHURCH	*	IN THE
12/20/04	*	CIRCUIT COURT
	*	
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Old Courthouse, Room 47, 400 Washington Avenue, Towson, MD 21204	*	RECEIVED DEC 21 2004 BALTIMORE COUNTY BOARD OF APPEALS
	*	
IN THE MATTER OF THE APPLICATION OF <u>EDGEMERE FREE METHODIST CHURCH-LEGAL OWNER/PETITIONER</u> FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE ON PROPERTY LOCATED ON THE NW/COR OF BRANNAN AND MANNING AVE., S OF SPARROWS POINT ROAD (2510 BRANNAN AVENUE) 15TH Election District, 7th Councilmanic District	*	CIVIL NO. C04-13049
Case No. 04-235-SPHXA before the County Board of Appeals of Baltimore County	*	

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

PETITION FOR JUDICIAL REVIEW

EDGEMERE FREE METHODIST CHURCH, by and though its Attorneys, Joseph R. Woolman, III and Gildea & Schmidt, LLC hereby requests judicial review of the Opinion and Order by the County Board of Appeals dated November 18, 2004 in the above case. EDGEMERE FREE METHODIST CHURCH was a party to the proceeding before the County Board of Appeals of Baltimore County in this matter.

This Petition is filed pursuant to Rule 7-202 of the Maryland Rules of Procedure.

Joseph R. Woolman, III
Gildea & Schmidt, LLC
300 E. Lombard Street
Suite 1440
Baltimore, MD 21202
(410) 234-0070

RECEIVED
2004 DEC 11 A 11:30
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th of December, 2004, a copy of the foregoing Petition for Judicial Review was mailed to Peter Max Zimmerman, People's Counsel 400 Washington Avenue, Room 47, Towson, MD 21204, J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmont Avenue, Towson, MD 21286 and to Lawrence S. Wescott, Chairman County Board of Appeals, Old Courthouse, 400 Washington Avenue, Towson, MD 221204.

Joseph R. Woolman, III

GILDEA & SCHMIDT, LLC

300 EAST LOMBARD STREET
SUITE 1440
BALTIMORE, MARYLAND 21202
TELEPHONE 410-234-0070
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SEBASTIAN A. CROSS
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JOSEPH R. WOOLMAN, III
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D. DUSKY HOLMAN
DHOLMAN@GILDEALLC.COM

TOWSON, MD OFFICE
220 BOSLEY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 410-337-7057

December 20, 2004

Ms. Kathy Bianco
Board of Appeals
Old Court House, Room 49
400 Washington Avenue
Towson Maryland 21204

Re: Edgemere Free Methodist Church /Brannan Avenue & Manning Avenue
Case No.: 04-235-SPHXA

Dear Kathy:

Enclosed please find a date stamped copy of the Petition for Judicial Review filed in the above referenced matter, pursuant to Maryland Rule 7-202.

Should you have any questions or comments, please contact me. With kind regards, I am

Very truly yours,

Joseph R. Woolman, III

JRWIII:bhb
Enclosure

RECEIVED
DEC 2 2 2004
BALTIMORE COUNTY
BOARD OF APPEALS

11/18/04

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
EDGEMERE FREE METHODIST CHURCH -	*	COUNTY BOARD OF APPEALS
LEGAL OWNER /PETITIONER FOR		
SPECIAL HEARING, SPECIAL EXCEPTION	*	OF
AND VARIANCE ON PROPERTY		
LOCATED ON THE NW/COR OF BRANNAN	*	BALTIMORE COUNTY
AND MANNING AVENUES, S OF		
SPARROWS POINT RD	*	Case No. 04-235-SPHXA
(2510 BRANNAN AVENUE)		
15TH ELECTION DISTRICT	*	
7TH COUNCILMANIC DISTRICT		

* * * * * * * * *

OPINION

Background

This matter is before the Board on an appeal from a decision of the Deputy Zoning Commissioner (DZC) in which a Petition for Special Hearing was granted. The DZC found that the proposed building and improvements were planned in such a way that compliance, to the extent possible, with Residential Transition Area (RTA) and use requirements will be maintained and granted variances seeking relief from *Baltimore County Zoning Regulations* (BCZR) front yard and rear yard setbacks. He also granted a variance from § 409.6A.4 of the BCZR to permit 31 parking spaces in lieu of the required 98.

Petitioner, Edgemere Free Methodist Church, herein referred to as "Petitioner" or "the Church," was represented by Joseph R. Woolman III, Esquire. The Protestant, Robert Wozniak, was represented by J. Carroll Holzer, Esquire.

A hearing was held before the Board on August 31, 2004. The parties submitted Briefs which were filed by close of business on October 4, 2004. The Board conducted a public deliberation on October 28, 2004.

Facts

The Petitioner in this matter owns two adjacent parcels of land located on the west and east sides of Brannon Avenue, just south of Sparrows Point Road in the Edgemere neighborhood of Baltimore County. Parcel #2 is located on the eastern side of Brannan Avenue and contains improvements known as 2515 Brannan Avenue. Parcel #2 was the subject of relief in a development plan approved in Case No. 99-034-SPHA (PDM No. XV-767) dated December 30, 1998. That ruling granted side, rear and front yard setback variances as well as a parking lot surface variance. The 1998 decision also found the Church to be compatible with the D.R. 5.5 RTA requirements. The present case relates to Parcel #1 which is located on the western side of Brannan Avenue. Parcel #1 is zoned D.R. 5.5 and currently contains a two-story structure that has been used as a sanctuary and a classroom building which has been used by the Church for Sunday School classes.

Petitioners presented Richard Truelove who was qualified as a civil engineer. He testified that he prepared the site plan to accompany the petitions. Mr. Truelove introduced a plat as Petitioner's Exhibit #2 showing a Baltimore City water main drawing from the County records which shows an original church building on the corner of Manning and Brannan Avenues. It was apparently introduced to support the Petitioner's contention that the present structures on the site are to be considered a "nonconforming use" with respect to the parking variance. Mr. Truelove went on to describe the subject site as 50 feet wide. He also testified that the proposed improvements complied to the extent possible with the RTA buffers and that it was compatible with the welfare of the neighborhood in general, without giving any specifics to support his contentions.

On cross-examination, Mr. Truelove acknowledged that he had no idea of the Church operation since he was not a member of the Church and does not know how or when the original church shown on the plat designated Petitioner's Exhibit #2 was expanded. He did not know how the buildings were being utilized, including the new sanctuary and the old building.

Mr. Truelove testified with respect to the variance request to permit 31 parking spaces in lieu of the required 98. With respect to the parking requirements, he testified that the original development plan permitting the new sanctuary and the new classrooms was approved by a 1st refinement on January 19, 1999 by David Flowers of the Baltimore County Zoning Office. He stated that the new sanctuary has 124 seats (one space per four seats) which requires 31 parking spaces. The same plan calls for 14 parking spaces for the new office and new classrooms for a total of 45 spaces required for the new offices, classrooms and sanctuary. The current parking lot has 31 parking spaces which is 14 less than required by the County. Mr. Truelove testified that he obtained an opinion letter from the Zoning office to permit that deficiency. With respect to the new community building on the proposed site, Mr. Truelove stated that it would be approximately 6,100 sq. ft. and, in accordance with the requirements of 16 spaces per 1,000 sq. ft., it would normally require 98 parking spaces. He agreed that the 98 spaces that were required in accordance with the County regulations plus the 45 spaces that would have been required with respect to the new sanctuary and classroom site would total 143 spaces. He indicated that the new building would be two stories in part in order to accommodate a basketball court. The rest of the building would be taken up with offices and classroom space.

Juli Shkor, the Head Stewart of the Edgemere Free Methodist Church, testified with respect to the organization of the new building. She stated that it would have a basketball court and classrooms for other youth activities. Mr. Shkor stated she had been a member of the

Church for 12 years. She also acknowledged that on Sunday morning persons using or coming to early service from 8:30 a.m. to 9:30 a.m. would use the classroom portions of both the new building and the new sanctuary. This would be concurrent with people attending the 11:00 a.m. service who would also be going to Sunday School. It appeared that between 9:45 a.m. and 10:45 a.m., people from both services could be using both the new community building and the new classrooms and the sanctuary buildings. Ms. Shkor also testified that the average for both services on a regular Sunday is 150 people, with about 200 people attending on special services, such as Christmas Eve.

With respect to the parking arrangements, Ms. Shkor acknowledged that parking during Sunday services is difficult since people park on both sides of Brannan Avenue. She stated that the Church had made arrangements with the High's store and with another store to permit parking on their parking lots in order to handle overflow of parking. She had nothing in writing but stated that these were informal agreements from High's and the local business.

In addition to Ms. Shkor, Lisa Schuscha and Bonnie Hendershot testified with respect youth activities and children's ministry respectively. Both indicated that with new buildings they hoped to increase the participation for the youth in the Church.

Protestant Robert F. Wozniak testified that he had been in the neighborhood and owned his house since 1973. He testified as to the current congestion on the neighborhood streets when the Church is in session on Sundays and Wednesday nights. It was his observation that the parking along the sides of the road turns a two-lane road into a one-lane road. He felt that you could not get a fire truck down Brannan during those periods when the Church is having activities. Mr. Wozniak stated that prior to the construction of the new sanctuary and classroom buildings, the Church utilized the vacant lot, Parcel #2, for parking and that there had been no

parking problems. He stated that the Church proposed that, once the new sanctuary and new classroom building were completed, the old church, one of the structures on Parcel #1, would be razed and the vacant lot would be used by the Church for parking. He identified a previous plan which he had received from APL Associates dated May 3, 1996 and a concept plan dated March 25, 1996. Mr. Wozniak felt that the plans had been mailed to him and other neighbors near the Church.

Other neighbors from the area testified with respect to the congestion on Brannan Avenue during Church activities and also with respect to stormwater problems which they contended existed as a result of the alteration to the terrain by the Church and the new parking lot.

Issues

The Petitioners request a special hearing to determine that the proposed new building, to replace the antiquated church facility, is eligible under the zoning regulations as a new church or other "building for religious worship" and, as such, is permitted as a matter of right in a D.R. 5.5 zone pursuant to § 1B01.1B.1(g)(6) of the *Baltimore County Zoning Regulations*. As a supplement to that request, Petitioners are seeking a finding by the Board that the proposed building and improvements are planned in such a way that "compliance to the extent possible with RTA and use requirements will be maintained." As an alternative, the Petitioners request a special exception for a "community building" pursuant to § 1B01.1(c)(4). Petitioners also seek multiple variance relief from § 1B01.2C1.1(a) of the BCZR to permit a front yard setback of 7.5 feet in lieu of the required 40 feet; a side yard setback of 10 feet in lieu of the required 35 feet; and a rear yard setback of 3 feet in lieu of the required 30 feet. In addition, Petitioners seek a variance from § 409.6A.4 of the BCZR to permit 31 parking spaces in lieu of the required 143.

Alternative variance relief is requested from § 1B01.1B.C through E(3) to permit an RTA buffer of as little as 0 feet in lieu of the required 50 feet.

Discussion

A. The proposed nonconforming use.

The current structures on Parcel #2 are an old church building and a two-story house. The church has been converted into classroom buildings by the construction of an addition on the south side of the building and another addition on the north side of the building which connects to the two-story house, making the structure one structure. Petitioners propose to raze the entire structure and replace it with a pre-engineered metal building which will be at least, in part, two stories. The total area of the new building will be 6,100 sq. ft. Petitioners contend that the subject property is an undersized lot that could not be used for anything if current zoning regulations were applied. They contend that the property is unique in that it is contained the Edgemere Free Methodist Church since as early as 1941 and has been used for religious and other church-related activities for decades while existing within a residential zone.

In support of this position, Petitioners submitted a water main map approved for the City of Baltimore dated August 21, 1941 as their Exhibit #3. The map shows a structure labeled "Free Methodist Church of North America No Deed" on Brannan Avenue and Manning Avenue. There was no testimony that the Church has conducted religious activities without interruption since 1941. In addition, there was no testimony with respect to the house which is located next to the church and which now has become part of the old church by way of the construction of a connecting structure. Petitioners' engineer, Mr. Truelove, indicated that he was not a member of the Church and was not familiar with the history of the Church or even what takes place

currently within the Church. Ms. Shkor, the Head Stewart, testified that she had been a member of the Church for only 12 years.

The definition of nonconforming use in BCZR § 101 states: "A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use." In addition, there is a requirement under § 104 of the BCZR that the nonconforming use is terminated upon discontinuance of such a nonconforming use for a period of one year or more. There is no evidence that the Church continued on this site without interruption since 1941, and no evidence of its zoning status throughout the years. In addition, there was no evidence presented with respect to the utilization of the house located next to the Church. Nothing was presented with respect to its use, when it was connected to the Church, and how long it has been in active use by the Church for religious-related purposes. The Board finds that there is insufficient evidence to support a finding of a "nonconforming use" on this property.

B. The requested variances

BCZR § 307 provides:

> The Zoning Commissioner for Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The Court of Special Appeals in *Cromwell v. Ward*, 102 Md.App. 691 (1995) required, as the prerequisite for granting of a variance, a finding that the property was unique. The Court defined the term as follows:

> 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.... Id. at 710.

In his testimony, Mr. Truelove, the Petitioners' engineer, stated that he felt the property was unique because it is 50 feet wide and it makes it difficult to put anything on there without some sort of setback variances. In its Brief, the Petitioner quotes Mr. Truelove's testimony and also asserts that "the subject property is unique in that it has contained the Edgemere Free Methodist Church since as early as 1941 and has been used for religious worship and other church-related activities for decades while existing within a residential zone."

There was no other testimony with respect to the issue of uniqueness as it affects the property. The zoning map presented by Petitioners as Exhibit #2 indicates that the property is not unique in that it is very similar to other properties in the area.

In the absence of the initial finding of uniqueness, the inquiry under BCZR § 307.1 ceases and the setback variances requested in this matter must be denied.

C. The request for special exception

The special exception was requested for a community building pursuant to BCZR § 1B01.1C(4). As set forth by the Protestants in their Brief, the Petitioners failed to elicit any testimony with respect to the requirements of § 502.1 to permit the requested relief under a special exception. Therefore, the special exception relief must be denied.

D. The requested variance from RTA

The Petitioner requested variance relief from § 1B01.1B.C through E(3) of the BCZR to permit an RTA buffer as little as 0 feet in lieu of the required 50 feet. The purpose of the RTA is to assure similar housing types are built adjacent to one another "or that adequate buffers and screening are provided between dissimilar housing types." Variances from that requirement are

permitted only if the Board specifically determines that "such a reduction will not adversely impact the residential community or development on the land adjacent to the property to be developed." In addition to the fact that the property is not "unique," the community building is being located on a piece of property without any screening or any type of buffer. The testimony is clear that the parking situation in the community is critical during periods of time when services are being held or other activities are taking place at the Church. The fact that the Church is trying to find other places where the parishioners can park, while admirable, is no basis to do away with the RTA buffer zone altogether. It is the opinion of the Board that the Church is attempting to develop too much land without providing adequate parking for the facilities.

E. The requested variance for parking

As previously stated, the property has not been found to be "unique." Petitioners established that the prior development plan approval of the new sanctuary and classroom building as refined in January 1999 was signed by Mr. David Flowers of the Baltimore County Zoning Office. This plan required 31 parking spaces for the sanctuary and 15 for the office and classroom for a total of 45 spaces. The "spirit and intent" letter from the zoning office which purported to grant authority to reduce the required 45 spaces to 31 spaces is not binding and was never formalized by a Zoning Commissioner's decision. The new community hall requires 98 parking spaces under the BCZR. When the 98 spaces are added to the 45 spaces required for the new church and office building, this totals 143 required parking spaces under the BCZR. In providing 31 parking spaces, the Petitioners are asking for a waiver of 112 spaces, not 98. Again, the Board must reiterate that there is nothing unique about this property. In addition, the Board finds that 31 spaces are totally inadequate for the activities which would be contemplated in the new community building, and the current sanctuary and classroom /office building. The requested variance for parking must be denied.

ORDER

THEREFORE, IT IS THIS 18th day of November, 2004 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing requesting that the proposed building to be constructed by Petitioners as a new Church or other building for religious purposes on property zoned D.R. 5.5 be and is hereby **DENIED**; and it is further

ORDERED that the special exception sought to use the subject property for a community building pursuant to BCZR § 1B01.C.4 is **DENIED**; and it is further

ORDERED that the Petitioners' requested variances for setback relief, RTA buffer relief, and parking variances are **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

November 18, 2004

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

RE: *In the Matter of: Edgemere Free Methodist Church*
Legal Owners –Petitioners /Case No. 04-235-SPHXA

Dear Mr. Holzer:

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/TRS

Kathleen C. Bianco
Administrator

Enclosure

c: Robert Wozniak
Joseph Woolman, Esquire
Edgemere Free Methodist Church
Pastor Timothy A. Rush
Julie Shkor
Frank DeRoose
Donald Russell
Chesapeake Bay Critical Area Commission
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

10/4/04

IN THE MATTER OF	*	BEFORE THE COUNTY
EDGEMERE FREE	*	BOARD OF APPEALS OF
METHODIST CHURCH	*	BALTIMORE COUNTY
Legal Owner/Appellee	*	CASE NO.: 04-235-SPHA

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

CLOSING BRIEF

Edgemere Free Methodist Church, Petitioner in the above captioned matter, by and through its attorneys, Joseph R. Woolman, III and Gildea & Schmidt, LLC, files this brief in support of its Petition for Special Hearing, Special Exception and Variance in the above referenced matter.

INTRODUCTION

The Petitioner in this matter owns two adjacent parcels of land located on the west and east sides of Brannan Avenue, just south of Sparrows Point Road in the Edgemere neighborhood of Baltimore County. Parcel number two (2) is located on the eastern side of Brannan Avenue and contains improvements known as 2515 Brannan Avenue. Parcel 2 was the subject of relief and development approval in case number 99-34-SPHA (PDM No. XV-767) dated December 30, 1998. That ruling granted side, rear and front yard setback variances, as well as a parking lot surface variance. The 1998 decision also found the Church to be compatible with the DR-5.5 RTA requirements.

The case *sub judice* relates to Parcel One, which is located on the western side of Brannan Avenue. Parcel One is zoned DR-5.5 and currently contains improvements known as 2510 Brannan Avenue. There currently exists a two-story structure on Parcel One that has

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BOARD OF APPEALS

been used as a sanctuary and classroom building by Edgemere Free Methodist Church for decades. Testimony was received at the hearing in this matter from Richard Truelove, the Petitioner's engineer. Mr. Truelove testified that the current and continuing use of the subject property as a church building does not conform to the parking regulations currently found in the Baltimore County Zoning Regulations ("BCZR"). Truelove also testified that the existing building, as well as the proposed building, do not comply with the bulk regulations regarding setbacks, nor the residential transition area buffer regulations ("RTA"), currently found in the BCZR. Mr. Truelove's testimony indicated that the lot on the subject property is undersized, and the application of RTA's, setbacks and off-street parking regulations would prevent the owner of the property from using it for "anything." *See* Transcript, p. 15. Notwithstanding the testimony of the Protestant in this matter, Richard Wozniak, as well as the testimony of several of Mr. Wozniak's neighbors, the proposed "redevelopment" of this property is merely the replacement of an outdated facility for which the use will not change or increase in any way. Testimony by Mr. Truelove, as well as the site plan introduced as Petitioner's Exhibit 1, indicates that the proposed updated building is actually within the footprint of the existing building and that, other than the building being new, there will be no "changes." *See* Transcript, p. 11.

RELIEF REQUESTED

A. Special Hearing

The Petitioner is requesting, pursuant to BCZR Section 500.7, that the proposed building is eligible as a new church or other building for religious worship and, therefore, is permitted as a matter of right within the DR-5.5 zone. Testimony from Ms. Julie Shkor, the

Steward of the Edgemere Free Methodist Church, supports the uncontested representation that the proposed building is to be used for religious worship and other church related functions. Ms. Shkor specifically testified that the proposed building will contain the same number of classrooms as the current building, and that all activities that will take place on the property are sponsored by the church. Thus, the Petitioner requests special hearing relief by the Board that the existing/proposed use is permitted by right as a church or other building for religious worship on the subject property zoned DR-5.5.

The BCZR provides exceptions to the generation of an RTA and applicable 100 ft. buffer. These exceptions include a new church or other building for religious worship. The Petitioner, pursuant to BCZR Section 1B01.1B1(g)(6) asserts, through the testimony of Mr. Truelove, that the proposed improvements were planned in such a way that compliance, to the extent possible with RTA requirements, will be maintained and that (notwithstanding testimony from Mr. Wozniak), the plan can be expected to be compatible with the character and general welfare of the surrounding residential premises. Therefore, the Petitioner seeks special hearing relief for a finding that the proposed building complies with the RTA regulations.

B. Special Exception

In the event the Board does not find the proposed building to be a church and/or building for religious worship, the Petitioners request alternative relief by way of a Petition for Special Exception. The Special Exception seeks to use the subject property for a community building, pursuant to BCZR Section 1B01(c)(4). If the Board chooses to find that the proposed building is a community building, alternative variance relief is also required

and has been requested by way of a Petition for Variance from BCZR Section 1B01.1b.(c) to 1B01.1b.(e)(3) to permit an RTA buffer of as little as 0 feet in lieu of the required 50 feet. The longstanding use and existence of non-conforming structures on the subject property, combined with the hardship created through the strict application of the BCZR, (which would result in no building envelope whatsoever), provides the justification for variance relief.

C. *Variances*

The Petitioner also seeks variances from setback and parking regulations for the proposed development. As stated above, the strict application of bulk regulations found in BCZR Section 1B01.2C1.1(a), as well as parking calculations pursuant to BCZR Section 409.6(a)(4), would prevent the continued use of the subject property as a church or community building. Testimony, as well as Petitioner's Exhibit 1, indicate that the proposed building will be constructed in essentially the same location as the existing, non-conforming structure. In order to bring the new building into compliance with current regulations, the Petitioners are required to request the variances from setback, RTA buffers (if necessary), and off-street parking regulations (if necessary). BCZR Section 307 provides:

> The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

Testimony from Mr. Truelove indicates that the subject property is an undersized lot which could not be used for "anything" if current zoning regulations would apply. The subject property is unique in that it has contained the Edgemere Free Methodist Church since as early as 1941 and has been used for religious worship and other church related activities for decades while existing within a residential zone. *See* Petitioner's Exhibit 3. If the setbacks, RTA buffers and parking regulations to be strictly applied to the property, a practical difficulty and unreasonable hardship would be the result, as the Church would be prohibited from updating its facilities in order to continue worshiping and providing religious activities to the community as it has done for decades.

D. Parking as a "non-conforming" application of the zoning regulations.

While the proposed razing of the church currently existing on the subject property would effectively remove the non-conforming conditions on the property as they relate to the building itself, the "non-conforming" aspect of special regulations applicable to the use of the property remain in tact. Specifically, the off-street parking regulations found in BCZR Section 409.6A4 are applied to particular uses on a piece of property. It is apparent that, while the proposed building is new, the uses within that building are not. In fact, the testimony of the Petitioner in this matter has established the undisputed fact that the use of the property will and continue to be for church related purposes only. BCZR Section 101 defines a non-conforming use as, "A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use." (Emphasis added) Currently, there are a host of regulations applicable to the property, that are legally non-conforming. While the setback and possibly RTA buffers are applicable to the building

on the property, the off-street parking regulations are unique in that they apply to the use of the property and are calculated based on the nature of such use. It is an undisputed fact that the application of the parking regulations to the current and proposed uses of the property do not conform to requirements contained in the BCZR. While variances are required regarding setbacks and RTA buffers, the Petitioner avers that a variance is not required from the parking regulations since their application to the proposed use is a continually non-conforming application. Thus, the Petitioner, pursuant to its request for Special Hearing, seeks to designate the proposed use of the property, and, more specifically, the application of the off-street parking regulations to that use, as non-conforming thus negating the need for the parking variance stated above.

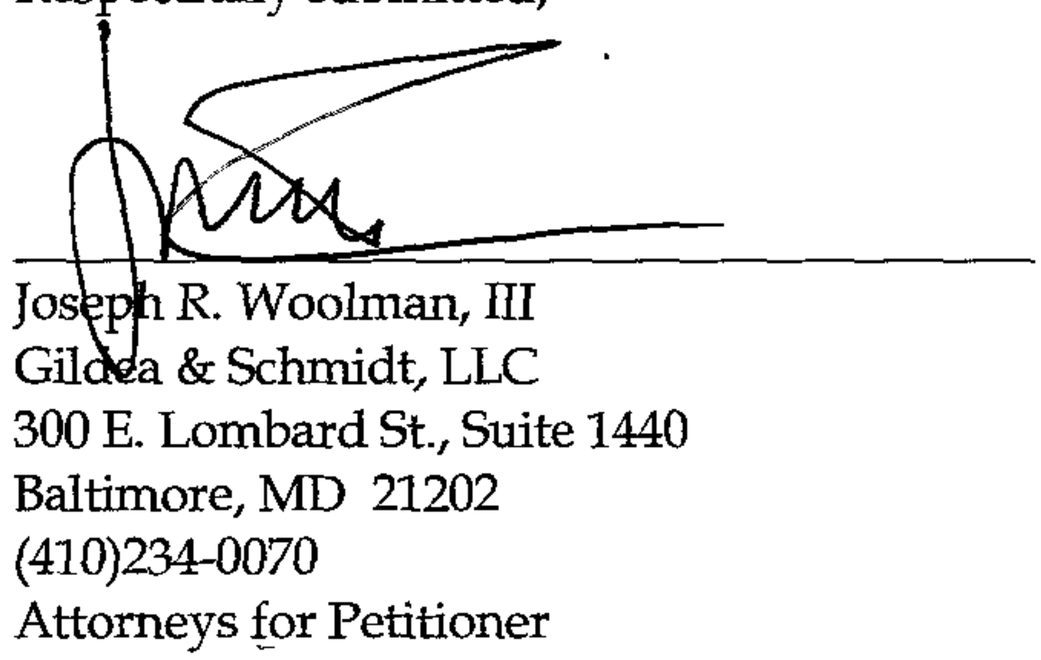
CONCLUSION

As indicated in Petitioner's opening statement during the hearing in the above referenced matter, the proposed redevelopment of this property merely represents the Church's desire to upgrade their existing facilities. As such, it is important to consider the spirit and intent of the BCZR and the variance, special exception, and non-conforming provisions within it. Such provisions provide the Board of Appeals and other county authorities the ability to allow institutions which have existed for many years to continue to thrive, while protecting the welfare of the surrounding community, in general. To deny the petitions in this matter, would not address the concerns expressed by the Protestants during the hearing, but only force the church to continue to operate in an outdated facility. Ironically, stormwater management issues, which the Petitioner asserts are the main causes for concern expressed by the community, may be addressed through the Development

Review process if the redevelopment of the subject property is to move forward. Since the scope of the above captioned appeal does not include the review of stormwater management issues, the Protestants turned their focus on parking. Testimony elicited by the Board with regard to the scheduled parking at the church clearly indicate that there is no "overflow" problem from Monday through Friday and that by 1:00 Sunday afternoon, activities with the church are finished for the day. *See* Transcript, pgs. 161-163. This testimony, combined with the testimony from Jacob Sellers that "lately there hasn't been any congestion at all on that street on Sunday morning" clearly indicates that the granting of a variance from the parking regulation and/or the ruling that the application of said regulations do not apply to the continued non-conforming use, will not injure the public health, safety and general welfare of the community. *See* Transcript, p. 140.

WHEREFORE, it is respectfully requested that the Petitions for Special Hearing, Special Exception (alternatively) and Variances in the above captioned matter be granted.

Respectfully submitted,

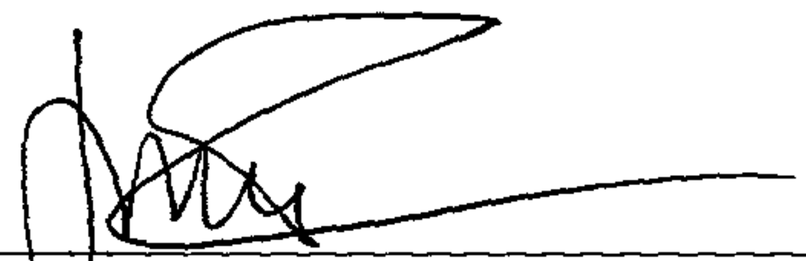


Joseph R. Woolman, III
Gildea & Schmidt, LLC
300 E. Lombard St., Suite 1440
Baltimore, MD 21202
(410)234-0070
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of October, 2004, a copy of the foregoing Closing Brief was mailed, postage prepaid, to:

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson MD 21204



Joseph R. Woolman, III

10/4/04

IN RE:	PETITIONS FOR SPECIAL EXCEPTION & VARIANCE	*	BEFORE THE
		*	BOARD OF APPEALS
	NW/Corner Brannan & Manning Avenues, S of Sparrows Point Road **(2510 Brannan Avenue)**	*	OF
		*	BALTIMORE COUNTY
		*	Case No.: 04-235-SPHXA
	15th Election District 7th Council District	*	
	Edgemere Free Methodist Church	*	
	Petitioners	*	

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

PROTESTANTS MEMORANDUM AND TRANSCRIPT
IN LIEU OF FINAL ARGUMENT

Protestants, Robert Wozniak, 2402 Carolyn Avenue, et al., by and through their attorney, ***J. Carroll Holzer, Esquire***, Holzer & Lee, hereby submits this Memorandum in Lieu of Final Argument, and says:

STATEMENT OF THE CASE

This matter came originally before the Zoning Commissioner and now the Board of Appeals for Baltimore County as a result of Petitions for Special Hearing, Special Exception and Variances filed by Edgemere Free Methodist Church. The Petitioners request a Special Hearing to determine that a proposed new building to replace an existing antiquated church facility is eligible under the

Zoning Regulations as a new church, or other "building for religious worship" and as such is permitted as a matter of right in a DR5.5 Zone pursuant to §1B01.1.B.1.g.6 of the Baltimore County Zoning Regulations (BCZR).

In addition, the Petitioners are seeking a finding by the Board that the proposed building and improvements are planned in such a way that "compliance to the extent possible with RTA and use requirements will be maintained."

In the alternative, the Petitioners request a Special Exception for a "community" building, pursuant to §1B.0.1.1.C.4 of the BCZR.

In addition, multiple variance relief is requested from the BCZR as follows:

1. From §1.B.0.1.2.C.1.A of the BCZR to permit a front yard setback of 7.5 feet in lieu of the required forty (40) feet; a side yard setback of ten (10) feet in lieu of the required thirty-five (35) feet; and a rear yard setback of three (3) feet in lieu of the required thirty (30) feet.

2. From §409.6.A.4 of the BCZR to permit thirty-one (31) parking spaces in lieu of the required ninety-eight (98).

3. Alternative variance relief is requested from §1B.0.1.B.C.2.B-(3) to permit an RTA buffer of as little as zero feet in lieu of the required fifty (50) feet.

The matter was heard before the Zoning Commissioner of Baltimore County and on February 13, 2004, the Petition for Special Hearing was granted, the compliance with RTA was granted; and the Petitions for Variance were

granted. The Petition for Special Exception and Petition for Variance seeking relief from RTA buffer was dismissed as moot.

A timely appeal was filed by the Protestants who are adjacent property owners and neighbors of the subject church who have been affected by problems such as traffic and storm water runoff created by the existing and proposed church.

The case was heard before the County Board of Appeals on August 31, 2004. Memorandums were to be submitted by October 4, 2004 and deliberations are scheduled for Thursday, October 28, 2004.

(**NOTE:** The hearing before the Board of Appeals is *de novo* for the relief requested by the Petitioners in this case).

(**NOTE:** Protestants are supplying the full Transcript of the proceedings before the Board of Appeals for the Board's review based upon the fact that Protestants in this Memorandum submit that the Petitioners have failed to produce sufficient evidence on all the elements of the requested Petition for Special Hearing, Petition for Special Exception and Variance request and that the Transcript will reflect that the facts and evidence necessary to support the requested relief are not contained in this Record).

I.

STATEMENT OF FACTS

A. Petitioners Case

1. ***Richard Truelove*** – Truelove was called as a qualified civil engineer. He testified that he prepared Petitioners Exhibit 1, the Site Plan to

accompany the Petitions (T. 10). He then introduce a Plat as Petitioners #2 showing a Baltimore City water main drawing from the County records which shows an original church building on the corner of Manning and Brannan (T. 13). (**Note:** There is no further evidence or testimony presented to support the claim that the church and building, which has obviously been added on to over the years, had continued uninterrupted since the 1940's. As a result, there is insufficient evidence to support a claim of non-conforming use).

Truelove went on to then describe the subject site as fifty (50) feet wide (T. 14). He testified that the proposed improvements complied to the extent possible with the RTA buffers and that it was compatible with the welfare of the neighborhood in general (T. 16). (**NOTE:** There is no evidence or testimony to support the minimum variation necessary for the RTA buffer, no evidence to support the conclusions that were drawn by the expert as to the compatibility with the general welfare of the neighborhood and no explanation of how the Plan is drawn complies to the best extent possible with the RTA requirements which are triggered because of differing uses between the surrounding residences and the church use). (T. 15 and 16).

There was no testimony by Truelove in regard to the Special Exception requirements at all. Furthermore, there was no testimony by Truelove that the variances requested in the Petition were the *minimum* amount of variance required, that he gave no reason for the uniqueness for the property itself other than it was

fifty (50) feet wide and he gave no testimony that if the variance was granted the spirit and intent of the Regulations would be complied with. (**Note:** Generally, the testimony of Truelove was insufficient to support either the granting of the Special Hearing, the granting of the Special Exception since he never discussed the elements of BCZR 502.1. Nor was there testimony to satisfy the three (3) prongs necessary for the variance requests and there was insufficient testimony related to the RTA buffer requirements). The Board should review the direct testimony of Truelove from T. 6, the cross-examination from T. 18 and the redirect from T. 46.

On cross-examination which began on page T. 18, Truelove acknowledged that he had no idea of the church operation since he was not a member and does not know how or whether the original church located on Petitioners #2 was expanded, if in fact it was expanded. (It clearly appears from reviewing the Petitioners and Protestants photographs and Petitioners Exhibit #2 that the original church was extended over a period of time by multiple additions). Truelove also did not know how the buildings were being utilized, including the new sanctuary and the old building (T. 21).

One area that Truelove was clear on was the computations for parking which is part of the variance request to permit thirty-one (31) parking spaces in lieu of the required ninety-eight (98). Truelove testified beginning at T. 28

through T. 33 as to the actual parking requirements for the site. He testified that on the original Development Plan permitting the new sanctuary and the new classrooms which was approved by First Refinement on January 19, 1999 by David Flowers, the notations and the evidence clearly reflect the following:

1. That the new sanctuary has 124 seats (one space per four (4) seats) which requires thirty-one (31) parking spaces (T. 25). The same Plan calls for fourteen (14) parking spaces for the new office and new classrooms for a total of forty-five (45) spaces required for the new offices, classrooms and sanctuary (T. 26). It is clear then that by just those buildings that the thirty-one (31) parking spaces were deficient by fourteen (14) spaces required by the County. Then the testimony of Truelove indicated that he obtained an "Opinion Letter" from the Zoning Office to permit that deficiency (T. 27, 28). It is clear that the Zoning Commissioner never granted a variance for the fourteen (14) space deficiency. It is also clear that a "spirit and intent" letter is of no legal value if the issue is ever challenged or raised subsequently. A letter from zoning is not an official determination by this Board or the Zoning Commissioner.

The testimony of Truelove then indicated that the new community building on the proposed site is 6,100 square feet and that the requirements of sixteen (16) spaces per 1,000 square feet equals the ninety-eight (98) spaces required just for the requested new community building (T. 31-33). When you

add the ninety-eight (98) spaces that are being requested to be varied with the forty-five (45) spaces that were required on the new sanctuary and classroom site, you have a total of 143 spaces required for the total church operation under the County's minimum parking standards. The proposed parking is thirty-one (31). There is a deficiency of 112 parking spaces for this operation at the present time (T. 33).

On cross-examination, Truelove also admitted when questioned about the uniqueness of the site that the site is flat, no steep slopes, no environmental problems, the same size as other neighbor's properties and that it is rectangular in shape. It is extremely clear from reviewing the Site Plans and documents submitted that there is nothing extraordinary or unusual about the lot that is the subject site. It is quite similar to other lots in the neighborhood. (T. 36). Furthermore, Truelove acknowledged that the site could be used for residential purposes (T. 37). In fact, Truelove acknowledged that there was a house on the lot where the old church sanctuary is located (T. 38). That house can be seen in the photos presented by both parties.

2. ***Juli Shkor*** then testified as a head stewart of the Edgemere Free Methodist Church (T. 53). She defined how the new building was going to serve the church by permitting a basketball court and classroom for youth activities. She acknowledged that she had only been attending the church for twelve (12) years (T. 60). She also acknowledged that on Sunday mornings people that are using or coming to the early service from 8:30 to 9:30 a.m. would use the classroom

portions of both the new sanctuary and the proposed new community building along with concurrent people attending the 11:00 a.m. service who would also be going to Sunday School (T. 63). The effect of her testimony was that between 9:45 and 10:45 a.m., people from both services would be using both the new community building and the new classrooms and sanctuary buildings (T. 63). Shkor also testified the average for both services on a regular Sunday is 150 people (T. 68) with about 200 on special services such as Christmas Eve (T. 69). She further testified that arrangements were made with other facilities in the neighborhood, such as the High's Store to permit parking on Sunday as overflow parking. However, she acknowledged on cross-examination that the Church has nothing in writing from any of the local businesses or the High's Store permitting overflow parking (T. 73). The Board will recall that the Protestants submitted two (2) exhibits which show that the owner of the High's Store and the owner of another local business have not granted anyone authority to park on their lots from the Church on Sunday mornings.

In addition, Lisa Schuscha and Bonnie Hendershot testified about the use of the new community building for youth and children's programs (T. 76 and T. 79).

B. Protestants Witnesses

1. ***Robert Frank Wozniak***, 2402 Carolyn Avenue. Mr. Wozniak testified that he has been in the neighborhood and owned his house since 1973 (T. 82). He testified as to the current congestion in the neighborhood streets when

the Church is in session on Sundays and Wednesday nights and that the Church parishioners are parking along the sides of the road which it turns a two (2) lane road into one lane road (T. 83). He testified that you could not get a fire truck down Brannan Avenue (T. 840). He testified that prior to the construction of the new sanctuary and classroom buildings, the church utilized that vacant lot for parking (T. 84) and that there were no parking problems. Wozniak related that the church proposed that once the new sanctuary and new classroom building was completed, that the old church, (meaning that the proposed community building) was to be raised and that the vacant lot would take care of the church parking. (T. 85). The witness identified previous plans which were received from APL Associates dated May 3, 1996 as Protestants 2, and Concept Plan dated as March 25, 1996 as Protestants #3 (T. 86).

Wozniak reiterated that the Church plans called for tearing down the old sanctuary and turning it into a parking area (T. 88). An explanation of the sequence of development events illustrated by Protestants Exhibits #1, 2, and 3 is found at (T. 90). Wozniak then testified about photographs that he took on May 23, 2004, a Sunday, which were submitted in evidence (T. 92). Wozniak also presented documents from the High's Store and the Barber Shop indicating a lack of permission for the church to park on their properties (T. 97-98). Wozniak then again reiterated the difficulty of driving past the church on a Sunday morning (T. 100-104). Wozniak also testified as to existing storm water problems that have been generated by the recent church development (T. 110).

Subsequent to Mr. Wozniak, his wife, Rita J. Wozniak testified (T. 128). She expressed concern that ambulance service would not be able to get through to assist her elderly father on Sunday mornings (T. 128-129). Russell Myers testified as to the difficulty of the traffic and fire department around the Church on Sunday mornings (T. 131-132). Donald Sellers testified likewise to the traffic congestion on Sunday mornings (T. 133). Jacob Sellers who has lived at 2415 Carolyn Avenue for twenty-seven (27) years, testified as to near accidents on Wednesday evenings when the Church is active (T. 137). Veronica Patterson of 2505 Welsh Avenue testified that the Church youth utilized Brannan Avenue for ball games which raises concerns for the neighborhood and the drivers (T. 143).

Norma Sellers of 2415 Carolyn Avenue testified that storm water problems exists in the neighborhood because of the alteration of the terrain by the Church (T. 145). Likewise, Joe Patterson of 2505 Welsh Avenue, residing directly across the street from the Church parking lot has experienced drainage problems from Church construction in the past. (T. 147-150).

C. Petitioners Rebuttal

1. ***Juli Shkor*** was recalled to say that the church is distributing flyers requesting people not park on the street. Again, on cross-examination, she admitted these are only informal agreements and that there is no documentation submitted to prove that formal parking agreements were available to the church (T. 156).

II.

QUESTIONS PRESENTED

1. **The evidence is insufficient to support a finding of non-conforming use.**

2. **The evidence is insufficient to grant variances – as to uniqueness – as to minimal variance necessary – as to spirit and intent.**

3. **The evidence is Insufficient to grant a Special Exception.**

4. **The evidence is insufficient to find and grant an RTA variance.**

5. **The evidence reflects that the parking variances should be denied.**

III.

LEGAL ARGUMENT

1. The evidence is insufficient to support a finding of non-conforming use.

The Petitioner in opening statement alleged that in some fashion this new community building was entitled to consideration as a non-conforming use. The only evidence presented was an exhibit of a 1941 Baltimore City Water Main drawing which purports to show an original church building on the corner of Manning and Brannan roads (T. 13). There was no testimony by Truelove as to whether or not the building continued uninterrupted from that time on, nor did he

provide any facts or information dealing with the history of the church from 1941 until the present. The definition of non-conforming use in BCZR §101 states:

> "a legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use."

There is no evidence to establish what the proper zone was in 1941 and whether or not it was a non-conforming use throughout the history of the alleged church on the site from 1941 to the present. The BCZR §104 of the Baltimore County Zoning Regulations, precludes non-conforming status if there is a discontinuance of such non-conforming use for a period of one year or more. There is no evidence or testimony presented by the Petitioners that this Church continued on this site without interruption and no evidence of its zoning status throughout the years.

The record therefore does not support any conclusion that the community building as proposed by Petitioners should have non-conforming status bestowed upon it by this Board. Likewise, the testimony of Mr. Truelove is insufficient to establish the alleged non-conforming use aspect of this case. The other witnesses who testified for the church were all recent newcomers to the church who had no personal knowledge and could give no personal direct knowledge of the history of the church and its zoning status.

WHEREFORE, the Protestants respectfully request the Board not find that a non-conforming status is bestowed upon the proposed community building to replace the antiquated church.

2. **<u>The evidence is insufficient to grant variances – as to uniqueness – as to minimal variance necessary – as to spirit and intent</u>.**

Variances – Variances are permitted by the Baltimore County Zoning Regulations §307 and more particularly, §307.1. That Section requires certain criteria:

1. Variances may be granted only in cases where special circumstances or conditions exist that are peculiar to the land (often called "uniqueness"). The second element is that the strict compliance with the Regulations would result in practical difficulty or unreasonable hardship. The third criteria is that the variance must be in strict harmony with the spirit and intent of said height area or off-street parking or sign regulations. The fourth test is whether or not the relief granted can be granted without injury to public health, safety and general welfare and whether the variance is the minimum which is necessary.

There is a long history of Maryland Appellate Court opinions discussing the application of variance requirements. See <u>*McLean v. Solely*</u>, 270 Md. 208 (1973); the "need sufficient to justify a variance must be substantial and urgent" and not merely for the convenience of the Applicants; <u>*Wilson v. Mayor & Commissioners of the Town of Elkton*</u>, 35 Md. App. 417, (1977). Any Petitioner who seeks a Zoning variance must "exercise proper diligence" in ascertaining zoning ordinance requirements to avoid a hardship before he acquires the

property; Carney v. City of Baltimore, 201 Md. 130, 137 (1952); and finally, Easter v. Mayor and City Council of Baltimore, 195 Md. 395 (1950); the mere fact that the variance would make the property more profitable is not a sufficient ground to justify the relaxation of setback requirements.

The Court of Special Appeals in North v. St. Mary's County, 99 Md. App. 502 (1994) indicated that a variance, if granted, "permits a use which is prohibited and presumed to be in conflict with the Ordinance" and as a result, an "Applicant for a variance therefore bears the burden of overcoming the presumption that the proposed use is unsuitable." In North, it was pointed out that the burden is on the Applicant to "show by substantial evidence that all the requirements set forth in the variance criteria have been met." Likewise, the Court of Appeals has required extremely strict adherence to the Statute in regard to the granting of variances by administrative agencies:

> "As a general rule, variances are granted sparingly and under exceptional circumstances. To do otherwise, would decimate zonal restrictions and eventually destroy all zoning regulations." Carney v. City of Baltimore, 201 Md. 130, 137 (1952).

In addressing the question of unreasonable hardship or exceptional hardship, the Court of Appeals in Park Shopping Center, Inc., v. Lexington Park Theater Company, Inc., 216 Md. 271, 277-278 (1958), speaking with reference to St. Mary's County Ordinance opined:

> "The zoning ordinance for St. Mary's County ... states that the Board shall have the power to authorize ... such variance ... where owing to special

> conditions, the enforcement ... will result in unwarranted hardship and injustice ... It is in language typical of a variance as distinguished from an exception..."
>
> "The criteria for determining unnecessary hardship is whether the ... restriction when applied to the property in the setting of its environment is so unreasonable so as to constitute an arbitrary and capricious interference with the basic right of private ownership." (emphasis supplied)

In *North*, the Court then recited a partial list of cases in which variances have been rejected by the court over the years. These would be *Ad-Plus Soil, Inc., v. County Commissioners,* 307 Md. 307 (1986); ignorance of setback requirements sewer sludge facility was not a hardship; *Burns v. Mayor and City Council*, 251 Md. 554 (1968); financial crisis generally not a hardship especially when same crisis applies to other properties in the same neighborhood; *Salisbury Board of Zoning Appeals v. Bounds*, 240 Md. 547 (1965); self-inflicted hardship.

"The Court of Special Appeals in *David Cromwell, et al., v. Arthur Thomas Ward, III*, 102 Md. App. 691 (1995) in discussing variances generally stated that the "first step is the uniqueness or particularity of the subject property." The Court cited *Marino v. Mayor and City Council of Baltimore*, 215 Md. 206, 218 (1957). The Court also cited *Frankel v. Mayor and City Council of Baltimore City*, 223 Md. 97, 104 (1960), and in it stated that it was incumbent on the

Applicant to show that hardship affected his particular premises and was not common to other property in the neighborhood, again citing, *Park Shopping Center, Inc., v. Lexington Park Theater Company, Inc.*, 216 Md. 271, 277-278 (1958).

Judge Cathell, then of the Court of Special Appeals, now at the Court of Appeals continued his analysis in *Cromwell* in regard to variances, citing *Chambers v. Smithfield City*, 714 P.2d 1133, 1135 (Utah 1986) and *Sibley v. Inhabitants of the Town of Wells*, 462 A.2d 27, 30-31 (Me. 1983) for the proposition that a variance must be due to the unique circumstances of the property and not to the general conditions of the neighborhood. Further, that when a landowner purchases land with constructive knowledge of the zoning restrictions, he may not be granted a variance of undue hardship and that hardship must not be the result of the action taken by the Applicant or prior owner.

A. Front yard set backs of 7.5 feet in lieu of 40, Side Yard Set Back of 10 feet in lieu of 35 feet, Rear yard set back of 3 feet in lieu of 30 feet.

The testimony of Mr. Truelove as to the reason for the variances of the set back requirements is insufficient to support a granting of those set backs in light of the fact that the old church facility, sanctuary and offices and house will be razed and a new building constructed. Under those circumstances, there was no testimony that the variance request of the Petitioner is the minimum amount of

variance required. In other words, a smaller building could be built on the site which would not need all or as much variance as requested in this Petition. There is no evidence that the request by the Church is the minimum amount of variance necessary. In fact, it is clear that lesser variances could be requested if the size of the building was reduced. This is an important element in light of the testimony of the community and the photographs shown that there are parking problems around the building and that there is extremely hazardous conditions when individuals enter and leave the building where it is right within footsteps of the street that is used by the neighbors.

B. Variance for Parking. The variance testimony for parking will be discussed under another legal issue. Suffice it to say at this point that the testimony of Richard Truelove is totally insufficient to support the granting of a variance of 112 parking spaces. The uniqueness of the property was not shown; the practical difficulty was not shown and the impact on the community was not attested to, nor was compliance with the Spirit and Intent of the Regulations.

B. *RTA Variance.* This variance will also be discussed separately in a future legal argument.

<u>Variance Summary</u>

The testimony of Richard Truelove failed to establish the uniqueness of the site in that while he testified that it was unique, he gave no supporting facts to establish his conclusion. His testimony on page T. 36 clearly establishes that the

site is flat, there are no steep slopes, there are no environmental problems that the lot size is the same as the adjacent property owners, that it is rectangular in shape. That does not qualify the property for uniqueness.

