ORDER RECEIVED FOR FILTING

IN RE: PETITION FOR VARIANCE

NE/S Liberty Road, 970'W of

Offutt Road

(9138 Liberty Road)

2nd Election District

4th Council District

*

Trustees of Collective Christian Ministries, Inc. - Petitioners

- BEFORE THE
- * ZONING COMMISSIONER FOR
- * BALTIMORE COUNTY
- *- CASE NO. 05-250-A

*

* * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Trustees of Collective Christian Ministries, Inc., through their attorney, John B. Gontrum, Esquire. The Petitioners seek relief from the Residential Transition Area requirements set forth in Section 1B01.1B.1(c) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a church and parking lot with a setback and buffer of 2 feet each in lieu of the required 75 feet and 50 feet, respectively. In the alternative, a special hearing is requested, pursuant to Section 1B01.1B.1.g(6) of the Baltimore County Zoning Regulations (BCZR), seeking a determination that the proposed church and parking lot have been planned in such a way that compliance to the extent possible with the RTA use requirements will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises. 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 Reverend Edward McLaurin, on behalf of Trustees of Collective Christian Ministries, Inc., property owners, and John B. Gontrum, Esquire, of Whiteford, Taylor & Preston, LLP, attorney for the

Owners/Petitioners. Appearing in opposition to the request was William Obriecht, a representative of the Liberty Road Community Council, Inc. Dave Green, Area Planner, appeared on behalf of the Office of Planning. There were no other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the northeast side of Liberty Road, just south of Chapman Road in Randallstown. The property contains a gross area of 2.4 acres, more or less, split zoned R.O. and D.R. 5.5, and is improved with a one story office building and a two story dwelling which features an attached garage, both within the R.O. zone. As shown on the site plan submitted into evidence as Petitioner's Exhibit 1, the property has frontage of approximately 154 feet along Liberty Road; however, about 200 feet back from the road, it widens to 230 feet in width and is approximately 524 feet deep. The Petitioners are desirous of utilizing the property for a church and have apparently used the existing office building for such purpose for the past 3 years. In order to accommodate their growing congregation, the Petitioners propose improvements to the site. As shown on the site plan, the Petitioners propose construction of a 3,528 sq.ft. Church in the rear portion of the property with a seating capacity for up to 200 people. The new church will be located approximately 111 feet from the rear property line, over 121 feet from the eastern side of the property, and 84 feet from the western side of the property. Also shown is the future expansion of the new church building to provide a 3,608 sq.ft. hall. The Petitioners intend to retain the two existing buildings in the front portion of the site, zoned R.O. The macadam parking area on the west side of the existing office building will be removed and landscaped and the new parking area will be located in the center of the site, closer to the western property line adjacent to property owned by William and Ethel Darling. Due to the unique configuration of the property, the proposed improvements will be located closer to the western side of the property

than the eastern side, and thus a setback of only 2 feet will be provided at the closest point from the Darling property. It should also be noted that there appears to be a very small amount of residential zoning to the rear of the adjacent property to the east that may be an anomaly of the zoning line not conforming to the lot line. The bulk of the adjacent property at 9134 Liberty Road is zoned C.B. but the rear 15 feet of the lot is zoned D.R. 5.5 and results in the new parking area being located 35 feet from this zone line.

None of the adjacent neighbors appeared at the hearing; however, the proffered testimony indicated that the Trustees had discussed the proposed improvements and shared the site plan with the adjacent neighbors, and specifically, with Mr. Darling. Further testimony indicated that Mr. Darling's property lies between the subject site and a funeral home further to the west. While Mr. Darling has no intention of leaving his home, he has no objections to the setbacks and proposed parking, and would consider selling his property to the church. (See Petitioner's Exhibit 2, Mr. Darling's notarized statement.)

The Liberty Road Community Council, Inc. through Mr. Obriecht, its authorized representative, expressed concern over the variance requested and the precedent it might set if approved. The community association had no objection to the requested variances if the church buildings were centered on the rear of the property; however, it had no knowledge of any discussions that had been held between the church and the neighboring property owners. It consequently does not oppose the concept of the variances at this location but only the extent of the relief being sought.