The testimony or opinions of an expert must be supported by valid reasons, and may not be conclusory. *People's Counsel v. Beachwood*, 107 Md. App. 627, 650 (1995):

> "A self evident reason for rejecting as an effect we catalyst an expert opinion ... is the fact that an opinion is merely conclusory or at best, quasi conclusory."

An experts testimony must be substantiated by facts and sound reasons. Truelove's was not.

Petitioner is not entitled for the relief requested. There clearly will be injury to the public, health, safety and general welfare as testified to by members of the community and acknowledged by the Church when it testified through its representatives that they have "informal" agreements to park elsewhere in the neighborhood. Clearly, the testimony reflects that while those alleged "agreements" were not in writing and not part of the Record, parking for this site is having a significant impact on this community.

It is clear then that, of the elements required for proving a variance, the Petitioners have failed to establish for any of the variances that the site is unique, that it is not in harmony with the spirit and intent of the Regulations for purposes of parking, RTA requirements for the health, safety and welfare of the community.

Therefore, this Record fails to establish that the requirements of Baltimore County Zoning Regulations §307.1 have not been met the variances should be denied.

IV.

3. <u>The evidence is insufficient to grant a Special Exception</u>.

A Special Exception was requested for a "community" building pursuant to §1B.01.1.C.4 of the BCZR. There can be no Special Exception granted in this case in that the Petitioners, during the course of the Board hearing failed to illicit testimony pursuant to the requirements of §502.1 to permit the requested relief. A search of the Transcript will provide no testimony at all to the necessary elements of §502.1 or the Special Exception criteria upon which factors the Board should consider the request. Therefore, the alternative Special Exception relief should be denied.

4. <u>The evidence is insufficient to find and grant an RTA variance</u>.

The Petitioner requested variance relief from §1B01.1.B.C through E(3) to permit an RTA buffer as little as zero feet in lieu of the required fifty (50) feet.

The Baltimore County Zoning Regulations provide in §1B01.1 for "dwellings" to be the primary uses permitted of right. It is a residential zone. In §1B01.1B, residential transition areas are required. The residential transition area

is a 100 foot area including any public road or right-of-way extending from a DR Zone tract boundary into the site to be developed. The purpose of an RTA is to "assure" similar housing types are built adjacent to one another "*or that adequate buffers and screening are provided between dissimilar housing types*."

Variances of that requirement are permitted only if the Board specifically determines that "such a reduction will not adversely impact the residential community or development on the land adjacent to the property to be developed" Section 1B01.1B.1.C(2). Here, there is no justification to permit such a drastic variance to be granted from the RTA, when in fact the RTA is intended to provide screening and buffering between the Church use and the adjacent residences. The testimony of Robert Wozniak referred to the significant negative impact of the Church using this site for a "new community building." The Community believed that the Church, upon building a "new" sanctuary and classrooms and office, intended to use the instant site for parking to relieve the already bad parking situation. The previously submitted Concept Plans for the Church supported the proposition that once the new sanctuary and office and classrooms are built that the existing site where the proposed community building is to be located would be utilized for parking. Clearly, inadequate parking is impacting this adjacent community. As such, the Board should deny the variance to the RTA requirements on the basis that the church is attempting to develop too much of the site without adequate parking facilities and without adequate screening and buffering between its use and the residential use of the neighborhood.

The evidence in the Transcript is insufficient to support the granting of such a variance to the RTA buffer.

5. <u>The evidence reflects that the parking variances should be denied.</u>

The parking variances requested by the Petitioner should be denied. The Petitioners request a variance from §109.6.A.4 of the BCZR to permit thirty-one (31) parking spaces in lieu of the required ninety-eight (98). Protestants submit that the Wozniak testimony and the documents he submitted as Protestants Exhibit, as well as the testimony of Mr. Truelove, established that in the prior Development Plan approval of the new sanctuary and classroom building, as refined on January 19, 1999, signed by David Flowers, the Plan required thirty-one (31) parking spaces for the sanctuary and fourteen (14) for the office and classrooms for a total of forty-five (45) spaces (T. 25, 26, 27). The "spirit and intent" letter from the Zoning Office which purported to grant authority to reduce the required forty-five (45) to thirty-one (31) spaces is not binding and was never formalized by a Zoning Commissioner's Decision. Anyone asking for an Opinion letter runs the risk that a subsequent Zoning Hearing on the issue will decide otherwise than the employee in the Zoning Office issuing such an Opinion. That is the case here. The new "community hall" requires ninety-eight (98) parking spaces. The ninety-eight (98) added to the forty-five (45) produce a total of 143 required parking spaces under the Baltimore County Zoning Regulations. Only thirty-one (31) are provide here by the Church and they are asking for a waiver of 112 spaces, not ninety-eight (98).

Whether intentionally or unintentionally, the parking requirements for this Church have been drastically overlooked by the Zoning Authorities in Baltimore County and the issue must now be addressed by this Board.

Photographs and testimony of neighbors have established that there is a significant parking problem on Sunday mornings and also on Wednesday evenings. The use by the church of Brannan Avenue to go between the old church and the new sanctuary have been testified to. There are serious safety concerns generated by parking along the road, by children and parishioners dashing across the road between the two (2) facilities and finally by the Church using Brannan Avenue for ball games. These conflicts between the Church parishioners, many of whom are not from the area and the neighborhood is caused by the inadequate parking situation.

While the Church attempted to show that it had "off-site" parking, there was nothing "official" presented to the Board to show formal agreements with any other adjacent property owner. In fact, the Protestants submitted Exhibits to the Board which specifically show no authority to use the High's Store facility or the other adjacent shop lot on which the Church is currently parking. The parking for this Church has failed to keep pace with the extensive expansion of the Church buildings and has caused congestion in the surrounding roads and streets within the Community. The requested parking variances should not be granted to further exacerbate the community's problems.

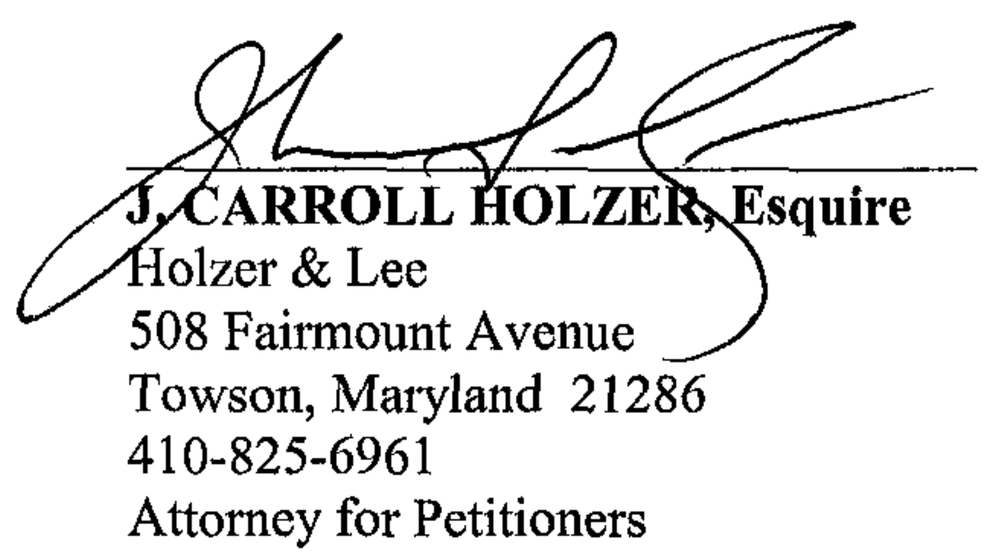
In summary, the evidence to support the granting of variance for parking is totally missing from the testimony from Mr. Truelove and from the Transcript itself. The overwhelming evidence supports the claims of the Protestants that this variance should not be granted.

CONCLUSION

The variances for the reasons set forth herein should be denied, the Special Exception should be denied for lack of evidence, and the Special Hearing should be denied as it relates to the alternative relief of the RTA requirements.

The Special Hearing should likewise be denied.

Respectfully submitted,



J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of October, 2004, a copy of the foregoing Protestants Memorandum in Lieu of Final Argument was mailed first class, postage pre-paid to the following: Joseph R. Woolman, III, Esquire, Gildea, LLC, 300 East Lombard Street, Suite 1440, Baltimore, Maryland 21202.

J. CARROLL HOLZER, Esquire

C:\My Docs\Memos 2004\Edgemere Memo in Lieu of Final Argument Case No. 04-235-SPHXA

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - NW/Corner Brannan & Manning Avenues, S of Sparrows Point Road **(2510 Brannan Avenue)** 15th Election District 7th Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 04-235-SPHXA
Edgemere Free Methodist Church Petitioners	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject property, Edgemere Free Methodist Church, through its attorney, Joseph R. Woolman, III, Esquire. The Petitioners request a special hearing for a determination that the proposed building is eligible as a new Church or other building for religious worship, and as such, is permitted as a matter of right in a D.R.5.5 zone, pursuant to Section 1B01.1.B.1.g.6 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioners seek a finding that the proposed building and improvements are planned in such a way that compliance, to the extent possible with RTA and use requirements, will be maintained. In the alternative, the Petitioners request a special exception for a community building, pursuant to Section 1B01.1.C.4 of the B.C.Z.R. Lastly, variance relief is requested from the B.C.Z.R. as follows: 1) from Section 1B01.2.C.1.a of the B.C.Z.R. to permit a front yard setback of 7.5 feet in lieu of the required 40 feet; a side yard setback of 10 feet in lieu of the required 35 feet; and a rear yard setback of 3 feet in lieu o the required 30 feet; and 2) from Section 409.6.A.4 of the B.C.Z.R. to permit 31 parking spaces in lieu of the required 98. Alternative variance relief is requested from Sections 1B01.1.B.C through E(3) to permit an RTA buffer of as little as 0 feet in lieu of the required 50 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Pastor Timothy A. Rush and Juli Shkor, representatives of the Edgemere Free Methodist Church, property owners, and

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Joseph R. Woolman, III, Esquire, attorney for the Petitioners. In addition, several members of the congregation also appeared in support of the request and their attendance is reflected on the Petitioner's sign-in sheet that was circulated at the hearing. Robert Wozniak, a resident of the area, appeared as an interested citizen. Although no one appeared as a Protestant in the matter, two letters in opposition to the request were received from Frank Deroose and Donald Russell, both of who reside to the rear of the subject property.

The subject property is a rectangular shaped parcel located on the northwest corner of Brannan Avenue and Manning Avenue, just south of Sparrows Point Road in Edgemere. The property contains a gross area of 0.25445 acres, more or less, zoned D.R.5.5 and is Parcel 1 of a two-parcel tract of land owned by the Petitioners. Parcel 1 is improved with a 1½-story stone building and attached 2-story dwelling which have existed on the property since approximately the 1930s and served as the Church sanctuary and classrooms for many years. Pursuant to the relief granted on September 14, 1998 in Case Nos. XV-676 and 99-34-SPHA, the Petitioners obtained development plan approval and zoning relief to build a new sanctuary, office and classroom building, with accessory parking area on Parcel 2, which is located immediately across from the subject site. Parcel 2, which bears the address 2515 Brannan Avenue, has since been improved with the new church sanctuary/office/classroom building and parking area.

The Petitioners now come before me seeking approval to raze the original sanctuary/classroom building on Parcel 1 and construct a new building in essentially the same location. As shown on the site plan, the new building will be a two-story structure, 88' x 40' in dimension. Testimony indicated that the existing building has always been used for Church-sponsored activities, such as Boy Scout/Cub Scout meetings, Vacation Bible School, other youth-related programs, and Church meetings, and that the new building will continue to serve this purpose. It was indicated that the size of the new building is necessary to comfortably accommodate all of these uses, should they occur at the same time.

Relief is requested as set forth above for a finding that the proposed use is permitted by right and that the proposed construction will meet RTA requirements to the extent possible. In addition, variance relief is requested to locate the building in essentially the same footprint as the

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existing structure. In this regard, testimony indicated that the new building will be the same distance from property lines as the existing building. In fact, the new building will actually provide a greater setback from the rear and side property lines than the existing structure. In addition, relief is requested to allow 31 parking spaces in lieu of the required 98. The number of parking spaces required is generated by the size of the new building. In this regard, testimony indicated that the two buildings would not be in use at the same time and as such, the 31 parking spaces currently provided for the Church should be sufficient.

Mr. Wozniak, who resides nearby, does not object to the Petitioners' proposal, per se; however, raised certain issues regarding water runoff and flooding problems in the area and parking conditions. In addition, the two letters received from Messrs. Deroose and Russell also expressed concerns over traffic and parking. These gentlemen were particularly concerned that parking in the vicinity would become a problem if both the proposed building and sanctuary were in use at the same time, given that only 31 parking spaces can be provided.

In this regard, testimony indicated that most of the activities taking place in the building would occur at times other than during normal Sunday worship hours, and thus, parking should not be a problem. As for the issues raised regarding storm water runoff and flooding problems in the area, reference was made in the prior case to the property's location in close proximity to Jones Creek and thus, compliance with Chesapeake Bay Critical Areas legislation was required. Moreover, the Petitioners were required to provide sufficient data to verify the viability of the storm water management system proposed for this site as a condition of approval of the development plan. The testimony and evidence presented in that case was persuasive to a finding that the proposed improvements would not increase nor change the runoff characteristics or drainage patterns in the vicinity and would actually improve drainage conditions in the area. Likewise, as a condition of approval, the proposed improvements shall comply with all environmental regulations, including Chesapeake Bay Critical Areas requirements, as set forth in the Zoning Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated December 5, 2003.

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As noted above, the Petitioners requested alternative relief for the proposed building under the Petition for Special Exception, pursuant to Section 1B01.1.C.4. In addition, variance relief was requested from Sections 1B01.1.B.C through E(3) of the B.C.Z.R. to allow RTA buffers of as little as 0 feet in lieu of the required 50 feet for a community building.

After due consideration of the testimony and evidence presented, I am persuaded that the proposed use meets the requirements of Section 1B01.1.A.3 of the B.C.Z.R., and is therefore, permitted by right. That Section allows in the D.R. zone "Churches, other buildings for religious worship or other religious institutions." Testimony in the instant case was persuasive that the proposed use will be limited to Church-related activities and as such, should not be considered as a community building. Thus, the special exception and alternative variance request (No. 5) shall be dismissed as moot, and the special hearing relief granted. Moreover, I find that the remaining variance requests should be granted. The proposed building will be located in essentially the same footprint as the existing structure and will maintain the same distances, if not more, from property lines. In addition, testimony was persuasive that the new building would not be in use during hours of worship in the Church sanctuary and thus, parking should not be an issue. In my view, the relief requested meets the spirit and intent of the B.C.Z.R. and will not result in any detriment to the health, safety and general welfare of the locale.

It is also to be noted that the Office of Planning submitted a Zoning Advisory Committee (ZAC) comment relative to the design of the proposed building. That agency requests that building elevation drawings of the proposed structure be submitted for their review and approval prior to the issuance of any permits to insure compatibility with the residential character of the surrounding locale. Thus, I will impose this request as a condition to the approval granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions 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 13th day of February 2004 that the Petition for Special Hearing seeking a determination that the proposed building is eligible as a new Church or other building for religious worship, and as such, is permitted as a matter of right in a D.R.5.5 zone, pursuant to Section 1B01.1.B.1.g.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and,

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IT IS FURTHER ORDERED that the Petition for Special Hearing seeking a finding that the proposed building and improvements are planned in such a way that compliance, to the extent possible with RTA and use requirements, will be maintained, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: 1) from Section 1B01.2.C.1.a of the B.C.Z.R. to permit a front yard setback of 7.5 feet in lieu of the required 40 feet; a side yard setback of 10 feet in lieu of the required 35 feet; and a rear yard setback of 3 feet in lieu o the required 30 feet; and 2) from Section 409.6.A.4 of the B.C.Z.R. to permit 31 parking spaces in lieu of the required 98, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

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

2) Prior to the issuance of any permits, the Petitioners shall submit building elevation drawings of the proposed structure to the Office of Planning for review and approval to insure compatibility with the residential character of the surrounding locale.

3) The proposed improvements shall comply with all environmental regulations, including Chesapeake Bay Critical Areas requirements, as set forth in the ZAC comment submitted by DEPRM, dated December 5, 2003, a copy of which is attached hereto and made a part hereof.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Special Exception seeking alternative approval for a community building, pursuant to Section 1B01.1.C.4 of the B.C.Z.R., and Petition for Variance seeking relief from Sections 1B01.1.B.C through E(3) to permit an RTA buffer of as little as 0 feet in lieu of the required 50 feet, be and are hereby DISMISSED AS MOOT.

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2/13/04

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

February 12, 2004

Joseph R. Woolman, III, Esquire
Gildea, LLC
301 N. Charles Street, Suite 900
Baltimore, Maryland 21201

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
NW/corner Brannan Avenue and Manning Avenue, S of Sparrows Point Road
(2510 Brannan Avenue)
15th Election District – 7th Council District
Edgemere Free Methodist Church - Petitioners
Case No. 04-235-SPHXA

Dear Mr. Woolman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, and the Petition for Special Exception dismissed as moot, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Pastor Timothy Rush, 2918 Delmar Avenue, Baltimore, Md. 21219
Ms. Juli Shkor, 8515 Esquire Road, Baltimore, Md. 21219
Mr. Robert Wozniak, 2402 Carolyne Avenue, Baltimore, Md. 21219
Mr. Frank Deroose, 2508 Pac Lane, Baltimore, Md. 21219
Mr. Donald Russell, 2509 Pac Lane, Baltimore, Md. 21219
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
DEPRM; People's Counsel; Case File

CBOA

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 2510 Brannan Avenue

which is presently zoned DR-5.5

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

A community building pursuant to BCZR Section 1B01.4

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by 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:

Joseph R. Woolman, III
Name - Type or Print

Signature

Gildea, LLC
Company

301 N. Charles St., Suite 900
Address — Telephone No.

Baltimore, MD 21201 (410)234-0070
City — State — Zip Code

Legal Owner(s):

Edgemere Free Methodist Church
Name - Type or Print

Julie Shkor
Signature

Julie Shkor
Name - Type or Print

Signature

2510 Brannan Ave. (410)477-5340
Address — Telephone No.

Baltimore, MD 21219
City — State — Zip Code

Representative to be Contacted:

Joseph R. Woolman, III
Name

301 N. Charles St., Suite 900
Address — Telephone No.

Baltimore, MD 21201 (410)234-0070
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BK Date 11/6/03

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By

Case No. 04-235-SPHXA

REV 09/15/98

Attachment to Petition for Special Hearing

1. That the proposed building is eligible as a new Church or other building for religious worship and, therefore, is permitted as a matter of right in a DR-5.5 zone. Baltimore County Zoning Regulations Section 1B01.1B1g¶6.

2. That the proposed building and improvements are planned in such a way that compliance, to the extent possible with RTA and use requirements will be maintained and the plan can be expected to be compatible with the character and general welfare of the surrounding residential premises. Baltimore County Zoning Regulations Section 1B01.1B1g¶6.

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By

#235

CBCA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2510 Brannan Avenue

which is presently zoned DR-5.5

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

See attachment

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

To be presented

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 zonir 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:

Joseph R. Woolman, III
Name - Type or Print

Signature

Gildea, LLC
Company

301 N. Charles St., Suite 900
Address — Telephone No.

Baltimore, MD 21201 (410)234-0070
City — State — Zip Code

Legal Owner(s):

Edgemere Free Methodist Church
Name - Type or Print

Julie Shkor
Signature

Julie Shkor
Name - Type or Print

Signature

2510 Brannan Ave. (410)477-5340
Address — Telephone

Baltimore, MD 21219
City — State — Zip Co

Representative to be Contacted:

Joseph R. Woolman, III
Name

301 N. Charles St., Suite 900
Address — Telephone N

Baltimore, MD 21201 (410)234-0070
City — State — Zip Co

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BK Date 11/6/03

Case No. 04-235-SPHXA

REV 9/15/98

Attachment to Petition for Variance

1. From BCZR Section 1B01.2C.1a – to permit a front yard setback of 7.5 feet in lieu of the required 40 feet.

2. From BCZR Section 1B01.2C.1a – to permit a side yard setback of 10 feet in lieu of the required 35 feet.

3. From BCZR Section 1B01.2C.1a – to permit a rear yard setback of 3 feet in lieu of the required 30 feet.

4. From BCZR Section 409.6A4 – to permit a total of 31 parking spaces in lieu of the required 98 spaces.

5. (As an alternative to Special Hearing relief) From BCZR Section 1B01.1B.C to Section 1B01.1B.E(3) – to permit an RTA buffer of as little as 0 feet in lieu of the required 50 feet.

#235

RICHARD J. TRUELOVE, P.E., INC.
CIVIL ENGINEER

406 WEST PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204-4228

(410) 494-4914
FAX (410)296-5326

ZONING DESCRIPTION FOR 2510 BRANNAN AVENUE

Beginning for the same at a point on the north side of Manning Avenue, 35 feet wide, and west side of Brannan Avenue, 30 feet wide, said point being 300 feet more or less southerly from Sparrows Point Road. Running thence along the north side of Manning Avenue the following course and distance:

South 87° 49' 30" West 56.91 feet thence, leaving the right-of-way of Manning Avenue and running the following two courses and distances:
(1) North 02° 10' 25" West 150.00 feet thence,
(2) North 87° 49' 30" East 53.86 feet to intersect the west side of Manning Avenue thence,
Southerly along the west right-of-way of Manning Avenue South 03° 20' 25" East 150.03 feet. to the place of beginning

Containing 8,537 square feet, or 0.196 acres of land, more or less.

Being all of that property recorded in the land records of Baltimore County in Liber C.W.B. Jr. 947 Folio 158. Located in the Fifteenth Election District, Seventh Councilmanic District, of Baltimore County, Maryland. Also known as 2510 Brannan Avenue.

October 22, 2003

STATE OF MARYLAND
RICHARD JOHN TRUELOVE
NO. 10880
REGISTERED
PROFESSIONAL ENGINEER

Richard John Truelove P.E.

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: #04-235-SPHXA
2510 Brannan Avenue
N/side of Morning Avenue, 300 feet south centerline of Sparrows Point Road
15th Election District - 7th Councilmanic District
Legal Owner(s): Julie Shkor, Edemere Free Methodist Church

Special Hearing: to determine that the proposed building is eligible as a new church or other building for religious worship and is permitted as a matter of right in a DR 5.5 zone. To permit that the proposed building and improvements are planned in such a way that compliance to the extent possible with RTA and use requirements will be maintained. Special Exception: to permit a community building pursuant to Baltimore County Zoning Regulations. **Variance:** to permit a front yard setback of 7.5 feet in lieu of the required 40 feet. To permit a side yard setback of 10 feet in lieu of the required 35 feet. To permit a rear yard setback of 3 feet in lieu of the required 30 feet. To permit a total of 31 parking spaces in lieu of the required 98 spaces. As an alternative to Special Hearing relief to permit an RTA buffer of as little as 0 feet in lieu of the required 50 feet.

Hearing: Monday, January 12, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/12/753 Dec. 23 C642271

CERTIFICATE OF PUBLICATION

12/24/, 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 12/23/, 2003.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 80510

DATE 11/4/02 ACCOUNT R001-006-6150

AMOUNT $ 800.00

RECEIVED FROM Gildea, LLC

FOR Special Hearing, Special Exception and Variances

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Item #235

DATE RECEIPT
PAID RECEIPT

BUSINESS	ACTUAL	TIME	RCPT
11/07/2002	11/06/2002	15:24:11	2

REG 0004 WALKIN 0001 000
RECEIPT # 248130 11/06/2002 OPER
RCPT. $ 800.00 CHECK 0.00CHG
CP ACL 00030
RECEIPT TOT 800.00
TOT TO DATE 1,10.00
Baltimore County, Maryland

CASHIER'S VALIDATION

APPEAL SIGN POSTING REQUEST

CASE NO.: 04-235-SPHXA

EDGEMERE FREE METHODIST CHURCH – LEGAL OWNER

2510 BRANNAN AVENUE

15TH ELECTION DISTRICT APPEALED: 3/10/2005

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

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

CERTIFICATE OF POSTING

APPEAL SIGN POSTING REQUEST

CASE NO.: 04-235-SPHXA

EDGEMERE FREE METHODIST CHURCH – LEGAL OWNER

2510 BRANNAN AVENUE

15TH ELECTION DISTRICT APPEALED: 3/10/2005

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

CASE NO.: 04-235-SPHXA

Petitioner/Developer:

EDGEMERE FREE METHODIST CHURCH– LEGAL OWNER

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

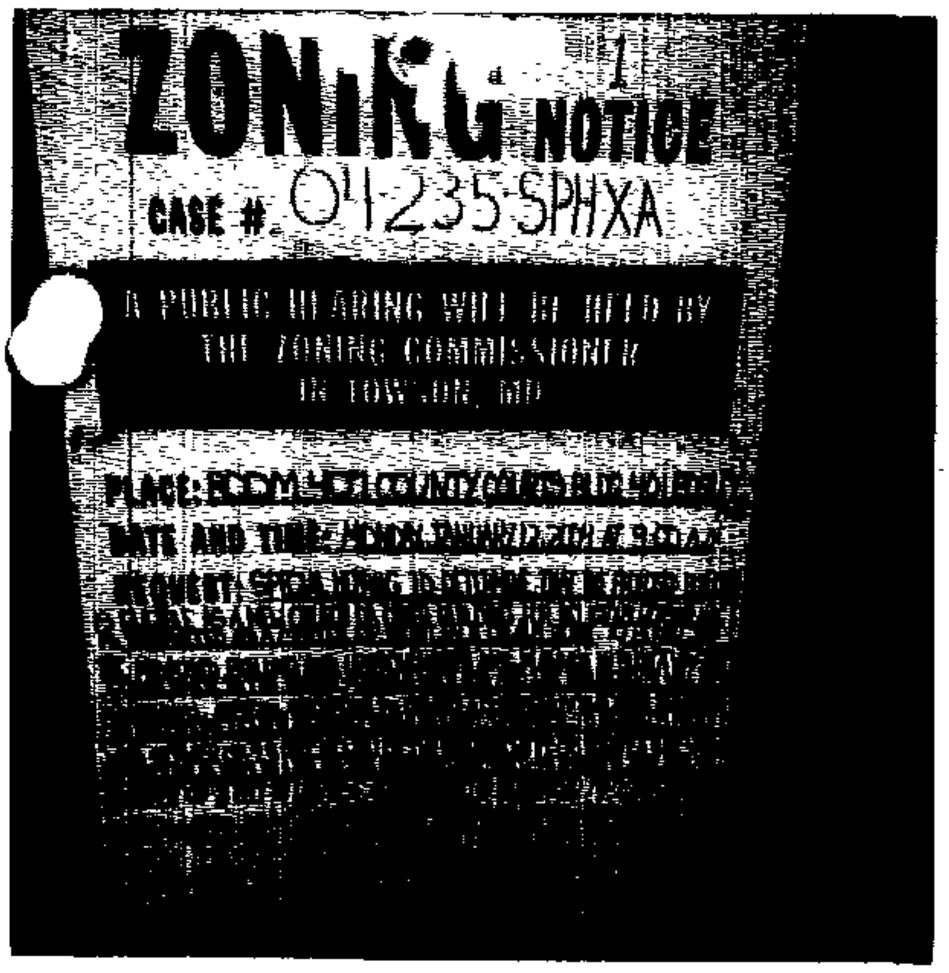
2510 BRANNAN AVENUE

The sign was posted on 5/18, 2004

By: Gary Freond
(Signature of Sign Poster)

GARY FREOND
(Printed Name)

CERTIFICATE OF POSTING



RE: Case No.: 04-235-SPHXA

Petitioner/Developer: JULIE SHKOR, EDGEMERE FREE METHODIST CHURCH

Date of Hearing/Closing: 1/12/04

s of perjury that the necessary sign(s) required by law were ated at: BRANNAN AVE

The sign(s) were posted on 12/27/03
(Month, Day, Year)

Sincerely,

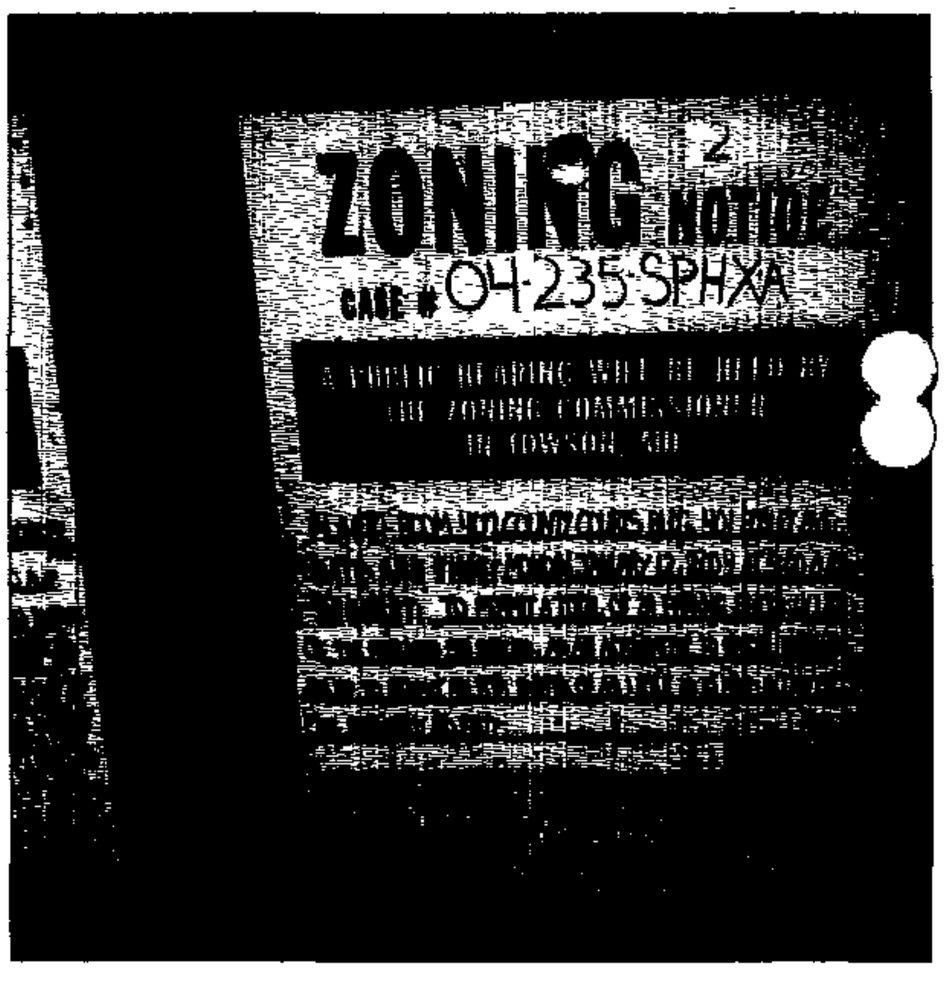
(Signature of Sign Poster) 12/27/03 (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)



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

December 3, 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: 04-235-SPHXA
2510 Brannan Avenue
N/side of Morning Avenue, 300 feet south centerline of Sparrows Point Road
15th Election District – 7th Councilmanic District
Legal Owners: Julie Shkor, Edemere Free Methodist Church

Special Hearing to determine that the proposed building is eligible as a new church or other building for religious worship and is permitted as a matter of right in a DR 5.5 zone. To permit that the proposed building and improvements are planned in such a way that compliance to the extent possible with RTA and use requirements will be maintained. Special Exception to permit a community building pursuant to Baltimore County Zoning Regulations. Variance to permit a front yard setback of 7.5 feet in lieu of the required 40 feet. To permit a side yard setback of 10 feet in lieu of the required 35 feet. To permit a rear yard setback of 3 feet in lieu of the required 30 feet. To permit a total of 31 parking spaces in lieu of the required 98 spaces. As an alternative to Special Hearing relief to permit an RTA buffer of as little as 0 feet in lieu of the required 50 feet.

Hearing: Monday, January 12, 2004 at 9:00 am, in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Joseph Woolman, 301 N. Charles St., Ste. 900, Baltimore 21201
Julie Shkor, 2510 Brannan Avenue, Baltimore 21219

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

Printed on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 23, 2003 Issue - Jeffersonian

Please forward billing to:
Joseph Woolman
301 N. Charles Street, Ste. 900
Baltimore, MD 21201

410-234-0070

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: 04-235-SPHXA
2510 Brannan Avenue
N/side of Morning Avenue, 300 feet south centerline of Sparrows Point Road
15th Election District – 7th Councilmanic District
Legal Owners: Julie Shkor, Edemere Free Methodist Church

Special Hearing to determine that the proposed building is eligible as a new church or other building for religious worship and is permitted as a matter of right in a DR 5.5 zone. To permit that the proposed building and improvements are planned in such a way that compliance to the extent possible with RTA and use requirements will be maintained. Special Exception to permit a community building pursuant to Baltimore County Zoning Regulations. Variance to permit a front yard setback of 7.5 feet in lieu of the required 40 feet. To permit a side yard setback of 10 feet in lieu of the required 35 feet. To permit a rear yard setback of 3 feet in lieu of the required 30 feet. To permit a total of 31 parking spaces in lieu of the required 98 spaces. As an alternative to Special Hearing relief to permit an RTA buffer of as little as 0 feet in lieu of the required 50 feet.

Hearing: Monday, January 12, 2004 at 9:00 am, 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.

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: 04-235-SPHXA

Petitioner: Edgemere Free Methodist Church

Address or Location: 2510 Brennan Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Joseph R. Woolman III, Gilder, LLC

Address: 301 W. Charles St.
Suite 900
Baltimore, MD 21201

Telephone Number: 410-234-0070

County Board of Appeals of Baltimore County

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

September 2, 2004

NOTICE OF DELIBERATION

IN THE MATTER OF:

***EDGEMERE FREE METHODIST CHURCH* – Petitioner**
Case No. 04-235-SPHXA

Having heard this matter on 8/31/04, public deliberation has been scheduled for the following date /time:

DATE AND TIME : THURSDAY, OCTOBER 28, 2004 at 9:00 a.m.

LOCATION : Hearing Room 48, Basement, Old Courthouse

NOTE: Closing briefs are due on Monday, October 4, 2004
(Original and three [3] copies)

ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Protestant : J. Carroll Holzer, Esquire
Appellant /Protestant : Robert Wozniak

Counsel for Petitioner : Joseph Woolman, Esquire
Petitioner : Edgemere Free Methodist Church
Pastor Timothy A. Rush
Julie Shkor

Frank DeRoose
Donald Russell
Chesapeake Bay Critical Area Commission

Office of People's Counsel
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

FYI: 4-1-6

Printed with Soybean Ink
on Recycled Paper

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

May 21, 2004

NOTICE OF ASSIGNMENT

CASE #: 04-235-SPHXA **IN THE MATTER OF: EDGEMERE FREE METHODIST CHURCH**
Legal Owner /Petitioner *2510 Brannan Avenue*
15th Election District; 7th Councilmanic District

2/13/2004 – Z.C.'s Order in which requested zoning relief was GRANTED with restrictions.

ASSIGNED FOR: **TUESDAY, AUGUST 31, 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: Counsel for Appellant /Protestant : J. Carroll Holzer, Esquire
Appellant /Protestant : Robert Wozniak

Counsel for Petitioner : Joseph Woolman, Esquire
Petitioner : Edgemere Free Methodist Church
Pastor Timothy A. Rush
Julie Shkor

Frank DeRoose
Donald Russell
Chesapeake Bay Critical Area Commission

Office of People's Counsel
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

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on Recycled Paper

IN THE MATTER OF:	* BEFORE THE
EDGEMERE FREE	* COUNTY BOARD OF APPEALS
METHODIST CHURCH	* OF
Legal Owner/Petitioner	* BALTIMORE COUNTY
	* CASE NO.: 04-235-SPHXA
	* August 31, 2004

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals at the Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204, at 10 a.m., August 31, 2004.

* * * * *

ORIGINAL

Reported by:

C.E. Peatt

1 BOARD MEMBERS:
2
3 LAWRENCE WESCOTT, Chairman
4 DONALD MOEHLER
5 JOHN QUINN
6
7
8
9
10 APPEARANCES:
JOSEPH R. WOOLMAN, III, Esquire
11 On behalf of Appellant
12 J. CARROLL HOLZER, Esquire
13 On behalf of Protestants
14
15
16
17
18
19
20
21

1 P R O C E E D I N G S
2 * * * * *
3 THE CHAIRMAN: Good morning. This is a regular
4 meeting of the County Board of Appeals of Baltimore County
5 in Case No. 04-235-SPHX, in the matter of Edgemere Free
6 Methodist Church, legal owner/petitioner, 2510 Brannan
7 Avenue, in the 15th Election District, 7th Councilmanic
8 District.
9 This is an appeal from the Zoning Commissioner's
10 order in which the requested relief was granted with
11 restrictions.
12 Will counsel please state their appearances, for
13 the record.
14 MR. WOOLMAN: Good morning. Joseph R. Woolman,
15 III, Gildea, LLC, on behalf of the Edgemere Free Methodist
16 Church.
17 THE CHAIRMAN: Good morning.
18 MR. HOLZER: J. Carroll Holzer, 508 Fairmount
19 Avenue, Towson, Maryland, on behalf the protestants and
20 the appellants in this case, Robert Wozniak, and a number
21 of other individuals who I will pass around a sheet of

1 paper and have them sign in with their name and address so
2 that you will have all of them.
3 THE CHAIRMAN: All right. Is there anything
4 preliminary before we start?
5 MR. HOLZER: No.
6 MR. WOOLMAN: I don't think so.
7 THE CHAIRMAN: Okay. Mr. Woolman.
8 MR. WOOLMAN: Thank you. I will call first to
9 the stand --
10 THE CHAIRMAN: Do you want to make an opening
11 statement? Whatever you want to do, it's all right with
12 me.
13 MR. HOLZER: I'll waive, or reserve it.
14 MR. WOOLMAN: I will just briefly indicate I'm
15 here on an appeal of the relief granted by the Zoning
16 Commissioner Lawrence Schmidt.
17 Briefly, as an opening statement, I would
18 indicate that the relief granted, obviously, he feels is
19 proper.
20 So you understand where the church was coming
21 from with regard to the original filing in this matter is

1 really done out of an abundance of caution.
2 There are alternative petitions for relief, you
3 you will notice, in the original filings.
4 I will make the argument in closing that this is
5 actually a nonconforming use and, really, my first
6 argument would be that the zoning relief was not
7 necessary.
8 Secondarily, I would argue that there is variance
9 relief that is proper in this circumstance given the
10 hardship and the uniqueness of the property.
11 I would also argue this is clearly a church use
12 that is proposed and, most importantly, that the proposed
13 use is not changing whatsoever.
14 Nothing is changing with regard to the use of
15 this building and, most importantly, the footprint of this
16 building is not changing.
17 So I think that's something that's also been
18 misunderstood within the community.
19 Basically, they are looking to improve an old
20 dilapidated building and not change the footprint, nor
21 change any of the uses at that building. .

1 That being said, alternative relief was
2 requested, if necessary, regarding the special exception
3 under the circumstances as well. I will just make that
4 general statement before I call Mr. Truelove.
5 THE CHAIRMAN: Thank you.
6 MR. WOOLMAN: Mr. Truelove.
7 RICHARD TRUELOVE,
8 having been called as a witness, was duly sworn, and
9 testified as follows:
10 DIRECT EXAMINATION
11 BY MR. WOOLMAN:
12 Q. Good morning, Mr. Truelove. Please state where
13 you are employed and tell us your employment.
14 A. My name is Richard Truelove. I'm the sole
15 proprietor of an engineering firm in Towson at 406 West
16 Pennsylvania Avenue.
17 The name of the company is Richard Truelove,
18 P.E., Inc. P.E. is professional engineering.
19 Q. How long have you been in that position?
20 A. Fourteen years.
21 Q. Describe your educational background, briefly.

1 A. I graduated from Loyola College in 1971 with a
2 degree in engineering, and from Johns Hopkins evening
3 college in 1976 with another degree in civil engineering.
4 Q. What certifications or licenses do you hold
5 presently?
6 A. I'm a registered professional engineer in
7 Maryland and Pennsylvania.
8 Q. Have you been accepted as an expert in the field
9 of civil engineering and zoning in previous court hearings
10 and/or Zoning Commissioner hearings?
11 A. Yes.
12 Q. Approximately how many projects have you worked
13 on over the years?
14 A. Two hundred.
15 MR. WOOLMAN: I would ask that Mr. Truelove be
16 accepted as an expert in the field of civil engineering as
17 well as Baltimore County development and the zoning
18 regulations.
19 MR. HOLZER: Just a couple questions.
20 VOIR DIRE
21 BY MR. HOLZER:

1 Q. Mr. Truelove, did you prepare a site plan to
2 accompany the petition for special hearing and special
3 exception for zoning relief in this case?
4 A. In this case, yes.
5 Q. What was your first contact with this case? Do
6 you have a history of having prepared prior plans for
7 them?
8 A. Yes, I do.
9 Q. Did you prepare concept plans for the church back
10 in the 1990s, '96, for instance?
11 MR. WOOLMAN: For the record, at this point I
12 would object as to relevancy as to another project that
13 took place in the nineties.
14 THE CHAIRMAN: Overruled. Go ahead.
15 Q. Did you prepare plans for the '96 case or the '97
16 case?
17 A. My first involvement with the church was -- the
18 plan you have was prepared by a company named APR
19 Associates.
20 I used to work there. And they do not have an
21 engineer on their staff, and they needed stormwater

1 management for the site.
2 So I prepared the stormwater management plans for
3 the plan you have there. But to my knowledge, unless it
4 was done while I worked there, but I don't recall it, I
5 did not work on that plan, that concept plan.
6 Q. So when was your first --
7 THE CHAIRMAN: Mr. Holzer, you're losing me.
8 What does that have to do his being an expert?
9 MR. HOLZER: No objection. Go ahead and qualify
10 him.
11 THE CHAIRMAN: He's accepted as an expert in
12 civil engineering and the Baltimore County zoning
13 regulations.
14 MR. WOOLMAN: Thank you.
15 Q. Mr. Truelove, did you prepare and submit the plan
16 accompanying the petitions in this matter for the
17 building? And I think it's already in the file.
18 A. Yes.
19 MR. WOOLMAN: I don't believe it's marked.
20 However, I have another copy of the plan. You can perhaps
21 mark the copy that's in the file.

1 THE CHAIRMAN: Take a look at the file and see
2 what it is you want to put in.
3 MR. WOOLMAN: Sure. I'll mark it --
4 THE CHAIRMAN: Well, they may be marked from
5 below, but you want to mark them separately for today's
6 hearing.
7 MR. WOOLMAN: Very well. I believe several of
8 the exhibits in the file have been marked below. This was
9 not, so we'll start over and mark this Petitioner's No. 1
10 for identification.
11 MR. HOLZER: No problem.
12 Q. Mr. Truelove, do you recognize the plan that I
13 will show you marked as Petitioner's 1?
14 A. Yes. I did prepare this plan.
15 Q. Could you briefly describe to the Board the
16 nature of the proposed project?
17 A. The church owns -- the church's former sanctuary
18 is on the corner of Manning Avenue and Brannan Avenue.
19 It's a site approximately fifty feet wide and 150
20 feet deep, and they would just like to demolish that
21 building and put up a new building for community

1 activities.
2 Q. Can you tell the Board what the site is currently
3 zoned?
4 A. D.R. 5.5.
5 Q. Can you describe the surrounding area, its
6 zoning, and its uses in the general area?
7 A. There's a commercial zone adjacent to this
8 property, but the primary properties are residential
9 around it.
10 Q. What about the uses in the area? Are they all
11 one use or --
12 A. Well, the commercial strip behind it is a bunch
13 of commercial uses, but the residential area is usually
14 single family residences.
15 Q. You indicated that the existing building is to be
16 razed and a new building is to be constructed.
17 What changes to the site itself will result as a
18 result of the project?
19 A. The new building is within the footprint of the
20 existing building, and other than a new building, there
21 will be no changes.

1 Q. Are you familiar with why the new building is
2 even required?
3 A. I understand they need it for a community center,
4 or for youth activities.
5 Q. Have you had a chance to review the county
6 comments regarding the file?
7 A. Yes.
8 Q. Are there any open issues related to those county
9 comments with regards to the zoning plan and petition for
10 zoning relief?
11 A. No.
12 MR. WOOLMAN: I believe this is an exhibit in the
13 file?
14 MR. HOLZER: No objection.
15 MR. WOOLMAN: First, I will mark this
16 Petitioner's No. 2.
17 THE CHAIRMAN: Are you going to offer
18 Petitioner's 1?
19 MR. WOOLMAN: Thank you. I will offer
20 Petitioner's No. 1 into the record.
21 THE CHAIRMAN: It's accepted. Do you want to put

1 it on the board?
2 MR. WOOLMAN: Might as well.
3 Q. Mr. Truelove, what you're looking at there, is
4 that a zoning map, is that correct?
5 A. Yes.
6 Q. Does that accurately reflect the zoning in the
7 area of the site?
8 A. Yes, it does.
9 MR. WOOLMAN: I'd offer Petitioner's No. 2.
10 THE CHAIRMAN: Accepted.
11 Q. This was also an exhibit contained in the
12 original file. I believe it's a plat of Baltimore County,
13 dated 1941. Do you recognize that document?
14 A. Yes.
15 Q. What does that document depict?
16 A. Well, it's actually a copy of a water main
17 drawing from Baltimore County records, but it shows the
18 original church building on the corner of Manning and
19 Brannan.
20 Q. Is that the original building that's part of the
21 existing structure that exists now?

Page 14

1 A. Yes.
2 MR. WOOLMAN: I'd introduce this as Petitioner's
3 No. 3.
4 THE CHAIRMAN: Accepted.
5 Q. Mr. Truelove, are you familiar with the variance
6 request regarding this property?
7 A. Yes. I don't have it committed to memory, but I
8 am familiar with them.
9 Q. Let's do this then. Describe, if you would, how
10 the site is unique and unusual in a manner that's
11 different from some of the surrounding properties in the
12 neighborhood.
13 A. Well, for one thing, it's fifty feet wide. It
14 makes it difficult to put anything on there without some
15 sort of setbacks, variances.
16 Q. The existing building, does that meet any of the
17 setback requirements as they currently exist in the zoning
18 regulations?
19 A. No.
20 Q. How about residential transition area buffers,
21 does it meet any of those?

Page 15

1 A. No. The residential transition buffer is
2 seventy-five feet wide, which is wider than the lot.
3 Q. So this question seems rather obvious, but if the
4 residential transition area buffers and setbacks as they
5 currently exist are applied to the letter of the law to
6 this property, what undue hardship would result?
7 A. You couldn't use it for anything.
8 Q. And that's because?
9 A. Because of the buffer requirements.
10 Q. Again, as you have stated, this is --
11 A. It's only fifty feet wide. The lot is
12 under-sized.
13 Q. Would there be any building envelope?
14 A. No.
15 Q. Are you familiar with the special hearing
16 requests regarding the use of the church building?
17 A. Yes.
18 Q. Again, I understand you don't have it committed
19 to memory?
20 A. Yes.
21 Q. In your opinion, is the proposed building and the

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1 improvements planned in such a way that compliance to the
2 extent possible with the RTA buffers would be maintained
3 so the plan could be expected to be compatible with the
4 welfare and welfare of the neighborhood in general?
5 A. Yes.
6 Q. I show you a couple of letters that were written
7 originally, and ask you to comment on them.
8 The first is a letter dated January 8, 2004, from
9 Donald Russell.
10 MR. WOOLMAN: I'll show this to Mr. Holzer to
11 give him a chance to review that.
12 MR. HOLZER: Well, I have an objection to this.
13 I believe -- Mr. Russell, are you here? Donald Russell?
14 MR. MINOR: I'm Russell Minor.
15 MR. HOLZER: I'm sorry. I object to this
16 document. It's from a Donald Russell who apparently had
17 written a letter to the zoning office objecting. He's not
18 here.
19 MR. WOOLMAN: I would proffer for the purpose of
20 introducing this letter to have Mr. Truelove comment is to
21 highlight some of the misunderstandings regarding the

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1 nature of this project and the effect that the project
2 would have on the neighborhood.
3 MR. HOLZER: My objection is this is a hearing de
4 novo.
5 THE CHAIRMAN: We'll take it for what it's worth.
6 MR. WOOLMAN: I'll mark this as Petitioner's 4.
7 I have highlighted a couple sentences in that letter. I
8 will read those into the record.
9 MR. HOLZER: I really strongly object to this. I
10 mean, this is a hearing de novo, and he's putting in
11 evidence in his case about problems that protestants said
12 below.
13 And you don't even know whether they are going to
14 say them again. And the gentleman is not here. I just
15 strongly object.
16 MR. WOOLMAN: Again, I think it goes to the
17 nature of the proceeding itself. I'll not offering it for
18 the truth of the matter.
19 I am offering it to indicate the nature of some
20 of the misunderstandings in the neighborhood and clarify
21 them.