The Office of Planning, within its Zoning Advisory Committee (ZAC) comments, indicated they would have no objections to the proposal provided the parking was shifted an additional 10 feet from the Darling property line. The Planning Office also believes that the

ORDER RECEIVED

setback area should be landscaped with dense evergreen plantings and a 6-foot high privacy fence placed along the side of the property.

New churches are permitted as of right in residential zones. Although the RTA applies to new churches, two provisions are available for churches to obtain waivers or variances. Section 1B01.1B.1.c of the B.C.Z.R. provides that variance relief can be granted, based on recommendations from County agencies, provided that the hearing officer "specifically finds and 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 the alternative, Section 1B01.1B.1g(6) provides that following a public hearing, the hearing officer may determine that the RTA is not applicable upon a finding that "the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises."

The standards differ between Section 1B01.1B.1g(6) and Section 1B01.1B.1.c. The former requires a finding that the proposed improvements are planned so that compliance with RTA is "to the extent possible...." Section 1B01.1B.1.c allows variance relief to be granted, provided that there is no adverse impact by virtue of the variance to the adjoining property or residential community.

It is clear from the proffered testimony that there are no objections to the proposed church, its size or scope of activities at this location. It also is clear that no one is protesting the parking spaces provided or the future expansion. What makes this case unusual is that the Petitioners deliberately chose not to center the proposed church and parking on the lot, but rather

placed it in the western portion of the site in expectation, no doubt, of perhaps acquiring the adjacent Darling tract at some point in the future.

It is clear that the Darlings do not have any objection to the church's proposal, and indeed the testimony and evidence presented was to the contrary. It was represented by Pastor McLaurin that he had personally met with Mr. Darling and that Mr. Darling was not interested in additional landscaping, fences or setbacks beyond those shown on Petitioner's Exhibit 1. Moreover, the adjacent property is only 70 feet wide, and development of the rear portion of the tract is going to be problematic given the location of the existing house and the location of the funeral home to the west. I can well appreciate why providing a 19-foot buffer between the existing church office building and the Darling house on the adjacent property as proposed would be more attractive than a buffer area to the rear of the site.

Based on the representations made at the hearing, it would appear that Mr. Darling has no objections and feels that there would be no detriment to his property by allowing the variance requested. Furthermore, the proposed parking setback from the undeveloped portion of his property would appear to have little impact on the development potential of his site. I further understand that he has no desire for a fence or landscaping along the property line, although such a fence or landscaping would screen vehicle lights in the evening from his property.

After due consideration of the testimony and evidence presented, I am persuaded that the relief requested meets the spirit and intent of Section 307 of the B.C.Z.R., and that variance relief should be granted from Section 1B01.1B.1(c). I find that the church proposed is compatible with the neighborhood and that the variances proposed will not be a detriment to the residential community or adjacent property. I am not convinced that there is an appreciable difference between a 2-foot setback and a 10-foot setback for the parking area as recommended by the

Office of Planning, given its location relative to the adjacent property. I recognize the desire of the church to maintain flexibility in its parking, and I believe that adequate parking is more important to the adjacent community for a facility of this nature than a setback from what is essentially open space. Furthermore, there is no indication of any adverse impact from the proposal to the residential properties to the east or north or to the front property, predominantly zoned C.B. As shown on the site plan, the Petitioners will provide a 10-foot wide amenity open space area along the eastern side of the parking lot.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of March 2005 that the Petition for Variance seeking relief from the Residential Transition Area requirements set forth in Section 1B01.1B.1(c) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a church and parking lot with a setback and buffer of 2 feet each in lieu of the required 75 feet and 50 feet, respectively, 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) But for the recommendation as to a 10-foot setback and landscaping, the Petitioners shall comply with the recommendations made by the Office of Planning, within its ZAC comment dated December 10, 2004, a copy of which is attached hereto be made a part hereof. The Petitioners shall not be required to provide landscaping within the 2-foot setback; however, a 6-foot high wood privacy fence shall be erected anywhere that the proposed parking lot adjoins a residential

property line. Elevation drawings for the proposed fence shall be provided to the Office of Planning for review and approval.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

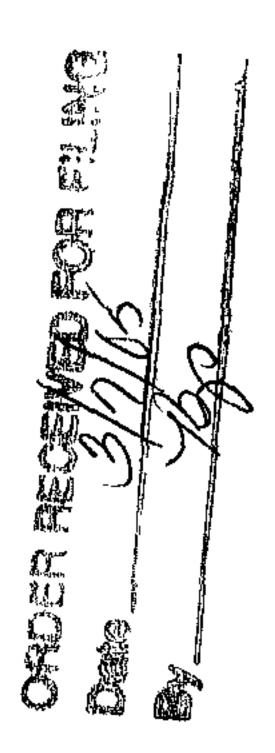
IT IS FURTHER ORDERED that the Petition for Variance seeking alternative relief, pursuant to Section 1B01.1.B.1.g(6) of the Baltimore County Zoning Regulations (BCZR), that the proposed church and parking lot have been planned in such a way that compliance to the extent possible with the RTA use requirements will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises, be and is hereby DISMISSED AS MOOT.

Zoning Commissioner

for Baltimore County

WJW:bjs

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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 William J. Wiseman III, Zoning Commissioner

March 7, 2005

John B. Gontrum, Esquire Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue, Suite 400 Towson, Maryland 21204

PETITION FOR VARIANCE RE: NE/S Liberty Road, 970' W of the c/l Offutt Road (9138 Liberty Road)

2nd Election District – 4th Council District Trustees of Collective Christian Ministries, Inc.- Petitioners Case No. 05-250-A

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

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

AM LWISEMAN, III Zoning Commissioner

for Baltimore County

WJW:bjs

Pastor Edward McLaurin, 9138 Liberty Road, Randallstown, Md. 21133 cc: Mr. William Obriecht, Liberty Road Community Council, Inc.

P.O. Box 31617, Baltimore, Md. 21207 Office of Planning; People's Counsel; Case File



IN RE: PETITION FOR VARIANCE
NE/S Liberty Road, 970'W of
Offutt Road
(9138 Liberty Road)
2nd Election District
4th Council District

Trustees of Collective Christian Ministries, Inc. - Petitioners BEFORE THE

* ZONING COMMISSIONER FOR

* BALTIMORE COUNTY

CASE NO. 05-250-A

AMENDED ORDER

WHEREAS, this matter came before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Trustees of Collective Christian Ministries, Inc., through their attorney, John B. Gontrum, Esquire. The Petitioners sought relief from the Residential Transition Area requirements set forth in Section 1B01.1B.1(c) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a church and parking lot with a setback and buffer of 2 feet each in lieu of the required 75 feet and 50 feet, respectively. In the alternative, the Petitioner sought approval, pursuant to Section 1B01.1.B.1.g(6) of the Baltimore County Zoning Regulations (BCZR), that the proposed church and parking lot comply to the extent possible with the RTA use requirements.

At the public hearing held on January 24, 2005, Reverend Edward McLaurin, appeared on behalf of Trustees of Collective Christian Ministries, Inc., property owners, as well as their attorney, John B. Gontrum, Esquire, of Whiteford, Taylor & Preston, LLP. William Obriecht, a representative of the Liberty Road Community Council, Inc., and Dave Green, a representative of the Office of Planning, appeared in opposition to the request.

Testimony and evidence presented at the hearing in support of the request revealed that the Petitioners have operated a church on the subject property for the past 3 years and propose extensive improvements to accommodate its growing congregation. In this regard, the Petitioners

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proposed the construction of a new church building and expanded parking lot, with a 2-foot setback and landscape buffer on the west side of the property, adjacent to residential property owned by William and Ethel Darling. It was indicated that relief was necessitated given the unique configuration of the property and the location of existing and proposed improvements thereon. It is the reduced buffer area that is at issue.

By my Order dated March 7, 2005, I granted the variance relief, given the fact that testimony presented at the hearing indicated that the Darlings had no objection to the reduced setback from their property line. Moreover, Counsel for the Petitioners indicated that the Church anticipated purchasing the Darling property at some point in the future and thus, the reduced setback would not be an issue. Further testimony indicated that a funeral home is located immediately west of the Darling property. I also found that adequate parking is more important to the adjacent community for a facility of this nature than a setback from what is essentially open space. Finally, I found that there would be no adverse impacts to the residential properties to the east or north or to the front property, which are predominantly zoned C.B.