1 THE CHAIRMAN: If they are not raised here, if
2 the misunderstandings are not raised, if these issues are
3 not raised, why are we taking up the time at this point?
4 Wouldn't it be better to have him come back as a
5 rebuttal witness, if the issues are raised.
6 MR. WOOLMAN: If that's what your prefer, that's
7 fine. I'm just trying to be clear as to the absence of
8 certain issues in the case.
9 THE CHAIRMAN: I would prefer it that way. If
10 they don't come up, then we're not going to deal with
11 them.
12 MR. WOOLMAN: Understood.
13 Q. Mr. Truelove, let me ask you a couple more
14 questions then.
15 Does the requested relief in this matter extend
16 the footprint of the building into the existing open area
17 on this lot?
18 A. No. The actual square footage is slightly less
19 than the existing building, and it is within the existing
20 footprint.
21 MR. WOOLMAN: Thank you. I have nothing further.

1 THE CHAIRMAN: Mr. Holzer?
2 MR. HOLZER: Yes.
3 CROSS EXAMINATION
4 BY MR. HOLZER:
5 Q. Mr. Truelove, if I could approach the exhibit and
6 ask you to explain some things, first of all, I gather
7 from your testimony that the building that is to be razed
8 on your plan, Petitioner's Exhibit 1, was the former
9 church, is that correct?
10 A. It was a former sanctuary. They built a new
11 sanctuary across the street, so I don't know if they still
12 use the old building as a sanctuary or not, but it was a
13 former church.
14 Q. And from the 1941 document, it appears that it
15 has been expanded over the years to include more than just
16 the 1941 building, is that correct?
17 A. It looks like it is.
18 Q. Do you know whether or not they are using that
19 building now, and for what purpose?
20 A. I do not.
21 Q. Have you been to the site recently?

1 A. Not -- I think just prior to the last zoning
2 hearing.
3 Q. Prior to the Zoning Commissioner's hearing?
4 A. The last time I was there, yes.
5 Q. Well, the decision was issued February 12th, so
6 it would have been sometime prior to February 12th that
7 you were there last?
8 A. Correct.
9 Q. Now, you're familiar with the fact that the
10 church built an additional sanctuary across the street in
11 this area that I'm indicating where it says D.R. 5.5 zone
12 non-residential use, existing one-story sanctuary,
13 correct?
14 A. Correct.
15 Q. And you're also familiar that they built an
16 existing one-story office and classroom building adjacent
17 to that, is that correct?
18 A. Yes.
19 Q. So I mean, based upon your representing your
20 client and doing due diligence insofar as what they were
21 proposing, I assume they are using the new sanctuary at

1 this time for the intended purpose of the sanctuary, is
2 that correct?
3 A. I don't know. I don't go to church there, so I
4 don't know.
5 Q. So you don't know. Okay. Do you know whether or
6 not there's any parking provided for the existing church
7 at the present time?
8 When I say the existing old church, is there any
9 parking on that parcel of fifty by 150?
10 A. I do not believe so.
11 Q. So it's all encompassed by a building and then a
12 lawn area?
13 A. A lawn area, and there's a paved area towards
14 Patapsco Avenue, but I was under the impression it was
15 used by the commercial people next door.
16 Q. So if there's any use of this building that
17 you're proposing to raze and then build another building
18 on, if there's any parking, where is the parking to be?
19 Where are the people to work that are going to
20 use that building?
21 A. On the parking lot installed within the sanctuary

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1 across the street.
2 Q. This parking lot?
3 A. Yes.
4 Q. This parking lot has how many spaces?
5 A. Is it sixty-four or thirty-one?
6 Q. Thirty-one?
7 A. Thirty-one.
8 Q. Twenty-four regular and two handicapped, it says.
9 I'm sorry. Twenty-nine regular spaces and two
10 handicapped, for a total of thirty-one?
11 A. Uh-huh.
12 Q. To your knowledge, do those thirty-one spaces
13 purport to provide the parking for the existing sanctuary,
14 the existing one-story office and classroom building and
15 this new proposed building?
16 A. I believe that's one of the variances we are
17 requesting. I don't believe it's enough parking for all
18 that use, total.
19 Q. So you're asking for a variance from the parking
20 requirements?
21 A. Yes.

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1 Q. Now, let me ask you this. How many parking
2 spaces are required for the existing office and classroom
3 dwelling, or building, as it's labeled here?
4 A. You'd have to read that off the plan for me. I
5 think it's only about nine or ten, because the other
6 requirements are for the sanctuary to make it thirty-one.
7 I mean, I can get up and read it from the plan, if you'd
8 like.
9 Q. If you could, because I don't necessarily see it
10 there, but I might not be looking in the right place.
11 A. It says maximum spaces required are thirty-one
12 for the sanctuary, but the sanctuary has a dual use.
13 Q. Right here?
14 A. Yes. That's the thirty-one spaces required for
15 this building, which would be a combination of school
16 rooms, offices and sanctuary. From the previous plan, if
17 you have one --
18 Q. I have a previous plan, which was the development
19 plan.
20 MR. WOOLMAN: I would again, for the record, I'm
21 going to object to the line of questioning. I don't

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1 believe the old development plan, the old project across
2 the street, is relevant to this project or proposal.
3 MR. HOLZER: Could I respond to that?
4 THE CHAIRMAN: Go ahead.
5 MR. HOLZER: The church previously owned the
6 subject site, which is this. They acquired across the
7 street, which is all of this.
8 They went in and built an existing one-story
9 office building and classroom building.
10 Then they added a sanctuary, and they added the
11 parking, thirty-one spaces for that activity.
12 This old facility was not counted in any of the
13 parking calculations for this application. So it is
14 relevant, because the parking that's being used with these
15 thirty-one spaces is being used for all of this and all of
16 this. So, therefore, it is relevant what occurred prior
17 to today's hearing.
18 THE CHAIRMAN: I'll allow it.
19 Q. So you're now --
20 A. I'm sorry. These are parking computations.
21 Q. All right. I'm looking at what's marked as a

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1 development plan that is marked as the first refinement,
2 dated January 19, 1999, signed by David Flowers.
3 And the revised notes in the lower left-hand
4 corner are what you just pointed to?
5 A. Yes.
6 Q. Could you tell me the number of parking spaces
7 required for the sanctuary, and how that is calculated?
8 A. The number of spaces for the sanctuary is
9 thirty-one, and it's calculated as four spaces, one space
10 per four seats.
11 Q. And it's 124 seats, correct?
12 A. Yes.
13 Q. So the sanctuary itself takes up thirty-one
14 spaces?
15 A. Uh-huh.
16 Q. Now, how many spaces does the office and
17 classroom and employees take up? Can you read it upside
18 down?
19 A. Totally, they take up fourteen spaces.
20 Q. So we have thirty-one spaces for the sanctuary,
21 and fourteen spaces for the other part of the building?

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1 A. Uh-huh.
2 Q. For a total of -- thirty-one and fourteen, for a
3 total of --
4 THE CHAIRMAN: Forty-five.
5 Q. Forty-five?
6 A. Forty-five.
7 MR. HOLZER: I'm not that quick.
8 THE CHAIRMAN: Neither am I.
9 A. Should I go sit down?
10 Q. Well, if you could just stand there for a moment
11 and just look at this.
12 Now, we have a total of forty-five shared spaces
13 for this building here, the new sanctuary, the classrooms,
14 and you provided thirty-one parking spaces.
15 Was a variance obtained to permit thirty-one in
16 lieu of forty-five?
17 A No, because the uses are not coincident. They
18 are used --- the facility, the classrooms and offices are
19 used at non -- not on Sunday morning.
20 So the thirty-one spaces you need for the
21 sanctuary are available for use elsewhere at other times.

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1 Q. Who ruled that, that the variance to the
2 requirements of the parking code were not necessary?
3 Did a Zoning Commissioner rule that, or did a
4 Hearing Officer rule that in approval of the development
5 plan, or what?
6 MR. WOOLMAN: Again, just for the record, I am
7 going to object to the approvals, or prior development
8 approvals.
9 THE CHAIRMAN: Overruled.
10 A. I'd have to look at the refinement.
11 Q. Could you look at it, please.
12 A. Well, there's a letter dated March 19, 2001, from
13 the zoning office where we requested the spirit and
14 intent -- a letter that proposed the addition to the
15 sanctuary meets the spirit and intent of the zoning
16 regulations.
17 And it says here specifically that the parking
18 demonstrates compliance with Section 409. The parking
19 calculations can be amended to reflect the parking
20 requirements for the proposed sanctuary demonstrate
21 compliance with Section 409 of the Baltimore County zoning

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1 regulations.
2 It is the opinion of this office the proposed
3 sanctuary is within the spirit and intent of the
4 referenced zoning order.
5 Q. Does that mean it was a church as opposed to some
6 other use, or was that a spirit and intent letter granting
7 the variances from the required forty-five to the
8 thirty-one? Do you understand what that spirit and intent
9 letter's purpose was?
10 A. Well, the spirit and intent letter was to
11 indicate that this plan, which was presented to them with
12 the spirit and intent request, did, in fact, meet the
13 spirit and intent of the Baltimore County zoning
14 regulations, and they do specifically say in the letter
15 Section 409.
16 Q. Thank you. So to the best of your ability then,
17 the difference between the required parking and the actual
18 submitted parking was granted by a spirit and intent
19 letter as opposed to a Zoning Commissioner, or going
20 through a hearing?
21 A. Yes.

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1 Q. Now, if you could, staying with that, now we have
2 thirty-one spaces where forty-five are required, and you
3 are now proposing to add or replace the existing building
4 with a new building.
5 How many square feet is the new building? Is it
6 the same square footage, or less?
7 A. The footprint or the floor area?
8 A. Well, do the footprint first, and then the floor
9 area.
10 A. Well, I don't know the floor area of the inside
11 building. I know the floor area of parts of the inside
12 building.
13 Q. Let me ask you this question then. You've
14 already said the footprint of the new building will be
15 slightly less than the footprint of the existing building?
16 A. Right.
17 Q. Is the new building going to be one story or two
18 stories?
19 A. Two stories.
20 Q. So the floor area then will be twice what the
21 existing building is, is that correct?

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1 A. Not necessarily.
2 Q. Well, is the existing building one story or two
3 stories?
4 A. I have no idea.
5 Q. Well, if you don't know, you don't know. But you
6 definitely know the new building is going to be two
7 stories, two floors?
8 A. I believe in parts. I'm not sure that it's two
9 floors everywhere.
10 Q. Well, is there a drawing or a design of what the
11 new building is going to look like?
12 I mean, you've got a picture showing here family
13 life center, and it looks to me like it's two floors.
14 A. Well, it was my understanding that part of it was
15 a basketball court which would go all the way up, so part
16 of it would not be two floors.
17 Q. But part of it will be?
18 A. Yes.
19 Q. But you have no idea then of what the total
20 footage would be of this building as opposed to the
21 existing building?

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1 A. Well, I was looking through the notes here,
2 because the information I got was from the architect. So
3 I never saw a floor plan, so I have to guess.
4 Q. I'm not being critical.
5 A. I have to use the information that he gave me.
6 I'm looking on here to see if it's listed.
7 The community building is 6100 square feet, and
8 we are required to provide sixteen spaces per thousand
9 square feet.
10 So that gave us ninety-eight spaces required
11 for a community building. So I would think that the --
12 Q. Well, let me just ask you this question before
13 you go on. Is that square footage that you gave just
14 referred to -- what was it again?
15 A. 6,110.
16 Q. Does that imply to you that there are two stories
17 to this building?
18 A. It does, yes.
19 Q. Because you know what the square footage of the
20 footprint is?
21 A. Yes.

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1 Q. And how much is that?
2 A. You know, I don't. I have it in my folder.
3 Q. Take a look.
4 A. It's not drawn on the plan. Like I say, I didn't
5 really commit it to memory.
6 Q. That's fine. None of us can remember all this
7 stuff.
8 A. The building area is 3,520 square feet.
9 Q. That's the building footprint area?
10 A. Yes.
11 Q. And so, according to this, this is now 6110 --
12 THE CHAIRMAN: 6,110?
13 MR. HOLZER: Yes.
14 A. So parts of it are two floors.
15 Q. Okay. Now, based on the calculations, how is the
16 parking arrived at in terms of just this new building?
17 A Well, it was a community building, and parking
18 requirements for a community building are sixteen spaces
19 per thousand square feet.
20 Q. So that adds up to ninety-eight?
21 A. Ninety-eight.

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1 Q. So now we have -- if you add ninety-eight and
2 forty-five -- I believe that comes to 143 total spaces
3 that the regulations require for parking to support the
4 three buildings, the existing sanctuary, the existing new
5 office and classroom, and the proposed new building, is
6 that right? Am I right on that?
7 A. If you count all those uses as exclusive, yes.
8 Q. Before I ask you the next question, let me go
9 back. So 143 spaces are required according to the
10 regulations. Thirty-one are proposed. Correct?
11 A. Correct.
12 Q. Now, let's go to the uses. What is the use -- I
13 will start with the easy one first. What is the use of
14 the sanctuary?
15 A. It's a church, Sunday morning worship.
16 Q. Do hey worship any other time other than Sunday
17 morning?
18 A. I don't know.
19 Q. What's the use of the existing one-story office
20 and classroom building?
21 A. I'm not sure about the office use. I'm sure it's

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1 for, you know, church employees to work. The classroom is
2 for Sunday school.
3 Q. Do they use the classrooms and the classroom
4 building at any time more than Sunday?
5 Do they have classroom occupation at any other
6 time during the week?
7 A. I don't know.
8 Q. Do you know the hours of the employees that work
9 in the offices for the church?
10 A. No.
11 Q. Do you know whether or not the church sponsors
12 any other kinds of functions that they would utilize the
13 classrooms for during the week, other than Sunday morning
14 services?
15 A. No, I don't.
16 Q. Let me go to the new proposed building. If they
17 already have classrooms in the new addition across the
18 street, could you list the uses that you understand are to
19 be used in this new community building?
20 A. Some classrooms and youth group area, youth
21 activities area.

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1 Q. Some classrooms, some youth activity area. Will
2 they be using that building on Sunday morning?
3 A. I don't know. I don't believe so, but I don't
4 know for sure.
5 Q. You mentioned a basketball court. Is it your
6 understanding you believe there's going to be some sort of
7 basketball or recreational area --
8 A. Yes.
9 Q. -- in there as well?
10 A. Yes.
11 Q. Do you know whether they'll use that on Sunday
12 mornings or during the week, or what?
13 A. Presumably during the week, but I don't know for
14 sure.
15 Q. On Sunday morning when they are using the church,
16 will they padlock the doors to the existing office and
17 classroom building?
18 A. I have no idea.
19 Q. Well, I think the answer is probably no, they
20 won't do that, but that was sort of a tongue in check
21 question.

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1 Do you know whether they will padlock the doors
2 to the community hall on Sunday mornings when they are
3 having church services?
4 A. No, I don't.
5 Q. So you, yourself, based on the information that
6 you received, cannot testify here this morning that these
7 uses will not overlap, for want of a better word?
8 A. That is correct.
9 Q. Before I let you sit down, let me just make sure
10 I don't need to drag you back up here again.
11 Okay. While you're here, you testified that this
12 lot, the fifty-by-150 was unique?
13 A. Yes.
14 Q. Is it flat, perfectly flat?
15 A. Relatively flat.
16 Q. There are no steep slopes?
17 A. No steep slopes.
18 Q. There's no forest or woodlands or natural
19 resources, streams, or anything like that that impact it?
20 A. Correct.
21 Q. Is it consistent with the size of the lots of the

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1 residential homes surrounding it such as, for instance,
2 the homes right across the street of Louis Heitman and Lee
3 Mullins and Debra, the lot across the street from it?
4 A. It appears to be the same size, but a little
5 smaller.
6 Q. But I mean, it's rectangular? It's not an
7 unusual configuration line in terms of being gerimandering
8 all over the place?
9 A. Correct.
10 Q. Do you know whether it was part of a prior
11 subdivision?
12 A. I am pretty sure it was not, but I don't know for
13 sure.
14 It was not part of the same subdivision as the
15 rest of these houses are. That, I do know.
16 Q. Now, you said because of the buffering and RTA
17 requirements, it couldn't be used for anything?
18 A. It could be used for residents.
19 Q. You picked up on my next question. So for a
20 non-residential use, it has certain RTA problems?
21 A. Yes.

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1 Q. For a residential use, could I tear that building
2 down and put up a house on that, and meet all the
3 setbacks?
4 A. Possibly not.
5 Q. Why not?
6 A. Those lots were sized when the setback
7 requirements were less than they are now.
8 Q. Go ahead.
9 A. If you tore down the house, whatever
10 nonconforming use you had in there, would no longer be
11 valid.
12 Q. There is a house underneath of that church
13 sanctuary, right?
14 A. It Looks like there might be, but I don't know.
15 THE CHAIRMAN: What was that, Mr. Holzer? I'm
16 sorry.
17 MR. HOLZER: Let me ask him the question again.
18 Q. Based on your evidence and history of reviewing
19 this project, do you know whether the church was built as
20 a church, or whether there was a house located somewhere
21 on this property that existed at one time?

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1 A. I do not know.
2 Q. As I understand it then, your testimony is that
3 insofar as the parking and the variances, that the only
4 place that parking would be available for this community
5 building would be the thirty-one existing spaces?
6 A. Yes.
7 Q. I think you can sit down.
8 A. Here or there?
9 Q. Sure. Feel more comfortable. Let me just make
10 sure I don't have any other questions.
11 While Mr. Truelove is still here, he has
12 testified from notes that were on what I've got as a copy
13 of a PDM No. 15-676.
14 It was a plan to accompany Hearing Officer's
15 hearing, signed by David Flowers on January 19 of 1999,
16 and it's marked as the first refinement of that approved
17 development plan.
18 That's the document from which the witness
19 testified to the revised notes that are on the left-hand
20 side.
21 It also indicates on there that Mr. Schmidt, on

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1 December 30 of 1998, approved a development plan for the
2 new sanctuary and the new classroom.
3 Q. Is this the document that you were testifying
4 from?
5 A. Yes.
6 MR. HOLZER: I'd offer this as Protestants'
7 Exhibit No. 1.
8 MR. WOOLMAN: For the record, I object to the
9 prior development plan.
10 THE CHAIRMAN: Overruled.
11 Q. Now, in terms of the activities that are to be
12 used in this new building, once the old one is razed and
13 the new one put up, are those activities related to the
14 community such that other organizations in the community
15 can utilize it?
16 A. I don't know. You'd have to ask someone from the
17 church. I don't know.
18 Q. So you haven't have any discussions about what
19 the purpose of it was, or in order to --
20 A. Other than a community building in general, other
21 than that, none.

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1 Q. Did you do the stormwater management design for
2 the parking lot for the thirty-one spaces?
3 A. Yes.
4 MR. HOLZER: Could I see Petitioner's Exhibit
5 No. -- I think it's three. 1941.
6 Q. You testified that this was from Baltimore
7 County, but I noticed it's approved for the City of
8 Baltimore.
9 A. Uh-huh.
10 Q. Did you get this document from someplace?
11 A. From Baltimore county engineering records, I
12 believe it's called now.
13 Q. I'm looking at what this purports to show, and
14 highlighted in yellow, it seems to show Free Methodist
15 Church of North America, no deed.
16 Was that the old existing church that you're
17 referring to that's going to be razed? Am I looking at
18 the right place?
19 A. That's either -- that's part of it, yes. I'm not
20 sure what that is exactly, but that corner is where the
21 existing building is, yes.

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1 Q. If I look at this exhibit and put it up next to
2 the one you have, it appears to me that the church, at
3 least in this document which was approved August of 1941,
4 it appears to show that the church only occupied a portion
5 of this parcel of fifty by 150, and that there was a
6 residence on the other, what I will call the northwestern
7 part of it?
8 A. You'd have to turn that '41 plan ninety degrees.
9 You've got it twisted sideways.
10 Q. All right. Well, show me what you're telling me.
11 I don't want to misrepresent what's there. Are you saying
12 it needs to go this way?
13 A. Yes. It needs to go like this. See, it does not
14 show the whole lot, it only shows this part, like this.
15 See, this is Manning Avenue and this is Manning Avenue.
16 Q. You're right. So Exhibit No. 3 only shows the
17 outline of the church, but it does not show the outline of
18 the church as large as what the existing building is that
19 is to be demolished?
20 A. Correct.
21 Q. It's smaller?

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1 A. Yes.
2 Q. Can you either scale or can you estimate the size
3 of the church in 1941?
4 A. I didn't bring a scale, but it looks like it's
5 about twenty-five feet by fifty feet, so whatever that is.
6 Q. That's fine. As opposed to -- what's the
7 building now?
8 A. It's forty by eighty-eight.
9 Q. Forty by eighty-eight. Okay. Thank you.
10 A. But from my own experience with those water plans
11 like that, the buildings are not that accurate.
12 Q. But it does appear the church from 1941 was
13 enlarged at some time to what is currently there now?
14 A. Yes.
15 Q. Now, counsel asked you a bunch of questions about
16 the setbacks and the existing building.
17 Could you just tell me how close the new building
18 will be to each, to Manning Avenue and to Brannan Avenue?
19 In other words, how much space will there be from
20 the edge of the road to the new building?
21 A. Well, I'd have to read it from the plan but,

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1 actually, I can only tell you how far from the property
2 line, which is not necessarily the edge of the road.
3 Q. Do you know where the edge of the road is in
4 relationship to the property line?
5 A. It's further away from the building than the
6 property line.
7 Q. So are the figures here, 7.5 and 8.7, the
8 building is set back seven and a half and 8.7 feet on the
9 Brannan Avenue side?
10 A. Right. That's from the property line with the
11 five foot widening as required by Baltimore County.
12 It would be the new property line, not the
13 existing property line.
14 Q. So Brannan Avenue is supposed to be widened five
15 additional feet?
16 A. Yes.
17 Q. Back from Manning Avenue, how far will it be set
18 back from there?
19 A. I think it's about ten feet. I'm not sure.
20 Q. Ten feet from that side. Now, is there an
21 existing alley or something that runs between this

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1 property and the ones to the west, or northwest?
2 A. The west. There is an alley, but it's not paved.
3 It's shown on the subdivision plat for the adjacent
4 properties, but it's not paved. It's a grass strip.
5 Q. But the building will be three feet from the edge
6 of the property line in that direction next to the D.R.
7 5.5 zone?
8 A. Yes.
9 Q. In a westerly direction?
10 A. Yes.
11 Q. What would it normally have to be?
12 A. Well --
13 Q. The normal setback be?
14 A. Well, the address is Brannan Avenue, so if it's a
15 rear yard setback, it would be thirty feet, but if it's a
16 side yard setback, it's only ten feet.
17 Q. Now, are the RTA requirements that are required
18 here because -- first of all, the RTA comes into being
19 because you have residences surrounding it or, for the
20 most part, around it, and it causes -- and this is
21 different than a residential use, is that what causes the

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1 RTA?
2 A. Yes, non-residential use in a residential zone.
3 Q. How much a variance of the RTA requirements are
4 you asking for? Complete?
5 A. I think so, yes.
6 Q. You're asking for a variance to all the RTA
7 requirement?
8 A. Correct.
9 MR. HOLZER: I have no further questions.
10 THE CHAIRMAN: Mr. Woolman?
11 MR. WOOLMAN: Thank you.
12 REDIRECT EXAMINATION
13 BY MR. WOOLMAN:
14 Q. Mr. Truelove, to clarify some things,
15 specifically with regard to the history of the first
16 project which is the new sanctuary that now exists, prior
17 to that project, the church and sanctuary existed in the
18 old building that is currently proposed to be razed, is
19 that correct?
20 A. Yes.
21 Q. And prior to the church's obtaining of this

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1 property for the new sanctuary and the new parking lot,
2 was there any parking lot that served the old church?
3 A. That site was partially a parking lot and
4 partially a lawn with a house on it.
5 Q. Was any of the applications for proposed parking
6 relative to the old project that is the new sanctuary --
7 I know that sounds a little confusing -- was any of the
8 parking proposed to serve the old building on that
9 project?
10 A. No.
11 MR. WOOLMAN: Thank you. I think we need to see
12 a photograph of this building as there appears to be some
13 confusion.
14 This was in the old file. I think this would be
15 Petitioner's 5.
16 MR. MOEHLER: I've got it as Petitioner's 4. We
17 didn't admit the Russell letter.
18 MR. WOOLMAN: You're correct, so I will mark it
19 this as four. I will offer it.
20 A. Do you recognize actually the two buildings
21 depicted in the photograph?

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1 A. That's the new sanctuary and existing church
2 building.
3 MR. WOOLMAN: I'd offer this just so the Board
4 can have a photograph of the new church and the old
5 building. It clearly indicates the number of stories.
6 Q. Now, the footprint, I want to make sure we are
7 clear on the footprint and the ground floor area of the
8 existing building. You have in your notes --
9 A. They're over there.
10 Q. Want me to bring them up to you?
11 A. Sure.
12 Q. Would you please testify as to the existing
13 footprint that would be the floor area of the ground level
14 of the existing building.
15 A. The existing building is 3,652 square feet.
16 Q. And could you testify as to the square footage of
17 the footprint that is the ground floor area of the
18 building proposed?
19 A. 3,520.
20 Q. Is it safe to say then that the existing building
21 is not going to be extended more than twenty-five percent

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1 of the ground floor area?
2 A. Yes.
3 Q. Just to clarify the parking space testimony, I
4 believe it was 141, Mr. Holzer asked you regarding
5 required parking. Is that the required parking if all the
6 spaces were to be considered, all the uses -- excuse me --
7 were to be considered exclusive?
8 A. Yes.
9 MR. WOOLMAN: Thank you. I have nothing further.
10 MR. HOLZER: Nothing.
11 MR. MOEHLER: I just need to clarify this
12 picture, if you can. I'm looking at the old structure?
13 THE WITNESS: Yes.
14 MR. MOEHLER: I must have misunderstood. Is that
15 a two-story building, the old structure?
16 THE WITNESS: Well --
17 MR. MOEHLER: It looks to me to be a two-story
18 building. That's why I am confused.
19 THE WITNESS: Well, parts of it -- well, the
20 initial -- I'm not even sure if the initial -- but the
21 part with the flat roof is two stories, but the part with

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1 the peak roof may only be one story, which is the church
2 part.
3 MR. MOEHLER: That's why I am confused about the
4 square footage of the property.
5 For instance, the footprint -- and maybe I
6 misunderstood -- I understood the footprint was three
7 thousand-some square feet -- 3520 --
8 THE WITNESS: That's the new footprint. The
9 existing building is 3652.
10 MR. MOEHLER: Just the footprint or the square
11 footage of the entire building?
12 THE WITNESS: The footprint.
13 MR. MOEHLER: So when we talk about the square
14 footage of the new building being 6100 square feet, did
15 you testify to not the footprint, but the square footage
16 of the old building, or do you not know that?
17 THE WITNESS: I do not know the square footage of
18 the old building, and I think I did testify to that fact.
19 MR. MOEHLER: Is it reasonable to assume the
20 square footage of the old building would be, since it
21 appears to be two stories, significantly more than 3520

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1 square foot of the footprint?
2 THE WITNESS: Yes, probably one and a half. I
3 don't know how significant that is, but it is definitely
4 more, yes.
5 THE CHAIRMAN: I'm looking at Petitioner's
6 Exhibit 4.
7 There appears to be another like a house next
8 door to the old church. Is that part of the old building?
9 THE WITNESS: They're all connected together,
10 yes.
11 THE CHAIRMAN: So when you talk about the
12 footprint, you're talking about the addition -- if you're
13 facing the building, there is like a two-story addition
14 with a flat roof?
15 THE WITNESS: Yes.
16 THE CHAIRMAN: Then there's a peaked part of the
17 building. Then there appears to be something else built
18 on the other side that connects to the building, to the
19 house?
20 THE WITNESS: Yes.
21 THE CHAIRMAN: When you're talking about the

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1 footprint, does that encompass everything, including the
2 house?
3 THE WITNESS: Yes.
4 THE CHAIRMAN: So the 3,652 square feet includes
5 everything on that lot. You're proposing to tear down
6 everything on that lot including the house, and the new
7 building would be 3,520 square feet, is that correct?
8 THE WITNESS: Correct.
9 THE CHAIRMAN: Okay.
10 THE WITNESS: The footprint, yes.
11 THE CHAIRMAN: Does that raise any other
12 questions?
13 MR. HOLZER: No. I think that's what I understood
14 from the first testimony.
15 THE CHAIRMAN: Thank you, sir.
16 MR. WOOLMAN: Call Ms. Julie Shkor.
17 J U L I E S H K O R,
18 having been called as a witness, was duly sworn and
19 testified as follows:
20 DIRECT EXAMINATION
21 BY MR. WOOLMAN:

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1 Q. Julie, if you could state your name, for the
2 record.
3 A. Julie Shkor. S-h-k-o-r.
4 Q. You're affiliated with the Edgemere Free
5 Methodist Church?
6 A. Correct.
7 A. What's your position with the church?
8 A. Head steward.
9 Q. Have you been the point of contact regarding this
10 development project?
11 A. Yes.
12 Q. Describe to the Board why the church desires to
13 revitalize the building?
14 A. The old one was built in the thirties. It's old.
15 It's not meeting our needs. We want to build a new one.
16 Q. For what purposes is the new building going to
17 serve?
18 A. Same purpose. It's going to be for the youth
19 activities. We have a Free Methodist youth group that
20 meets. It's to be used for -- we indicated we have been
21 talking about making, I think it's about a thirty by forty

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1 area on the end a basketball court, an area where they
2 would be able to play basketball.
3 It is two story on the rest -- the remaining of
4 that area would be a two story where the Free Methodist
5 youth would meet for the Wednesday night program.
6 Then, alternatively, on Sunday, we would use it
7 for Sunday school classes for the same youth.
8 Q. Describe what the Wednesday night program is.
9 A. The Wednesday night program, we have from 6:30 to
10 7:30 in the evening.
11 We have an adult bible study which meets
12 presently in the new building which is indicated by the
13 classroom area.
14 We have across the street in the old building on
15 Wednesday night, the youth meet, the Free Methodist youth,
16 and our grades one through five called CLC -- Christian
17 Life Club -- they meet in the upstairs rooms that are
18 presently there in the old building.
19 Q. And do these activities all take place at the
20 same time?
21 A. What do you mean?

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1 Q. The public programs --
2 A. On Wednesday evening, yes.
3 Q. There are additional programs that take place
4 during other times of the week?
5 A. Correct. We have Boy Scouts that meet I think
6 Monday and Thursday evenings, I think they meet, but there
7 are no church functions going on. The Boy Scouts have the
8 total run of the facility.
9 Again, Wednesday night is our Bible study and
10 youth group. And then on Sunday, we have worship services
11 from 8:30 to 9:30.
12 From 9:45 to 10:45, we have clinical classes when
13 the sanctuary in not in use at the same time.
14 We use the classroom areas for Sunday school
15 classes, and then all those people move back into the
16 sanctuary for a 11 o'clock worship service.
17 Q. Are there going to be any new or additional uses
18 at the new building that don't currently exist at the
19 current building?
20 A. No.
21 Q. Is there going to be any kitchen proposed for the

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1 new building?
2 A. No. We had talked about perhaps putting in a
3 snack bar with a small refrigerator so we could do popcorn
4 if we decided to do a movie night, but not a full kitchen,
5 no.
6 Q. Are there every like large church dinners held in
7 the neighborhood?
8 A. We have an annual Thanksgiving dinner and rent
9 the present VFW or firehall or some other building we
10 rent.
11 Q. So this building would not be used for those
12 purposes?
13 A. No.
14 Q. Is there any problems with the existing building
15 as to your need to revitalize the building itself?
16 Is there any reason why you need to get rid of
17 the old building and put up a new building?
18 A. It's old. It was --
19 Q. I know it sounds obvious.
20 A. It was built in the thirties, like I said, and
21 it's -- when we sat down and started looking at it, we

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1 would even either have to renovate it, which would -- when
2 we sat down and started calculating costs, it would be
3 about the same thing as building a new one, so it's cost
4 effective to take that one down and put a new one up.
5 MR. WOOLMAN: Thank you. I have nothing further
6 at this time.
7 THE CHAIRMAN: Mr. Holzer?
8 MR. HOLZER: Thank you.
9 CROSS EXAMINATION
10 BY MR. HOLZER:
11 Q. Ms. Shkor, could you look at the photograph, if
12 you could? This was submitted.
13 Could you look at this photograph and tell me, as
14 you're standing in the front of the church --
15 THE CHAIRMAN: Talking about exhibit number?
16 MR. HOLZER: Exhibit 4, Petitioner's Exhibit 4.
17 Q. If you're standing between the new church and the
18 old church, looking at the old church, the peaked roof
19 portion, what's in there?
20 A. What's in there? That was the old sanctuary.
21 Q. Do you know how many people that seated?

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1 A. I would be taking a total guess. We had pews in
2 the old sanctuary. I don't even remember how many rooms
3 there were. Ten on each side. I don't know. I really --
4 I haven't really counted.
5 Q. Do you remember when you stopped using that
6 portion of it as a church? When the new sanctuary was
7 built?
8 A. Yes.
9 Q. Or did you move out of there -- well, let me ask
10 it this way.
11 On the new sanctuary and new classrooms, which
12 was built first, the sanctuary or the classrooms, or were
13 they both built at the same time?
14 A. We had two phases, and we built the classroom
15 area first in Phase One. I think it's indicated on there.
16 And Phase Two is the sanctuary. So yes, we were
17 using the old sanctuary while the Phase One was being
18 constructed.
19 Q. And then when you started using the new
20 sanctuary, that's when this old sanctuary was not used?
21 A. That is correct.

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1 Q. Then the two floors that are to the left of that
2 where you seat two levels, what was in there?
3 A. Those are classroom areas.
4 Q. And then there appears to be what was like an old
5 house that somehow was converted?
6 A. That was the parsonage. That's where the pastor
7 and his family lived.
8 Q. Was that used before the new church was built or
9 was that used in any other way other than the parsonage?
10 In other words, was it used for classrooms or meetings?
11 A. It was their parsonage, a home where they lived.
12 Q. What was in between?
13 A. That was added years ago. I'm not sure when. I
14 wasn't around for that.
15 If you walk through actually a door here and go
16 up the steps and the stairway, that's where our youth, the
17 F&Y groups were meeting for classrooms. There's an area
18 there for a nursery.
19 Q. Do you attend the church?
20 A. Yes.
21 Q. How long have you been attending the church?

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1 A. Twelve years or so.
2 Q. So your firsthand personal experience only goes
3 back twelve years?
4 A. That's correct.
5 Q. Before that, did you live in the neighborhood
6 or --
7 A. I lived a few miles way. I actually used to live
8 across the street.
9 Q. And now you not only go to the church, but you
10 work for the church as --
11 A. I'm not employed. It's a volunteer position.
12 Q. So head steward is like serving on the governing
13 body?
14 A. It's being a servant of the Lord and the church.
15 Q. Well, all of us serve in different ways. What
16 I'm trying to understand, as a head steward, is that like
17 some official capacity with the church?
18 In other words, are you like a vestry in some
19 churches, or an elder?
20 A. I serve on the board. That's an official board
21 position, if that's what you are getting at.

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1 Q. Okay. So the group that governs the church's
2 functions, administrative functions, not the religious
3 functions, is the board?
4 A. Yes.
5 Q. And as head steward, you are on that board?
6 A. That is correct.
7 Q. Now, I'd like to ask you the question, are you
8 currently using the old facility in any way right now?
9 A. We are using it for the one adult Sunday school
10 class and the youth Sunday school class and the children's
11 Sunday school class.
12 Q. Now, if I ask you the same question that I asked
13 the engineer, on Sundays, let's assume that the old
14 building is torn down and you put the new building up.
15 On Sunday mornings, when everyone comes to church
16 at 8:30 to 9:30, are you telling me that people do not use
17 the classrooms in the existing office portion of it?
18 A. 8:30 to 9:30, that's correct. Yes. During
19 worship service.
20 Q. So now from 9:45 to 10:45, before the next
21 worship service, everyone leaves the sanctuary and goes

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1 into that portion of it --
2 A. Yes. There and across the street.
3 Q. So in the existing office and classroom building
4 and across the street?
5 A. Yes.
6 Q. So on Sunday mornings, both buildings, both the
7 classroom and office portion of the new facility and the
8 old facility would be utilized jointly by these groups?
9 A. In essence, yes, what you're saying, but they're
10 not different, they are not being used at the same time
11 the sanctuary is.
12 The same people that are parked move from one
13 area of the building into another area of the building.
14 It's not additional people. It's people that are in the
15 worship service.
16 Q. So people that come to park for purposes of the
17 church service at 8:30 would also use not only the
18 sanctuary when it's over at 9:30, but would go into both
19 the classrooms and across the street?
20 A. Some do. Unfortunately, not all, but some of
21 them do. A lot of them walk, as well. We have a lot of

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1 residents that live in the area that walk to church.
2 Q. Now, people that come at 11 o'clock would
3 actually come earlier and go to the Sunday school classes,
4 the adult and junior classes, correct?
5 A. Yes, that's true.
6 Q. So on Sunday morning, you could have the people
7 that are using or coming to the early service from 8:30 to
8 9:30, who would then move into the classroom portions of
9 it, and at the same time, you would have the 11 o'clock
10 folks who didn't go to the 8:30 service, but are going to
11 go to the 11 o'clock, but want to go to Sunday school?
12 A. There are some that do that, yes.
13 Q. So between 9:45 and 10:45, you could have people
14 from both services using the facility?
15 A. Essentially, yes, you could say that.
16 Q. Now, as I understand it, during the week, let's
17 take Wednesday night, for example, when you would also
18 have adult study.
19 Would the adult study take place in both the new
20 classroom portion of the building and the new soon-to-be
21 built building? Would both of those buildings be occupied

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1 on Wednesday evening?
2 A. Same as it is now, yes. Nothing is changing.
3 The adults meet in the new -- where it's indicated on
4 Phase One, and I believe -- I didn't look at which one --
5 but in the classroom area, the adults meet on Wednesday
6 evening. Across the street in the old building are the
7 children.
8 Q. Okay.
9 A. And the children come with adults, so it's not
10 additional parking for both of those buildings at the same
11 time. There are children in the other secondary building.
12 Q. But you could have children that are not coming
13 with their parents, that are coming separate?
14 A. Sure. They drop them off, so they're not taking
15 a parking spot.
16 Q. Now, I understand that the old church sanctuary
17 and building is old -- and we all like new stuff -- so
18 you'd like to have new things.
19 But I'm interested in your testimony that you do
20 not expect anymore people to be coming to the site after
21 you build the new building.

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1 A. I don't think I testified to that. I certainly
2 hope it grows and we do get more people. But I can't
3 answer that. I am testifying to what is presently going
4 on. That's all that I can.
5 Q. So in other words -- I thought it was you -- it
6 may have been the engineer that said that. So from the
7 standpoint of the church, you don't have a basketball
8 court now, do you?
9 A. No.
10 Q. And are you going to have more classrooms in the
11 new building than you do in the old building?
12 A. No.
13 Q. Is it going to be the same number of classrooms?
14 A. Yes.
15 Q. What are you going to do with all the space where
16 the old sanctuary was?
17 A. A basketball court.
18 Q. By these activities and this addition and this
19 additional recreational facility, are you hoping to
20 attract more parishioners, more prospective parishioners
21 to come to the church?

1 A. I think every church in existence has that
2 expectation, don't they?
3 THE CHAIRMAN: You have answered the question,
4 ma'am.
5 A. Well, yes, I certainly hope we continue to grow.
6 I hope we continue to grow, and I would expect the new
7 building would entice other youths to come on Wednesday
8 evenings, yes.
9 Q. Let me ask you this. Will the new community
10 building be open for other community activities, like
11 other groups not connected with the church to come in and
12 utilize it?
13 A. All the activities that take place within the
14 church walls are church-related, they are sponsored by the
15 church.
16 Q. Well, I mean the Boy Scouts --
17 A. Sponsored by the church.
18 Q. But my question -- okay. Then my question was,
19 let's assume some other charitable group in the area wants
20 to have a get-together.
21 Do you either rent out this facility, this new

1 facility to them, or do you let them use it?
2 A. Presently, we do not do that. We haven't come
3 into that. That hasn't been something that's even be
4 raised.
5 Q. Are there any kinds of community out-reach
6 programs that will function from this building such as
7 drug rehabilitation or domestic counseling or professional
8 groups that come in and do activities like that?
9 A. No. That hasn't been discussed.
10 Q. Well, is it a possibility or --
11 A. I don't see it as a near possibility, but we
12 don't presently do that.
13 Q. One other question. You said that you don't live
14 in this community, you live someplace else. What is your
15 address? I don't need the number, but just give me the
16 street.
17 A. Esquire Road.
18 Q. Where is that?
19 A. It's approximately two miles away. It's
20 straight -- continue straight on North Point Road towards
21 Ft. Howard.

1 Q. About two miles away?
2 A. Yes.
3 Q. Let me ask you, the plan for your church, the new
4 sanctuary, shows a number of seats there.
5 Do you have fixed pews in there now, or do you
6 put up chairs?
7 In other words, my question is, is it flexible,
8 the number of people that might attend the sanctuary?
9 A. In the new sanctuary that's presently used, we
10 have interlocking chairs that we sit in.
11 Q. Let's take -- I'll give you the benefit of both
12 extremes -- let's take a service on a summer Sunday
13 morning.
14 How many people do you normally have attending
15 both the 8:30 and the 11 o'clock service?
16 A. Our average attendance for both services is
17 around 150.
18 Q. About a hundred fifty?
19 A. Yes.
20 Q. Now, let's take Christmas Eve service -- which is
21 the further extreme -- most churches expect to have lots

1 of people on Christmas Eve. How many people would you
2 have on Christmas Eve?
3 A. Around 200.
4 Q. So the church is flexible enough to be able to
5 add more chairs, depending on the number of people that
6 normally show up?
7 A. Yeah.
8 Q. In other words, in the old church, you had fixed
9 pews?
10 A. Yes.
11 Q. You could only cram so many people in a fixed
12 pew?
13 A. Yes.
14 Q. But with individual chairs, you have more
15 flexibility to get more people?
16 A. That would be true.
17 MR. HOLZER: All right. I have no other
18 questions. Thank you.
19 MR. WOOLMAN: Just to clarify.
20 REDIRECT EXAMINATION
21 BY MR. WOOHMAN:

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1 Q. This may help as well. Ms. Shkor, I'm going to
2 show you a series of photographs. I believe you're the
3 one that took these photographs,is that correct?
4 A. That's correct.
5 MR. WOOLMAN: Where are we?
6 MR. MOEHLER: You're up to five.
7 MR. WOOLMAN: We'll go by letter?
8 MR. MOEHLER: 5A through L, exactly.
9 MR. HOLZER: No objection.
10 Q. 5A through 5D, can you describe what those
11 pictures depict?
12 A. 5A is the new sanctuary. That's the existing
13 parking lot for the new sanctuary.
14 5B is on the rear side of the church. That would
15 be Marine Avenue. That's showing the handicap parking,
16 and the rear entrance to the church.
17 5C is, again, at the end of the parking lot of
18 the new sanctuary. Welsh Avenue.
19 And then 5D is the opposite end of Marine Avenue
20 looking at the church and rear parking.
21 Q. And then 5E through H, if you could describe

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1 those photos, please.
2 A. 5E is the old sanctuary. 5F is the old
3 sanctuary, just a different view. Both of these were
4 taken on Brannan Avenue.
5 5G is, again, that's showing the other side of
6 the old sanctuary.
7 And 5H is the back alleyway that you were talking
8 about earlier, and the back where the old parsonage was.
9 Q. Is this Brannan Avenue next to 5G?
10 A. Yes. They're all taken on Brannan Avenue.
11 Q. Then 5I.
12 A. 5I is, again, Brannan Avenue. That's standing in
13 front of the old sanctuary, just to show the parking area.
14 5J is on Brannan Avenue, again, looking at the
15 far corner of the old sanctuary, looking to the left down
16 Manning Avenue.
17 5K is standing on Manning Avenue looking at the
18 rear two-story part where the children presently meet for
19 Sunday school class, and on the opposite end of the -- I
20 can't think of the word -- the alleyway there. And then
21 5L is just, again, the alleyway in the back of the old

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1 sanctuary.
2 MR. WOOLMAN: Thank you. I just move to
3 introduce these collectively as 5A through L.
4 THE CHAIRMAN: Accepted.
5 Q. You testified as to the number of people that
6 attend various services. Are there times when that
7 parking lot is full?
8 A. It gets full, yes.
9 Q. Do people park on the street when it's full?
10 A. Since the last hearing, the zoning hearing, it
11 was expressed that neighbors did not like all the parking
12 on the street, it congested the area, so we have not been
13 parking on the street.
14 The High's store allows us to use some of the
15 parking there behind their store.
16 We have an informal arrangement with local
17 business owners in the area that allow us to use their
18 parking, and it works.
19 Q. Even before that, people parked on the street,
20 correct?
21 A. Before that, yes.

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1 Q. They weren't towed? It's not illegal to park on
2 the street there?
3 A. No,
4 MR. WOOLMAN: I have nothing further.
5 THE CHAIRMAN: Mr. Holzer, anything more?
6 RECROSS EXAMINATION
7 BY MR. HOLZER:
8 Q. Do you have anything in writing that shows the
9 High's store provides you parking, or the local
10 businesses?
11 A. Nothing in writing. It's informal.
12 MR. HOLZER: No further questions.
13 MR. QUINN: What's the membership of the church?
14 THE WITNESS: The membership, I think we have
15 maybe 104 on our membership roll.
16 MR. QUINN: So the 150 or so attending is A lot
17 of visitors?
18 THE WITNESS: We have a lot of visitors, yeah.
19 MR. QUINN: The off street parking, is that
20 designated for the church itself on Sundays? Are there
21 signs?

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1 THE WITNESS: There is really no signs
2 designating, no.
3 MR. QUINN: You say you have an agreement with
4 the business next door, or something?
5 THE WITNESS: Correct.
6 MR. QUINN: Did you pay them anything?
7 THE WITNESS: No. It's just a good will informal
8 agreement that we use there and at the end of the street.
9 MR. QUINN: Where the current new building is
10 that you built the classrooms and all, did you use that
11 area for parking formerly, or did you buy the lot and
12 build immediately on it?
13 THE WITNESS: Where the new building is, that was
14 parking. When we only had the old building, half of it
15 was a yard and a house, and the other half was parking.
16 MR. QUINN: There was more than thirty-one spots?
17 THE WITNESS: I'm really not -- I honestly don't
18 know.
19 MR. QUINN: Did you raze that building for any
20 period between the time you bought it and had the building
21 to when the new sanctuary and all that was built across

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1 the street where you are now?
2 THE WITNESS: I'm not sure I understand.
3 MR. QUINN: You had a building there. That was a
4 house there?
5 THE WITNESS: Right.
6 MR. QUINN: You used that for a parsonage. Did
7 you eventually tear down the house and have additional
8 parking?
9 THE WITNESS: Yes. That's where the present
10 parking lot is now.
11 MR. QUINN: When you built on that lot, that took
12 up that parking?
13 THE WITNESS: Right.
14 MR. QUINN: Thank you.
15 THE CHAIRMAN: Does that raise any further
16 questions?
17 RECROSS EXAMINATION
18 BY MR. HOLZER:
19 Q. When you say the membership was 104, are you
20 saying 104 individuals or 104 families?
21 A. Individuals.

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1 MR. HOLZER: That's all the questions I have.
2 Thank you, ma'am.
3 MR. WOOLMAN: Very briefly, I just have two
4 directors of the programs of the church to testify as to
5 the use so we can clarify.
6 THE CHAIRMAN: Let's take about a five-minute
7 recess.
8 (A recess was taken.)
9 THE CHAIRMAN: Mr. Woolman?
10 MR. WOOLMAN: Call Lisa Schuscha.
11 LISA SCHUSCHA,
12 having been called as a witness and been duly sworn,
13 testified as follows:
14 DIRECT EXAMINATION
15 BY MR. WOOLMAN:
16 Q. Ms. Schuscha, can you state your name, for the
17 record.
18 A. Lisa Marie Schuscha.
19 THE CHAIRMAN: Would you spell your last name,
20 please.
21 THE WITNESS: S-c-h-u-s-c-h-a.

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1 Q. Are you a member of the Edgemere Free Methodist
2 Church?
3 A. Yes, I am.
4 Q. Are you affiliated with a certain program at the
5 church?
6 A. I'm one of the youth leaders, specific for
7 teenagers.
8 Q. Describe the nature of the program.
9 A. Specifically what I am responsible for is the
10 Wednesday night program that is run from the 6:30 to 7:30
11 slot that's already been spoken about, and we have a youth
12 group time where we study God's word and fellowship
13 together.
14 Q. Do those programs meet at the old building that's
15 proposed to be razed for the new building?
16 A. Yes, we do.
17 Q. Will these take place at the new building that's
18 proposed to be completed?
19 A. Yes.
20 Q. Is there going to be any change in the program
21 from what is being done now as to what's going to take

1 place in the new building?
2 A. No.
3 MR. WOOLMAN: Thank you. I have nothing further.
4 CROSS EXAMINATION
5 BY MR. HOLZER:
6 Q. You said that you do the 6:30 to 7:30 slot. How
7 many teenagers do you have?
8 A. Well, speaking of our programs from last year, we
9 were probably running close to thirty.
10 And that's one of the advantages we are looking
11 to in the new building, because the space THAT we are
12 currently using is tied in.
13 Q. Do you think IF the new building is built, you
14 will encourage more than thirty in your time slot?
15 A. We would hope to do that, yes.
16 Q. I know you're only the youth leader, but how many
17 hour segments on Wednesday night do we have dealing with
18 these activities? When does this start and when does it
19 end?
20 A. 6:30 to 7:30 is across the board for the adults,
21 children and teenagers.