Subsequent to the issuance of said Order, Motions for Reconsideration were received from the Office of People's Counsel and Mr. Obriecht. Both parties question whether the proposed improvements are appropriate for this site and request, at a minimum, that I amend my decision and require a minimum 10-foot buffer/setback on the west side, as originally recommended by the Office of Planning.

After due consideration of all of the representations made by both parties, I decline to reopen this case for further proceedings. As noted in my prior opinion, churches are permitted as of right in residential zones. Moreover, variances from the RTA requirements can be granted, pursuant to Section 1B01.1B.1.c of the B.C.Z.R., provided that the relief sought will not be a versely impact the residential community or development on the land adjacent to the property

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to be developed. In this regard, the Petitioners testified that they specifically met with immediately adjoining property owners and no one had any opposition to their plans. It is also of note that the Petitioners have operated a church on the subject property for the past 3 years, without complaint, and none of the neighbors who would be most affected by the Petitioners' proposal attended the hearing. Thus, it appears that only an amendment of my prior decision to require a minimum buffer/setback of 10 feet is necessary, and I shall so Order.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _______ day of April 2005 that the Order issued on March 7, 2005 be and the same shall hereby be AMENDED;

IT IS FURTHER ORDERED that a variance from the Residential Transition Area requirements set forth in Section 1B01.1B.1(c) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a church and parking lot with a setback and buffer of 10 feet each in lieu of the required 75 feet and 50 feet, respectively, be and is hereby GRANTED, subject to the following restriction:

1) Prior to the issuance of any building permits, the Petitioners shall submit a revised site plan to the Office of Planning and the Department of Permits and Development Management which reflects a minimum 10-foot setback and buffer on the west side of the property.

IT IS FURTHER ORDERED that but for the modified relief set forth above, all other terms and conditions of the Order issued March 7, 2005 shall remain in full force and effect.

Any appeal of this Order shall be taken in accordance with Baltimore County Code

Section 32-3-401.

WILLIAM J WISEMAN, III
Zoning Commissioner
for Baltimore County

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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 William J. Wiseman III, Zoning Commissioner

April 15, 2005

John B. Gontrum, Esquire Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue, Suite 400 Towson, Maryland 21204

RE: MOTIONS FOR RECONSIDERATION

PETITION FOR VARIANCE

(9138 Liberty Road)

Trustees of Collective Christian Ministries, Inc.- Petitioners

Case No. 05-250-A

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the Motions for Reconsideration filed in the above-captioned matter.

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 touly yours,

LAMI. WISEMAN, III

Zoning Commissioner for Baltimore County

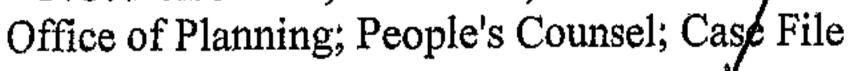
WJW:bjs

cc: Pastor Edward McLaurin, 9138 Liberty Road, Randallstown, Md. 21133

Mr. William Obriecht Liberty Road Community Council, Inc.

Mr. William Obriecht, Liberty Road Community Council, Inc.

P.O. Box 31617, Baltimore, Md. 21207/





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



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9138 Liberty Road which is presently zoned D.R. 5.5; R.O.

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

Variance and/or Special Hearing from Section 1B01.1B.1.c and/or Section 1B01.1.B.1.g(6) to permit a parking lot within the residential transition area (RTA) with a setback of 2' in lieu of the required 75' setback and 50' buffer.

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

Permitted church use would otherwise be severely limited if not impossible without RTA variance or waiver given the lot configuration and current adjoining uses and for other good and sufficient reasons to be presented at the time of hearing.