1 Q. For everybody?
2 A. Yes.
3 Q. How many adults -- is there going to be somebody
4 here to talk about the adult program?
5 A. I really couldn't speak to that.
6 Q. So you don't know how many adults show up on a
7 Wednesday night?
8 A. I mean, I can't quote a number to you today,
9 because I work with the teenagers in the other building.
10 I'm not in with the adults.
11 Q. So the adults are meeting in the new classroom
12 building?
13 A. Correct.
14 MR. HOLZER: I have no other questions. Thank
15 you.
16 MR. WOOLMAN: Thank you, ma'am. Bonnie
17 Hendershot.
18 BONNIE HENDERSHOT,
19 having been called as a witness, was duly sworn and
20 testified as follows.
21 DIRECT EXAMINATION

1 BY MR. WOOLMAN:
2 Q. Bonnie, state your name for the record, please.
3 A. My name is Bonnie Lee Hendershot.
4 H-e-n-d-e-r-s-h-o-t.
5 Q. You're also a member of the Edgemere Free
6 Methodist Church?
7 A. Yes.
8 A. What program are you affiliated with?
9 A. I am director of children's ministry, so any of
10 the programming for children.
11 Q. At what point during the week do the children's
12 programs take place?
13 A. During our Sunday school hour, which is our 9:45
14 to 10:45 hour.
15 We also have children that attend worship
16 service. On Wednesday night, we have the children's CLT
17 club which meets from 6:30 to 7:30.
18 Q. Do those classes and that club meet in the old
19 building that's proposed to be razed?
20 A. That is correct.
21 Q. Will those programs take place in the new

1 building that's proposed?
2 A. Yes.
3 Q. Will the program change in any way from the new
4 building to the old building?
5 A. No, we're not planning any change.
6 Q. Are there any problems with the old building
7 related to your program that you'd like address?
8 A. No. The old building is just old. It's not
9 conducive for children. It's within an old church.
10 MR. WOOLMAN: Thank you. I have nothing further.
11 THE CHAIRMAN: Mr. Holzer?
12 MR. HOLZER: No questions.
13 THE CHAIRMAN: Thank you, ma'am.
14 MR. WOOLMAN: I have nothing further at this
15 time.
16 THE CHAIRMAN: Mr. Holzer.
17 MR. HOLZER: I'd call Mr. Wozniak first please.
18 ROBERT F. WOZNIAK,
19 having been called as a witness, was duly sworn, and
20 testified as follows:
21 DIRECT EXAMINATION

1 BY MR. HOLZER:
2 Q. Mr. Wozniak, would you state your full name and
3 present address, please?
4 A. Robert Frank Wozniak, 2402 Carolyne Avenue,
5 Baltimore, Maryland 21219.
6 Q. How long have you lived at your current address?
7 A. Since 1973.
8 Q. Are you familiar with what this case is all about
9 today?
10 A. Yes, I am.
11 Q. Did you testify or appear at the Zoning
12 Commissioner's hearing below?
13 A. Yes, I did.
14 Q. Have you been familiar with the church since the
15 early seventies when you moved into the neighborhood?
16 A. Yes I was. The church was more or less a ma and
17 pa church in the neighborhood. You know what I mean? It
18 wasn't no big establishment like it's getting into right
19 now.
20 Q. Well, let me just ask you this. You have heard
21 what they have requested and you have seen the development

1 plan or the site plan for their request. What concerns,
2 if any, do you have?
3 A. Well, right now -- let me start from the
4 beginning.
5 Back when they were planning on building the new
6 sanctuary and the church, the classrooms, there was plans
7 given out to the neighborhood, which my attorney there has
8 it, where they were going -- we knew there was going to be
9 a parking problem because they cleared the other lot off
10 across the street where they built the new building at
11 prior and made that all parking across the street.
12 Now they get -- they took a lot that's 200 feet
13 by fifty-five or sixty feet that's all parking, they built
14 a church on it, they built a sanctuary on it, and now they
15 put a parking lot, takes probably less than half the lot,
16 and there was no place to park.
17 The neighborhood is just totally congested when
18 they get their busier days.
19 Right now, the way it stands, they're parking
20 along the side of the road and everything, and you take a
21 two-lane road and you turn it into a one-lane road.

1 I believe sometimes on Sunday when they have
2 their mass, you couldn't get a fire truck down that road
3 there, Brannon Avenue.
4 And I have a father-in-law lives down the road,
5 and I'm afraid if he has a heart attack, they ain't never
6 going to get a fire truck down there in time to help him
7 out.
8 But the people -- and I hate to put it this way
9 and be ignorant about it -- how far they park off the
10 road. It's not getting any better. It's getting worse.
11 Q. Now, were there parking problems when the
12 congregation existed just at the old church and utilized
13 what is now the new sanctuary, utilize that area for
14 parking, were there problems then?
15 A. Not really. They had the big gravel parking lot
16 there, and very seldom, unless it was something really big
17 going on.
18 But remember now, the church they had before was
19 like a shoebox, only held so much. You couldn't put an
20 extra pair of shoes in it.
21 See, what happens is they didn't have enough room

1 for people to go there. They had standing room only.
2 So the new church is supposed to alleviate that
3 problem. And then once the new church was done, we were
4 told in the neighborhood that the old church is coming
5 down, it was going to be a parking lot there to take care
6 of the excess parking, and it shows it on the first set of
7 plans.
8 Q. How did you get ahold of the first set of plans
9 that you're referring to?
10 A The plans was mailed to me and I think it was
11 mailed to other people in the neighborhood actually to
12 blindside us.
13 We were under the impression this is the way it's
14 going to be, and then we find out in the future, it was
15 changed.
16 Q. You have a number of plats here. Can you find
17 out the one that you were referring to? Go through them,
18 because they're all different dates.
19 A. Here's the one right here.
20 Q. This one?
21 A. Yes.

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1 MR. HOLZER: I'm going to show it to counsel
2 first.
3 Q. Could you point out where you believe that
4 information shows, that it was to be a parking area?
5 A. Say right here. Here's the other parking lot.
6 That's where the sanctuary and the old church is right
7 here.
8 MR. WOOLMAN: I'm going to object to a concept
9 plan from 1996. Mr. Truelove did not work on it. There's
10 no one else here to testify to it.
11 THE CHAIRMAN: Overruled.
12 Q. Mr. Wozniak, you received this plan that I have
13 just had you identify in a certified envelope from APL
14 Associates dated May 3, of 1996?
15 A. Yes. I received that.
16 Q. So this is the envelope you received it in?
17 A. Yes.
18 MR. HOLZER: I would mark the envelope as
19 Protestants' 2 and the concept plan dated March 25, 1996,
20 as Protestants No. 3.
21 Q. Could you show us -- I will put it up here --

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1 could you show us what originally you understood the
2 project to be?
3 A. Right here, this is the other parking lot they
4 don't have right now.
5 This is where the old church was and the
6 sanctuary. What we were told, that over here --
7 MR. WOOLMAN: Object to anything told. It was
8 hearsay.
9 MR. HOLZER: Well, it was during the course of
10 the hearing.
11 MR. WOOLMAN: I object.
12 THE CHAIRMAN: Overruled.
13 A. Anyway, it used to be a house here and a house
14 down here. They tore this house down and then they left
15 this house for while, made all this back here a parking
16 lot while this was still here.
17 Then they turned around and actually they had to
18 get the neighborhood approval -- which we got members in
19 here right now that will attest they were against it
20 completely from the start -- that they were going to tear
21 this building and church down, build a new one over here.

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1 Okay? But they were going to build this one
2 first, build a parking lot.
3 And after the completion of the parking lot, this
4 was going to come down and it was going to be for the
5 excess parking they needed. That never occurred.
6 THE CHAIRMAN: You mentioned a hearing. Was this
7 at a hearing?
8 Q. Let me ask you this. There was a development
9 plan that subsequently, after this concept plan was filed,
10 there was a development plan filed and there was a
11 development plan hearing, is that correct?
12 A. Yes.
13 Q. And a development plan was approved which was a
14 development plan marked as Protestants' No. 1.
15 MR. MOEHLER: The site plan is still up there.
16 MR. HOLZER: No. Protestants' No. 1, remember,
17 it's the document.
18 MR. MOEHLER: I'm sorry.
19 THE CHAIRMAN: Was this before the Hearing
20 Officer or the Zoning Commissioner?
21 MR. HOLZER: The Hearing Officer. No Zoning

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1 Commissioner. Just the Hearing Officer.
2 Q. There was a development plan ultimately submitted
3 which is marked as Protestants' No. 1, which then took off
4 the parking lot that you just described?
5 A. That's correct.
6 MR. HOLZER: So the development plan as approved
7 did not include the parking lot that the witness just
8 testified to.
9 Q. And you attended that hearing, did you not?
10 A. No, I did not attend that hearing.
11 Q. Which hearing did you attend?
12 A. I attended the last one where I was protesting
13 about this new building going up without being a parking
14 lot, because I did not know they change their plans. I
15 did not know the plans were changed.
16 Q. You were still expecting the current old church
17 area to be a parking lot?
18 A. Exactly.
19 Q. And you did not participate in the Hearing
20 Officer's hearing?
21 A. No, not on that.

1 MR. HOLZER: Then subsequently, for the Board's
2 understanding -- and correct me if I'm wrong counsel --
3 after the development plan was approved, they came in with
4 a refinement, and the refinement is Protestants' No. 1.
5 And that refinement is the one that contains the
6 language of Joseph Merry, March 19, 2001, in which he
7 opined that Mr. Truelove testified about.
8 So the sequence was the concept plan that's
9 identified as Protestants' No. 3, a development plan was
10 approved by the Hearing Officer with no zoning request,
11 and then a refinement of the development plan, which is
12 Protestants' No. 1, was filed after the Hearing Officer's
13 hearing, and I think that explains where we are.
14 And if the Board would like, for purposes of the
15 record, I think I have a clean one -- just so the Board
16 has the full history, I have a Hearing Officer's opinion
17 in the development plan order that was in this case, Case
18 No. XV-676 and 99-34.
19 And then there was a supplemental Hearing
20 Officer's opinion and development plan order, and I will
21 submit those as Protestants' Exhibit 4, 4A and 4B.

1 MR. WOOLMAN: Just for the record, I would object
2 as to relevance.
3 THE CHAIRMAN: Overruled.
4 Q. Now, Mr. Wozniak, you have testified that --
5 well, let me put this way.
6 You heard the testimony that one of the witnesses
7 for the church indicated that since the last hearing when
8 the church heard the community's concerns about parking on
9 the street, that they changed their parking habits,
10 basically is what they said.
11 A. Yes, I heard that.
12 Q. Now, Do you have any photographs that depicts
13 what the area looks like? And could you identify -- let's
14 take these first. Identify those photographs. Do you
15 know who took them?
16 A. I took these photographs on May 23 of this year.
17 Q. Was that before or after the last hearing?
18 A. It was after the last Zoning Commissioner
19 hearing.
20 Q. Do you recall what day of the week you took
21 these?

1 A. It was on a Sunday.
2 Q. Let me show them to counsel. Do they accurately
3 depict the scene as you saw it on that Sunday?
4 A. Yes.
5 Q. Do you recall approximately what time it was?
6 A. That was in the morning around 10:30, around that
7 time.
8 Q. Did you also take these pictures?
9 A. I took them, yes, in my pickup truck. You can
10 see the mirror.
11 Q. Were they taken the same time?
12 A. The same day.
13 Q. About the same time?
14 A. Uh-huh.
15 Q. Do they accurately depict the scene as you saw it
16 from your pickup truck?
17 A. Yes.
18 Q. Now, I would show you these glossy photos first.
19 Can you identify what they are?
20 A. This is facing the church parking lot from south
21 of the church parking lot, facing up to the church.

1 Q. What street is that?
2 A. That's the street on the backside there. What's
3 the name of that? Welsh Avenue.
4 Q. Welsh Avenue is down by the parking lot.
5 A. Okay. It's the one that runs -- it's the next
6 read over -- Mariner -- yeah, it would be Mariner, shows
7 down Mariner.
8 Q. "Marine"?
9 A. Marine Avenue. Okay.
10 Q. Looking towards the church?
11 A. Looking towards the church.
12 Q. The next photo?
13 A. The same street, facing down the other way, to
14 give you a picture of what the sanctuary and the church
15 and the cars, the way they are parked on both sides of the
16 road.
17 Q. The next picture?
18 A. This is Manning Avenue.
19 MR. MOEHLER: Are you going to be introducing
20 these?
21 MR. HOLZER: 5A, et cetera.

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1 A. This is Manning Avenue, facing from the west side
2 of Manning Avenue, facing east towards the church, showing
3 both sides of the road got parking. Just enough room for
4 one car to get through in the road.
5 Q. The red car in this photo is traveling --
6 A. Towards the church.
7 Q. The next?
8 A. That's Mariner again --
9 Q. Again, showing --
10 A. Just up the road further, looking down.
11 Q. The next one?
12 A. This is a picture of the upholstery shop in the
13 front. That's adjacent to the church, north of the
14 church, the way they fill their parking lot up.
15 Q. So the cars, the turquoise truck that's parked in
16 front of this building -- this is a commercial building
17 and a commercial parking lot?
18 A. Yes.
19 Q. But those are cars from the church?
20 A. From the church. That building, there is no one
21 there at that building. It's closed that time of the day,

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1 especially on Sunday.
2 This next one is showing Brannon Avenue. All
3 right? Actually, this isn't a real good picture. You
4 can see some of the vehicles parked there, but this
5 building is closed as well. You can see people coming out
6 of the church there at the time.
7 Q. All right. The next photo?
8 A. This is -- you see what time of day it was.
9 People leaving the parking lot, the parking lot is full.
10 This is the back side of the High's store on
11 Brannon Avenue where they got -- they are parked three
12 deep in there, and they got all the parking area filled
13 there up to the side of the building right there.
14 Q. So does this picture depict the back part of the
15 High's store and it shows church vehicles parked on the
16 parking lot?
17 A. Exactly. This is the parking lot of the church,
18 the south side of the church, showing you how full the
19 parking lot is, basically.
20 This picture here is a closer picture. You can
21 see there's the same red car. How he's got to get around

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1 the corner, just slow to get around the corner, so you can
2 see what's going on.
3 Q. Are these printed ones on eight and a half by
4 eleven sheets, do they basically show the same thing?
5 A. Well, this one shows the High's parking here.
6 This one is showing you --
7 THE CHAIRMAN: Wait a minute. What are we going
8 to do with these?
9 MR. HOLZER: We'll mark them as six, so it's A,
10 B, C and D.
11 A. This shows you Manning Avenue from Brannon
12 Avenue, facing down Manning, looking west. There's the
13 old sanctuary. You see the cars parked all the way down
14 the road.
15 Q. So this shows Manning Avenue, shows the wall of
16 the old church, and it shows cars parked on both sides?
17 A. Yes. This is the same picture, just I went down
18 a little further. You can see the same cars.
19 Basically, this is the same thing, too. It's all
20 the same.
21 Q. Now that we have shown those photographs, let me

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1 ask you one other thing.
2 Was there an issue raised as to the High's store
3 and DA Designs as to whether those establishments had some
4 sort of written or formal agreement that the church could
5 use their parking lot?
6 A. Yes. When I went to the last hearing we had, it
7 was brought up -- just like at this hearing -- they said
8 they had an agreement to use these parking lots.
9 So after the hearing, I went to these
10 establishments and asked them did they have permission.
11 Well, the one lady --
12 MR. WOOLMAN: I'm going to object.
13 Q. As a result of your asking them, did they submit
14 a document to you?
15 A. Yes. I got documents from the High's store and
16 the barber shop that they claim to have permission to use
17 their lot.
18 Q. What's your understanding as to whether or not
19 they have permission to use --
20 A. The barber shop told me that --
21 MR. WOOLMAN: Objection.

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1 Q. You can't say what somebody else told you.
2 A. Okay. Their understanding was that there was
3 going to be a new parking lot. They gave them the okay to
4 use theirs until the new parking lot was built.
5 MR. WOOLMAN: Objection. Move to strike. It's
6 hearsay.
7 Q. You can't say that. Okay?
8 THE CHAIRMAN: I'll sustain the objection.
9 Q. You can say what your understanding is of their
10 right to park there.
11 A. Well, what I understand of the right for them,
12 for the church people to use their parking lot, was
13 conditional to a new parking lot being built.
14 MR. HOLZER: I would offer both of these
15 documents, and counsel indicated he wanted to object.
16 MR. WOOLMAN: The one document is not even
17 signed. I object.
18 And the other, apparently, is a letter from an
19 owner, but not the operator of the High's store, and
20 indicates they don't have the ability to make an
21 agreement, so I object to the relevance, for one, and the

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1 sufficiency for the other.
2 THE CHAIRMAN: We'll take them for what they are
3 worth and give them the weight that we think they deserve.
4 Q. Mr. Wozniak, I want you to try to express in
5 words how often or what it's like to try to maneuver your
6 vehicle on Manning Avenue.
7 First of all, where do you live in relationship
8 to Manning Avenue and Brannan Avenue, that intersection?
9 A. I live exactly one block southwest. I own all
10 the houses on the end of Carolyne up to Manning Avenue.
11 Q. So to get to your house, so you come down Brannan
12 Avenue and make a right turn to go down Manning?
13 A. I go down Brannan Avenue, make a right turn to
14 Carolyne to go to my house.
15 Normally, it's like a circle when you're
16 traveling, right? And, actually, I try to avoid the
17 church area on Sundays.
18 I'm just afraid someone is going to get run over,
19 the congestion in there, traffic getting in and out of the
20 highway.
21 Q. Neither the Board nor I have been there on Sunday

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1 morning. They are not going to go, and I probably will
2 never have the joy of going.
3 So you have to explain to them what it looks like
4 or how or what the procedure is in order to come down
5 Brannon or come down Manning on a Sunday morning. Express
6 that to them in words.
7 A. Come, let's go on a Sunday morning when they have
8 their congregation going. They got the parking filled
9 over at the upholstery shop and High's got some business
10 going on, whatever parking spot they have left.
11 You come to the top of the road. You have to
12 pull the front of your vehicle out onto the boulevard to
13 look both ways to see if traffic is coming.
14 Q. That boulevard is --
15 A Sparrows Point Road, but it's a dual lane
16 highway.
17 Q. Where is that in relationship to Manning and
18 Brannan?
19 A. That would be due north.
20 Q. Up Brannan?
21 A. Up Brannan, due north. So the extra cars being

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1 parked there on Sunday especially makes it hard to get out
2 into traffic. Eventually, it's going to be a bad accident
3 there.
4 Number two, when you're coming up the road and
5 they do have cars parked on both sides of the road, now
6 they're doing a new thing, they're chairs out on the road
7 to keep people from parking in front of the old sanctuary.
8 That don't help matters none, because it's a
9 narrow road to start with. Now you've got cars parked on
10 one side, chairs on the other side, children moving in and
11 out of the church from the old sanctuary into the new one,
12 going back and forth.
13 Somebody is going to get run over. It's just too
14 congested.
15 Q. Can two cars pass on any of the streets?
16 A. Normally, they can, without any activities going
17 on. It's a normal two-lane road.
18 It don't have a dividing line, but the road is
19 wide enough. It's approximately thirty feet wide, and
20 plenty of room, maybe twenty-five, but there's plenty of
21 room for two cars.

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1 For thirty years, I have been going up and down
2 the road, can pass on either side, but no one had to pull
3 off the road.
4 But if you turn down Brannan from the main road,
5 and there's activity going on at the church, someone is
6 coming up, somebody has got to pull over and let the other
7 car by to get through.
8 Q. Now, what about any other day of the week other
9 than Sunday?
10 A. Wednesday, you've got problems there, too, when
11 they got the activities going on, their people going back
12 and forth.
13 The children, especially, they run out. You know
14 what I mean? I don't care how good you are, unless you
15 got a chain on them, you're not keeping them from running
16 across the roads.
17 And being it's as congested as it is there, you
18 know, they come running out of the old sanctuary, the
19 church, whatever they call it, and run across the church.
20 Many a time I had to stop myself from hitting one
21 of them. Like I say, I try to avoid the areas because I'm

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1 afraid something is going to happen.
2 Q. You heard me ask the engineer about the number of
3 parking spaces that the county regulations would require
4 for each of the two new building, plus if they did tear
5 the old one down and put a new one up, what the total
6 number was.
7 Do you believe that thirty-one spaces are
8 adequate parking for what's taking place on the site?
9 A. No, it's not. Furthermore, may I add, just after
10 this last hearing, they had a bake sale, or a yard sale or
11 something in their parking lot, which they filled the
12 whole parking lot.
13 And everybody was parked out on the road, because
14 they couldn't get on the parking lot. You know what I
15 mean?
16 There are other activities going on. I firmly
17 believe if they get the new building, more activities are
18 going to go on over what they say are going to happen
19 there.
20 Q. So how far in any direction does the overflow
21 parking currently exist now on the street on a Sunday

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1 morning?
2 A. You can have parking -- you see their parking
3 lot, all the way on the outside of their parking lot all
4 the way down the road to the end of their parking lot,
5 both sides of the road.
6 You can look at one gentleman an Manning Avenue,
7 Manning and --
8 Q. This is Marine --
9 A. The next road over.
10 Q. This one?
11 A. Right.
12 Q. This is Brannan.
13 A. Brannan and Manning. The gentleman that lives on
14 the corner across from the sanctuary --
15 Q. This one?
16 A. Yeah. He's got like a little grass plot on the
17 outside of his fence. It's always tore up from cars
18 parking in there.
19 This past Sunday, a guy was stuck in the ditch
20 across the street from the guy on the corner at Manning
21 and the Mullin's family there, stuck in a ditch, because

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1 they are parking in ditches and everything.
2 Q. Now, do you have anymore concerns in regard to
3 parking on the street and the congestion on the street?
4 A. Well, I got a problem with the new building.
5 They are proposing a two-story building.
6 First of all, it don't fit the neighborhood at
7 all. We don't have no two-story metal buildings in the
8 neighborhood.
9 Q. How do you know it's metal?
10 A. It says it right on the plan there. We don't
11 have -- the only flat roof building we have around there
12 is Fracken Brothers, by the old Halpern store, an old
13 furniture store, but that's up on the boulevard, it's not
14 actually in our neighborhood.
15 So now we're going from a peak roof building to a
16 flat roof building. They're going to fill the lot up,
17 plus going in the same footprint, that's not exactly true.
18 They put a square around that old sanctuary and
19 church, and they made it a square. And if you look at the
20 blueprint -- may I go up and show it, point it out?
21 Q. Please.

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1 A. Here, they put the footprint being this square,
2 like this. Okay. This building concaves in, in the back
3 side here, and they added a square building.
4 So I don't see how the footprint could be exactly
5 the same when all this is open here. That's nothing there
6 right now.
7 They actually made it larger. They didn't make
8 it smaller.
9 Q. Are there any other areas that currently exist as
10 a depression or an insert into the area, into the
11 building, or that the --
12 A. Well, on this side, you see they have an out-cove
13 here on one side. Okay? And actually the way this is
14 here, when you walked out the front of their door, you're
15 walking out this far from the road, on what's there now.
16 MR. HOLZER: For the record, the witness has
17 held his hands --
18 A. At approximately three feet, and they're walking
19 to the edge of road.
20 Q. What about the new building? How will that
21 affect anything in regard to where it's located relative

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1 to sight distance on either Manning or --
2 A. Well, when you pull out here on Manning Avenue to
3 go up Brannan, you're not going to be able to see around
4 the building unless you inch out onto Brannan Avenue.
5 They're filling it all the way up. And the
6 alleyway, I mean, true, it's only grass right now, but it
7 was on the plans that one day it might be concrete.
8 I mean, it could be an alleyway. But right now,
9 you wouldn't be able to get a garbage truck down, there
10 built on the end like that.
11 I just totally disagree with a two-story building
12 being put up right there.
13 And the wind resistance, the air movement through
14 the neighborhood, it don't fit the neighborhood. It just
15 don't fit the neighborhood at all.
16 Q. Now, do you have any other concerns relative to
17 this proposal, either the special hearing or the special
18 exception or the variance?
19 A. Well, I don't want the zoning changed. Okay? I
20 feel a zoning change is not a plus for our area.
21 I mean, to me, they are trying to create a big

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1 business there.
2 Q. For the record, they're not trying to change the
3 zoning. They are just asking for zoning relief by a
4 variance.
5 A. Okay.
6 Q. They are not trying to change the underlying
7 zoning. Are there any other concerns you have in addition
8 to the traffic and the other problems that you have
9 expressed?
10 A. Well, I mean, I have been living there since '73.
11 And since the new church went up, with the parking lot --
12 which was all grass on there at one time, with a little
13 bit of gravelway, which was road level, it didn't exceed
14 the height of the road.
15 The new parking lot is eighteen inches above the
16 road.
17 With that new parking lot and everything, down my
18 end of the street, and my whole block, has been suffering
19 with water problems ever since then.
20 Q. Explain, when you saw you're suffering from water
21 problems, what do you mean?

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1 A. Well, the natural landscape is that everything is
2 set to where the water runs --
3 MR. WOOLMAN: I am going to object to getting
4 into any stormwater management or stormwater runoff
5 issues.
6 Their development issues.
7 This is an appeal from the zoning hearing
8 relative to zoning issues.
9 Certainly, there can be objections raised at the
10 development phase at any proposed development, but getting
11 into stormwater runoff issues, I do not believe is
12 relevant.
13 MR. HOLZER: I believe it is for the simple
14 reason that the testimony relates to water problems that
15 have been generated by the development. That's true on
16 the new sanctuary and new building.
17 However, they are proposing to tear down what the
18 existing building is and put up another one, and I believe
19 that's where the witness is going.
20 THE CHAIRMAN: I'm going to sustain the
21 objection. He's talking about the parking lot.

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1 Q. Let me ask the question. Mr. Wozniak, are you
2 concerned that if they tear the old building down and put
3 up a new building, that the existing water problems that
4 you have will be aggravated?
5 MR. WOOLMAN: Objection.
6 THE CHAIRMAN: I'll allow him to answer.
7 A. Yes, I do believe it's going to increase the
8 problem because putting a flat roof building up there, you
9 know, flat roof buildings, certain water runs off them,
10 and everything runs from east to west and south, and
11 that's right down on my neighborhood.
12 Q. The current problems that you have now as far as
13 the impact on your property are what in terms of the
14 water?
15 A. The water -- I mean, I got frogs in in my back
16 yard where I never have had them before. They are loving
17 it. But you know, it's the truth.
18 My garage, I built it in 1977, never had water on
19 the floor. Now, the water gets so deep in the old
20 alleyway that's supposed to be there, it seeps through my
21 cinder block walls into my garage floor when we get heavy

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1 rain. The water gets that deep there.
2 Q. Do you have any reason to believe that the water
3 runoff that's impacting your garage is coming from the
4 area of the church?
5 A. I never had it until the new church was built.
6 Q. All right. Are there any other issues that you
7 have in regard to the proposal, or is that pretty much it?
8 A. That's basically it. Just, you know, I know the
9 amount of following they have is larger than what they
10 stated, 104 people.
11 I mean, I live in the neighborhood. I see it
12 every Sunday, every Saturday, and it's larger than what
13 they claim.
14 And the church itself holds, my understanding was
15 what, like 280 people.
16 Q. well, the witness testified 150, but then she
17 said it could go to 200 on Christmas Eve.
18 Have you experienced anything that's different
19 from that testimony?
20 A. Yes. What happened was since we had this hearing
21 last time, that they were playing like a fine line, trying

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1 to keep everybody in order, trying to look good for the
2 neighborhood, nobody getting pictures of what's going on
3 there. The wires got screwed up or something.
4 When I took the pictures last time, I was
5 confronted by someone from the church there, trying to
6 give me confrontation about taking pictures.
7 I told her to walk away, girl. You don't know
8 what you're getting yourself into.
9 Q. So even though the church has been making efforts
10 since the Zoning Commissioner's hearing back in January to
11 solve the parking problems, your testimony is that it
12 isn't solved?
13 A. Oh, no, no. They have no place in the
14 neighborhood to park. There's no room.
15 I mean, the neighborhood is residential, a quite
16 neighborhood. You know, children used to play in the
17 grass lot where the new church is built at, but now they
18 don't even have that no more.
19 Now the children are playing in the roads. Okay?
20 And as a matter of fact, some of the followers of the
21 church are running the kids out of the road. They're

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1 riding skateboards and everything.
2 So the thing has escalated to the point where the
3 children have no place to play. The rec center, whatever
4 it's going to be, is not open to the general public. It's
5 only for their followers.
6 So, you know, it's not a plus, because there
7 isn't that many children in our neighborhood that goes to
8 this church, and that's a fact.
9 MR. HOLZER: All right, sir. I have no further
10 questions.
11 THE CHAIRMAN: Cross?
12 MR. WOOLMAN: Thank you.
13 CROSS EXAMINATION
14 BY MR. WOOLMAN:
15 Q. The plans that were submitted as protestants --
16 MR. WOOLMAN: It might been three, the old
17 concept plan. If I could see that plan, please?.
18 Q. Mr. Wozniak, your testimony was that promises
19 were made that weren't kept with regard to this old
20 original plan?
21 A. That is correct.

1 Q Is it safe to say your testimony is if the church
2 had gone ahead, done the parking, like in your words
3 "promised," you would have been okay with that?
4 A. Yes.
5 Q. Just to clarify, it's your testimony that parking
6 as proposed in the original plan would have alleviated
7 these parking issues that are on Brannan Avenue?
8 A. Yes, it would have.
9 Q. Is it your testimony that even with the
10 additional parking lot, there would never be any need to
11 park in the street in the neighborhood?
12 A. I would say if they held to what they claim, 124
13 people of the church, there would never be a problem with
14 that, if they held to it.
15 Q. It's not illegal to park on the street there, is
16 it?
17 A. No, it's not illegal. But we've got neighbors
18 that feel it should be illegal.
19 Q. You testified that the proposed two-story
20 building isn't in keeping with the character of the
21 neighborhood, correct?

1 A. That is right.
2 Q. I show you some photographs. I want to ask you
3 first, how is it not in keeping with the neighborhood?
4 A. Well, first of all, we don't have two-story metal
5 buildings in the neighborhood.
6 Q. Any other reason?
7 A. Well, that's mainly it, you know, besides being a
8 flat room, a two-story metal building.
9 Q. I show you some photographs.
10 MR. WOOLMAN: We'll mark this -- I'm not sure
11 where we are.
12 MR. MOEHLER: You're up to Protestants' 8.
13 MR. WOOLMAN: We'll mark these for identification
14 at this time.
15 THE CHAIRMAN: It's petitioner's. Petitioner's
16 6.
17 MR. WOOLMAN: So we're up to seven?
18 THE CHAIRMAN: 7A, B, C and D.
19 Q. Mr. Wozniak, this first sheet of four photographs
20 appears to be taken on August 26, 2004, marked as
21 Petitioner's 7A through D --

1 MR. MOEHLER: 6A.
2 MR. WOOLMAN: I'll change that.
3 Q. Do you recognize anything that's depicted in this
4 photograph?
5 A. You got Halpern's parking lot.
6 Q. Is that "A"?
7 A. That would be "A." That's been there since it's
8 been Fracken Brothers.
9 Q. What's back in the background?
10 A. Halprin.
11 Q. What's Halpern?
12 A. It's a furniture store. Okay? They are out on
13 the boulevard today.
14 You're taking a picture of their parking lot on
15 the side. This is their parking lot as well, Halpern's
16 parking lot.
17 The picture you're showing down the road here --
18 THE CHAIRMAN: You've got to talk "A," "B," "C."
19 We've making a record here.
20 A. "A" was Halpern's parking lot. "B" is Halpern's
21 parking lot.

1 "C" is the opposite side of the boulevard. First
2 of all, not on our side of the road. Okay?
3 And that is the old Christie's barber shop and
4 sub shop down the road there.
5 "D" is the movie theater, used to be in effect
6 back in the thirties. That's actually a motorcycle shop
7 now, or workout building, and that's all the way down two
8 blocks away on the corner of Sparrows Point Road and
9 across from -- which is all commercial area there.
10 Q. You have answered my question as to "D." How far
11 however from the church is "C"?
12 A. How far from the church?
13 Q. Yes. You said the opposite --
14 A. It's the opposite side of the boulevard and
15 approximately a block and a half down. It would be west.
16 Q. How about "A" and "B," about how far from the
17 church?
18 A. They're approximately a block, and they'd be east
19 of the church. This one here is east of the church about
20 three blocks.
21 Q. Those photographs are accurate depictions of the

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1 building, A through D?
2 A. Yes.
3 Q. Now, 6E through H, again, as we have been told,
4 refer to them by letter, if you would, please.
5 A. "E" depicts a two-story aluminum sided or vinyl
6 sided building across the highway from the church,
7 actually lined up with Brannan avenue. Actually it's a
8 little east of Brannan Avenue across the highway.
9 As a matter of fact, that's a design shop,
10 whatever, but it is a commercial shop.
11 This is Brannan Avenue. "F" is Brannan Avenue
12 looking up towards the old -- actually, right now, the
13 building on the right is a mechanic shop, which check the
14 history back in the fifties, it was a rain spout
15 manufacturing place.
16 I didn't know if you knew that. It always was a
17 commercial business. That's how it was grandfathered in
18 there.
19 This other one, the back side of the High's store
20 on the same picture, on the left-hand side.
21 Q. So it is the same road the church is on, just

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1 further up towards the Boulevard?
2 A. Yes. "G" is the same picture, the back side of
3 the High's store. And then "H" is a picture showing the
4 mechanic shop, which is a cinder block building, not a
5 metal building, and it shows to the left of that, which is
6 north of it, the back side of the upholstery shop, which
7 is, too, is a block building.
8 Q. How close is the old rain gutter factory -- as
9 you refer to it -- to the church?
10 A. It's right next door to the new church.
11 MR. WOOLMAN: Finally, I will introduce these as
12 6E through H, and then these as "I" through "L."
13 Q. Are those residences in the area?
14 A. Yes.
15 Q. What does "I" depict?
16 A. I depicts my cinder block garage.
17 Q. Right here?
18 A. That's a wooden shed.
19 Q. That's your property?
20 A. My property.
21 Q. How close is your property to the church?

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1 A. A whole block away from the church. Right here
2 is a ditch that constantly overflows when it rains.
3 MR. HOLZER: What picture are you pointing to?
4 THE WITNESS: Picture "I." They took pictures
5 of my yard. I don't know what bearing that has on the
6 church, but whatever.
7 Q. "J"?
8 A That's a storage shed I have, two storage sheds I
9 have in my back yard. Next one is -- that's "J." And the
10 next one is a small rental property I have. Okay?
11 Q. Where's that?
12 A. That's directly -- I said I own the whole end of
13 Manning to Carolyne. That's not in there. Okay. With a
14 gravel parking lot. Okay. The other one is my gravel
15 parking lot.
16 Q. Similar picture?
17 A. Same garage.
18 MR. WOOLMAN: Move these as Petitioner's 6I
19 through L.
20 Q. You testified that there's a ditch in the
21 photograph "I." What did you say?

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1 A. It overflows when it rains.
2 Q. Constantly?
3 A. Yes.
4 Q. In fact, isn't it accurate that that's the
5 biggest problems you have with the new church, is the
6 water problem, is that correct?
7 A. No. I got a problem with the parking. That's my
8 biggest issue, is the parking.
9 The water will take care of itself if they put a
10 parking lot in.
11 Q. You testified at the last hearing before
12 Commissioner Schmidt?
13 A. Yes, I did.
14 Q. Isn't it a fact the majority of your testimony
15 before Mr. Schmidt that day related to complaints about
16 the stormwater management?
17 MR. HOLZER: Objection. This is a hearing de
18 novo.
19 THE CHAIRMAN: Overruled.
20 A. No, not actually. As a matter of fact, if you
21 read the paper there, he said I was only there as a

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1 curious neighborhood person. They didn't say I was
2 petitioning.
3 THE CHAIRMAN: Just answer the question.
4 A. Well, I did have concerns about the rain, the
5 rainwater problems and the parking. I didn't say just one
6 or the other.
7 Q Isn't it true that Mr. Schmidt allowed you, over
8 my objection, to have a lengthy discussion with him
9 regarding your stormwater management issues?
10 MR. HOLZER: Objection. What took place before
11 the Zoning Commissioner are not relevant.
12 THE CHAIRMAN: I'll sustain that one.
13 Q. I think this is a letter that was apparently
14 handed out in the community with your name at the bottom.
15 Do you recognize that?
16 A. Yes.
17 Q. Is that a letter that you were passing out in the
18 community?
19 A. I passed it out to all the people who signed my
20 petition.
21 Q. For what reason did you pass this out?

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1 A. To let them know what's going on and, hopefully,
2 to get some extra funding from neighbors to help with the
3 financing of it.
4 Q. It says Mr. Holzer has a very good reputation as
5 far as stopping construction. I would certainly agree
6 with that. Could you --
7 MR. WOOLMAN: I'm not offering this for the truth
8 of the matter, by the way.
9 MR. HOLZER: Well, I certainly hope you do.
10 Q. Could you read the next sentence?
11 THE CHAIRMAN: We can read, sir.
12 MR. WOOLMAN: It's really only the one sentence.
13 THE CHAIRMAN: That's all right. We can read it.
14 A. This --
15 MR. HOLZER: He said you don't have to read it.
16 THE WITNESS: I don't have to read it? I won't
17 read it then.
18 THE CHAIRMAN: We'll read the whole thing. This
19 is No. 7.
20 MR. WOOLMAN: I have no further questions.
21 MR. MOEHLER: I have one question, counsel, about

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1 one of the pictures related to the testimony.
2 It's actually Protestants' 5D. When I look at
3 5D, I see the church to the right, is that correct?
4 THE WITNESS: Yes.
5 MR. MOEHLER: To the left of the church, describe
6 that structure.
7 THE WITNESS: That's the back side of Halpern's
8 storage place for their furniture.
9 MR. MOEHLER: Only for clarification. Is that at
10 least a two-story building?
11 THE WITNESS: Yes.
12 MR. MOEHLER: Does that building have a flat
13 roof?
14 THE WITNESS: Yes, it does.
15 MR. MOEHLER: Then I am confused. To make sure I
16 understand, you said a two-story building with a flat roof
17 wouldn't be consistent with the neighborhood.
18 But yet this building appears to be literally, I
19 walk across the street, and there it is?
20 THE WITNESS: Yes. But here's the point of it.
21 That building was built back in probably the fifties when,

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1 you know, the neighborhood that we have right now, the way
2 it stands, didn't have any kind of control over that.
3 Okay? If that building wasn't there now, and
4 they tried to get it, we'd be up there petitioning against
5 that.
6 MR. MOEHLER: But if I were in your neighborhood
7 and I stood in that road with the church on my right, I
8 could almost touch this two-story building with a flat
9 roof on my left?
10 THE WITNESS: The one that's there right now?
11 Well, it's across the street, yes.
12 MR. MOEHLER: I needed to clarify that.
13 THE WITNESS: But where this building ends at
14 isn't down as far as the new structure is going to be down
15 into the neighborhood either.
16 The new structure is down further in the
17 neighborhood than it is right here.
18 The only thing you have around this building
19 here, it goes from one road over to the next road. Okay?
20 The only thing you have is the houses behind it.
21 The new building is going to impact the houses

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1 beside it, across from it, and impact the congestion on
2 that road.
3 See, there's nothing going on on that road. As a
4 matter of fact, Halpern, they close up and they got
5 another business going in there, but it's like a dead
6 road. As a matter of fact, right there, a house right
7 here, my brother Eddie owns.
8 MR. MOEHLER: I was just trying to clarify the
9 two-story flat roof.
10 THE CHAIRMAN: Does that generate any questions?
11 MR. HOLZER: Just one.
12 REDIRECT EXAMINATION
13 BY MR. HOLZER:
14 Q. Mr. Wozniak, is it fair to say that that Halpern
15 warehouse building, while it's been there since the
16 fifties, doesn't protrude into the residential portion of
17 the community as far as the church's flat roof building
18 will be?
19 A Yes.
20 Q. That's what you're trying to say?
21 A. That's what I'm trying to say.

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1 MR. HOLZER: No further questions.
2 MR. WOOLMAN: Nothing.
3 THE CHAIRMAN: How many more witnesses, Mr.
4 Holzer?
5 MR. HOLZER: I have a number of witnesses.
6 THE CHAIRMAN: We're going to take a lunch break.
7 (A luncheon recess was taken.
8 * * * * *
9 AFTERNOON SESSION
10 THE CHAIRMAN: We are resumed at 1:30. Mr.
11 Holzer.
12 MR. HOLZER: I have a number of witness I'm going
13 to call, but I've advised them at lunchtime, and they're
14 going to try to adopt what the first witness said, add
15 whatever they want to add and, hopefully, we'll speed
16 through the process that way.
17 THE CHAIRMAN: Because we have seen the pictures
18 and if everybody is going to testify to the same thing, I
19 appreciate them being here, but we really don't need to
20 clutter the record.
21 MR. HOLZER: Ms. Wozniak.

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1 RITA J. WOZNIAK,
2 having been called as a witness, was duly sworn, and
3 testified as follows:
4 DIRECT EXAMINATION
5 BY MR. HOLZER:
6 Q. State your full name and address, please.
7 A. My full name Rita Jane Wozniak, 2402 Carolyne
8 Avenue, Baltimore, Maryland 21219-1802.
9 Q. You're the wife of Robert, who just testified?
10 A. Yes, I am.
11 Q. Obviously, you want to adopt everything that he
12 said as to his concerns. Is that pretty much it?
13 A. Yes.
14 Q. But there are some special points you wanted to
15 make in regard to your father and the problems related to
16 parking. Could you explain that?
17 A. Yes, sir. My father, his name is Willy Mullens.
18 He lives at 2401 South Snyder Avenue. That's two roads
19 over from the church site on Brannon.
20 He's an eighty-four year old man. My concern is
21 that he, as an eighty-four year old man, he has been known

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1 to have heart problems, and we have had to get an
2 ambulance or fire truck down to assist him.
3 So my concern, God forbid some Sunday morning
4 when he's not at church, he needs an ambulance or a fire
5 truck to come into the area.
6 And with the congestion on those roads, I am
7 afraid they couldn't get him out in time to save him.
8 Q. You said he lives about two blocks away from the
9 church site?
10 A. Yes, he's two blocks away.
11 Q. In which direction, west, or --
12 A. He's west. No. I'm sorry. East.
13 Q. Do you have to go past the Marine Avenue or
14 Brannon Avenue in order to get back to his house?
15 A. To get to his house from my street, I go up
16 Carolyne east. I make a little turn to the right and go
17 down Menser Avenue. He's on the end of Menser and South
18 Snyder.
19 Q. Right there, basically?
20 A. Yes.
21 Q. So to get to his house, or for an ambulance to

1 get to his house, would they have to go through this area
2 of the roads we have just talked about?
3 A. To make it easier on them, because the roads are
4 small, they would exit out Mensor, make a right turn onto
5 Brannon Avenue to go up to the main road to get out of the
6 area onto Sparrows Point Road.
7 Q. Is there anything else that you want to add
8 that's not repetitious of what your husband said?
9 A. Not repetitious, but my father, like I said, he's
10 eighty-four. He's had problems with the water flow into
11 his back yard.
12 There's a ditch that comes from the side of the
13 church on Welch that goes down and makes an L-turn onto
14 South Snyder.
15 That's where the water exits that parking lot,
16 down towards his way. His back yard is at low grade. He
17 has gotten out himself and gotten sandbags from the county
18 and filled up sandbags.
19 So he's damming the water up towards the ditch
20 side so his back yard isn't flooded.
21 Q. That ditch runs from where the church's, quote,

1 new parking lot is?
2 A. Yes. That ditch runs adjacent to that or runs
3 parallel to his property where it would drain off towards
4 him, going towards the bay.
5 MR. HOLZER: Thank you. I have no further
6 questions.
7 THE CHAIRMAN: Mr. Woolman?
8 MR. WOOLMAN: No questions.
9 THE CHAIRMAN: Thank you, ma'am.
10 MR. HOLZER: Russell Myers, please.
11 R U S S E L L M Y E R S,
12 having been called as a witness, was duly sworn and
13 testified as follows.
14 DIRECT EXAMINATION
15 BY MR. HOLER:
16 Q. Mr. Myers, could you state your full name and
17 present address, please?
18 A. Russell Patrick Myers, 2520 Masseth Avenue.
19 Q. M-a-s-s-e-t-h?
20 A. Yes, sir.
21 Q. About how far is that from the church?

1 A. One block.
2 Q. In which direction?
3 A. East.
4 Q. What concerns do you have about the church's
5 proposal?
6 A. Well, the traffic, like Bob said. And a year
7 ago, I had to have the fire department come to my house
8 because the water main broke in front of the church and it
9 all ran down and flooded my cellar.
10 And the fire truck had trouble getting where the
11 water main was because of the cars parked, and it was a
12 Sunday, and you can check with the Baltimore County fire
13 department.
14 Q. Do you recall about how long ago that was?
15 A. Last September.
16 Q. Last September?
17 A. Yes, sir.
18 Q. September 2003?
19 A. Yes.
20 Q. Is there anything else you want to add?
21 A. That's about it, as far as I am concerned.

1 MR. HOLZER: Okay, sir. Your witness.
2 THE CHAIRMAN: Anything, Mr. Woolman?
3 MR. WOOLMAN: No, sir.
4 THE CHAIRMAN: Thank you, sir.
5 MR. HOLZER: Thank you, Mr. Myers. Don Sellers,
6 please.
7 D O N A L D S E L L E R S,
8 having been called as a witness, was duly sworn and
9 testified as follows.
10 DIRECT EXAMINATION
11 BY MR. HOLZER:
12 Q. Mr. Sellers, can you spell your last name,
13 please?
14 A. S-e-l-l-e-r-s.
15 Q. Your address?
16 A. 2406 Carolyne Avenue.
17 Q. How far is that from the church site?
18 A. Just about a block.
19 Q. What direction, do you know?
20 A. Southwest.
21 Q. What concerns do you have?

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1 A. Just basically what Mr. Wozniak said. The
2 traffic congestion on the road on Sundays, and there's
3 special events, and with water problems in the
4 neighborhood.
5 Q. Do you have anything else to add, or do you just
6 want to adopt what Mr. Wozniak said?
7 A. Pretty much he stated it all.
8 Q. Have you personally observed any difficulty
9 yourself driving through the area of the church on a
10 Sunday?
11 A. Yes. On Sundays, I come home from work at 10
12 o'clock in the morning. It's kind of congested.
13 Q. Where do you work?
14 A. Koskos.
15 Q. So you work during the overnight and then you're
16 getting off --
17 A. I get off at 10 o'clock in the morning, yeah.
18 MR. HOLZER: I have no further questions.
19 THE CHAIRMAN: Mr. Woolman?
20 CROSS EXAMINATION
21 BY MR. WOOLMAN:

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1 Q. You said it's kind of congested. Have you not
2 been able to get down the street?
3 A. I try to avoid it. There is two roads that come
4 in my neighborhood. It's either that one or Masseth on
5 the other end of the block.
6 Q. You use that one, usually?
7 A. Sometimes.
8 Q. You have never been prevented from getting to
9 your house by cars parking on the street, have you?
10 A. Maybe once. Maybe once.
11 Q. You actually couldn't get down the street?
12 A. I think it was like Eastertime when it happened.
13 Q. The road was blocked?
14 A. It was just too many people there.
15 MR. WOOLMAN: Nothing further.
16 MR. MOEHLER: Mr. Sellers, on a Sunday morning,
17 you come home around ten?
18 THE WITNESS: 10:30.
19 MR. MOEHLER: What time Sunday morning, early
20 Sunday afternoon, does the road pretty much clear out?
21 THE WITNESS: I'm not sure. Probably, you know,

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1 late evening, I guess, when the services are all over.
2 I'm not sure.
3 MR. MOEHLER: So the traffic that's been
4 described to us on these pictures, it's like that all day
5 long on Sunday?
6 THE WITNESS: Yeah.
7 THE CHAIRMAN: Thank you, sir.
8 MR. HOLZER: Jacob Sellers. If after hearing the
9 testimony, if there's anyone that does not want to
10 testify, we'll bypass you.
11 THE CHAIRMAN: We don't have to have everybody
12 get up and say the same thing.
13 We appreciate you all coming, but we have got the
14 picture pretty well.
15 JACOB SELLERS,
16 having been called as a witness, was duly sworn and
17 testified as follows:
18 DIRECT EXAMINATION
19 BY MR. HOLZER:
20 Q. Mr. Sellers, your address is what?
21 A. 2415 Carolyne Avenue.