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

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

<u>Legal Owner(s):</u>

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:

		Trustees of Collective Christian
Name - Type or Print		Name - Type or Print Ministries - TAC -
Signature		Signature Signature
oignaturo		Edward McLaurin
Address	Telephone No.	
City	Zip Code	
Attorney For Petitioner:	•	9138 Liberty Road (410)521-3100
		Address Telephone No.
John B. Gontrum, Esqui	ire	Randallstown, MD 21133-3522
Name - Type or Print		City State Zip Code
G866 9FE		Representative to be Contacted:
Signature		
Whiteford, Taylor & Pr	reston LLP	John B. Gontrum, Esquire
Company		Name
210 W. Pa. Ave., Suite	e 400	<u> 210 W. Pa. Ave., Suite 400</u>
Address (410) 832-2000	Telephone No.	Address (410)832-2000 Telephone No.
Towson, MD 21204 Cly State		Towson, MD 21204 State Zip Code
City	Zìp Code	e City State Zip Code
		OFFICE USE ONLY
Maso No 05-250-0		ESTIMATED LENGTH OF HEARING
Case No	· · · · · · · · · · · · · · · · · · ·	LINIAVATI ARI E EOD LIFADING
£ 2.	Reviewed	UNAVAILABLE FOR HEARING Date 11/15/04

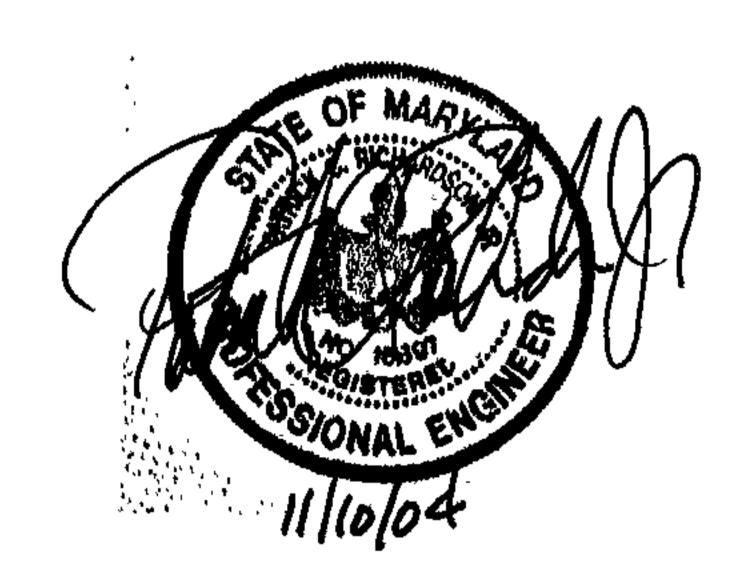
730 W. Padonia Road, Suite 101 Cockeysville, Maryland 21030

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

ZONING DESCRIPTION 9138 LIBERTY ROAD 2ND ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the northeast side of Liberty Road; 970' +/west of Offutt Road, binding on Liberty Road for the following course and distance: (1) North
52 degrees 02 minutes 00 seconds West 154.00 feet, (2) thence leaving Liberty Road, North 40
degrees 27 minutes 00 seconds East 524.54 feet, (3) South 51 degrees 50 minutes 00 seconds
East 230.00 feet, (4) South 40 degrees 27 minutes 00 seconds West 323.00 feet, (5) North 52
degrees 02 minutes 00 seconds West 76.00 feet, (6) South 40 degrees 27 minutes 00 seconds
West 200.00 feet to the place of beginning.

Containing a net area of 105,202 square feet, or 2.415 acres of land, more or less.



NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #05-250-A
9138 Liberty Road

N/east side of Liberty Road, 970 feet west of Offutt Road

2nd Election District — 4th Councilmanic District
Legal Owner(s): Trustees of Collective Christian,
Edward McLaurin
Variance: to permit a parking lot within the residential transition area (RTA) with a setback of 2-feet in lieu of the required 75 feet setback and 50-foot buffer.
Hearing: Monday, January 24, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN

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.

1/006 January 6

CERTIFICATE OF PUBLICATION

16,2005
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 16,20 <u>05.</u>
The Jeffersonian Arbutus Times Catonsville Times Towson Times Owings Mills Times NE Booster/Reporter North County News