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1 Q. How long have you lived there?
2 A. Twenty-seven years.
3 Q. You heard the testimony of Mr. Wozniak and the
4 others.
5 Do you have anything else to add today in
6 relationship to any of the issues that they raised?
7 A. The only point, I was coming home one Wednesday
8 evening, and they were having an activity at twilight, or
9 the activity was just closing up.
10 I swung the corner on Brannan Avenue, and I just
11 avoided missing a young boy that come out. I had to stand
12 on the brakes.
13 And maybe you all should take into consideration
14 there should be a crosswalk or something, or the speed
15 limit reduced from twenty-five mile an hour down to
16 fifteen, or ten mile an hour.
17 THE CHAIRMAN: We have nothing to do with that,
18 sir.
19 THE WITNESS: That was a concern.
20 THE CHAIRMAN: That's a police department matter.
21 We don't have authority to do that.

1 THE WITNESS: But the only thing I wish to add
2 was the point I did have -- almost had an accident with a
3 young child.
4 MR. HOLZER: Thank you.
5 MR. QUINN: What is the speed limit there on that
6 street?
7 THE WITNESS: I believe it's twenty-five.
8 MR. QUINN: Also on the side streets?
9 THE WITNESS: Twenty-five on the road. On
10 Sparrows Point Road, which is the main corridor, I believe
11 that's thirty-five, or thirty miles an hour, I believe.
12 MR. QUINN: Where did you have this incident?
13 THE WITNESS: When I came -- on the pictures, I
14 came past the High's store. They had some chairs and
15 activity and a bunch of people were moving out, so I
16 started slowing down.
17 Then, all of a sudden, this one boy came out from
18 nowhere, and I had to stand on the brakes.
19 MR. QUINN: Is it your testimony that they have
20 activities in the street?
21 THE WITNESS: What I seen was chairs sitting on

1 side of the street, not touching the street, but probably
2 on the sidewalk, the old sidewalk in front of the old
3 church, and there was activity of people moving back and
4 forth across the street.
5 So I was starting to stop, and all of a sudden
6 this young child darted out in front of me, and I had to
7 stand on the brakes.
8 MR. QUINN: There's a sidewalk on both sides?
9 THE WITNESS: No. The sidewalk in front of the
10 church was put in by the church, and runs directly up to
11 the road.
12 MR. QUINN: Is there any fencing there?
13 THE WITNESS: No.
14 MR. QUINN: Okay.
15 THE CHAIRMAN: Anything further?
16 MR. HOLZER: Just a question.
17 REDIRECT EXAMINATION
18 BY MR. HOLZER:
19 Q. When was this incident that you're talking about?
20 A. It was in the spring.
21 Q. Of this year?

1 A. Of this year.
2 Q. Okay.
3 A. Like I said, it was like twilight.
4 Q. When you say "twilight," you mean late in the
5 afternoon?
6 A. It was on a Wednesday evening, and the sun -- it
7 was twilight. It was getting gray out. Visibility was
8 decreasing. And I did notice the people, so I slowed
9 down.
10 MR. QUINN: When is most of the activity here,
11 talking about parking being concentrated, is it on
12 Wednesday evening and all day Sunday?
13 THE WITNESS: It depends on what the activities
14 are. Lately, there hasn't been any congestion at all on
15 that street on Sunday morning, but everything has been
16 moved off.
17 I noticed there's no congestion. Normally when I
18 swing the corner to come out around, normally, if another
19 vehicle is coming up, you have to stop to let that vehicle
20 in, or proceed and let the other vehicle stop. You're
21 reduced to a one-lane road, is what it is.

1 MR. MOEHLER: I have one. You said that lately
2 there's been no congestion on Sunday mornings?
3 THE WITNESS: I haven't seen any on Sunday, no
4 parking on the road.
5 Now, when church lets out, you have an influx of
6 people coming out of the building, so you're going to have
7 that normally anywhere, and they just spill over onto the
8 read, I believe.
9 MR. QUINN: What do you attribute that to, that
10 there doesn't seem to be a problem on Sunday?
11 THE WITNESS: If you have to go to the parking
12 lot, they have to go across the road to the parking lot
13 from the --
14 MR. QUINN: You noticed there's been an absence
15 of parking on the street. In other words, whether or
16 not --
17 THE WITNESS: The last couple of weeks, I
18 observed it.
19 MR. QUINN: What do you attribute that to?
20 THE WITNESS: I don't know whether the church
21 changed their plan of where they are parking.

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1 The parking lot has been full. I noticed the
2 parking lot with one or two spots open. Maybe they
3 changed where they are parking at.
4 THE CHAIRMAN: Anything further? Mr. Woolman?
5 MR. HOLZER: No.
6 MR. WOOLMAN: No.
7 THE CHAIRMAN: Okay, sir. Thank you.
8 MR. HOLZER: Veronica Patterson.
9 VERONICA PATTERSON,
10 having been called as a witness, was duly sworn and
11 testified as follows.
12 DIRECT EXAMINATION
13 BY MR. HOLER:
14 Q. Ms. Patterson, could you give us your address,
15 please.
16 A. 2505 Welch Avenue.
17 Q. With regard to Protestants' Exhibit No. 3, it
18 indicates that Welch Avenue is twenty feet wide and Joe
19 Patterson, 2505 Welsh Avenue, is the property owner. Is
20 that your property, your husband's and yours?
21 A. Yes.

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1 Q. What concerns, if any, do you have that have not
2 already been expressed?
3 A. Along with other all the other things expressed,
4 the youth of the church use the street for their ballgames
5 and all, most of the time --
6 Q. What street are you talking about?
7 A. Brannan Avenue, they use.
8 Q. Brannan Avenue, which is the street that runs
9 between the old church and the new church?
10 A. And the new church, right.
11 Q. Has that caused any problems for you?
12 A. I have observed problems with cars having to
13 stop because of the balls, you know, going off.
14 Q. Is there anything else that you wanted to add to
15 the testimony, other than that point?
16 A. Other than the other man was right, the past
17 couple of weeks the parking has been good because they're
18 using all the other businesses around instead of what they
19 used to do, or normally did, is park along that road.
20 Q. Do you think the fact they are parking on other
21 businesses around the neighborhood is related to this

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1 hearing?
2 A. I think there wouldn't be a hearing if that was
3 going to be a parking lot, as first discussed.
4 It would answer the children's problem of where
5 to play, plus it would eliminate the congestion.
6 Q. You mean where the old church is now, if that
7 were to be a parking area, then that would solve the
8 community's concern?
9 A. That was originally discussed, right, and that
10 would have solved the children and the congestion.
11 Q. Do you have anything else to add?
12 A. No. That's it.
13 Q. Thank you.
14 MR. HOLZER: Your witness.
15 MR. WOOLMAN: No questions.
16 THE CHAIRMAN: Thank you, ma'am.
17 MR. HOLZER: Is there anybody else other than Mr.
18 Patterson left? Ms. Sellers.
19 NORMA SELLERS,
20 having been called as a witness, was duly sworn, and
21 testified as follows:

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1 DIRECT EXAMINATION
2 BY MR. HOLZER:
3 Q. Ms. Sellers, your husband testified already.
4 Could you give us your address, please.
5 A. 2415 Carolyne Avenue.
6 Q. Your full name?
7 A. Norma Sellers. Norma Louise Sellers.
8 Q. Was the Donald Sellers that testified earlier
9 related to you?
10 A. My son.
11 Q. What concerns, if any, do you have that have not
12 been expressed by either your son or your husband?
13 A. Well, I haven't heard anyone mention the fact
14 many years ago when Brannan and Manning Avenue meet, and
15 if you face from Brannan down Manning, from east to west,
16 that would be the south side of the existing church
17 building property, I believe.
18 If you actually look down the street, there is a
19 ditch, a storm drain ditch put in there many years ago,
20 because I was born and raised down there, and I walked
21 past that ditch all my life to school.

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1 Now, where the existing old church property is at
2 the corner of Brannan and Manning, and for the length of
3 the side of the church property, I don't know what
4 happened to the ditch.
5 It was shallow, and it got deeper as it went down
6 or traversed from east to west. The part that borders the
7 church property on the side of Manning Avenue is gone.
8 But once you get past the church property, the
9 ditch opens back up because, indeed, originally -- and my
10 great grandmother died in the house behind the church in
11 the forties -- and there was always a ditch there, and
12 that was for stormwater and the current.
13 And now, in the wintertime, when you come down
14 the road and the water is pouring off the new parking lot
15 that's been embanked around the new parking lot, and it
16 goes in different directions.
17 It ices up. If you come down the road, if it's
18 snowing, you can't see the ice. There's no proper
19 drainage.
20 And, really, if there's cars parked on the side
21 of the road, you really can slide directly into the side

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1 of a car. I hold my breath.
2 And the new parking lot, the ground was raised.
3 I was told in the critical bay area, you cannot raise --
4 Q. Well, let's not get into what somebody told you.
5 A. The water is pouring off it, the new parking lot,
6 because they have an embankment around three sides of the
7 parking lot now.
8 And I'm just saying that because it contributes
9 to the icy conditions come January and February.
10 MR. HOLZER: All right. I have no further
11 questions.
12 THE CHAIRMAN: Mr. Woolman?
13 MR. WOOLMAN: No questions.
14 THE CHAIRMAN: Thank you, ma'am.
15 MR. HOLZER: Mr. Patterson is the last witness.
16 J O E P A T T E R S O N,
17 having been called as a witness, was duly sworn and
18 testified as follows.
19 DIRECT EXAMINATION
20 BY MR. HOLZER:
21 Q. Mr. Patterson, you live at 2505 Welch Avenue?

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1 Your wife just testified?
2 A. Yes, sir.
3 Q. Is that correct?
4 A. Yes, sir.
5 Q. Your name?
6 A. Joe.
7 Q. How long have you lived at that address on Welch
8 Avenue?
9 A. Seventy-nine years.
10 Q. Seventy-nine years. You've lived in that same
11 house?
12 A. 1925, I was born. Then I moved there.
13 Q. When did you move there?
14 A. Soon after I was born, when I got out of the
15 hospital.
16 Q. Mr. Patterson, you've heard the concerns
17 expressed by a lot of your neighbors. What else do you
18 have to add to that?
19 A. Well, more than that is some of the problems of
20 water, which could have avoided, and the man I wanted to
21 talk to has left.

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1 And I don't know if anyone wants to represent him
2 to answer some of the questions I have.
3 THE CHAIRMAN: You're not going to ask any
4 questions, sir. You just make a statement, please, as to
5 what your problems are.
6 A. Well, my problem is the drainage from that
7 parking lot should have went the other way.
8 Before, there was no ditch around that area, that
9 parking lot. There is now. It's a good breeding place
10 for mosquitos.
11 It doesn't drain off, because the drain goes east
12 on Welch Avenue where there's a big pipe. That pipe has
13 been there by a fire plug for a long time.
14 They have taken the parking lot itself, because
15 it was level and flat, they had to raise it in some
16 direction in order to drain it.
17 I'm sure that was one consideration, and they
18 decided to drain it to Brannan Avenue.
19 There's no ditches on Brannan Avenue. Today, if
20 it rains, it's washing down Brannan Avenue, not a ditch.
21 It runs along side of my property for a hundred

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1 and some feet. From there, it stops, and crosses Brannan
2 Avenue into a yard.
3 There's a yard there now that's been built
4 recently. You can't go up the sidewalk after it's rained
5 because there's a couple inches of water.
6 And that land was graded when that house was
7 built two or three years ago.
8 The one across the street is another bilge -- I
9 said bilge, should have been sump pump. They've added
10 another one. That house was built there in 1938, and this
11 is the first instance, just recently the first instance
12 where they had any flooding problem that the one pump
13 couldn't handle.
14 THE CHAIRMAN: Sir, can you confine your
15 testimony to your own property. You're not testifying
16 about somebody else's property, is that correct?
17 THE WITNESS: This is joining my property, and
18 the result of it going down the side of my property where
19 I used to cut the hedge once a week, sometimes two weeks,
20 one time.
21 Now I've got to cut it twice a week because of

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1 the water going down. It shouldn't be going down there.
2 THE CHAIRMAN: Well, that's not part of this
3 hearing.
4 THE WITNESS: Okay. I have no more to say. I
5 think it's a little bit crude and wrong that something
6 like this is allowed to exist, and the people in charge
7 seem to be other thoughts about it, so I'll just take my
8 pictures and go home.
9 MR. HOLZER: Thank you. I have no further
10 questions.
11 THE CHAIRMAN: Mr. Woolman?
12 MR. WOOLMAN: No questions.
13 MR. HOLZER: I believe that's our case. Okay.
14 Before I conclude, I did have everyone sign in that was
15 here this morning on a yellow pad, and I would offer this
16 as Protestants' Exhibit 8.
17 THE CHAIRMAN: Protestants' No. 8. Any rebuttal?
18 MR. WOOLMAN: Just briefly, and I can have
19 someone come up and testify to the nature of these
20 documents, but given the nature of the proceedings,
21 perhaps Mr. Holzer will allow me to submit them.

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1 These are notices to the congregation addressing
2 parking concerns of the neighborhood in general provided
3 by a couple of the witnesses just now.
4 MR. HOLZER: I don't have any objection, if you
5 want to tell me when they first started putting them out?
6 MR. WOOLMAN: I will recall Ms. Shkor, just
7 briefly,to testify when they were handed out.
8 JULIE SHKOR,
9 having been called as a witness, was duly sworn, and
10 testified as follows:
11 DIRECT EXAMINATION
12 BY MR. WOOLMAN:
13 Q. Ms. Shkor, I have two documents --
14 MR. WOOLMAN: The first one we'll mark
15 Petitioner's No. 8.
16 Q. It appears to be a flyer just handed to you, is
17 that right?
18 A. That is correct. This was an updated -- we
19 originally put this flyer out when began Phase One for
20 parking, just because there were issues, and we re-issued
21 it after the hearing in January because of the concern

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1 expressed by the neighbor.
2 So we wanted to clarify where we had agreements
3 with the surrounding business owners to use their parking
4 on Sunday.
5 Q. How are these distributed?
6 A. Through the Sunday worship folders, and we also
7 actually handed them out on Wednesday evenings to the
8 parents bringing their children.
9 Q. You said this was originally created back back
10 during Phase One. What do you mean by Phase One?
11 A. I believe we did that originally because we were
12 aware of the parking concerns of the neighbors as to when
13 we started all the whole building progress, Phase One.
14 Q. Phase One, you mean the new sanctuary?
15 A. Correct. Like I said, we reissued it after the
16 January hearing that was had.
17 Q. Can you describe this pamphlet?
18 A. This is an insert to our Sunday morning worship
19 folder indicating that on a weekly basis that these
20 messages are in here about remembering where we are
21 allowed to park, what business owners we have an informal

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1 established relationship with, where we are allowed to
2 park on Sunday morning.
3 And this is in there every Sunday, and this is
4 the two I could put my hands on.
5 It does show the relevant dates to give you an
6 idea, that we have been doing it all along since the
7 January hearing. I didn't have any as far back from
8 January and February.
9 MR. WOOLMAN: We'll mark this Petitioner's 9 and
10 10. Nothing further.
11 MR. HOLZER: Could I look at those two?
12 MR. MOEHLER: It's 8, 9 and 10? There's a
13 bulletin which is nine, and then there's an insert to the
14 bulletin.
15 THE WITNESS: Well, they're both inserts.
16 It's just two different days just to show it's been
17 consistently in there since January.
18 CROSS EXAMINATION
19 BY MR. HOLZER:
20 Q. Where are the businesses that you say --
21 A. The highlighted areas are the areas that we are

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1 allowed to park. The other side explains each one.
2 This is where we are permitted. High's
3 Convenience, Larry's Canvas, D.A. Design. These are the
4 establishments that we have had conversation with. They
5 agreed to let us use parking.
6 Q. D.A. Design was one?
7 A. Yes.
8 Q. High's store is available parking?
9 A. That is correct. We do not park in any of the
10 front areas of the High's or side of the High's store.
11 Q. Did you see the exhibit from the owner of the
12 High's?
13 A. I would like to see it, if I am allowed to,
14 because it surprised me.
15 Q. Protestants', I think, two or three.
16 MR. MOEHLER: It's 7A or B.
17 A. As a matter of fact --
18 Q. No. Wait a minute. You can answer my question.
19 Let me just say on Protestants' 7A, Eva Mae Acres
20 indicates that she owns the property and leases it to
21 High's, and she has no agreement with the church to let

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1 them have parking rights.
2 Do you understand that, or do you agree with
3 that, or do you disagree with it?
4 A. Well, I mean, she -- obviously, that's from her.
5 That's there in black and white.
6 But I can tell you that on a weekly basis we have
7 parked there, and it's been a longstanding informal
8 agreement that we have used that area.
9 Q. So it's informal?
10 A. Yes.
11 Q. When was that informal agreement made?
12 A. Specifically, I don't know.
13 Q. You didn't make it, did you?
14 A. Personally, no, I did not, but I did personally
15 make it with D.A. Designs.
16 Q. Well, I'll get to them, but as far as the High's
17 store, you did not make it, it's informal, and you have
18 nothing in writing, is that correct?
19 A. Right.
20 Q. And as far as D.A. Designs --
21 THE CHAIRMAN: Excuse me, Mr. Holzer, that's the

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1 owner.
2 MR. HOLZER: The owner of the property in which
3 they lease the High's store, and she says she's not given
4 permission to use the property.
5 THE CHAIRMAN: But High's manager said --
6 MR. HOLZER: I have no idea who entered into
7 the, quote, informal agreement,
8 MR. MOEHLER: Do I read this correctly, Mr.
9 Holzer, when it says, if I own a piece of property and
10 lease it to High's -- what I'm saying here, I've not given
11 them permission to use the property, but I can't read into
12 this that the management of High's has not.
13 MR. HOLZER: Can I, with all due respect, say
14 that other than an informal agreement that's been
15 testified to by the church, we don't know what the High's
16 manager said.
17 MR. MOEHLER: Right.
18 Q Now with D.A. Designs, Deborah Cannon, you also
19 said you have an agreement with her.
20 A. That's correct.
21 Q. Did you understand that her understanding of

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1 the agreement was they were given you temporary use of her
2 parking area while you were doing the new church and
3 addition, and until such time as the existing old church
4 would be torn down and made a parking lot. Did you
5 understand that as what she was saying or agree to?
6 A. No.
7 Q. Did you personally make this?
8 A. I personally spoke with Deborah Cannon. And,
9 again, this isn't signed by her either. I'm not saying it
10 isn't real or anything, but I personally spoke with her,
11 yes.
12 Q. And this is dated March 11, 2004?
13 A. Yes, it is.
14 Q. So we have covered D.A. Design. We've covered
15 behind the High's store. And South Marine Avenue is a
16 designated area to park?
17 A. That is along the warehouse, there is an open --
18 some of the photos will show there is available open
19 parking along that South Marine Avenue where the warehouse
20 is.
21 Q. So you're telling the congregation it's okay to

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1 park along South Marine Avenue on both sides?
2 A. That's what we told the congregation, yes.
3 Q. On both sides?
4 A. Yes, that's what we told hem. It's a legal right
5 to park there. We didn't think there was an issue
6 because, as Mr. Wozniak testified, there's no traffic on
7 that side of the road.
8 Q. Well, have you not had experiences with the
9 neighbors having problems and difficulty getting through
10 Brannan Avenue when cars are parked there, or all of these
11 expressions of concern which have took place prior to the
12 February hearing with the Zoning Commissioner? Were you
13 unaware that there was a problem until February of 2004.
14 A. No. That's what I said. The established
15 relationships, even though they're informal, have been in
16 place for some time.
17 If they weren't, we wouldn't be able to be
18 parking there all this time. And certainly, we are
19 cognizant of the problem, and that's why we are working,
20 you know, with everybody to try to deep that area clear.
21 Q. Well, had you provided adequate parking before

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1 the January hearing before the Zoning Commissioner on
2 this, you probably wouldn't have had half these people
3 here complaining about the traffic.
4 MR. WOOLMAN: Objection. Argumentative.
5 THE CHAIRMAN: Sustained. You're making a
6 statement.
7 MR. HOLZER: Well, I guess what's good for the
8 goose is good for the gander, and the goose seems to have
9 testified that there are wonderful --
10 THE CHAIRMAN: You can argue that in your closing
11 statement, Mr. Holzer. Let's move on.
12 MR. HOLZER: I have no further questions right
13 now.
14 MR. WOOLMAN: Could I see the High's letter?
15 REDIRECT EXAMINATION
16 BY MR. WOOLMAN:
17 Q. A. Do you know if it was Ms. Acres that the
18 informal agreement was made with, or someone from High's?
19 A. I really don't know.
20 MR. MOEHLER: I'm going to try to clarify, and
21 maybe you're probably as good a person to do it as any as

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1 the head steward.
2 Very briefly -- I know people want to move on -
3 walk me through. Let's start -- I'm going to start with
4 Monday, not Sunday. Monday at your church site, give me a
5 typical Monday in terms of usage, real briefly.
6 THE WITNESS: there's no activity except for Boy
7 Scouts on Monday evening. I think they run from -- I'm
8 not sure -- six to eight, or something like that in the
9 evening.
10 MR. MOEHLER: Is there overflow parking from the
11 Boy Scouts on Monday evening?
12 THE WITNESS: No.
13 MR. MOEHLER: Tuesday, tell me about Tuesday.
14 THE WITNESS: Tuesday, same thing. The pastor is
15 in new building, you know, every day. As far as Tuesday
16 evening, we have small group I believe that meets on
17 Tuesday evening, which is probably maybe six or eight
18 people.
19 MR. MOEHLER: No overflow parking?
20 THE WITNESS: No.
21 MR. MOEHLER: Now, Wednesday nights, there's

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1 classes. Walk us through -- don't tell us the about
2 classes, we've done that -- talk to me about the parking
3 situation.
4 THE WITNESS: The parking on Wednesday, to my
5 knowledge, everyone fits in those thirty-one spaces.
6 There's no overflow.
7 MR. MOEHLER: I assume that Thursday and Friday
8 are similar to a Monday a Tuesday?
9 THE WITNESS: Yes.
10 MR. MOEHLER: Any activity on Saturday?
11 THE WITNESS: No.
12 MR. MOEHLER: No activity on Saturday?
13 THE WITNESS: No.
14 MR. MOEHLER: Now, there's some confusion on
15 Sunday. We know what takes place.
16 Is it a reasonable expectation to assume from
17 8:30 up until about noon -- you have pictures of what it
18 looked like up until the past few weeks -- evidently, the
19 past few weeks, because of these informal agreements, the
20 traffic situation now has been somewhat relieved?
21 THE WITNESS: That's true.

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1 MR. MOEHLER: What happens in the afternoon?
2 Because there was some testimony as to what traffic looked
3 look all day long. Tell me about Sunday noon up until
4 about Sunday evening.
5 THE WITNESS: It's clear. There's no event,
6 nothing taking place at the church after the 11 o'clock
7 service, which the service is usually over around twelve.
8 Everyone clears out.
9 By 1 o'clock, everyone is gone. Everything
10 locked up, cleaned up, and there's no more events taking
11 place.
12 MR. MOEHLER: Thank you for walking me through.
13 MR. QUINN: You're not having evening services?
14 THE WITNESS: No.
15 THE CHAIRMAN: Does that raise any other
16 questions?
17 MR. HOLZER: It raises a lot, but I won't ask
18 them since I know your look.
19 THE CHAIRMAN: Thank you, ma'am.
20 MR. WOOLMAN: I submit this, as Mr. Holzer did,
21 the sign-in sheet.

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1 MR. HOLZER: No objection.
2 MR. MOEHLER: That would be No. 11.
3 MR. HOLZER: Mr. Chairman, if I could, I would
4 respectfully request the opportunity to submit a written
5 memo in this case.
6 I have talked to the court reporter and she said
7 it will take her about to weeks to get a copy of the
8 transcript to me, so I would like to have have three weeks
9 at least to write the memo and, if possible, more, but I
10 don't want to be greedy, so I will stop with three, if the
11 court reporter can get me in two weeks like she promised.
12 MR. WOOLMAN: I will defer to the Board.
13 Obviously, I'd like to submit a memo in writing as well.
14 THE CHAIRMAN: I think memos would be helpful.
15 Today is the 31st. How about the close of business on
16 October 4th?
17 MR. HOLZER: Sounds fine with me.
18 MR. WOOLMAN: That's fine.
19 MR. HOLZER: Both memos simultaneously submitted?
20 THE CHAIRMAN: Both memos at the same time.
21 MR. HOLZER: Thank you, members of the Board.

Page 165

1 THE CHAIRMAN: If there's nothing further, we are
2 adjourned. Thank you very much for a good hearing.
3 MR. WOOLMAN: Thank you.
4 (Hearing adjourned.)
5 * * * * *
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1 INDEX

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Department of Permits &
Development Management

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

Baltimore County

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

January 9, 2004

Joseph Woolman III
Gildea, LLC.
301 North Charles Street, Suite 900
Baltimore, Maryland 21201

Dear Mr. Woolman:

RE: Case Number: 04-235-SPHXA, 2510 Brannan Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 6, 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:clb

Enclosures

c: People's Counsel
Julie Shkor, 2510 Brannan Avenue, Baltimore 21219

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

SHA
State Highway Administration
Driven to Excel
MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: 11.26.03

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

RE: Baltimore County
Item No. 235 BPR

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,

L. G. Gredlein

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley RBS

DATE: December 5, 2003

SUBJECT: Zoning Item # 04-235
Address 2510 Brannan Avenue
Edgemere Free Methodist Church

Zoning Advisory Committee Meeting of November 24, 2003

____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_X_ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

_X_ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

ORDER RECEIVED FOR FILING
Date 12/3/04
By

Reviewer: Keith Kelley Date: December 1, 2003

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 24, 2003

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

SUBJECT: 2510 Brannan Avenue

INFORMATION:

Item Number: 04-235

Petitioner: Edgemere Free Methodist Church

Zoning: DR 5.5

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided building elevations (all sides), and a landscape plan are submitted to this office for review and approval prior to the issuance of any building permits. The exterior building material of the proposed structure shall complement/enhance the existing residential units in the area.

Prepared by: Martha A Cunningham

Section Chief: Lynn Lanham

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 15, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For December 1, 2003
Item No. 235

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

The existing surrounding roads cannot have any additional parking on them.

RWB:CEN:jrb

cc: File

ZAC-12-1-2003-ITEM NO 235-12152003

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

DATE: January 23, 2008

TO: Timothy Kotroco, Director
Permits & Development Management

FROM: Linda B. Fliegel
Board of Appeals

SUBJECT: **Edgemere Free Methodist Church**
Case Nos.: 04-235-SPHXA
Circuit Court Case Nos.: 03-C-04-13049

CLOSED UPPER COURT CASES

On November 18, 2004 the Board of Appeals issued its' Opinion and Order *DENYING* Petitioner's request for special hearing, special exception and variance relief.

On December 17, 2004 the Petitioner filed an appeal of the Board's decision with the Circuit Court for Baltimore County.

The Circuit Court issued a Voluntary Dismissal in its Entirety on February 28, 2005.

BALTIMORE COUNTY, CORRESPONDENCE

INTER-OFFICE CORRESPONDENCE

TO: John H. Almond
Supervisor
Records Department

FROM: Theresa R. Shelton
Board of Appeals

DATE: February 15, 2005

SUBJECT: Request for File

Could you please pull our case file and give me a call when it is available for pick-up so I can CLOSE the file?

Thank you for your time and assistance with these matters.

Matter of: EDGEMERE FREE METHODIST CHURCH

Case No.: 03-C-04-13049

CBA Case No.: 04-235-SPHXA

/trs

when file comes in
Close

RE:	PETITION FOR SPECIAL HEARING SPECIAL EXCEPTION & VARIANCE 2510 Brannan Avenue; N/side Morning Ave, 300' S c/line Sparrows Point Road 15th Election & 7th Councilmanic Districts Legal Owner(s): Julie Shkor, Edgemere Free Methodist Church Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 04-235-SPHXA

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

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
DEC 0 8 2003
Per..bm.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of December, 2003, a copy of the foregoing Entry of Appearance was mailed to Joseph R Woolman, II, Esquire, Gildea, LLC, 301 N. Charles Street, Suite 900, Baltimore, MD 21201, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

March 25, 2004

RECEIVED
MAR 3 0 2004
BALTIMORE COUNTY
BOARD OF APPEALS

Joseph Woolman
Gildea, LLC
301 N. Charles Street, Ste. 900
Baltimore, MD 21201

Dear Mr. Woolman:

RE: Case :04-235-SPHXA, 2510 Brannan Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on March 10, 2004, by Robert Wozniak for citizens. 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
Pastor Timothy Rush, 2918 Delmar Ave., Baltimore 21219
Julie Shkor, 8515 Esquire Road, Baltimore 21219
Frank DeRoose, 2508 Pac Lane, Baltimore 21219
Donald Russell, 2509 Pac Lane, Baltimore 21219
Chesapeake Bay Critical Area Commission, 1804 West St., Ste. 100, Annapolis 21401
Robert Wozniak, 2402 Carolyne Ave., Baltimore 21219
DEPRM

APPEAL

Petition for Variance & Special Exception
2510 Brannan Avenue
NW/corner of Brannan and Manning Avenues, S/of Sparrows Point Rd.
15th Election District – 7th Councilmanic District
Edgemere Free Methodist Church - Petitioners

Case No.: 04-235-SPHXA
* Special Hearing

✓ Petition for Special Exception and Variance (November 6, 2003)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (December 3, 2003)

✓ Certification of Publication (The Jeffersonian Issue December 23, 2003)

✓ Certificate of Posting (December 27, 2004) by SSG Robert Black

✓ Entry of Appearance by People's Counsel (December 8, 2003)

✓ Petitioner(s) Sign-In Sheet
None

✓ Protestant(s) Sign-In Sheet
Three Sheets

✓ Citizen(s) Sign-In Sheet
One Sheet

RECEIVED
MAR 3 0 2004
BALTIMORE COUNTY
BOARD OF APPEALS

Zoning Advisory Committee Comments
(1-9-2004)

Petitioners' Exhibit
✓1. Photo
✓2. Photo
✓3. Photo
✓4. Photo
✓5. Photo
✓6. Photo
7. Not located in file
8. Not located in file
✓9. Site Plans
9A " "

✓ Protestants' Exhibits:
None

✓ Miscellaneous (Not Marked as Exhibit)
✓1. 9 Photos
✓2. Letter from Frank DeRoose
✓3. Letter from Donald Russell
✓4. Plat to accompany Petition for Special Exception and Variance

✓ Zoning Commissioner's Order (February 13, 2004 – GRANTED)

✓ Notice of Appeal received on March 10, 2004, from Robert Wozniak for citizens of neighborhood

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
✓Joseph Woolman, Gildea, LLC, 301 N. Charles St., Ste. 900, Baltimore 21201
✓Julie Shkor, Edgemere Free Methodist, 2510 Brannan Ave., Baltimore 21219
✓Pastor Timothy Rush, 8515 Esquire Road, Baltimore 21219
✓ Robert Wozniak, 2402 Carolyne Ave., Baltimore 21219
✓ Frank DeRoose, 2508 Pac Lane, Baltimore 21219
✓ Donald Russell, 2509 Pac Lane, Baltimore 21219
✓ Chesapeake Bay Critical Areas Commission, 1804 West St., Ste. 100, Annapolis 21401
DEPRM

date sent 3/30/04, klm

✓E

JOSEPH WOOLMAN, ESQUIRE
GILDEA LLC
301 N CHARLES STREET, SUITE 900
BALTIMORE, MD 21201
Attorney for Petitioner

JULIE SHKOR
8515 ESQUIRE ROAD
BALTIMORE, MD 21219

FRANK DEROOSE
2508 PAC LANE
BALTIMORE, MD 21219

PASTOR TIMOTHY RUSH
2918 DELMAR AVENUE
BALTIMORE, MD 21219

DONALD RUSSELL
2509 PAC LANE
BALTIMORE, MD 21219

CHESAPEAKE BAY CRITICAL
AREA COMMISSION
18094 WEST STRET
SUITE 100
ANNAPOLIS, MD 21401

ROBERT WOZNIAK [redacted]
2402 CAROLYNE AVENUE
BALTIMORE, MD 21219
Appellant [redacted]

Counsel for Appellant:
[entered appearance 5/17/04]
J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

FAX 410-825-4923

Case No. 04-235-SPHXA

In the Matter of: Edgemere Free Methodist Church -Petitioner

SPH – For determination that proposed building is eligible as new church and permitted as matter of right and that the proposed bldg and improvements are in compliance with RTA and use requirements; ALERNATIVE: SE –community building and VAR – setbacks and parking; ALTERNATE VAR – RTA buffer.

2/13/2004 -- Z.C.'s Order in which requested special hearing relief that proposed building is eligible as new church or other building for religious worship, permitted as matter of right, is GRANTED; special hearing relief re compliance with RTA is GRANTED; VAR relief for setbacks GRANTED subject to restrictions. SE request and RTA buffer variance DISMISSED as MOOT.

5/21/04 -Notice of Assignment sent to following; assigned for hearing on Tuesday, August 31, 2004 at 10 a.m.:

J. Carroll Holzer, Esquire
Robert Wozniak
Joseph Woolman, Esquire
Edgemere Free Methodist Church
Pastor Timothy A. Rush
Julie Shkor
Frank DeRoose
Donald Russell
Chesapeake Bay Critical Area Commission
Office of People's Counsel
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

8/31/04 - Board convened for hearing (Wescott, Mohler, Quinn); completed hearing this date. Memos due 10/04/04; deliberation assigned for Thursday, October 28, 2004 at 9:00 a.m. Notice to be sent.

9/02/04 – Notice of Deliberation sent to parties; assigned for Thursday, October 28, 2004 at 9:00 a.m.; fyi copy to 4-1-6

9/30/04 – T/C to S. Leese and J. Woolman requesting that memos be filed on 10/04/04 prior to 4 p.m.

10/04/04 – Protestants' Memorandum and Transcript in Lieu of Final Argument filed by J. Carroll Holzer, Esquire.
-- Closing Brief filed by Joseph R. Woolman, Esquire, on behalf of Edgemere Free Methodist Church, Petitioner.
- Copies to 4-1-6 this date for review prior to 10/28/04 deliberation.

10/19/04 – Copy of deliberation Notice to Sterling Leese via FAX 410-825-4923.

10/28/04 – Board convened for deliberation (Wescott, Mohler, Quinn); unanimous decision: nonconforming use not proven by Petitioner; property does not meet uniqueness test of Cromwell v. Ward; zoning relief requested by Petitioner is denied. Written decision to be issued; appellate period to run from date of written Order. (4/S)

5/17/04 – Entry of Appearance filed by J. Carroll Holzer, Esquire on behalf of Appellant.

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF:	Edgemere Free Methodist Church Case No. 04-235-SPHXA	
DATE :	Thursday, October 28, 2004	
BOARD /PANEL :	Lawrence S. Wescott Donald Mohler John P. Quinn	(LSW) (DM) (JPQ)
RECORDED BY :	Kathleen C Bianco /Administrator	

PURPOSE: To deliberate Case No. 04-235-SPHXA /Petition for Special Hearing, Special Exception and Variance filed by Edgemere Free Methodist Church for determination that proposed building is eligible as new church and permitted as matter of right and that the proposed bldg and improvements are in compliance with RTA and use requirements; ALERNATIVE: SE –community building and VAR – setbacks and parking; ALTERNATE VAR – RTA buffer.

Deliberation:

Discussion of issues:

- Petition for Special Hearing – nonconforming use
- Plat dated 1941 admitted into evidence showing that a church existed at that time
- Only evidence re nonconforming use; no other evidence produced; no testimony regarding continuous use as church or church related use
- Discussed extensively the lack of evidence /testimony to support the nonconforming use ongoing from 1941 to the present day, with no more than one year when it was not in use; that churches are abandoned and not in use for periods of time; no one to verify the continued existence of this church
- No witnesses produced to present testimony that the church has been there since 1941 continuing uninterrupted through today; only testimony that at some time it was enlarged; that time also not given to the Board.
  - ✓ L. Wescott – Protestants are correct; nonconforming use was not proven by the Petitioner
  - ✓ D. Mohler – Agrees that Petitioner failed to prove nonconforming use
  - ✓ J. Quinn – Agrees that there is no evidence to support nonconforming use

Next issue:

- New building for church and church related use under 500.7 BCZR – requested variance from RTA
- Comes to *Cromwell v.* Ward and whether or not the Petitioner proved the property is unique

- Discussed use of property; cannot be used as requested only due to size of new building; building will be too large.

- Fails uniqueness; proposed building will be too large for the site – requiring zoning relief; smaller building could be built

- Discussed variance request for parking spaces (31 in lieu of required 143) – again goes back to "uniqueness" – property is not unique

- Fails uniqueness test – therefore request for variance relief fails

Decision

✓ L. Wescott – Property is not unique; does not qualify under *Cromwell v.* Ward – variances denied
✓ D. Mohler – No doubt; nothing unique – would deny requested variances
✓ J. Quinn – Agrees – property is not unique; denied

- Summary – After review and discussion of evidence and testimony provided at the hearing before the Board, Petitions for Special Hearing, Special Exception and Variance are DENIED; no evidence submitted to support granting of same. Requested zoning relief is **DENIED**.

  Written Order to be issued by the Board; appellate period to run from date of written Order.

NOTE: These minutes, which will become part of the case file, are intended only to indicate for the record that a public deliberation took place this date regarding this zoning case. 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

Kathleen C. Bianco

Kathleen C. Bianco, Administrator
County Board of Appeals

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

03/14/05

Case Number: 03-C-04-013049 AE
Date Filed: 12/17/2004
Status: Closed/Active
Judge Assigned: To Be Assigned,
Location :

In The Matter of: Edgemere Free Methodist Church

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Administrative Agency	04235SPHXA
Case Folder ID	C04013049V01

INVOLVED PARTIES

Type	Num	Name(Last First.Mid.Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
PET	001	Edgemere Free Methodist Church Party ID: 0722763		BT DC 02/28/05	12/17/04
Attorney.	0018725	Woolman, Joseph Gildea L L C 300 E Lombard St Ste 1440 Baltimore, MD 21202 (410)234-0070	Appear: 12/17/2004		12/17/04
ITP	001	County Board Of Appeals Of Baltimore County Party ID. 0722765		BT DC 02/28/05	12/17/04
Mail		Old Courthouse Room 47 400 Washington Avenue Towson, MD 21204	12/17/04	12/17/04 EMH	12/17/04 EMH

Attorney: 0012186 Holzer, J Carroll
Holzer And Lee
The 508 Building
508 Fairmount Avenue
Towson, MD 21286-5448
(410)825-6961

Appear: 12/28/2004 12/28/04

CALENDAR EVENTS

Date	Time	Dur	Event Description	Text	SA	Jdg Day	Of Notice	User ID
Result			ResultDt By Result Judge	Rec				
05/04/05	09:30A	02Q	Civil Non-Jury Trial	Y		TBA	01 /01	KLS LMC
Vacate			02/28/05 Z					

DISPOSITION HISTORY

Disp Date	Disp Code	Description	Stage Code	Description	User	Activity Date
02/28/05	DC	Dismissal	BT	BEFORE TRIAL/HEARING	LMC	02/28/05

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal RSN
TBA To Be Assigned.	J	12/17/04	

DOCUMENT TRACKING

Num/Seq	Description	Filed	Entered	Party	Jdg	Ruling	Closed	User ID
0001000	Petition for Judicial Review	12/17/04	12/17/04	PET001	TBA		02/28/05	EMH LMC
0001001	*Response To Petition For Judicial Review	12/22/04	12/28/04	ITP001	TBA		02/28/05	NF LMC
0002000	Notice of Service of Discovery	12/23/04	12/30/04	000	TBA		02/28/05	NF LMC
0003000	*Transcript of Record from Adm Agency	01/20/05	01/26/05	000	TBA		02/28/05	MJ LMC
0004000	Notice of Transcript of Record Sent	01/26/05	01/26/05	ITP001	TBA		01/26/05	MJ MJ
0005000	Notice of Transcript of Record Sent	01/26/05	01/26/05	PET001	TBA		01/26/05	MJ MJ

Num/Seq	Description	Filed	Entered	Party	Jdg	Ruling	Closed	User ID
0006000	Scheduling Order	02/01/05	02/01/05	000	TBA		02/01/05	KLS KLS
0007000	*Voluntary Dismissal in Entirety withdrawn	02/28/05	02/28/05	000	TBA		02/28/05	LMC LMC

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
1ANS	1st Answer Tickle	CLOSED	12/22/04	0	no	no	DANS	D	001	001
1YRT	One Year Tickle (Jud	CLOSED	12/17/05	365	no	no	DAAA	D	001	000
EXPU	Exhibit Pickup Notic	CLOSED	04/29/05	30	no	no			000	000
SLTR	Set List For Trial	Done	12/22/04	0	yes	yes	1ANS	T	001	001

EXHIBITS

Line #	Marked	Code	Description	SpH	Sloc	NoticeDt	Disp Dt	Dis By
Offered By: ITP 001 County Board Of Appeals Of Ba								
000		B	BOX 442/TRANSCRIPT	B				

DIFFERENTIATED CASE MANAGEMENT

TRACKS AND MILESTONES

Track R1 Description: EXPEDITED APPEAL TRACK Custom: Yes
Assign Date 02/01/05 Order Date : 02/01/05
Start Date 02/01/05 Remove Date:

Milestone	Scheduled	Target	Actual	Status
Motions to Dismiss under MD. Rule 2-322(		02/16/05	02/28/05	CLOSED
All Motions (excluding Motions in Limine		03/25/05	02/28/05	CLOSED
TRIAL DATE is	05/04/05	05/02/05	02/28/05	CLOSED

Department of Permits and Development Management

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

Baltimore County

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

October 27, 2003

Mr. Michael J. Coady
Director-BGE Lightspeed
1068 North Front Street
Baltimore MD, MD 21202

RE: Zoning Verification, Replacement Transmission Structures
1st Election District

Dear Mr. Coady:

Subsequent to discussions with the Director of Permits and Development Management and our meeting dated October 24, 2003 the following is offered in reply. This application of the requirements of Section 426 of the Baltimore County Zoning Regulations (BCZR) **will apply only when considering BGE owned and controlled utility structures situated within BGE controlled rights of way.**

- *Extensions* Antennas and antenna arrays as described in the correspondence to you from Baltimore County dated October 7, 2003 to a maximum height of 15' above the existing utility structure will be permitted by right on BGE owned and controlled structures situated within BGE rights of way in all residential and transitional zones. Any extension beyond 15' is considered a wireless communications tower. In those instances where the structural safety requirements of Section 426.8 dictate the replacement of the entire utility structure, said utility structure may be replaced with a new utility structure having an increase in height of not more than 15' beyond the original structure. Utility structure replacements with antenna array of 15' or less in increased height may be permitted pursuant to standard permit review procedures. Any request to further extend a utility structure with an already increased height will require zoning review and approval prior to permits being issued. All ground-based equipment will be subject to the non-residential principal structure setbacks in the zone and must provide the required yards where possible. In the event this is not possible, the ground based equipment structure may be placed no closer to the property line than the closest portion of the existing electric power transmission tower. No variance will be required so long as the antenna equipment structure meets or exceeds the property line setback of the existing electric power transmission tower.

Printed on Recycled Paper

Replacement Towers When an existing utility structure requires replacement, or a new utility structure is proposed, and the primary purpose is as a utility service to the public, the entire structure will be considered as a utility structure. Any BGE utility structure proposed to be significantly higher than what is required for the utility service use with the intention of affixing wireless antennas and antenna arrays the following requirements in addition to the aforementioned ownership and location criteria will apply:

- BGE must provide written commitments from the wireless providers intended to be located upon that particular structure.
- The utility structure cannot exceed 200' in overall height except where Section 426.5.D allows a 250' height.
- All ground-based equipment will be subject to the non-residential principal structure setbacks in the zone and must provide the required yards where possible. In the event this is not possible, the ground based equipment structure may be placed no closer to the property line than the closest portion of the existing electric power transmission tower. No variance will be required so long as the antenna equipment structure meets or exceeds the property line setback of the existing electric power transmission tower.
- The requirements of Sections 426.6.A.3, B, C, E, & 426.8 will apply.
- BGE extension/ replacement tower proposals resulting in an increase of more than 15'will be **reviewed on an individual basis.**

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

Lloyd T. Moxley
Planner II
Zoning Review

LTM

HOLZER

& LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

May 14, 2004
#7475

RECEIVED
MAY 17 2004
BALTIMORE COUNTY
BOARD OF APPEALS

Baltimore County
Board of Appeals
400 Washington Avenue
Room 49
Towson, Maryland 21204
ATTN: Kathy Bianco

RE: Petition for Special Hearing/Special Exception and Variance
Edgemere Free Methodist Church
Case No.: 04-235-SPHXA

Dear Ms. Bianco:

Please enter my appearance on behalf of the Protestants in the above-captioned case and notify me of the hearing date when it is scheduled in the above matter.

Very truly yours,

J. Carroll Holzer

JCH:mlg

cc: Mr. Robert Wozniak

GILDEA & SCHMIDT, LLC
300 EAST LOMBARD STREET
SUITE 1440
BALTIMORE, MARYLAND 21202
TELEPHONE 410-234-0070
FACSIMILE 410-234-0072
www.gildeallc.com

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SEBASTIAN A. CROSS
SCROSS@GILDEALLC.COM

JOSEPH R. WOOLMAN, III
JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN
DHOLMAN@GILDEALLC.COM

TOWSON, MD OFFICE
220 BOSLEY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 410-337-7057

February 2, 2005

Civil Clerk
Circuit Court for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, MD 21204

RECEIVED
FEB 1 1 2005
BALTIMORE COUNTY
BOARD OF APPEALS

Re: Edgemere Free Methodist Church
Case No.: 04-235-SPHXA

Dear Madam Clerk:

Enclosed please find Petitioner's Motion to Withdraw Petition for Judicial Review regarding the above referenced matter.

Please contact me should you require additional information. With kind regards, I am

Very truly yours,

Joseph R. Woolman, III

JRWIII:bhb
CC: Julie Shkor, Edgemere Free Methodist Church
Peter Max Zimmerman, Esquire, People's Counsel
J. Carroll Holzer, Esquire, Holzer & Lee
Lawrence S. Wescott, Chairman, Board of Appeals

I Robert Wozniak is filing an appeal for the citizens of the neighborhood. The appeal is on the decision of the variance and special exception.

Robert Wozniak 410-388-0655

RECEIVED
MAR 10 2004
Per

FRANK DEROOSE
2508 PAC LANE
BALTIMORE, MD. 21219

January 8, 2004

Zoning Hearing Division
(410) 887-5708
Attention: Christine

Subject: Case # 04235 SPHXA
Address: Brannan Ave. Baltimore, Md. 21219

To whom it may concern:

This letter is in response to a posted notice at the above location.. The current structure at this location was previously used a Church. Previous discussions by the Pastor with other neighboring residents have indicated that the current structure is in need of some renovation due to termite damage. Those discussions have also indicated that it is the Pastor's intention to raze the current structure and replace it with a prefabricated "metal" building that will be used as a recreation center for local youth and members of the church. While the intended use of the newly erected building is desirable, the structure, size and location of such a building is detrimental to the surrounding homeowners.

The posted requests for exceptions to the current zoning requirements indicate that the proposed structure will greatly exceed the size of the current structure. Variance requests for decreasing the current setbacks from 40, 30, and 10 feet down to single digit requirements are unacceptable. A building of this size and structure will not add aesthetic value to the homes in the adjoining neighborhood. Considering the other current buildings in the immediate surrounding areas that are commercial in nature (Dingo's garage, and High's Convenience Store), and their aesthetic value, the proposed structure can only add to depreciating the property of the surrounding homes and neighborhood when compared to other values in the 21219 area.

Another major concern is parking. According to the posting, the proposed building would require 98 parking spaces under the current zoning requirements. A variance is being requested to reduce that requirement to 31 spaces. Parking in this area is currently at a premium. To confirm this statement, one needs to merely visit the surrounding area during a Sunday Service and realize, even with the recent addition of a new parking lot adjoining the new Church, the current parking accommodations provided by this new lot do not meet the needs of the congregation. Adding another structure of the proposed size will only increase the parking problem in this area.

Although it is admirable that the Pastor and his congregation are making every attempt to be "good neighbors" and provide quality recreation for their members and the surrounding community, the current proposal does not enhance the current conditions or property value of the surrounding neighborhood. I would welcome discussing alternatives to the proposal, and working with the Pastor and his congregation to meet their needs in the future.

An alternative may be to investigate the possibility of obtaining the use the of the soon to be vacated Halpern Furniture Warehouse. This building is located within walking distance from the Church and should be available in the near future. This company is in the process of eliminating it's inventory at this location and their departure would leave two large warehouses vacant. The proposal of a recreation center for this community is welcomed one but the proposed location does not provide the best scenario.

Sincerely,

Frank A. DeRoose Jr.

To: Zoning Hearing Division
410-887-5708 Fax Office 410-887-3391
Attention: Christine
Reference : Case # 0423 SPHXA

From: Frank DeRoose
410-477-1447

# of pages including cover: 3

Subject:

Attached please find a letter stating my opposition to the referenced case above.

January 8, 2004

Zoning Hearing Division
Attn: Christine
410 - 887 – 5708
Reference: Case # 04235 SPHXA

Dear Sir or Madam:

I am submitting this letter in opposition to the posted notice at the Church located on Brannan Ave behind my dwelling. It is my understanding that the existing structure has been damaged by termites and is in need of repair. I would assume the posted notice indicates that the intention is to remove the current structure and replace it with a new building. It is my understanding that the new structure's design incorporates corrugated metal and is in line with prefabricated buildings. The appearance and size of such a structure will do nothing to enhance the property value of the surrounding homes. The current building is situated on the lot in such a manner that the view from my rear yard is no more than that of a block and siding building. The only unobstructed view from my rear yard is to the left of my property through what is being currently used as the yard for the existing Church. The request for variances to the current zoning requirements indicates the proposed building will be extending to this open area also and therefore block any view that I currently have. This is extremely undesirable from my perspective.

The posting also indicates that the proposed structure will require 98 parking spaces and an exception request has been submitted to reduce that requirement to 31 spaces. I can only assume that this number (31) equals the amount of spaces currently available on the new parking lot that adjoins the new church. Parking in the area is currently at a premium. Any proposed construction that would place further strain on the current parking conditions is unacceptable.

I oppose the request for the zoning variances as posted for the reasons listed herein.

Respectfully,

Donald E Russell

Donald Russell

To: Zoning Hearing Division
410-887-5708
Attention: Christine
Reference : Case # 0423 SPHXA

From: Donald Russell
410-477- 5079

# of pages including cover: 3

Subject:

Attached please find a letter stating my opposition to the referenced case above.

PLEASE PRINT CLEARLY

CASE NUMBER

DATE

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Robert Wozniak	2402 Carlyne AVE.	Balto. Md. 21219	CAPTN_Bob@Hotmail.com

Robert F. Wozniak Sr.

DEAR NEIGHBOR, THIS IS A PETITION TO STOP THE CONSTRUCTION OF ANOTHER BUILDING AT THE METHODIST CHURCH AT 2510 BRANNON AVE. WHEN THE CHURCH BUILT THE NEW BUILDING ACROSS THE STREET FROM THE OLD CHURCH AT 2510 BRANNON AVE.
THEY PROPOSED TO TEAR DOWN THE OLD CHURCH AND HAVE OFF STREET PARKING THERE. NOW THEY HAVE CHANGED THEIR MIND AND WANT TO PUT ANOTHER BUILDING UP IN IT'S PLACE. THE PROPOSED NEW BUILDING IS TO BE A 2 STORY SHEET METAL BUILDING.
AS YOU MAY KNOW THIS HAS CAUSED THE TWO WAY TRAFFIC AREA TO BECOME A ONE LANE CONJESTED ROAD-WAY ON SUNDAY MORNINGS, OR AT OTHER TIMES THAT THE CHURCH HAS OVER PARKED THEIR 31 PARKING SPACES.
I ASK THAT YOU SIGN THIS PETITION AND HELP US TO HAVE THE CHURCH DO AS THEY FIRST PROPOSED TO HAVE THEIR ADDITIONAL PARKING ON A PARKING LOT THAT THEY HAD ORGINALLY PLANNED FOR.

Per Lee Petitions

	NAME	ADDRESS
	Robert Wozniak Sr.	2402 Carolyne Ave. Balto. Md. 21219
2	Rita Wozniak	2402 Carolyne Ave Balto. Md. 21219
3	Donald Sellers	2406 CAROLYNE AVE. BALT. MD. 21219
4	[illegible]	2406 Carolyne Ave Balto MD 21219
5	Russell P. Mayo	2520 Maretta ave BALTO. MD 21219
6	Donald E Russell	2504 Pac Ln BALT. MD. 21
7	[illegible]	2508 Pac Lane. BALT. MD. 21219
8	Carol Case	2508 PAC LANE BALT. MD 21219
9	[illegible]	2111 Anna Ave. BALT. MD 21219
10	Mirea Hall	2502 Pac Ln BALT. MD. 21

RECEIVED MAR 10 2004 Per...

11 Deborah Buchanan 3124 Parkway Dundalk 21222

12 Chris Mullins 2413 Manning Ave. 21219

13 Joe W. Patterson 2505 Welsh Ave. Balto. 21219

14 Jacob F. Sellers 2415 Carolyne Ave Balt. 21219

15 Mary Shuffler 2413 Carolyne Ave Balt. 21219

16 Paul Tiernan 2410 Carolyne Ave Balt 21219

17 Lillian Sellers 2415 Carolyne Ave Baltimore 21219

18 Eric Fox 2411 Carolyne Ave Balto MD 21219

19 Carol Fendley 2411 Carolyne Ave Balto. MD 21219

20 Lenner P Kemp 2407 CAROLYNE AE BALT. MD 21219

21 Christine Barnett 2407 Carolyne Ave BALT. MD. 21219

22 Ann Leland 2401 Manning Ave BALT. MD 21219

23 Paul Sifrosh 2412 Carolyne Ave BALT. MD. 21219

24 Elmer Rudolph 2408 Carolyne Ave BALT MD. 21219

25 Tina Higgs 2401 Manning Ave Apt A BALT. MD. 21219

26 Brian Stitt 2401 MANNING AVE Apt A BALT. MD 212

27 Willie Mullins 2401 S SNYDER AVE BALT. MD 212

28 Julie C Mitchell 2401 Manning Ave Apt B

29 Leonard A Mitchell 2401 Manning Ave Apt B

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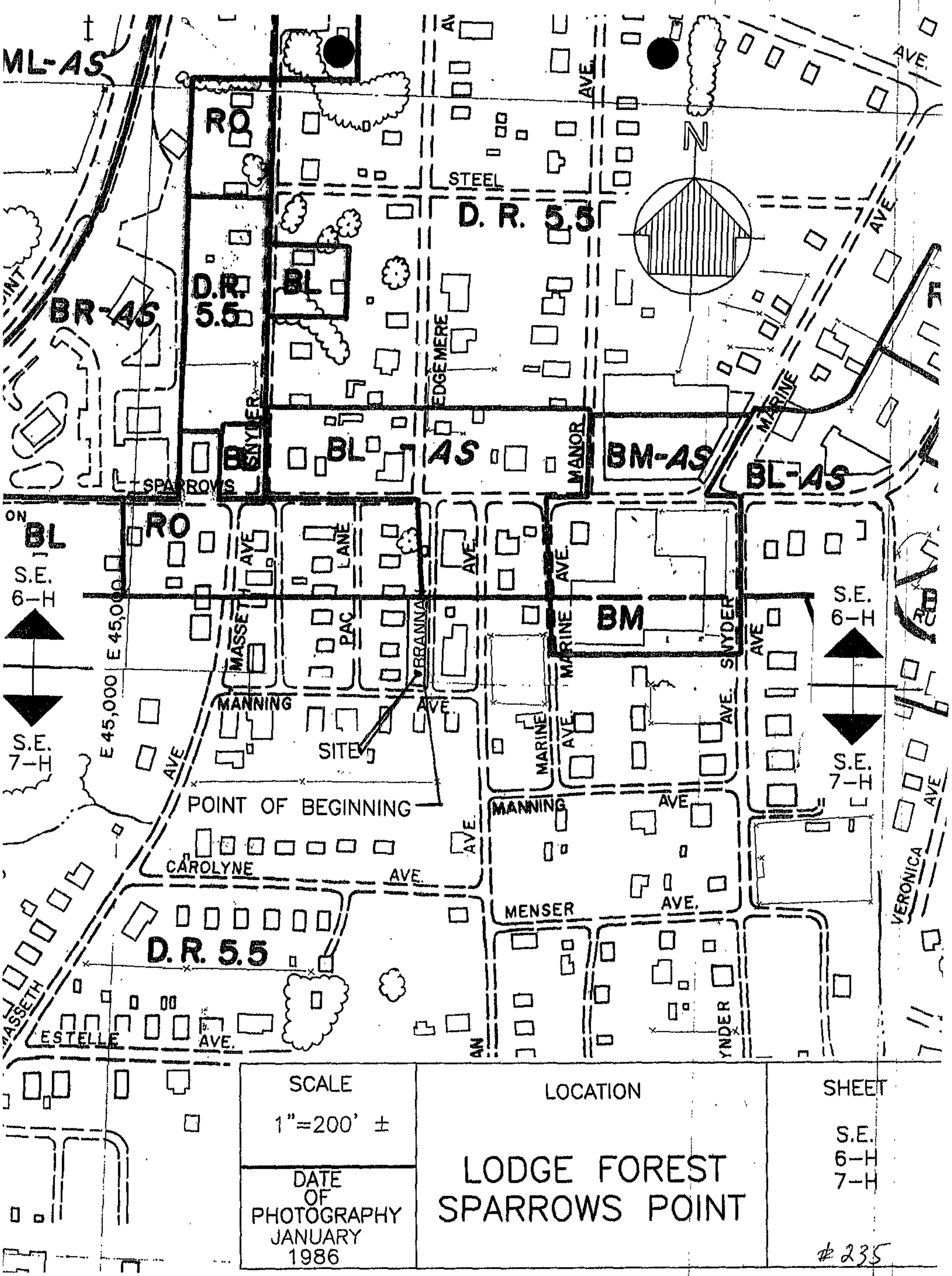
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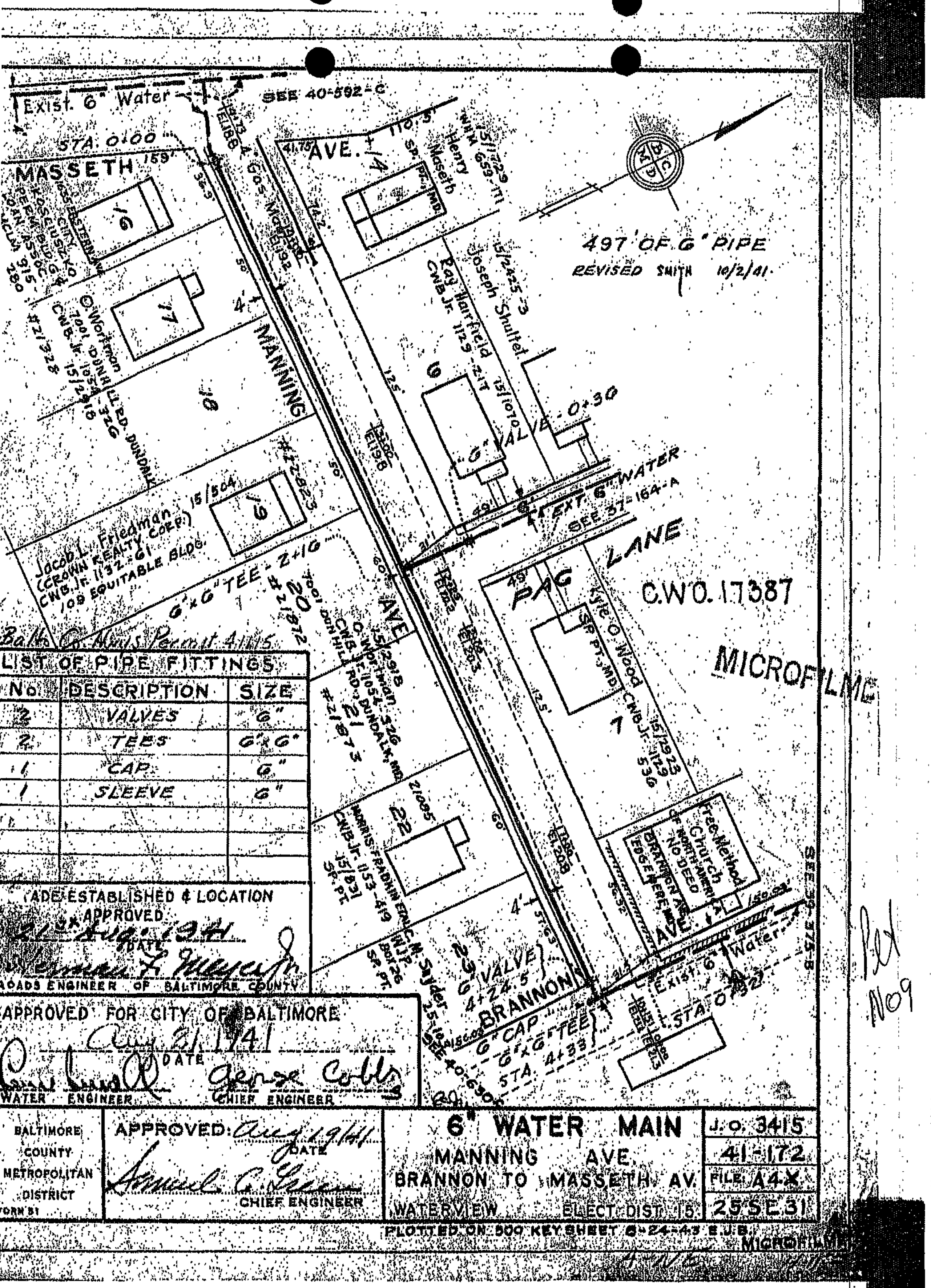
S.E. 7-H
E 45,000
MANNING
SITE
POINT OF BEGINNING
CAROLYNE
MENSER
D.R. 5.5
ESTELLE
VERONICA
SCALE
1"=200' ±
DATE OF PHOTOGRAPHY JANUARY 1986
LOCATION
LODGE FOREST
SPARROWS POINT
SHEET
S.E.
6-H
7-H
#235


Exist. 6" Water
SEE 40-592-C
STA. 0+00
MASSETH
AVE.
MANNING
497' OF 6" PIPE
REVISED SMITH 10/2/41
6" VALVE - 0+30
EXT. 6" WATER
SEE 37-164-A
LANE
PAC
C.W.O. 17387
MICROFILMED
Jacob L. Friedman (CROWN REALTY CORP.) CWB Jr. 1132-61 109 EQUITABLE BLDG.
6"x6" TEE - 2+16
Balto. Co. Hwy's Permit 4115
LIST OF PIPE FITTINGS
No. DESCRIPTION SIZE
2 VALVES 6"
2 TEES 6"x6"
1 CAP 6"
1 SLEEVE 6"
TAB ESTABLISHED & LOCATION APPROVED
DATE
ROADS ENGINEER OF BALTIMORE COUNTY
APPROVED FOR CITY OF BALTIMORE
DATE
WATER ENGINEER
CHIEF ENGINEER
6" VALVE
4+24.5
BRANNON
6" CAP
6"x6" TEE
4+33
STA. 0+32
Free Methodist Church of North America
BRANNON AVE.
Exist. 6" Water
STA. 0+32
BALTIMORE COUNTY METROPOLITAN DISTRICT
APPROVED:
DATE
CHIEF ENGINEER
6" WATER MAIN
MANNING AVE.
BRANNON TO MASSETH AV.
WATERVIEW ELECT. DIST. 15
J. O. 3415
41-172
FILE A4-X
25SE31
PLOTTED ON 500 KEY SHEET 6-24-43 E.J.B.
MICROFILMED

Verified
9-01-04

Pet. Exh. 3, 13
8/31/04

04-235-SPHXP Edgemont

1. site plan prepared by Trulove
2. zoning map of the area
3. 1941 plat - water main drawing - showing original building.
~~4. letter from Donald Russell~~
4. photo of new bldg - + old building
5. A.
B
C
D
E
F
G
H
I
J
K
L
} pictures of site - 3 sheets w/ 4 photos each

6. A.
B.
C.
D.
} pictures of business in area - one sheet of 4

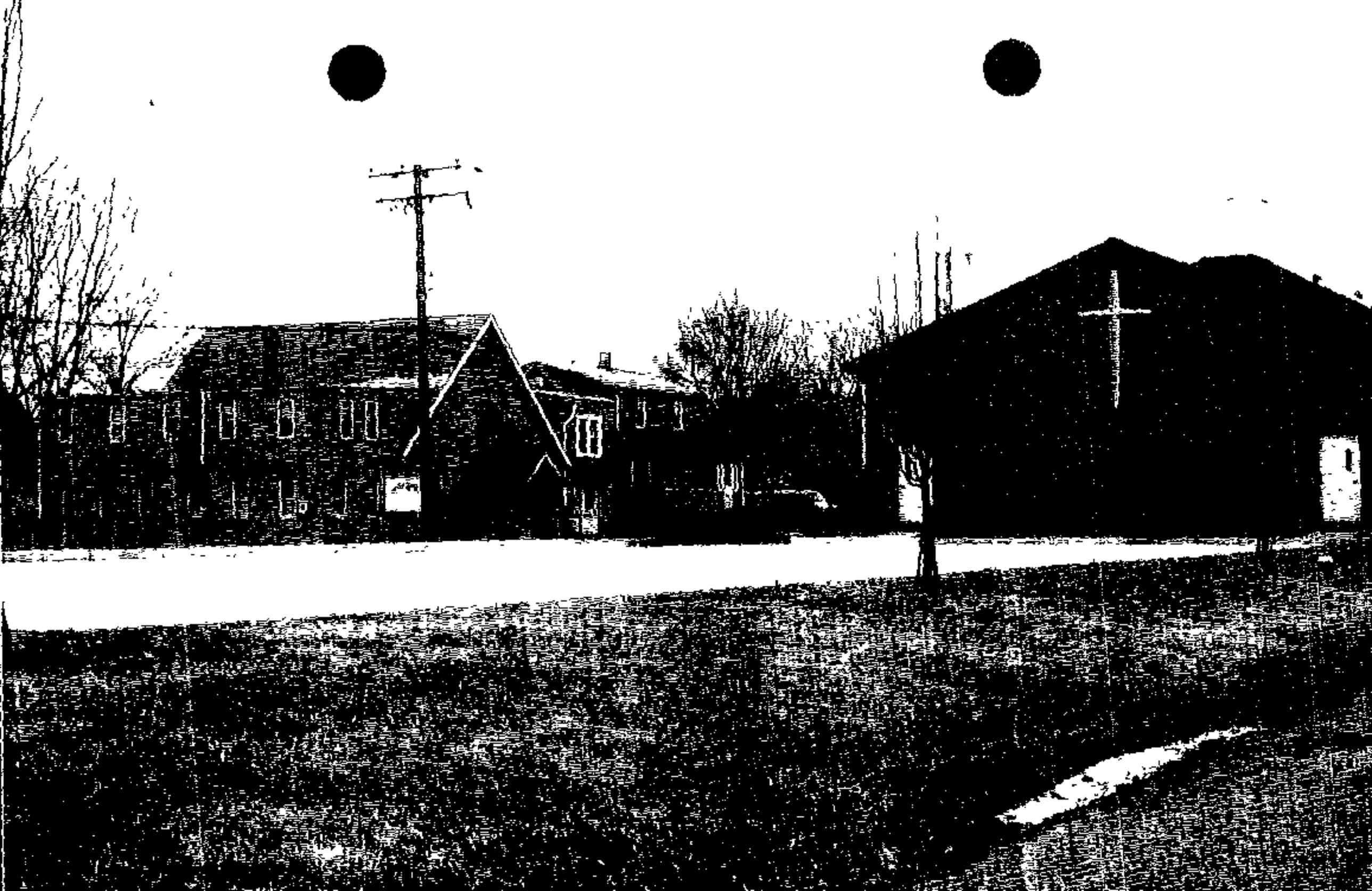
E.
F.
G.
H.
} prop - more structures in area one sheet of 4

I
J
K
L
} pix - WOZNIAK property - one sheet of 4

M. Sign Fn sheet

7. letter from WOZNIAK
8. Church flyer about parking

9. Church bulletin insert
10. " " insert



Canon

Looking
Northwest

Pet XY

DIRECT PRINT

Petitioner's

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Pet 3

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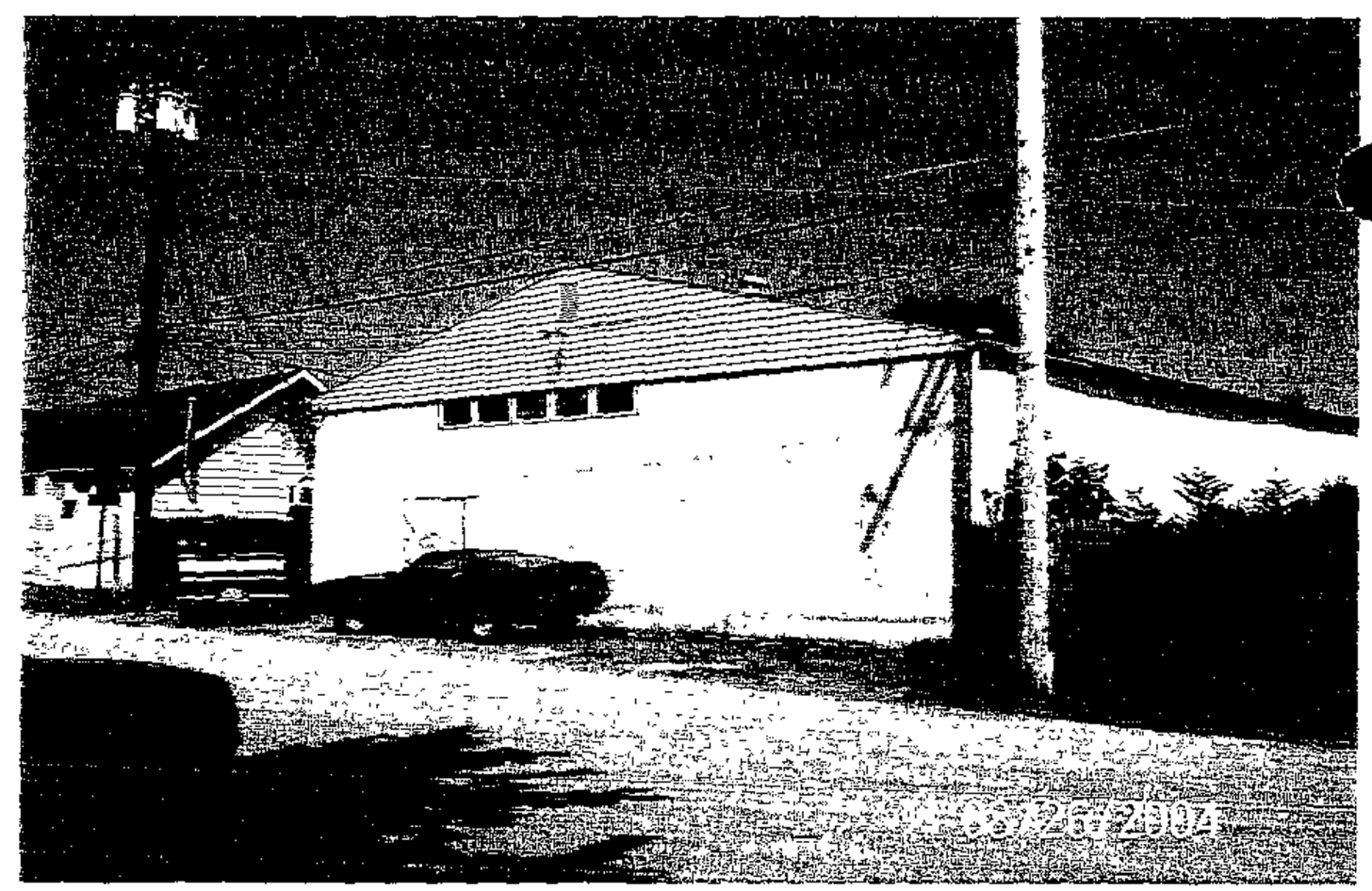

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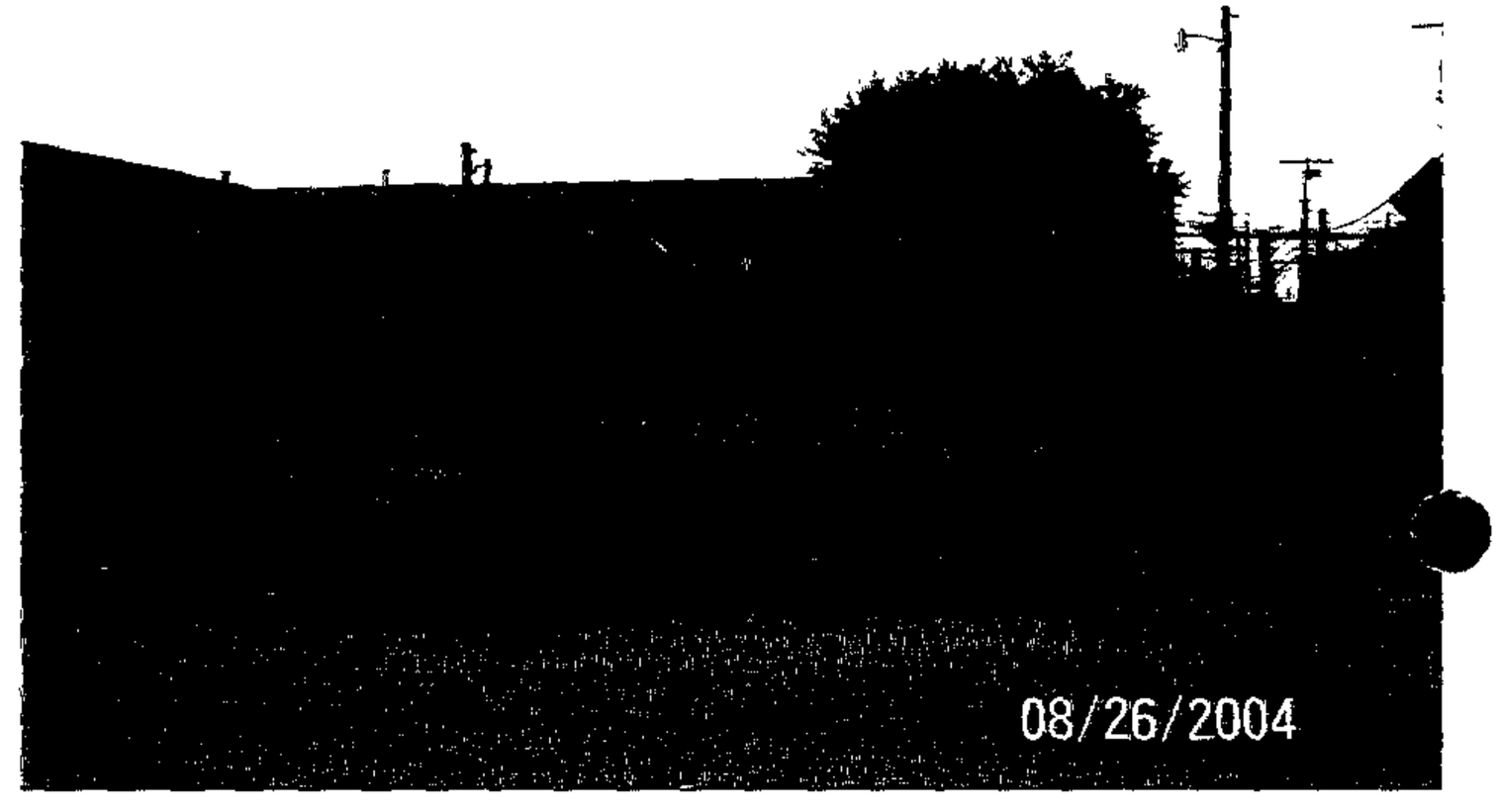

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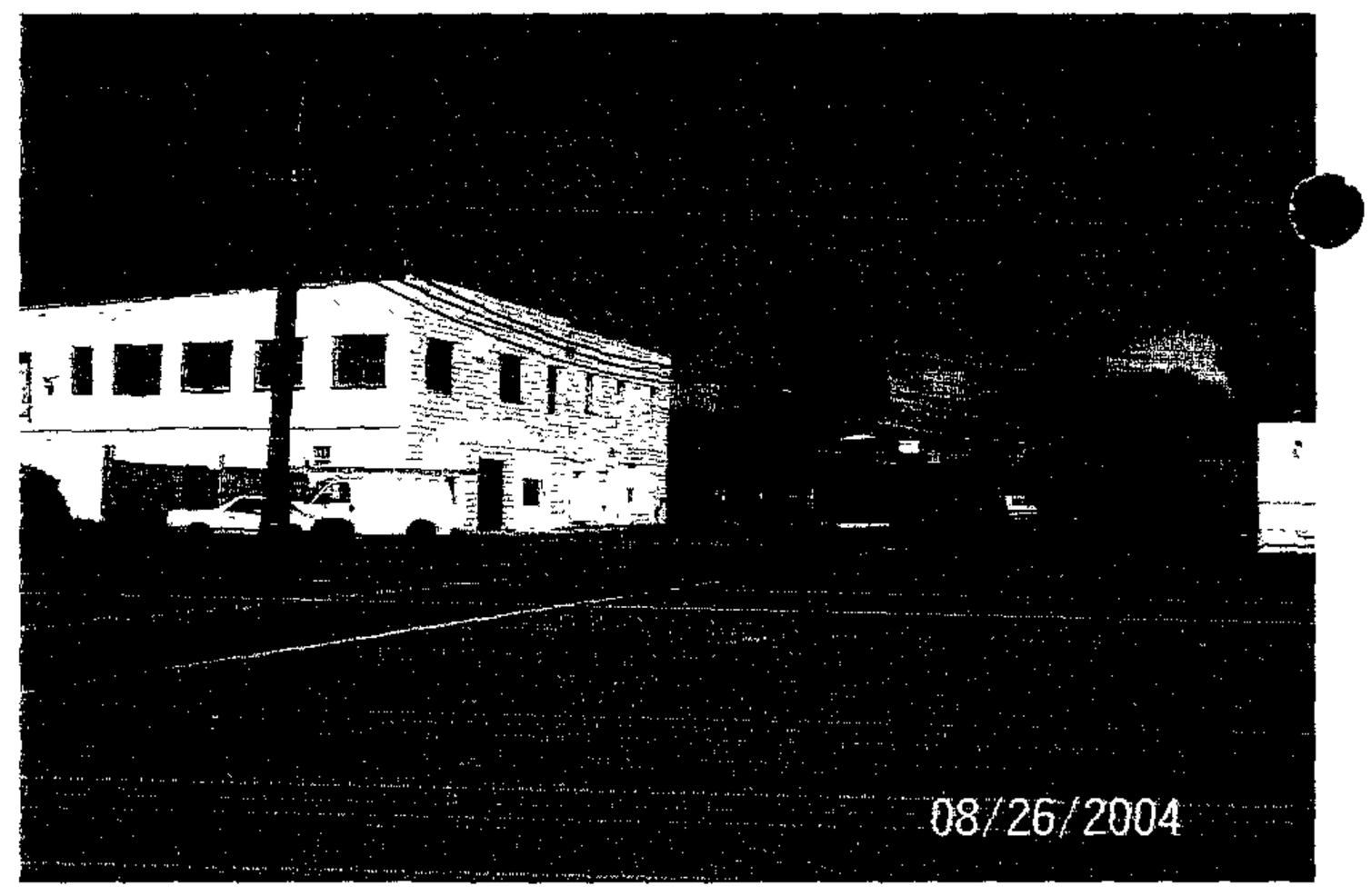

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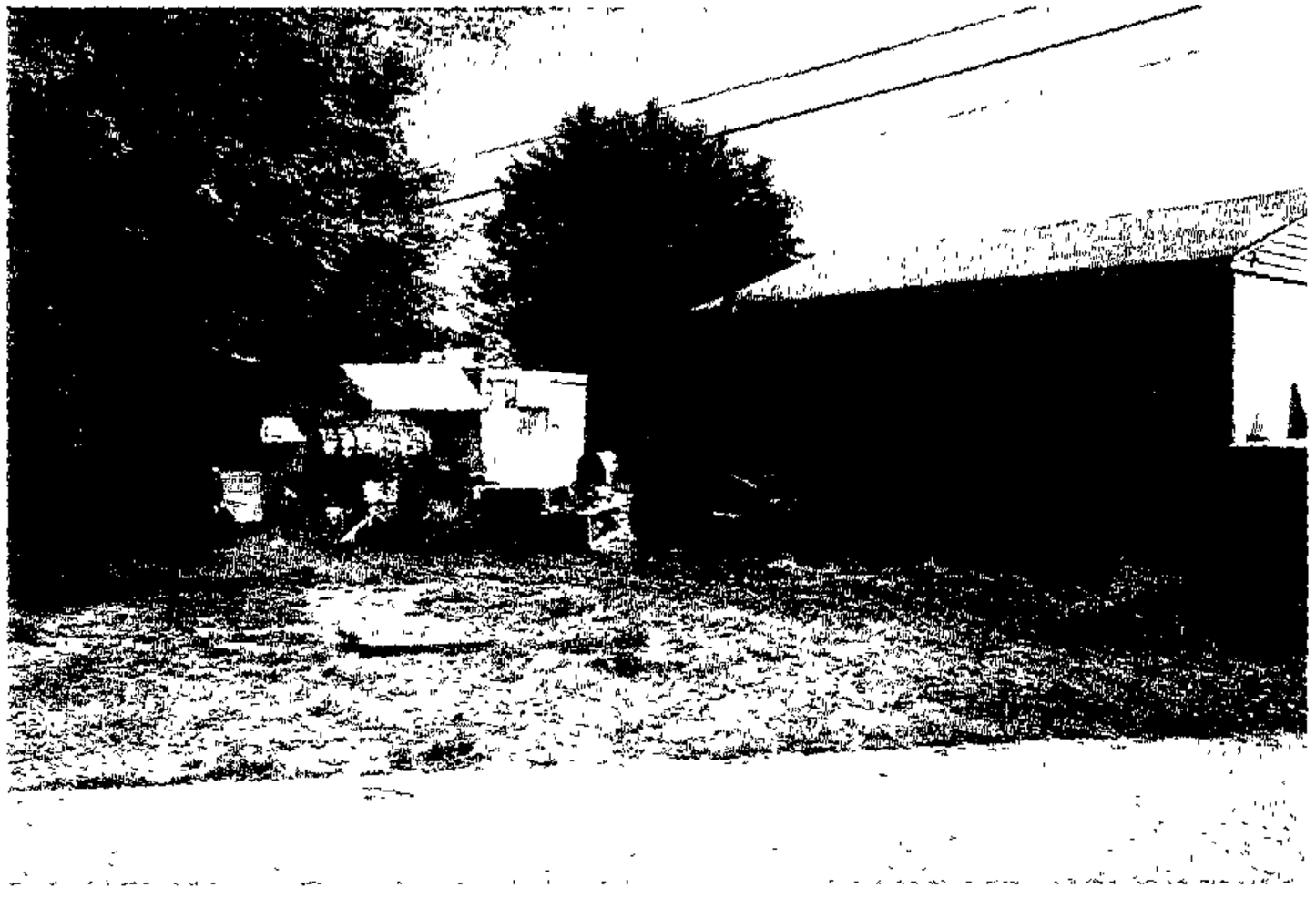
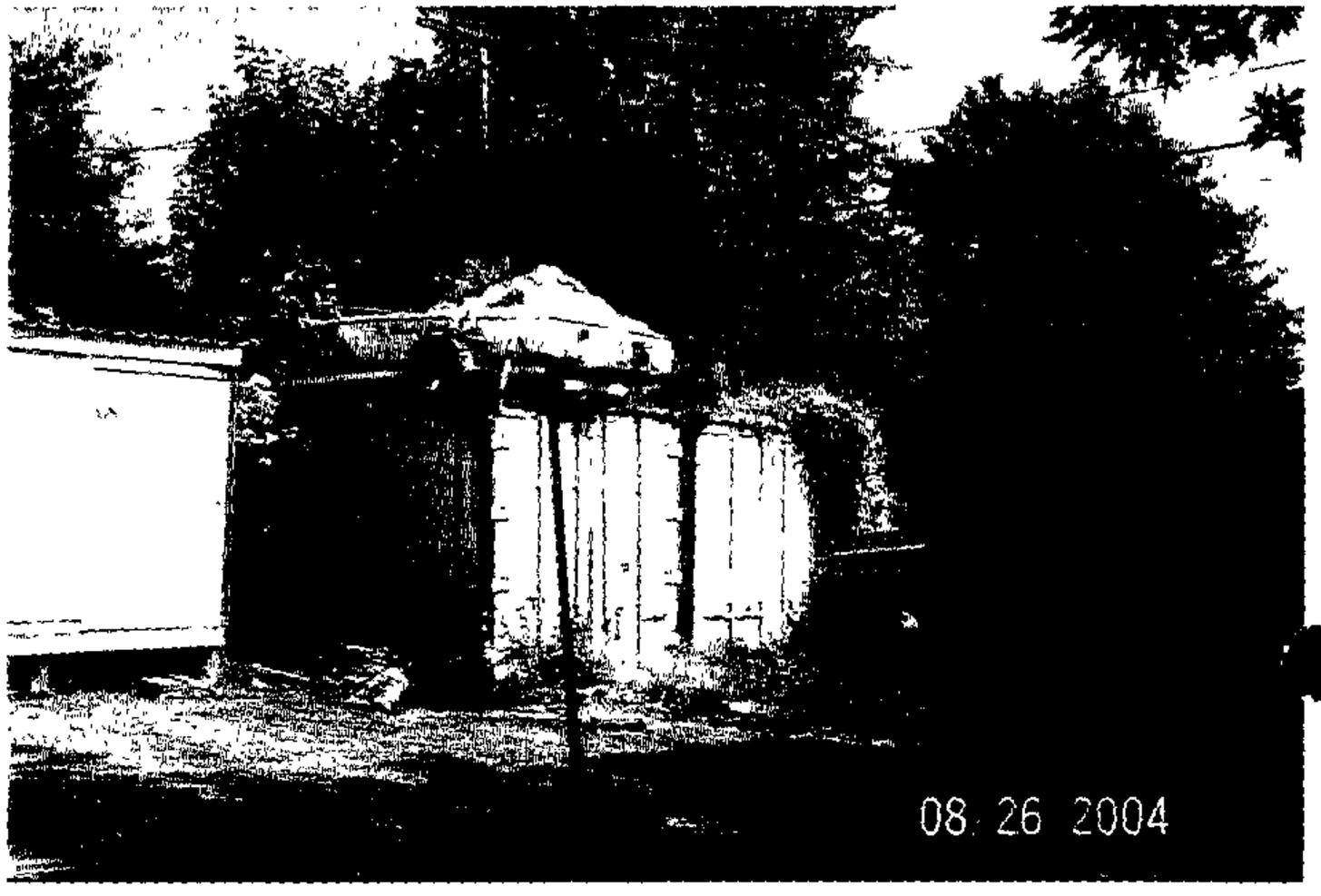
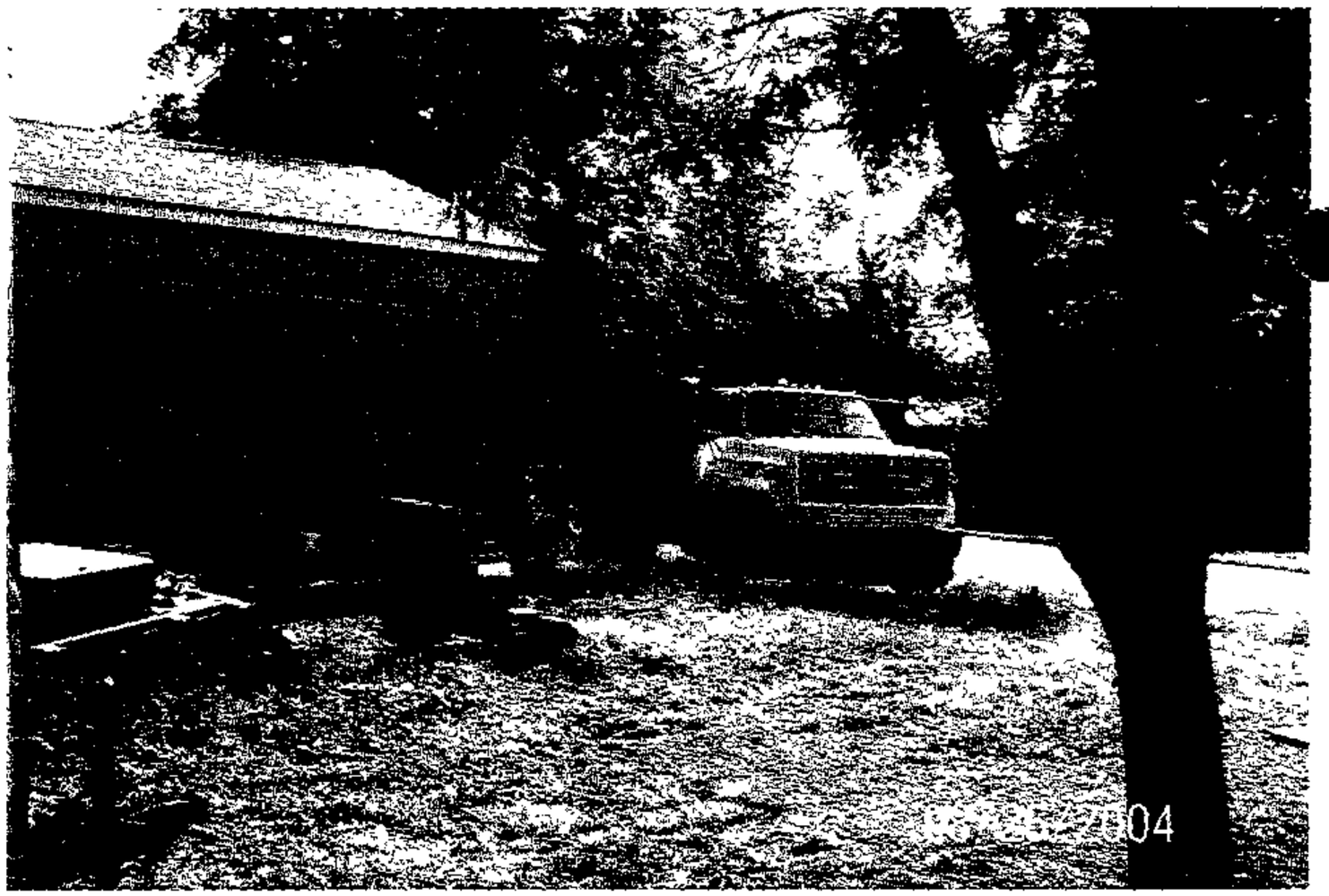
et. 6







Pt 7

Dear Friends and Neighbors,

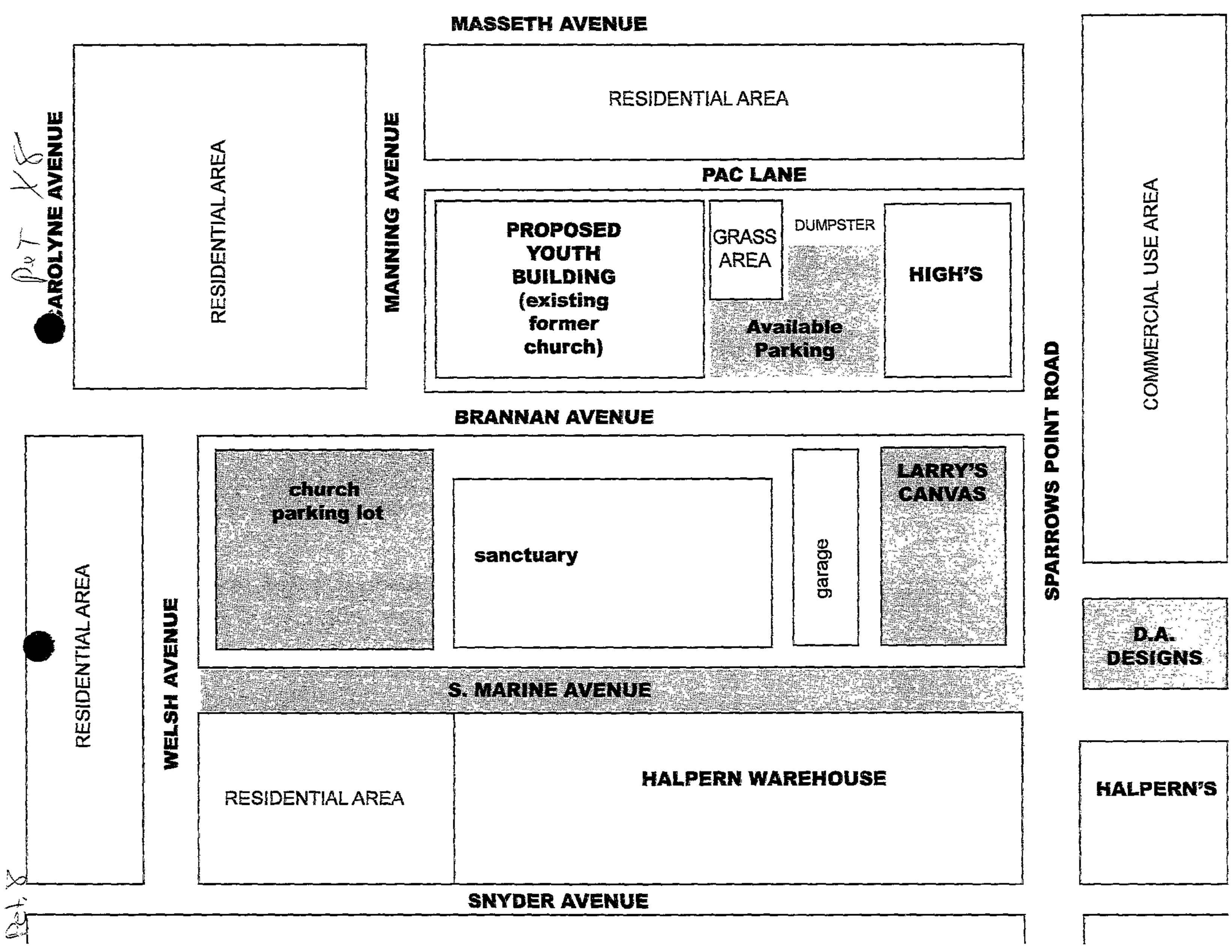
I would like to let you know what is happening about the petition that some of you may have signed concerning the Methodist Church. If you have driven past there recently you will notice a sign posted in front of the old church advising that the new building is being APPEALED. I hired a lawyer to represent us for the appeal. The hearing Date is to be on August 31,2004, at 10:00am.

Please let me know if you can come to court that day. The attorney hired is J. Carroll Holzer of Towson. His fee is going to be about $3,000.00.I have already paid $1,500.00. If any one would care to help me pay for the legal fees any amount would be appreciated. Mr. Holzer has a very good reputation as far as stopping construction . Mr. Holzer had advised me that if this building were to go thru it's possible that our houses can loose value because this building will cause the neighborhood to be re-zoned to a Commercialized Area. I don't know about you but I am not willing to loose value on my properties and still have to pay the higher taxes for them. If you have any questions or would like to discuss the proceeding with me so I can have Mr. Holzer add you or your testimony to the case please contact me. If we don't stick together as a neighborhood and have some involvement as to what happens in its planning we could be stuck with what ever the Church decides to put there. Hopefully it will be the parking that they had promised when they got agreement to build the new church.

Thanks,

Bob Wozniak
2402 Carolyne Avenue
Baltimore,Maryland 21219

410-388-0615


MASSETH AVENUE
RESIDENTIAL AREA
CAROLYNE AVENUE
RESIDENTIAL AREA
MANNING AVENUE
PAC LANE
PROPOSED YOUTH BUILDING (existing former church)
GRASS AREA
DUMPSTER
Available Parking
HIGH'S
BRANNAN AVENUE
church parking lot
sanctuary
garage
LARRY'S CANVAS
SPARROWS POINT ROAD
COMMERCIAL USE AREA
D.A. DESIGNS
RESIDENTIAL AREA
WELSH AVENUE
S. MARINE AVENUE
RESIDENTIAL AREA
HALPERN WAREHOUSE
HALPERN'S
SNYDER AVENUE

DESIGNATED PARKING AREAS FOR EDGEMERE FREE METHODIST CHURCH

The designated church parking areas on the reverse side are depicted by gray shading.

Please do not park or interfere with the availability of customer parking for the local business owners during their hours of operation.

Please utilize all available parking spaces in our church parking lot; please be considerate when parking and position your vehicle within the painted lines on the curb.

Designated handicapped parking is available in the rear of our building (along S. Marine Avenue with entrance to the building through the kitchen door).

We are PERMITTED to park at the following locations:

HIGH'S CONVENIENCE STORE: We may park behind the store, by the dumpster.

LARRY'S CANVAS SHOP: All spaces are available on Sunday; please do not park in those areas while the shop is open for business.

D&A DESIGNS: Parking available on Sundays in front and side of shop; please do not park in the back parking area as this space is for personal use by owner.

There is limited parking space available for on-street parking along S. Marine Avenue but please be considerate of the homeowners and do not block any driveways or park on lawns.

Please DO NOT PARK on-street along Pac Lane, Brannan Avenue, Manning Avenue, Welsh Avenue or Carolyne Avenue.

Each week the praise team meets from 6:30 - 8:00 p.m. in the sanctuary to prepare for the upcoming Sabbath worship. Won't you pray that the Spirit directs our thoughts, voices and actions to lead us all closer to Him. Join us and lift your voice in praise. All are welcome!

June 18: Youth Group with a Rock-n-Roll Party following from 7 p.m. - 10 p.m.

June 19: Boy Scout Bake Sale. See Mimi.

June 27: EFMC Picnic at Ft. Howard Park.

June 27- July 3: Teen missions trip to Erie, New York. Please pray for our teens and leaders.

July 4: Wade Hammond in Concert.

July 11-18: God's Purpose-My Mission. Family Camp at Spencerville, Peach Orchard Christian Retreat Center. Brochures available in foyer. Register now. Tents and RV sites available.

River Valley Ranch Week is July 25. Make your reservations online at www.rivervalleyranch.com.

VBS ... YES ... VBS! August 2-6. This year's theme is "**LAVA LAVA ISLAND.**" Please see Bonnie if interested in helping this year.

August 22: Bill Itzel in Concert.

We are in need of adults to work the nursery on a rotating basis during the 11:00 worship service. Please call Janet Burch (410) 477-0774 or e-mail to leajgarden@att.net to volunteer. There is also a sign-up sheet on the pre-school classroom door.

A MILE OF PENNIES. Our goal is 89,760 pennies for our teen mission trip to Erie, New York. Penny canisters are located in each of the adult Sunday school classes. Thank you for your contributions.

Please remember to use the church parking lot and other designated areas for parking. Please refrain from on-street parking (at all times) as we desire to be mindful of the concerns of our neighbors regarding traffic on Brannan Avenue. Please park your car in the church parking lot, being careful to park within the lines and taking only one space; other designated parking areas are along Marine Avenue (alongside the warehouse); at Debbie's Barber Shop (in the front and along the side, but not in the back); Larry's Canvas Shop; and High's (in the back, by the dumpster). Please do not park on the street along Brannan Avenue or along Manning Avenue. Please reserve the spaces behind High's for our "Young-At-Heart" attendees. Thanks for your continued understanding and cooperation.

Prayer Chain Coordinator: Juli Shkor. All prayer chain requests should be called to the prayer chain coordinator so we may pass on the request as quickly as possible. PLEASE BE SURE to inform Pastor Rush. Please call both home and office numbers and leave a message if Pastor Rush is unavailable.

The steward prayer circle meets once a month and would like to pray for you! There is a "Prayer Box" available in the foyer in which you may place your prayer requests. Your request may be made anonymously or indicated as an unspoken request.

Caring for Infants in Need. Thanks to everyone for their support and donations which were given to several area hospitals. Your support is making a big difference. We are utilizing our talents to bless others. For anyone that would like to help but can't sew, we accept new or gently used items. Mostly need items for now is baby socks

and onez for newborns. These items a given to familles with limited resources. If you would like to contribute, please see Kitty Selig.

Monday Morning Bible Study: Meets from 9:30 - 11:00. See Carolyn Ryan. Child care available.

Stauros Ministries "Free From Addiction" group (for those who are addicted or in abusive patterns with drugs/alcohol) meets every Tuesday evening at 8:00 p.m. See Kathy Hannigan.

Prayer Warriors group meets for intercessory prayer for those struggling with addictions. See Kathy Hannigan.

Ladies Tuesday Night Bible Study. Meets each Tuesday evening at 6:30 p.m. See Sharon Ventura.

Bring-the-Kids Bible Study. Meets every other Friday at 6:30 p.m. See the Smiths or the Kuczmyndas!

"Dear Children,
let us not love with words or tongue but with actions and in truth."

(1 John 3:18)

Pel #2 Pet X9

Upcoming events, fellowship opportunities, and ministries of God's family at Edgemere

Edgemere
Free Methodist
477-8863

Pel 10

A MILE O[illegible]PENNIES. Our goal is 89,760 pennies[illegible] our teen mission trip to Erie, New York. Penny canisters are located in each of the adult Sunday school classes. Thank you for your contributions.

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Please see Kitty Selig to participate in **Needlecraft For Newborns**! Kitty has baby patterns and material if you would like to sew for the infants and yarn is available if you are able to crochet.

Monday Morning Bible Study: Walking By Faith." Meets from 9:30 - 11:00. See Carolyn Ryan. Child care available.

Stauros Ministries "Free From Addiction" groups meets every *Tuesday evening at 8:00 p.m. See Kathy Hannigan for more information.*

Ladies Tuesday Night Bible Study. Meets each Tuesday evening at 6:30 p.m. See Sharon Ventura.

May Prayer Focus: *Spreading the Gospel Through Missions*. Please pray for our teens as they make preparations for their upcoming missions trip in June; pray that lives will be changed, nurtured and Spiritually matured; that God will bless their efforts; and may their faith be strengthened as they serve as witnesses to our Savior. Pray for all missions workers, for God's protection and presence; and pray for those who may not have yet heard or responded to God's leading to enter missions work. *He knows the plans He has for us; may we respond in faith!*

Tonight, May 16 at 7:00 p.m.: EFMC Movie Night. *What if you could see the impact of your beliefs?* One Man Will. **TIME Changer.** A Rich Christiano film starring Gavin MacLeod, Hal Linden, Richard Riehle, Jennifer O'Neill and Paul Rodriquez. Call Jim Anderson at (410) 477-3590 for additional information.

Join in this Wednesday evening for the start of a new study: "The Purpose Driven Life." You may obtain a book from Jeannette Lamb. Read Chapter 1 for this Wednesday's study.

May 20: Senior Luncheon.

May 21-22: WMI Spring Retreat at Md/Va Retreat Ctr. See Mimi.

May 22: 8:30 a.m. - 12:00 noon: Church Yard Sale to benefit the teen ministries of EFMC. See Rob Crew or Mike Kuczmynda to reserve your spot. Spaces are going fast.

May 23: Graduation Sunday. Dinner following worship service. If you can help with dinner arrangements, see Lovey Lane.

June 4: Stauros Ministries Summer Rally at White Marsh Baptist Church beginning at 7:00 p.m. See Kathy Hannigan for info.

June 4-5: Maryland & Virginia Conference of Free Methodist Churches will meet in Layhill, Maryland. Please pray for our Pastor and delegate and our Superintendent, Rev. Dave Harvey.

June 11-12: Promise Keepers. See Jeff Harrison.

The Maryland City Free Methodist Church will be hosting a retirement party for Bob and Carolyn Magee at the Conference Reteat Center Dining Hall on **Saturday, June 12, 2004 from 2:00 - 4:00 p.m.** Everyone is invited to attend.

June 27- July 3: Teen missions trip to Erie, New York. Please pray for our teens and leaders.

Pet #11

Supporters of E.F.M.C.

CASE # 04-235-SPHXA

Name	Address	
Tony Dulin	2513 LAKEVIEW AVE	21219
Timothy A. Rush	2918 Delmar Ave.	"
Peggy S. Rush	2918 Delmar Ave.	"
Raymond Sieck	806 Sandwood Rd.	"
James Forbes	2857 A Codorus Rd.	"
Darryl Gillum	2508 Lakeview Ave	"
Carolyn Gillum	2508 Lakeview Ave	21219
Jeanette Kamb	7105 North Point Rd	21219
Tom Kamb	7105 North Point Rd.	21219
Betty Diodato	2513 Lakeview Ave	21219
Jill Shlor	8575 Eslum Rd	21219
Regina Colvin	12846 Sand Dollar Way	21220
Bonnie Hendleshot	7700 Old Bottle Shore Rd	21222

Verified 9/01/04 Prot. Exhibits 8/31/04

04-235-SPHXA

1. ~~1999~~ 1997 Development Plan
2. APR envelope - cert. mail
3. concept plan 1996
4. A. Hearing Off opinion
   B. Supp. Hearing Officer opinion
5. A.
   B
   C.
   D.
   E.
   F.
   G.
   H.
   I.
   J.

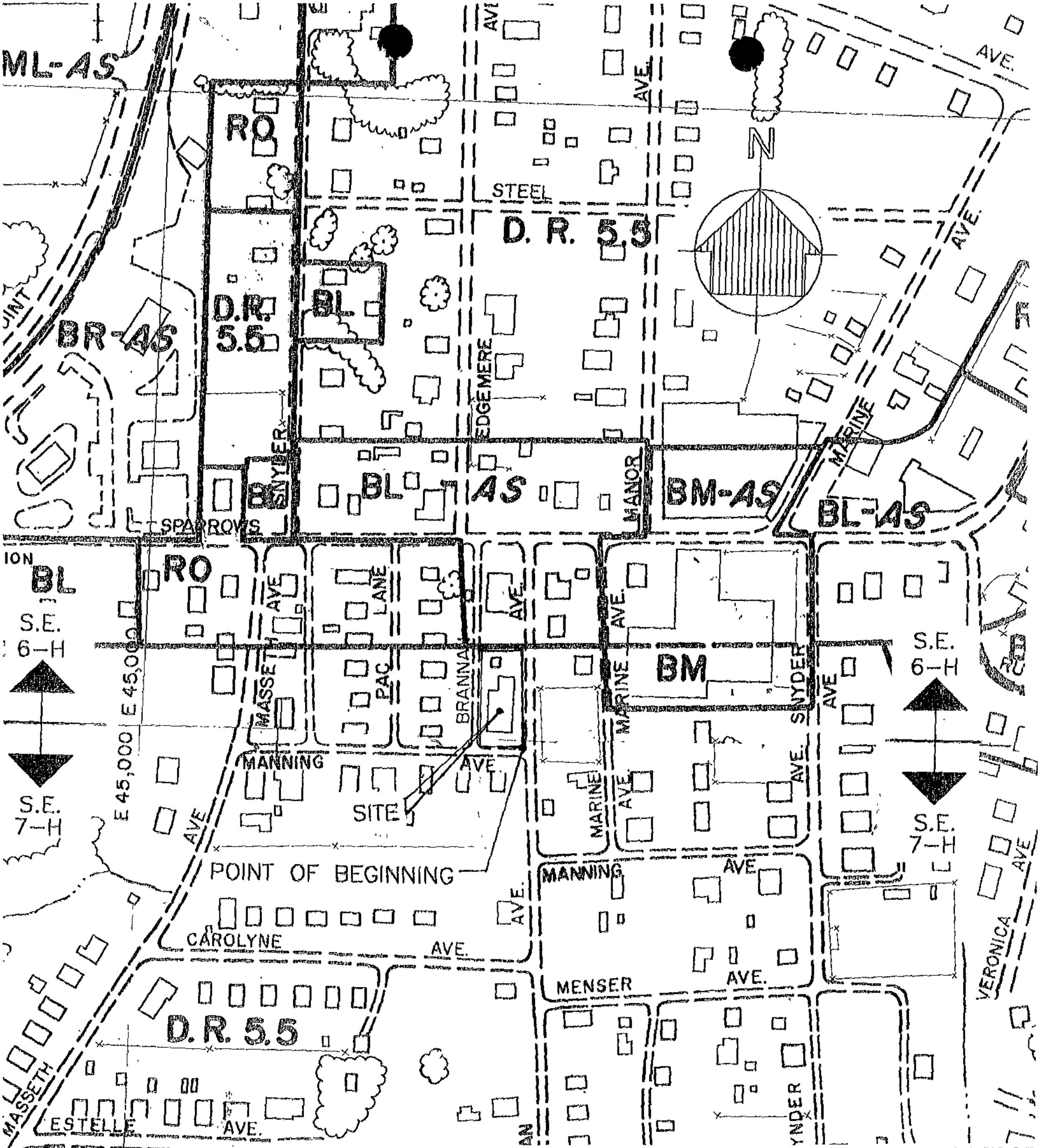
   snapshot pictures of parking problems

6. A.
   B.
   C.
   D.

   8 1/2 x 11" pictures of parking

7. A Attorney letter
   B Buchanan letter

8. List of Attendees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BRANNAN
AVE.
MARINE
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SNYDER
AVE
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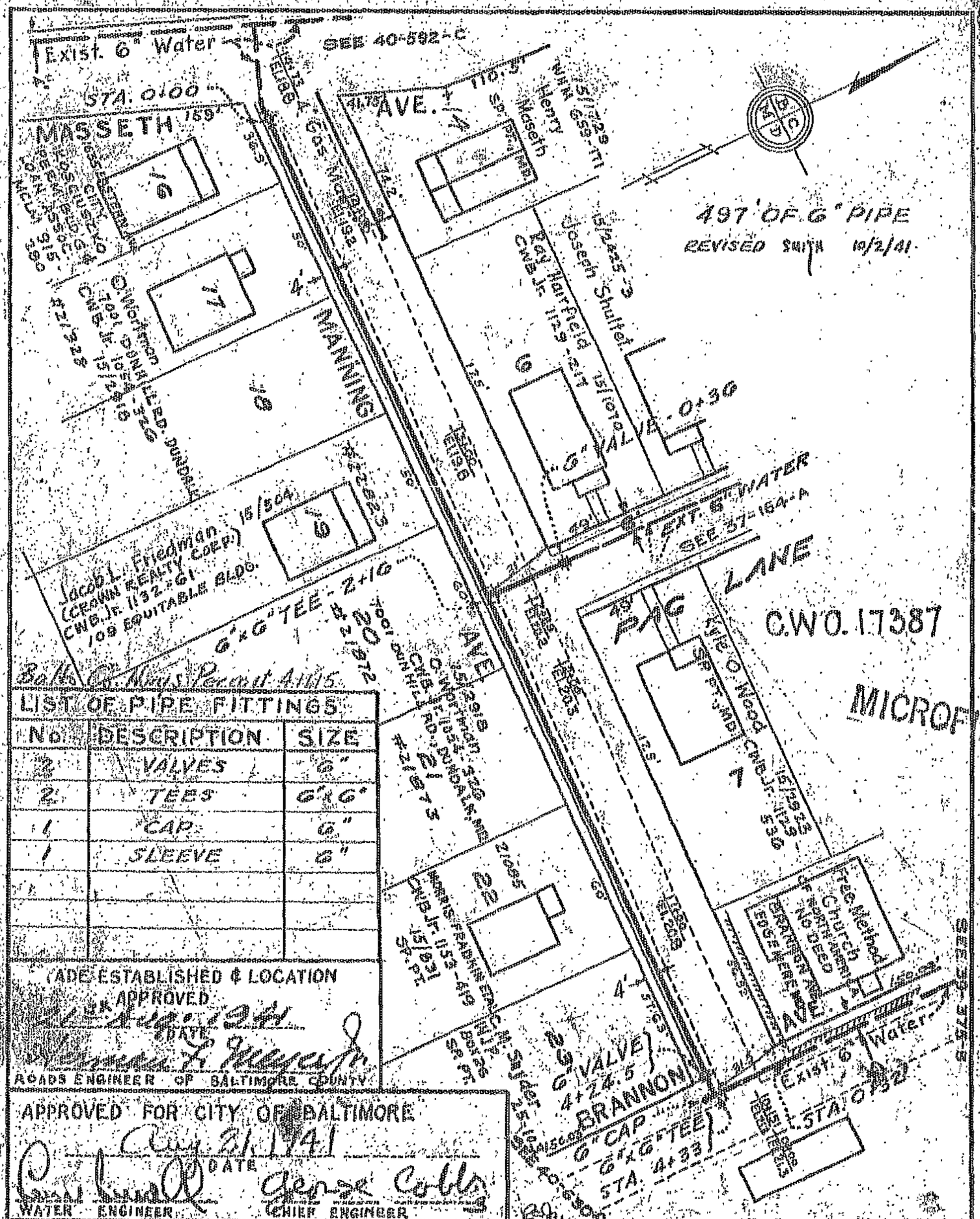
MANNING
AVE
SITE
S.E. 7-H
S.E. 7-H
POINT OF BEGINNING
MANNING
AVE
CAROLYNE
AVE.
MENSER
AVE.
VERONICA
D.R. 5.5
MASSETH
ESTELLE
AVE.
SCALE
1"=200' ±
LOCATION
Pet No 9
LODGE FOREST
SPARROWS POINT
SHEET
S.E.
6-H
7-H
BOA
Pet X 2
DATE
OF
PHOTOGRAPHY
JANUARY
1986

BOA Rev. X 3



LIST OF PIPE FITTINGS		
No.	DESCRIPTION	SIZE
2	VALVES	6"
2	TEES	6"x6"
1	CAP	6"
1	SLEEVE	6"

GRADE ESTABLISHED & LOCATION APPROVED
DATE
ROADS ENGINEER OF BALTIMORE COUNTY

APPROVED FOR CITY OF BALTIMORE
Aug. 21, 1941
DATE
WATER ENGINEER — CHIEF ENGINEER

BALTIMORE COUNTY METROPOLITAN DISTRICT

APPROVED: Aug. 19, 1941
DATE
CHIEF ENGINEER

6" WATER MAIN
MANNING AVE.
BRANNON TO MASSETH AV.
WATERVIEW — ELECT. DIST. 15

J.O. 3415
41-172
FILE A4-X
25 SE 31

PLOTTED ON DOO KEY SHEET 8-24-43 E.J.B.

MICROFILMED

Rd
N09A

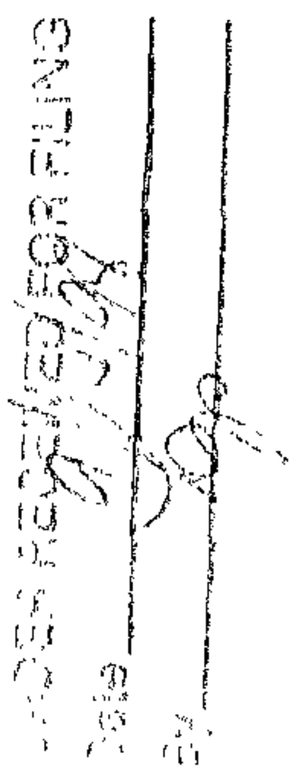
Prot 4A

IN RE: DEVELOPMENT PLAN HEARING and PETITIONS FOR SPECIAL HEARING AND VARIANCE - NE/Corner Brannan & Welsh Avenues (2515 Brannan Avenue) 15th Election District 7th Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case Nos. XV-676 and 99-34-SPHA
Edgemere Free Methodist Church Owner/Developer	*	

* * * * * * * * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for consideration of a development plan prepared by APR Associates, Inc., for the proposed development of the subject property by Edgemere Free Methodist Church, Owner/Developer, with a 48' x 80' building to provide Sunday School classrooms and office space accessory to the existing Church. In addition to development plan approval, the Owner/Developer seeks zoning relief, pursuant to the Petitions for Special Hearing and Variance filed in companion Case No. 99-34-SPHA. Specifically, the Church seeks approval that the proposed building is permitted as of right in a D.R. 5.5 zone, pursuant to Section 1B01.1.A.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) as a new church or other building for religious worship or other religious institution; a finding that the subject site and proposed building comply to the extent possible with Residential Transition Area (RTA) requirements, pursuant to Section 1B01.B.1.G.6 of the B.C.Z.R.; and, approval of a modified parking plan, pursuant to Section 409.12.A of the B.C.Z.R. In addition, variance relief is sought from Section 1B01.2.C.1.A of the B.C.Z.R. to permit a front setback of 29 feet in lieu of the required 40 feet, a rear setback of 8 feet in lieu of the required 40 feet, and a side setback of 13 feet in lieu of the required 30 feet; and, from Section 409.8.A.1, 2, 4, and 6, to permit a parking lot and driveways



without a durable and dustless surface, without striping, and with a common aisle, as shown on the plan, and parking lot to street line setbacks of as little as 3 feet in lieu of the required 10 feet, and without the required 7% landscaped island or area. In the alternative to the special hearing request seeking RTA modification, a variance is requested to permit RTA buffers of as little as 0 feet and RTA setbacks of as little as 3 feet in lieu of the required 50 feet and 75 feet, respectively, pursuant to Sections 1B01.1.C.E.3 and 5. All of the relief sought and the development proposed are more particularly shown on the development plan submitted into evidence and marked as Developer's/Petitioner's Exhibit 1.

As to the history of this project through the development review process, a concept plan of the proposed development was prepared and a conference held thereon on April 15, 1996. As required, a community input meeting was held on May 15, 1996 at the Edgemere Free Methodist Church. Subsequently, the concept plan was redrafted and a revised concept plan was submitted for review at a conference held on June 16, 1997. A second community input meeting was held on July 23, 1997 at the Edgemere Free Methodist Church. Subsequently, a development plan was submitted and a conference held thereon on August 5, 1998. Following the submission of that plan, development plan comments were submitted by the appropriate reviewing agencies of Baltimore County and a revised development plan incorporating these comments was submitted at the hearing held before me on August 31, 1998.

Appearing at the public hearing required for this project were Timothy Rush, Pastor of the Edgemere Free Methodist Church, Alexander P. Ratych, Registered Land Surveyor, who prepared the development plan for this project, Richard Truelove, who prepared the storm water management

plan for this property, and Newton A. Williams, Esquire, attorney for the Owner/Developer. In addition, a number of citizens and members of the congregation appeared in support of the request. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including Robert W. Bowling with the Development Plans Review Division of the Department of Permits and Development Management (DPDM), R. Bruce Seeley and Ed Schmaus with the Department of Environmental Protection and Resource Management (DEPRM), and Carol McEvoy with the Office of Planning (OP). Appearing as Protestants in the matter were James and Norma Sellers, and Joseph W. Patterson, neighbors to the property.

The subject property is a rectangular shaped parcel, approximately 340' deep and 95' wide, consisting of a gross area of 0.7395 acres, split zoned D.R.5.5 (0.7289 acres), with a small strip zoned B.L.-A.S. (0.0106 acres). The property is located in Edgemere and abuts public streets on three sides; to the west, Brannan Avenue; to the south, Welsh Avenue; and to the east, S. Marine Avenue. To the north, the property abuts a service garage business. Presently, this parcel features a small building containing church offices and a gravel parking lot. Under the proposed plan, this building will be razed upon completion of the new building.

Immediately across Brannan Avenue from the subject site is another lot owned by the Church, known as 2510 Brannan Avenue, and identified on the plan as Parcel 1. Parcel 1 is improved with a 1 and 1/2 story stone building which is used as the sanctuary/chapel of the Edgemere Free Methodist Church. Due to a series of additions and improvements which have been made over the years, the Church building is attached to an old two-story house, which has been converted for Church purposes. Testimony

and evidence received was that this Church has existed at this location for many years.

Pastor Rush testified that the Church would like to enlarge its space and is in desperate need of a bigger facility. A two-phase expansion is planned; however, it is noted that the development plan under consideration before me involves only Phase 1 of the project, which calls for the construction of the proposed 48' x 80' building on the subject property. This building will be used for Sunday School classes and will also provide much needed administrative and office space. Additionally, the existing parking lot and small building will be razed and a new parking lot created to provide parking for both the Church and proposed Sunday School/Office building.

Ultimately, the Church desires to build a second structure on the subject property. Under Phase II of the proposed improvements, a future sanctuary building will be constructed to replace the existing Church. It is again, however, to be emphasized that the plan before me in the instant case relates only to Phase I. It was also indicated that upon completion of the Phase II improvements, Parcel 1 might be sold by the Church and Church operations transferred entirely to Parcel 2.

As to the special hearing and variance relief sought, Mr. Truelove testified in some detail about the proposed setbacks, RTA requirements, and the proposed parking plan. Testimony as to the parking lot was of particular interest. He observed that this lot is very flat in character as is the entire surrounding community. The property is located near Jones Creek in a limited development area of the Chesapeake Bay Critical Areas. Due to these environmental constraints and regulations, a pervious parking surface is planned. Mr. Truelove described the proposed parking

plan which is also detailed on the site plan. That detail shows that the lot will be composed of gravel and will contain several layers which will provide storm water management.

Pastor Rush also testified as to the use of the proposed building. As indicated above, it will be used to provide much needed office space and Sunday School classrooms. His testimony was compelling to support the finding that the proposed building is indeed a building which will be used for religious worship and is therefore, permitted as of right in a D.R. 5.5 zone.

Based upon the testimony and evidence presented by Pastor Rush and Mr. Truelove, I am persuaded to grant the special hearing and variance relief requested. In my judgment, the proposed building is permitted as of right in a D.R. 5.5 zone as a building used for religious purposes. I further find that the site complies to the extent possible with RTA requirements and that a modified parking plan should be approved. In addition, the variances to permit reduced front, side and rear setbacks should be granted. The unusual configuration of the property was persuasive in this regard. It is clear that a denial of the variance relief would result in a practical difficulty upon the Petitioner and that relief can be granted without causing any detriment to surrounding properties. Thus, in view of the special hearing relief granting a modified parking plan and a finding that the RTA requirements are satisfied to the extent possible, the variances requested as to the parking lot and RTA requirements are moot and shall be dismissed.

Turning to the development plan, testimony was received from Mr. Truelove and the County representatives who were present. On behalf of the Office of Planning, Ms. McEvoy indicated that her office had no addi-

tional comments and believed that the proposed building is compatible with the area. Mr. Bowling noted that a waiver had been recommended for the required road improvements to the adjacent roads; i.e., curb, gutter, sidewalks, and road widening. Mr. Seeley also indicated that the project satisfied his Department's requirements. He also produced Mr. Schmaus, who testified as to the storm water management plan.

Generally, it appears that the development plan is appropriate and in accordance with all necessary standards, as codified within the development regulations. These standards are essentially set forth in Section 26-203 of the Code. That Section specifically sets forth the items which much be shown on the plan. One item of concern, however, is the requirement of Section 26-203(d)(10). Therein, it is provided that the plan must show, "storm water management areas supported by preliminary hydraulic computations, and proposed and existing storm drainage systems, and verification of a suitable outfall." (emphasis added)

There was a great deal of testimony offered by Mr. Truelove, Mr. Schmaus, and the citizens who appeared about drainage conditions in the area. As noted above, the entire Edgemere area is very flat and apparently there is no significant storm drain system in the vicinity. Additionally, testimony was offered demonstrating that during heavy rain, much of the area floods in view of the topography of this community and its proximity to the water.

I am appreciative of the fact that the development plan to be reviewed by the Hearing Officer is not finitely engineered. Clearly, much of the engineering required of the plan will be performed during Phase II of the development review process. Nonetheless, Section 26-203(d)(10) of the Code requires that a suitable drainage outfall be verified. At this

point, I am unable to reach the conclusion that same has been accomplished. Specifically, I am concerned about the discharge of the storm water when it leaves the site, and whether there will be any adverse consequences on properties in the vicinity. Specifically, the Owner/Developer/Petitioner must demonstrate that water discharged from the site can be directed at a volume and with a velocity so as to not cause detrimental impact to surrounding properties.

Under the circumstances, I will withhold approval of the development plan at this time, and will remand the case to the development plan conference phase of the development review process. I shall also direct that the Department of Environmental Protection and Resource Management conduct a site investigation of the property and vicinity to verify that a suitable outfall exists. I urge the Owner and its consultants to work with Baltimore County to remedy this deficiency on the present development plan. Once a suitable outfall is substantiated, the matter shall be reset for a continued Hearing Officer's Hearing, at which time testimony and evidence can be presented to support a finding that a suitable outfall has been provided. Although the property does not have to be reposted and readvertised, notification of the hearing should be sent to those who attended the initial Hearing Officer's Hearing. The balance of the plan appears appropriate and there were no other issues sufficient to warrant a denial of same.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the Petitions for Special Hearing and Variance, as modified, shall be granted, and the development plan remanded to the Development

Plan Conference phase for verification that a suitable outfall has been provided, after which a second Hearing Officer's Hearing will be held.

THEREFORE, IT IS ORDERED by the Zoning Commissioner/Hearing Officer for Baltimore County this 14th day of September, 1998 that the development plan for Edgemere Free Methodist Church, shall be REMANDED to the Development Plan Conference Phase to substantiate that a suitable drainage outfall has been provided; and;

IT IS FURTHER ORDERED that Petition for Special Hearing to approve that the proposed building is permitted as of right in a D.R. 5.5 zone, pursuant to Section 1B01.1.A.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) as a new church or other building for religious worship or other religious institution; a finding that the subject site and proposed building comply to the extent possible with Residential Transition Area (RTA) requirements, pursuant to Section 1B01.B.1.G.6 of the B.C.Z.R.; and, a modified parking plan, pursuant to Section 409.12.A of the B.C.Z.R., in accordance with Petitioner's/Developer's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.A of the B.C.Z.R. to permit a front setback of 29 feet in lieu of the required 40 feet, a rear setback of 8 feet in lieu of the required 40 feet, and a side setback of 13 feet in lieu of the required 30 feet; and, from Section 409.8.A.1, 2, 4, and 6, to permit a parking lot and driveways without a durable and dustless surface, without striping, and with a common aisle, as shown on the plan, and parking lot to street line setbacks of as little as 3 feet in lieu of the required 10 feet, and without the required 7% landscaped island or area, in accordance with Petitioner's/Developer's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the alternative relief sought within the Petition for Variance to permit RTA buffers of as little as 0 feet and RTA setbacks of as little as 3 feet in lieu of the required 50 feet and 75 feet, respectively, pursuant to Sections 1B01.1.C.E.3 and 5, be and are hereby DISMISSED AS MOOT.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

LAWRENCE E. SCHMIDT
Hearing Officer
for Baltimore County

LES:bjs

Baltimore County
Zoning Commissioner
Office of Planning

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

September 14, 1998

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue, Suite 700
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING AND PETITIONS FOR SPECIAL HEARING & VARIANCE
Edgemere Free Methodist Church, NE/Corner Brannan & Welsh Avenues
(2515 Brannan Avenue)
15th Election District - 7th Councilmanic District
Edgemere Free Methodist Church - Owner/Developer
Case Nos. XV-676 and 99-34-SPHA

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance, as modified, have been granted, and the Development Plan remanded to the Development Plan Conference phase of the development review process, in accordance with the attached Order. As noted within the attached Opinion, upon verification that a suitable outfall has been provided on the subject property, a second Hearing Officer's Hearing will be held for consideration of the development plan, only.

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
Hearing Officer
for Baltimore County

LES:bjs

cc: Pastor Timothy Rush, Edgemere Free Methodist Church
2510 Brannan Avenue, Baltimore, Maryland 21219
Mr. Alexander P. Ratych, APR Associates, Inc.
7427 Harford Road, Baltimore, Md. 21234
Mr. Richard Truelove, 28 E. Susquehanna Avenue, Towson, Md. 21204

Mr.&Mrs. James F. Sellers, Jr., 2415 Carolyn Ave, Baltimore, Md. 21219
Mr. James W. Patterson, 2505 Welsh Avenue, Baltimore, Md. 21219
Project Mgr., DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case File

Printed with Soybean Ink
on Recycled Paper

Prot 4B

IN RE: DEVELOPMENT PLAN HEARING and PETITIONS FOR SPECIAL HEARING AND VARIANCE – NE/Corner Brannan &Welsh Avenues (2515 Brannan Avenue) 15th Election District5 7th Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE Nos. XV-676 and 99-34-SPHA
Edgemere Free Methodist Church	*	

* * * * * * * * * * *

SUPPLEMENTAL HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for supplemental proceedings, pursuant to the Hearing Officer's Opinion and Development Plan Order dated September 14, 1998. That Order directed that the matter be remanded to the Development Plan Conference phase to substantiate that a suitable drainage outfall for storm water management had been provided on the development plan (Developer's Exhibit 1). Further, that Order granted special hearing and variance relief as fully set forth therein. Other portions of the Petition for Variance previously filed were dismissed as moot.

The subject property under consideration contains approximately .7395 acres in area, split zoned D.R.5.5, with a small strip zoned B.L.-A.S. The property is located in Edgemere and abuts public streets on three sides; namely, to the west, Brannan Avenue, to the south, Welsh Avenue, and to the east, S. Marine Avenue. The property has been owned by the Edgemere Free Methodist Church for many years and is presently improved with buildings dedicated to use by that congregation. Development plan approval, as well as zoning relief were requested for a series of improvements to the property, all as more particularly set forth on the development plan (Developer's Exhibit 1). At the prior Hearing Officer's Hearing held on August 31, 1998, testimony was received from representatives of the Church and several neighbors who appeared. As a result of that testimony, I remanded

the matter for further proceedings at the Development Plan Conference phase. I expressed a particular concern about the proposed method of storm water management. Section 26-203(d) (10) of the Baltimore County Code provides that the development plan must show "storm water management areas supported by preliminary hydraulic computations, and proposed and existing storm drainage systems, and verification of a suitable outfall." The property is low-lying in character, and apparently, has experienced flooding in the past. Thus, I required that the Developer submit further information to verify the viability of the storm water management plan.

The public hearing held for this case was reconvened on December 29, 1998. At that time, a number of representatives of the Church again appeared, including Richard Truelove, the engineer who prepared the storm water management plan. Other individuals who appeared at that time were Alexander P. Ratych, a registered Land Surveyor, who prepared the Development Plan, and Newton A. Williams, Esquire, attorney for the Owner/Developer. No protestants appeared at the hearing, notwithstanding the fact that notice of the hearing was mailed to them. However, a message was received on my office's voice mail system from Norma Sellers, a resident of the area, who expressed opposition to the request. Many of her objections related to development in the area at large, as opposed to this specific project. Additionally, James W. Patterson called and indicated that he would not be able to attend the hearing for reasons of ill health. However, he did indicate that he had no objections to the proposal, for so long as any improvements were on the other side of Welsh Avenue, the street which abuts his property on the north and the Church property on the south.

At the reconvened hearing, Mr. Truelove explained the particulars of the storm

water management system. He indicated that he and Edward Schmaus of the Storm Water Division of the Department of Environmental Protection and Resource Management had met at the site following the first hearing, and had walked the neighborhood. He described the outfall in detail and indicated that storm water which accumulated on the site would be properly directed to Jones Creek, a nearby water resource. Mr. Truelove also indicated that much of the existing slag on the property would be removed and replaced with pervious surface. This will result in less runoff and should improve drainage conditions, not only on the subject site, but the surrounding area as well. In addition, a hand-written letter from Mr. Schmaus to this Zoning Commissioner, dated November 10, 1998 and marked into evidence as Developer's Exhibit 4, describes his findings, based upon his inspection of the site and surrounding area. Mr. Schmaus believes that the runoff from the property will not be increased as a result of the proposed improvements, since a large area of slag will be removed and the proposed parking lot will store a substantial quantity of runoff. Furthermore, in his opinion, the proposed improvements to the site will not change the runoff characteristics or drainage patterns, and thus, there is a suitable outfall for this project.

Based upon the testimony and evidence presented, I am persuaded that the storm water management issue has now been resolved. In my judgment, the development plan now complies with all of the requirements of the Baltimore County Code and development regulations contained therein. Thus, the plan shall be approved.

Further, I will note herein that I relayed the concerns expressed by the Protestants who did not appear at the hearing to the Developer's representatives. Mr. Truelove indicated at the hearing that there would be no improvements to Welsh Avenue on Mr. Patterson's side of the street. Any widening of that road will be on the side which abuts the Church property.

Thus, Mr. Patterson's concern appears to have been addressed. As to the numerous comments made by Ms. Sellers, I am persuaded that the plan is in compliance with all County regulations. In fact, I believe that the proposed improvements will actually improve drainage conditions in the area. As to her other expressed concerns regarding over-development of the area, highway construction and property taxes; they are beyond the scope of my inquiry in this particular case.

Pursuant to the advertisement, posting of the property and public hearing held, the development plan has been approved, in accordance with the comments contained herein.

THEREFORE, IT IS ORDERED by the Zoning Commissioner/Hearing Officer for Baltimore County this 30th day of December, 1998 that the development plan for Edgemere Free Methodist Church, shall be APPROVED; and;

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued September 14, 1998 shall remain in full force and effect.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

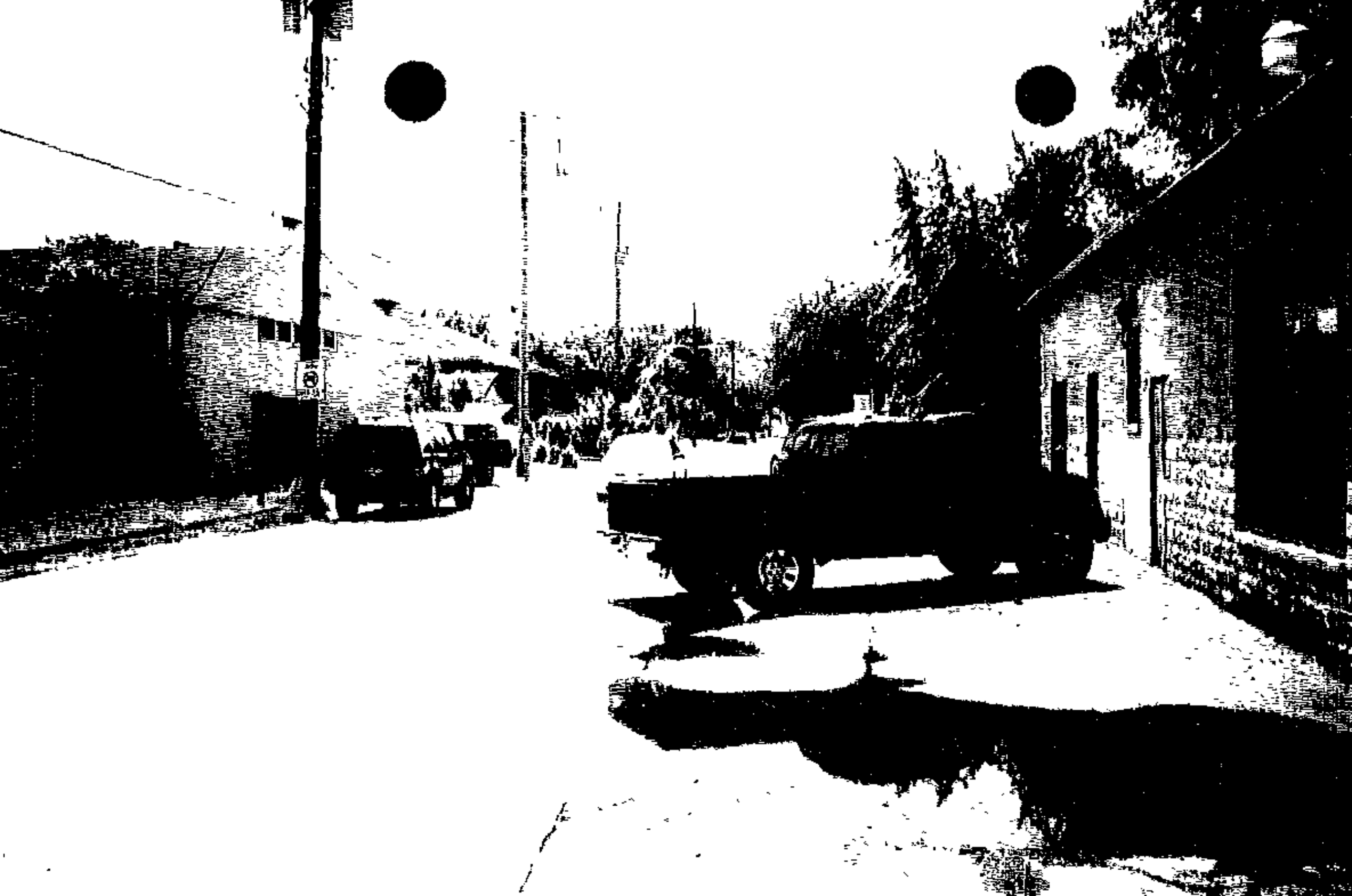
LAWRENCE E. SCHMIDT
Hearing Officer
for Baltimore County

LES:bjs

cc: Newton A. Williams, Esquire, Nolan, Plumhoff & Williams
502 Washington Avenue, Suite 700, Towson, Md. 21204
Pastor Timothy Rush, Edgemere Free Methodist Church
2510 Brannan Avenue, Baltimore, Maryland 21219
Mr. Alexander P. Ratych, APR Associates, Inc.
7427 Harford Road, Baltimore, Md. 21234
Mr. Richard Truelove, 28 E. Susquehanna Avenue, Towson, Md. 21204

Mr.&Mrs. James F. Sellers, Jr., 2415 Carolyn Ave, Baltimore, Md. 21219
Mr. James W. Patterson, 2505 Welsh Avenue, Baltimore, Md. 21219
Project Mgr., DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case File

Box 56



Part 56

Bob,

JH

Part 5 I

Part 55

Print X 6 A

Part 6B

Pt 1C

Prot 6D

Brit
JA

August 30, 2004

To whom it may concern:

I'm writing in regards to the property 2413 Sparrows Point Road, known as Highs Inc. I, Eva May Akers, own this property but, lease it to Highs Inc. They have a 5-year lease. I have not made any agreement and cannot make any agreement with the Church located on Brannon Ave to let them have parking rights on said property.

Thank you,

Eva May Akers

Eva May Akers

D. A. Designs
2422 Sparrows Point Road
Edgemere, MD 21219

Part 7B

March 11, 2004

To Whom It May Concern;

I have given the Pastor of the Free Methodist Church, temporary use of my parking lot on Sundays, when my business is closed, during the construction of the new church building, and the subsequent construction of his new parking lot.

Sincerely,

Deborah Buchanan

Pet X 8

Protestants - CBA - 8/31/04

Case No 04-235-SPHXA

Robert Wozniak 2402 Carolyne Ave. Baltimore 21219-1802
Rita Wozniak 2402 Carolyne Ave Baltimore 21219-1802
Russell Myers 2520 Massetts Ave 21219-1802
Donald Sellers 2406 CAROLYNE AVE BALT. MD. 21219
Veronica PATTERSON 2505 WELSH AVE Balto md 21219
Joe P. PATTERSON 2505 WELSH AVE Balto md 21219
Norma Sellers 2415 Carolyne Ave. 21219
Jacob Sellers 2415 Carolyne Ave. 21219.
Steve Beam 8205 Bear Creek Dr. 21222
Julie Mitchell 2401 Manning Ave Apt B 21219

Canon

5

Looking
North
(from West side)

DIRECT
PRINT

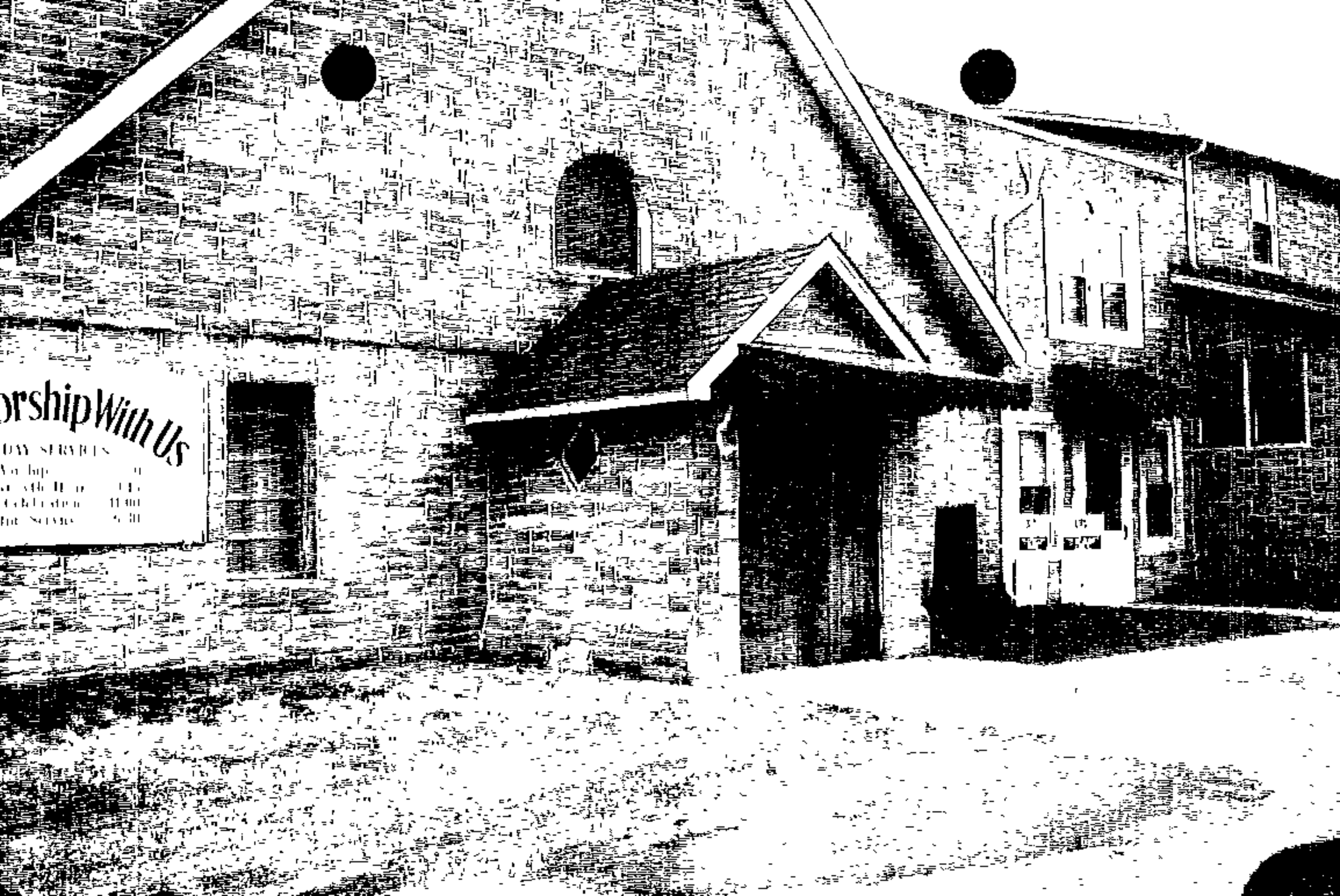
ZONING
ZONING

Canon

6

Looking
west

DIRECT
PRINT


orship With Us

Canon

2

Looking
West

DIRECT
PRINT

TASTYKAKE

Canon

3

Looking South

(From Sparrows Point Rd.)

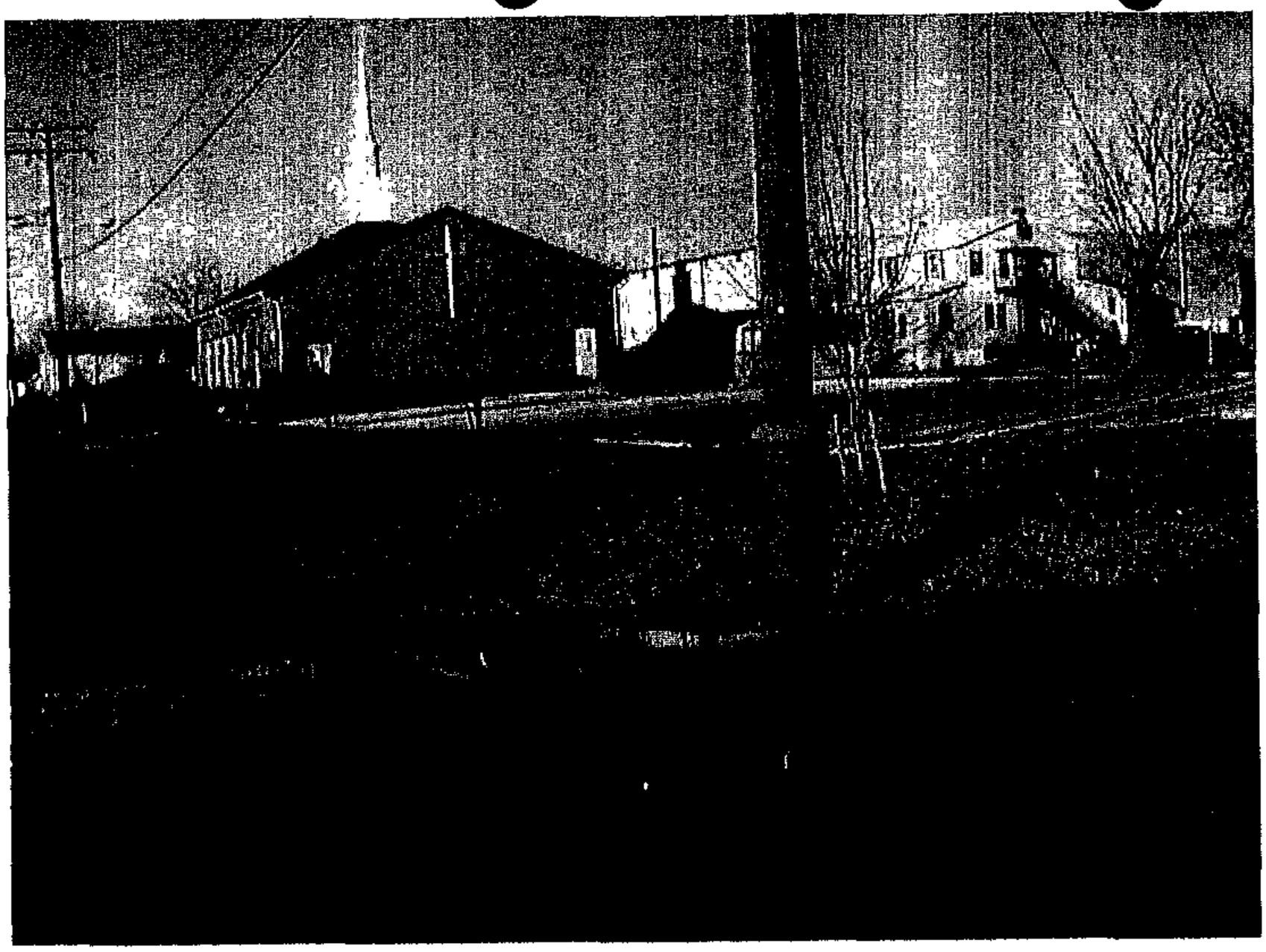
DIRECT PRINT

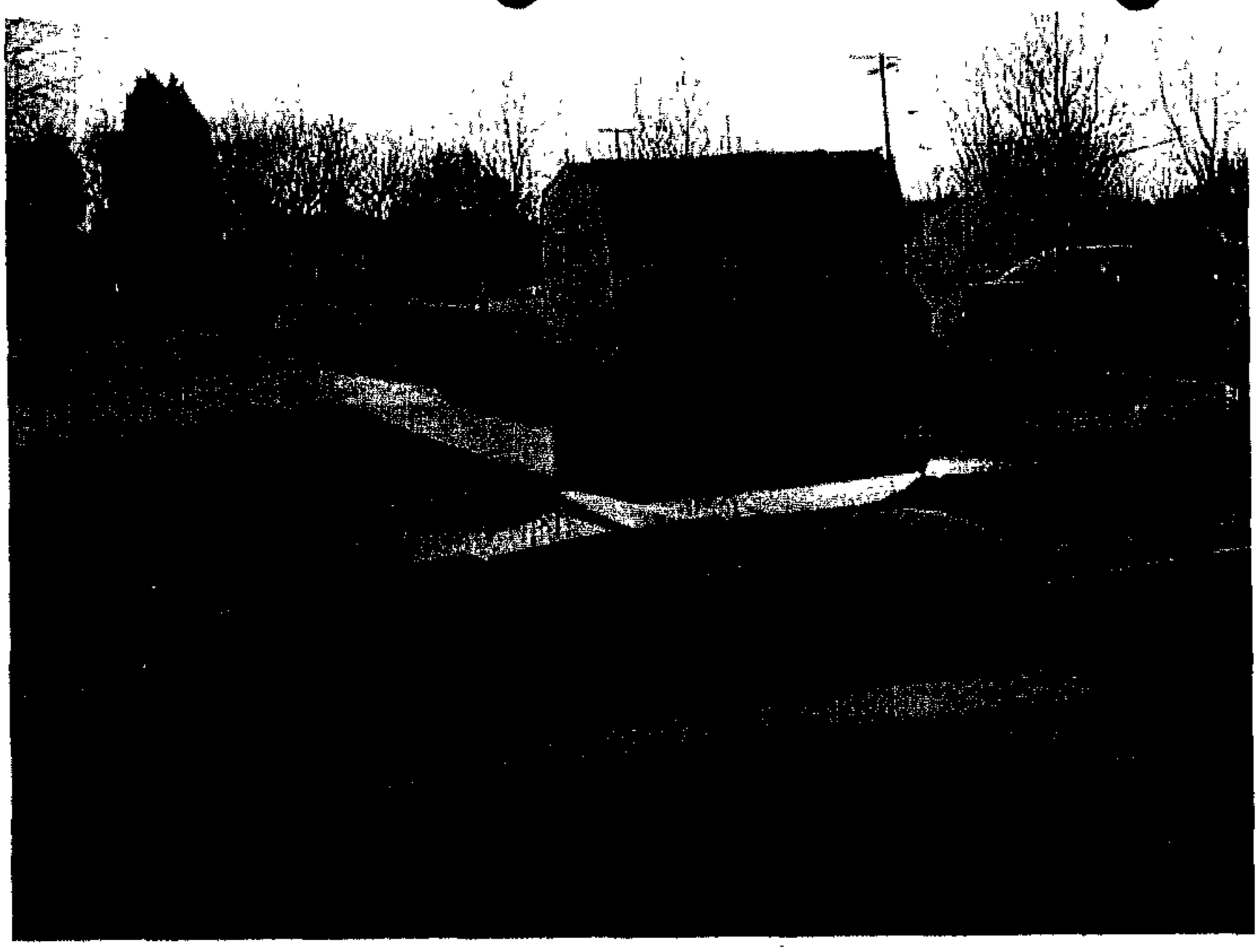
Canon

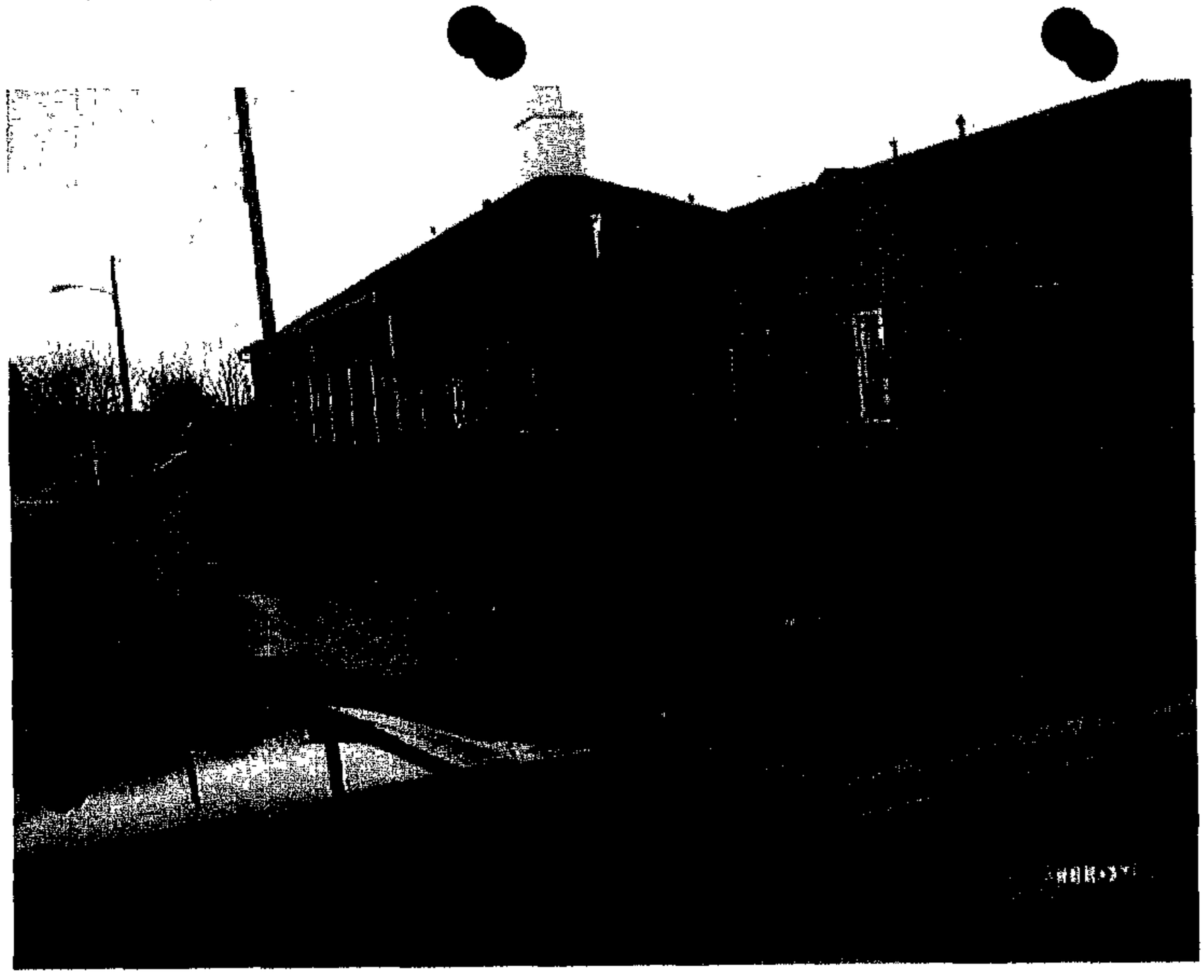
4

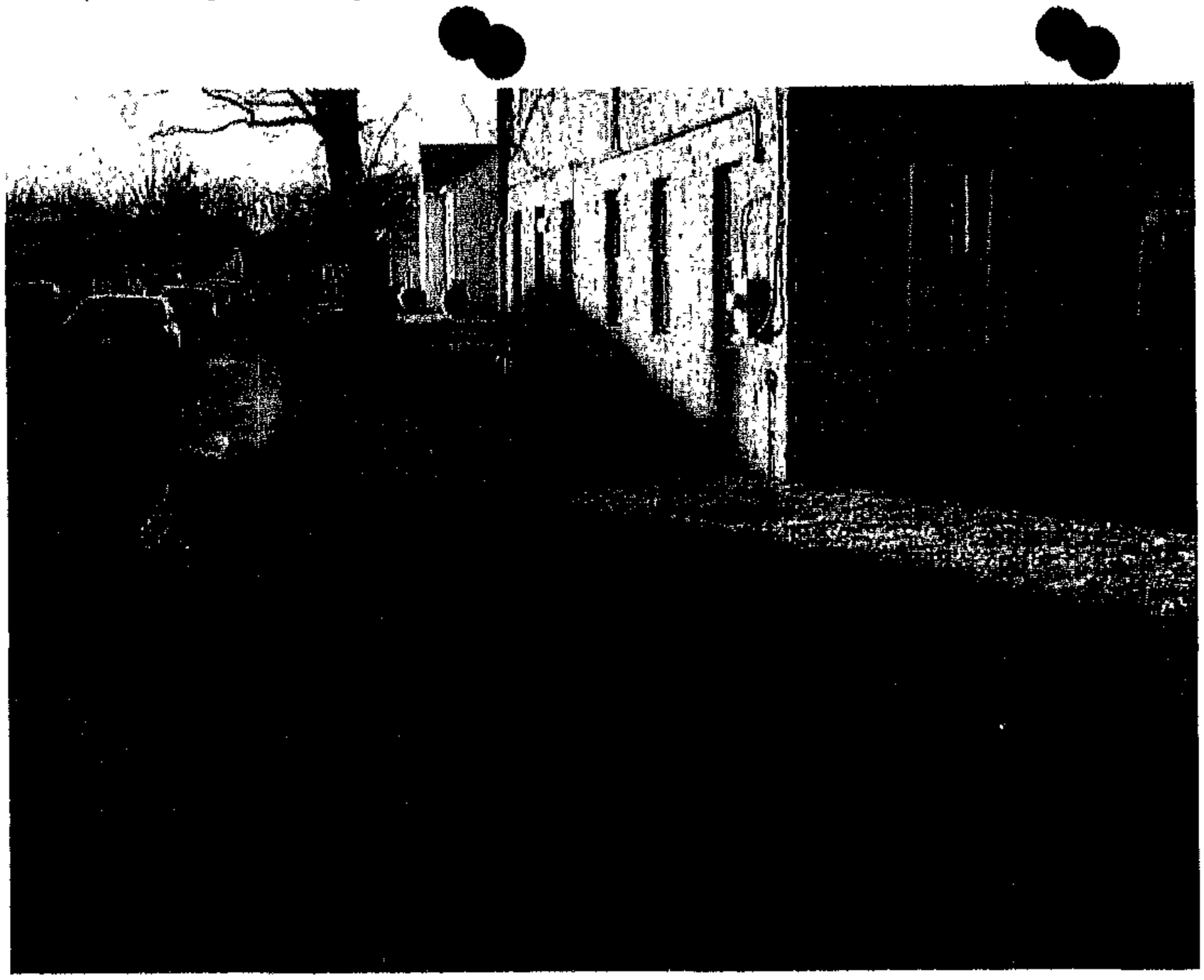
Looking
Southwest

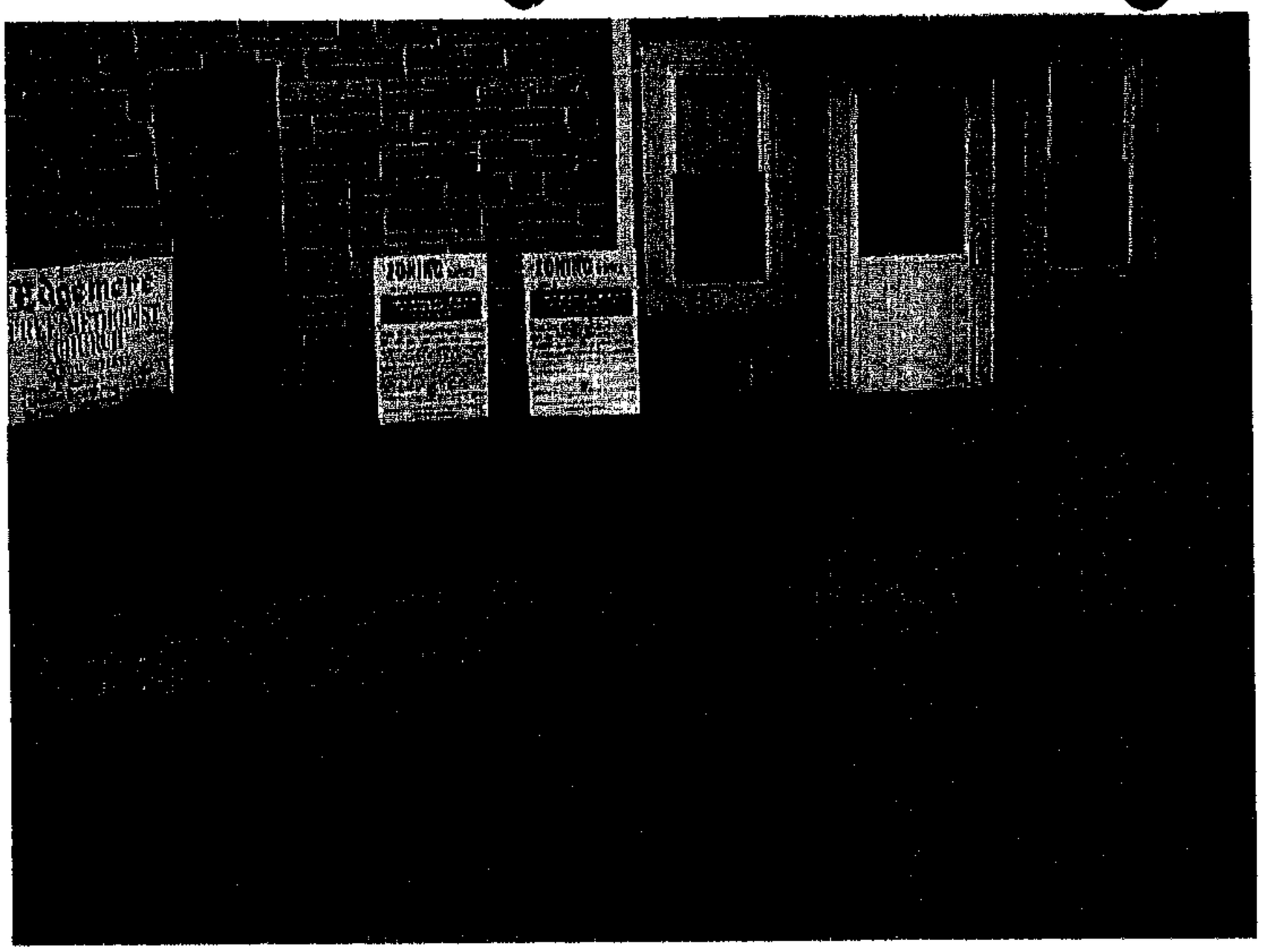
DIRECT
PRINT

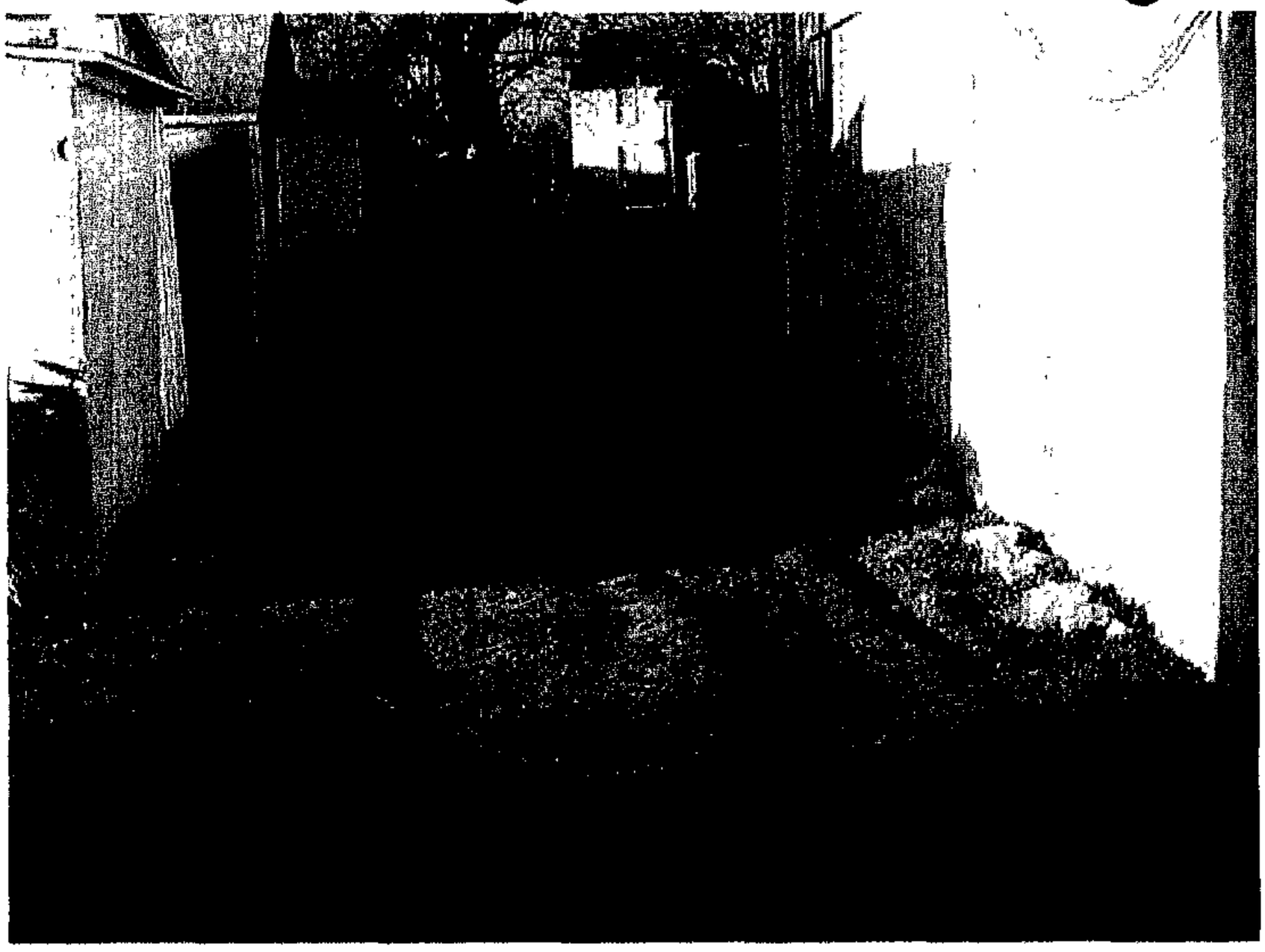


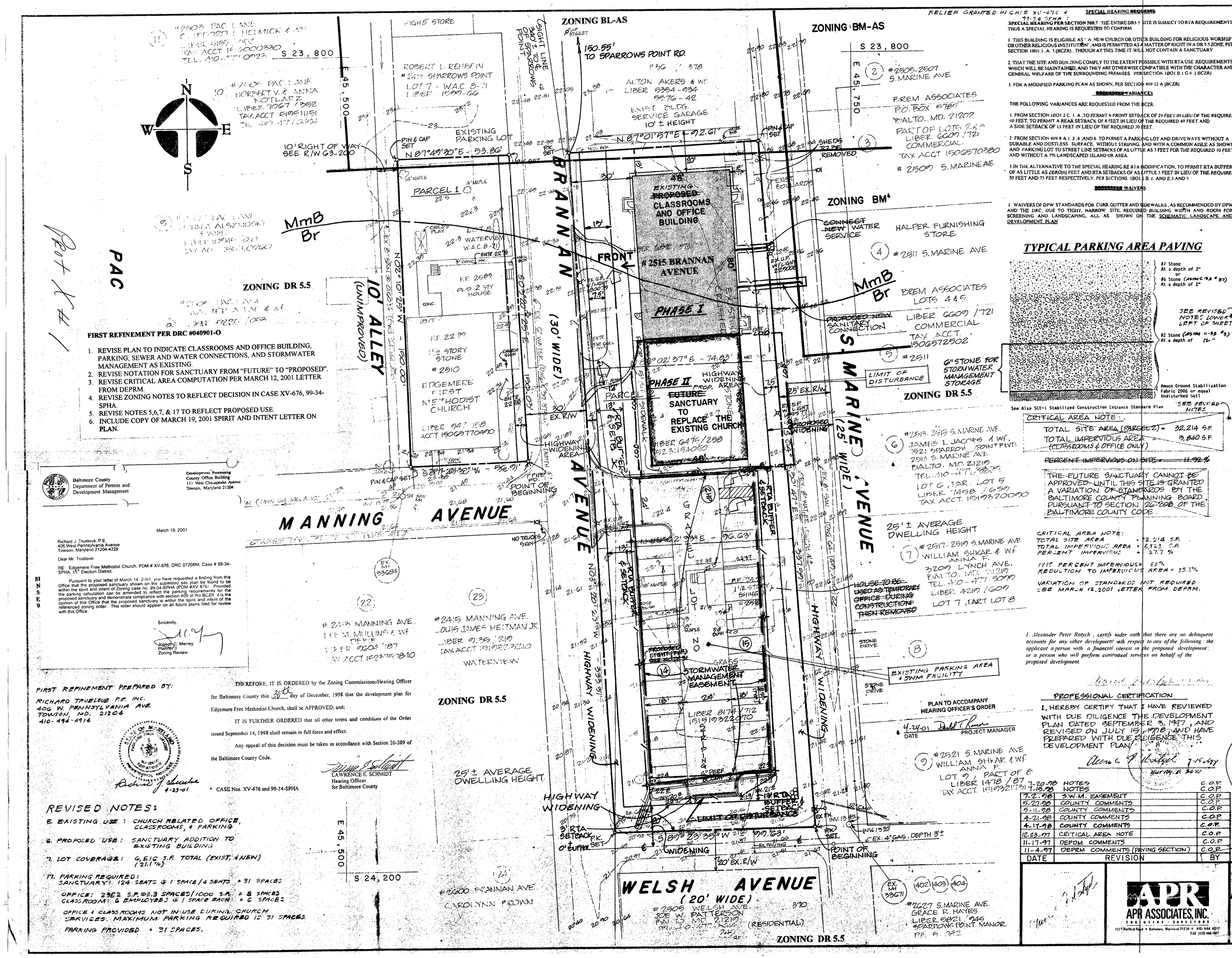











ZONING BL-AS
ZONING BM-AS
ZONING DR 5.5
ZONING BM
BRANNAN AVENUE (30' WIDE)
MANNING AVENUE
WELSH AVENUE (20' WIDE)
HIGHWAY WIDENING AREA
10' ALLEY (UNIMPROVED)
EDGEMERE FIRST METHODIST CHURCH
EXISTING PROPOSED CLASSROOMS AND OFFICE BUILDING
2515 BRANNAN AVENUE
PHASE I
PHASE II
FUTURE SANCTUARY TO REPLACE THE EXISTING CHURCH
STORMWATER MANAGEMENT EASEMENT
EXISTING PARKING AREA & SWM FACILITY
POINT OF BEGINNING
S 23,800
S 24,200
E 45,500
E 45,750
N 87°01'57"E - 92.61'
N 87°49'30"E - 53.86'
S 87°01'32"W - 56.91'
S 87°23'35"W - 90.63'
S 87°02'37"E - 74.83'
N 02°10'25"W - 150.00'
150.55' TO SPARROWS POINT RD.
10' RIGHT OF WAY SEE R/W G3-200
LIMIT OF DISTURBANCE
6" STONE FOR STORMWATER MANAGEMENT STORAGE
25' ± AVERAGE DWELLING HEIGHT
NO TRUCKS SIGN
HOUSE TO BE USED AS TEMPORARY OFFICE DURING CONSTRUCTION THEN REMOVED
SHEDS TO BE REMOVED
CONNECT NEW WATER SERVICE
PROPOSED NEW SANITARY CONNECTION
HALPER FURNISHING STORE
BREM ASSOCIATES LOTS 4 & 5 LIBER 6609 / 721 COMMERCIAL TAX ACCT. 1506572502
WILLIAM SHKAR & WF ANNA F. 3200 LYNCH AVE. PALTO. MD. 21210 TEL. 410-477-5000 LIBER 4210 / 609 LOT 7, PART LOT 8
JAMES I. JACOBS & WF. 1921 SPARROW POINT BLVD. 2913 S. MARINE AVE. BALTO. MD. 21219 LOT 6, PAR. LOT 5 LIBER 7458 / 650 TAX ACCT. 1513930700
WILLIAM SHKAR & WF ANNA F. LOT 9, PART OF 6 LIBER 1478 / 87 TAX ACCT. 1513932173
GRACE R. HAYES LIBER 5861 / 045 SPARROWS POINT MANOR PP. 6, 22
LIBER 8174 / 712 1513103220170
LIBER 6475 / 258 1523130060
LIBER 9267 / 158 ACCT. 1506977090
LIBER 7067 / 362 TAX ACCT. 2109111151
LIBER 7458 / 650 TAX ACCT. 1513930700
LIBER 6609 / 721 COMMERCIAL TAX ACCT. 1506570380
LIBER 6609 / 721 COMMERCIAL TAX ACCT. 1506572502
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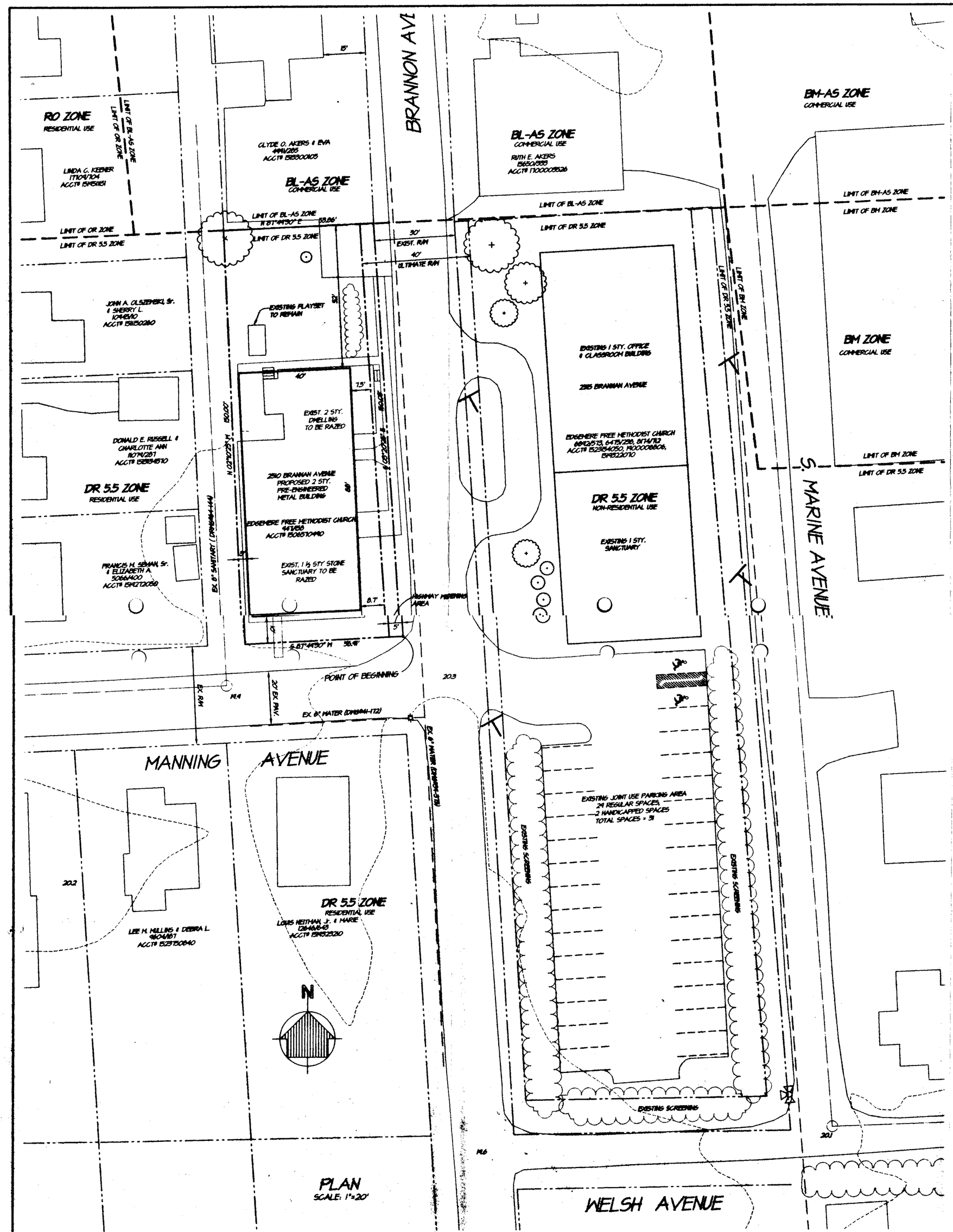


ZONING NOTES

1) THIS SITE, 2310 BRANNAN AVENUE, IS PARCEL 1 OF A TWO PARCEL PROPERTY OWNED BY EDGEMERE FREE METHODIST CHURCH, AND HAS PART OF THE APPROVED DEVELOPMENT PLAN AND SUBSEQUENT ACTIONS. THE CASES BELOW APPLY TO PARCEL 2, 2315 BRANNAN AVENUE, WHERE THE CHURCH SANCTUARY AND CLASSROOMS ARE LOCATED.

CASE NO.91-34-SPHA (PDM#IV-161) GRANTED DECEMBER 30, 1990 APPROVED DEVELOPMENT PLAN FOR EDGEMERE FREE METHODIST CHURCH, AND GRANTED SIDE, REAR, AND FRONT SETBACK VARIANCES, A PARKING LOT SURFACE VARIANCE, AND DETERMINED THAT THE CHURCH USE PROPOSED IS COMPATIBLE WITH DR 5.5 RTA REQUIREMENTS.

DRC 012694 GRANTED JULY 20, 1994 FOR A LIMITED EXEMPTION TO ALLOW CONSTRUCTION OF A MINOR BUILDING WITHOUT A COMMUNITY INPUT MEETING AND NOW IN THE EVENT THAT THE APPROVED DEVELOPMENT PLAN EXPIRED PRIOR TO A BUILDING PERMIT BEING ISSUED.

DRC 040900 GRANTED MAY 4, 2001 DETERMINED THAT THE ADDITION OF A SANCTUARY AS A REFINEMENT TO THE APPROVED DEVELOPMENT PLAN.

2) PREVIOUS COMMERCIAL PERMITS-B444186C FOR THE CONSTRUCTION OF THE SANCTUARY.

3) 2310 BRANNAN AVENUE: GROSS AREA = 0.2.3445 Ac+/- (10,084 s.f.)
NET AREA = 0.1.9483 Ac +/- (83571 s.f.)

4) TITLE REFERENCE: LIBER 447 FOLIO 156

5) EXISTING ZONING: DR 5.5 (see 200 scale zoning map 5E, 6-H, & 7-H)

6) PROPOSED ZONING: DR 5.5

7) EXISTING USE: FORMER CHURCH SANCTUARY, FORMER CHURCH RELATED OFFICES

8) PROPOSED USE: CHURCH WITH A COMMUNITY BUILDING PURSUANT TO SECTION 1B01.1A OF THE BALTIMORE COUNTY ZONING REGULATIONS.

9) EXISTING BUILDINGS TO BE RAZED: TOTAL FLOOR AREA = 680 S.F.

10) OFF STREET PARKING:

1. PARKING REQUIRED: 2310 BRANNAN AVENUE:
COMMUNITY BUILDING @ 16 SPACES PER 1000 S.F. FLOOR AREA = 48 SPACES
(816/1000)x16 = 47.8 USE 48

2315 BRANNAN AVENUE-MAXIMUM REQUIRED SPACES FROM 1st REFINED DEVELOPMENT PLAN, DRC 040900:
SANCTUARY 124 SEATS @ 1 SPACE/4SEATS = 31 SPACES

2. TOTAL SPACES REQUIRED: 48 SPACES
3. TOTAL SPACES PROVIDED: 31 (incl. 2 handicapped)

11) BUILDING SETBACK REQUIREMENTS (SEC 1B01.2C.1A- NON-RESIDENTIAL IN DR 5.5 ZONE)
FRONT - 40' FROM FRONT PROPERTY LINE
SIDE - 20' & 25' STREET CORNER
REAR - 30'

12) SETBACKS PROVIDED
FRONT = 7.5'
SIDE = 10' & 52'
REAR = 5'

13) MAXIMUM BUILDING HEIGHT IN RTA BUFFER = 35'
PROPOSED BUILDING HEIGHT = 26'

14) THE PROPERTY LINES SHOWN HEREON ARE BASED ON "BOUNDARY AND TOPOGRAPHIC SURVEY, EDGEMERE FREE METHODIST CHURCH, 2310 BRANNAN AVENUE" PREPARED BY APR ASSOCIATES, Inc. DATED SEPTEMBER 14, 1995. TOPOGRAPHY AND PROPOSED GRADING SHOWN HEREON ARE BASED ON BALTIMORE COUNTY GIS TOPOGRAPHIC INFORMATION.

15) THE SITE IS NOT IN THE 100 YEAR FLOODPLAIN.

16) THE SITE IS IN THE LIMITED DEVELOPMENT AREA OF THE CHESAPEAKE BAY CRITICAL AREA.

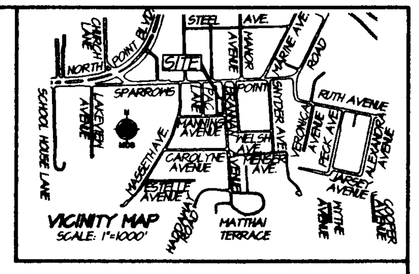
17) THERE ARE NO HISTORICAL BUILDINGS OR STRUCTURES ON THE SITE.

PROPERTY OWNER /APPLICANT:

EDGEMERE FREE METHODIST CHUR
2310 BRANNAN AVENUE
"EDGEMERE, MARYLAND 21219
410-471-5240

DEED REFERENCE LIBER 447 FOLIO 156

ACCT # 1500510410



ZONING RELIEF REQUESTED

1. SPECIAL HEARING PER SECTION 500.7 OF THE BALTIMORE COUNTY ZONING REGULATIONS(BCZR) TO DETERMINE WHETHER OR NOT THE ZONING COMMISSIONER SHOULD APPROVE:

A. THAT THE PROPOSED BUILDING IS ELIGIBLE AS A NEW CHURCH OR OTHER BUILDING FOR RELIGIOUS WORSHIP AND, THEREFORE, IS PERMITTED AS A MATTER OF RIGHT IN A DR 5.5 ZONE, BALTIMORE COUNTY ZONING REGULATIONS, SECTION 1B01.1 a.1.g(6).

B. THAT THE PROPOSED BUILDING AND IMPROVEMENTS ARE PLANNED IN SUCH A WAY THAT COMPLIANCE, TO THE EXTENT POSSIBLE WITH R1 AND R-T USE REQUIREMENTS, WILL BE MAINTAINED AND THE PLAN CAN BE EXPECTED TO BE COMPATIBLE WITH THE CHARACTER AND GENERAL WELFARE OF THE SURROUNDING RESIDENTIAL PREMISES. BALTIMORE COUNTY ZONING REGULATIONS, SECTION 1B01.1 b.1.g(6).

2. VARIANCES REQUESTED:

A. FROM BCZR SECTIONS 1B01.2c.1a AND 424.1B TO PERMIT A FRONT YARD SETBACK OF 7.5 FEET IN LIEU OF THE REQUIRED 40 FEET.

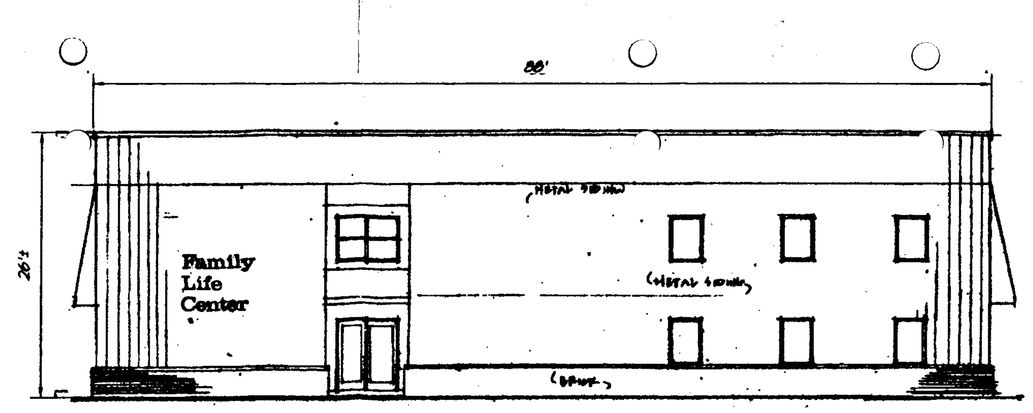
B. FROM BCZR SECTION 1B01.2c.1a TO PERMIT A SIDE YARD SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 35 FEET.

C. FROM BCZR SECTION 1B01.2c.1a TO PERMIT A REAR YARD SETBACK OF 5 FEET IN LIEU OF THE REQUIRED 30 FEET.

D. FROM BCZR SECTION 409.6.A.4 TO PERMIT A TOTAL OF 31 PARKING SPACES IN LIEU OF THE REQUIRED 48 SPACES.

E. (AS AN ALTERNATIVE TO SPECIAL HEARING RELIEF) FROM BCZR SECTION 1B01.1.G TO SECTION 1B01.1E(5) TO PERMIT AN RTA BUFFER OF AS LITTLE AS ZERO (0) FEET IN LIEU OF THE REQUIRED 50 FEET.

3. SPECIAL EXCEPTION TO PERMIT A COMMUNITY BUILDING PURSUANT TO BCZR SECTION 1B01.1A.



FRONT BUILDING ELEVATION
SCALE: 1"=10'

PLAT TO ACCOMPANY PETITION
FOR A SPECIAL EXCEPTION,
SPECIAL HEARING,
AND ZONING VARIANCES

EDGEMERE FREE METHODIST CHURCH

2310 BRANNAN AVENUE
EDGEMERE, MARYLAND 21219
15th ELECTION DISTRICT, COUNCILMANIC DISTRICT 7
BALTIMORE COUNTY, MARYLAND
SCALE: AS SHOWN NOVEMBER 6, 2003

STATE OF MARYLAND
RICHARD JOHN TRUELOVE
No. 14997
PROFESSIONAL ENGINEER
11/6/03
#14997014

PLAN PREPARED BY:
RICHARD TRUELOVE P.E., Inc.
registered civil engineer
406 West Pennsylvania Avenue
Towson, Maryland 21204-4228
(410)494-4814 FAX (410)296-5286

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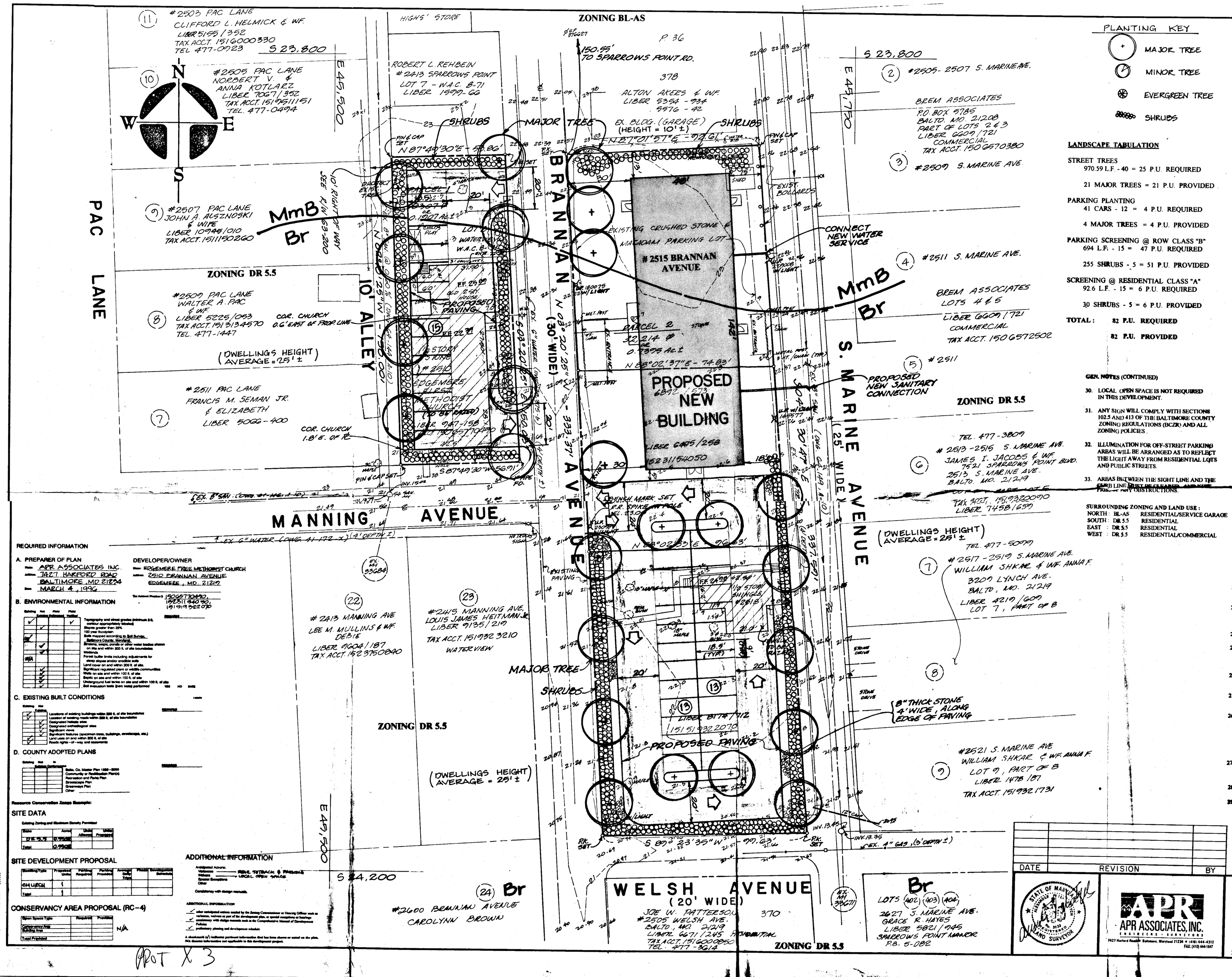

LANDSCAPE TABULATION

STREET TREES
970.59 L.F. - 40 = 25 P.U. REQUIRED

21 MAJOR TREES = 21 P.U. PROVIDED

PARKING PLANTING
41 CARS - 12 = 4 P.U. REQUIRED

4 MAJOR TREES = 4 P.U. PROVIDED

PARKING SCREENING @ ROW CLASS "B"
694 L.F. - 15 = 47 P.U. REQUIRED

255 SHRUBS - 5 = 51 P.U. PROVIDED

SCREENING @ RESIDENTIAL CLASS "A"
92.6 L.F. - 15 = 6 P.U. REQUIRED

30 SHRUBS - 5 = 6 P.U. PROVIDED

TOTAL : 82 P.U. REQUIRED

82 P.U. PROVIDED

GENERAL NOTES:

1. TOTAL AREA = 40,521 S.F. or 0.9302 Ac.±
   PARCEL 1 = 8,307 S.F. or 0.1907 Ac.±
   PARCEL 2 = 32,214 S.F. or 0.7395 Ac.±
2. EXISTING ZONING = DR 5.5
   200' SCALE MAP-EDGEMERE
3. DEED REFERENCES = 947/158, 6892/573, 6475/258, 8174/712
4. ADJACENT ZONING = DR 5
5. EXISTING USE = 1 1/2 STY. CHURCH AND 1 1/2 STY. DWELLING, AREA= 4,507 S.F.
6. PROPOSED USE = NEW CHURCH BUILDING, AREA = 6,816 S.F. AND 41 PARKING SPACES
7. OWNER = **EDGEMERE FREE METHODIST CHURCH**
   2510 BRANNAN AVE.
   EDGEMERE, MD. 21219
   TEL. (410) 477-5340
8. TAX PLAT / BLOCK / PARCEL = 111 / 16 / 58-423-67-163
9. COUNCILMANIC DISTRICT = 7
10. CENSUS TRACT = 4520
11. REGIONAL PLANNING DISTRICT = 331 B
12. ELEMENTARY SCHOOL DISTRICT = 32 EDGEMERE
13. WATERSHED =
14. SUBSEWERSHED =
15. PARKING :
    REQUIRED = $\frac{208}{4}$ = 52 SPACES
    TO BE PROVIDED = 41 SPACES
16. THERE ARE NO KNOWN CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, HISTORICAL BUILDINGS, HAZARDOUS MATERIALS SITES NOR STORAGE ON THIS TRACT.
17. COORDINATES AND BEARING SHOWN ON THIS PLAN ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS :

STATION	SOUTH	EAST
X-6551	23,706.19	45,172.78
X-6552	23,668.74	45,589.36

18. ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATERCOURSE, WETLAND, STORM DRAIN OR ADJACENT PROPERTY.
19. TOTAL AREA OF DISTURBANCE = 36,625 S.F.
20. DOWNSPOUTS ARE TO BE DISCHARGED ONTO PERVIOUS AREAS OR INTO DRYWELLS, WHERE FEASIBLE.
21. MINIMUM YARD SETBACKS: FRONT = 25'
    REAR = 30'
    SIDE = 10'
22. A VARIANCE FOR THE REAR SETBACK HAS BEEN REQUESTED.
23. THERE ARE NO EXISTING WELLS, SEPTICS OR UNDERGROUND STORAGE TANKS ON SITE OR ANY OTHER STRUCTURE EXCEPT AS SHOWN.
24. NO ZONING APPLICATION HAS BEEN FILED ON THIS PROPERTIES. NO ZONING CHANGE WITHING 200 FEET OF THE PROPERTIES.
25. PROPERTIES ARE SERVED BY PUBLIC SEWER, WATER, BG&E AND ELECTRIC LINES.
26. UNDERGROUND UTILITIES ARE SHOWN ON THIS DRAWING ONLY FOR THE CONVENIENCE OF THE USER OF THE DRAWING AND THERE IS NO WARRANTY OR GUARANTEE OF THE CORRECTNESS OR THE COMPLETENESS OF THE INFORMATION GIVEN. THE USER OF THE DRAWING MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION.
27. DRAINAGE : NO STORM DRAINS OR DITCHES EXIST DUE TO FLAT GRADES AND HIGH GROUND WATER. ALL DRAINAGE TO BE SURFACE FLOW, WAIVER REQUEST S.W.M. TO BE SUBMITTED.
28. PROPOSED SEATING : **208 SEATS**
29. **A VARIANCE FOR PARKING REQUIREMENTS HAS BEEN REQUESTED**

GEN. NOTES (CONTINUED)

30. LOCAL OPEN SPACE IS NOT REQUIRED IN THIS DEVELOPMENT.
31. ANY SIGN WILL COMPLY WITH SECTIONS 102.5 AND 413 OF THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR) AND ALL ZONING POLICIES.
32. ILLUMINATION FOR OFF-STREET PARKING AREAS WILL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS.
33. AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED AND KEPT FREE OF ANY OBSTRUCTIONS.

SURROUNDING ZONING AND LAND USE :

NORTH :	BL-AS	RESIDENTIAL/SERVICE GARAGE
SOUTH :	DR 5.5	RESIDENTIAL
EAST :	DR 5.5	RESIDENTIAL
WEST :	DR 5.5	RESIDENTIAL/COMMERCIAL

DATE	REVISION	BY

PDM # 15-676

STATE OF MARYLAND — PROFESSIONAL ENGINEER — REGISTERED PROPERTY LINE SURVEYOR

APR ASSOCIATES, INC.
ENGINEERS - SURVEYORS
7427 Harford Road, Baltimore, Maryland 21234 • (410) 444-4357
FAX: (410) 444-1647

CONCEPT PLAN
EDGEMERE FREE METHODIST CHURCH
2510 BRANNAN AVENUE
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE : 1" = 20'

DATE : MAR. 25, 1996