LEGAL ADVERTISING

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CERTIFICATE OF POSTING

		RE: Case No.: <u>05-250-A</u>
<i>*</i>		Petitioner/Developer:7 <u>ZUS7EES</u> O
•	COLECTIVE	CHRISTIAN, EDWARD MCLAURIA
		Date of Hearing/Closing: 1/24/05
Baltimore County Departm Permits and Development N County Office Building, Ro 111 West Chesapeake Aven Fowson, Maryland 21204	Tanagement om 111	
ATTN: Kristen Matthews	{(410) 887-3394}	
Ladies and Gentlemen:		•
This letter is to certify unde posted conspicuously on the	-	ry that the necessary sign(s) required by law were
	9138 118	
The sign(s) were posted on	<u>, i - i - j i - i i - i</u>	1/8/05
		Month, Day, Year)
	S i	incerely,
	\	4
		Robert Black 1/9/05
		(Signature of Sign Poster) (Date)
	-	SSG Robert Black
		(Print Name)
		1508 Leslie Road
		(Address)
		Dundalk, Maryland 21222
	-	(City, State, Zip Code)
		(410) 282-7940
		(Telephone Number)
		(Paono Hambol)

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 8, 2004

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: 05-250-A

9138 Liberty Road

N/east side of Liberty Road, 970 feet west of Offutt Road

2nd Election District – 4th Councilmanic District

Legal Owners: Trustees of Collective Christian, Edward McLaurin

Variance to permit a parking lot within the residential transition area (RTA) with a setback of 2 feet in lieu of the required 75 feet setback and 50-foot buffer.

Hearing: Monday, January 24, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: John B. Gontrum, 210 W. Pennsylvania Ave., Ste. 400, Towson 21204 Edward McLaurin, 9138 Liberty Road, Randallstown 21133-3522

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 8, 20 05.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFF ICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY

Thursday, January 6, 2005 Issue - Jeffersonian

Please forward billing to:

Edward McLaurin

410-521-3100

Trustees of Collective Christian Ministries, Inc.

9138 Liberty Road

Randallstown, MD 21133-3100

NOTICE OF ZONING HEARING

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9138 Liberty Road

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2nd Election District – 4th Councilmanic District

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Hearing: Monday, January 24, 2005 at 11:00 a.m. in Room 407, County Courts Building,

01 Bosley Avenue, Towson 21204

WILLIAM WISEMAN

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

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

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

For Newspaper Advertising:
Item Number or Case Number: 05-250-A
Petitioner: TRUSTEES OF COLLECTIVE CHRISTIAN MINISTRIES INC.
Address or Location: 9138 LIBERTY RD.
•
PLEASE FORWARD ADVERTISING BILL TO:
Name: EDWARD MCLAURIN
Address: TRUSTEES OF COLLECTIVE CHISTIAN MINISTRIES, INC.
9138 LIBERTY RD.
RANDALLSTOWN, MD 21133-3100
Telephone Number: 410-521-2100

Revised 2/20/98 - SCJ

Department of Permits and Development Management

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





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

January 18, 2005

John B. Gontrum, Esquire Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue, Ste. 400 Towson, Maryland 21204

Dear Mr. Gontrum:

RE: Case Number: 05-250-A, 9138 Liberty Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 15, 2004.

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.

W. Call Rila D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Trustees of Collective Christian Edward McLaurin 9138 Liberty Road Randallstown 21133-3522



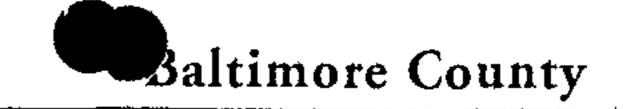
Visit the County's Website at www.baltimorecountyonline.info

Fire Department



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





James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 December 6, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: December 6, 2004

Item No.:

250**)** 268~176

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File



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



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

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

Maryland Department of Transportation

Date: 12.3.04

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

RE:

Baltimore County

Item No. 2507

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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,

Steven D. Foster, Chief

Engineering Access Permits Division

DEC - 3 2004

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BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr 100

DEPRM

DATE:

December 10, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of December 6, 2004.

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-250 05-254 05-270

05-271 05-272

05-273

Reviewers:

Sue Farinetti, Dave Lykens

124

DATE: December 10, 2004

RECEIVED

DEC 13 2004

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

9138 Liberty Road

INFORMATION:

Item Number:

5-250

Petitioner:

Trustees of Collective Christian

Zoning:

THE PROPERTY OF THE PROPERTY O

DR 5.5/RO

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

Per Section 1B01.1B.1.(6) of the BCZR, a finding shall be conducted relative to new churches or other building for religious worship to determine that "the proposed improvements are planned is such a way that compliance, to the extent possible with RTA use requirement, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises."

The Office of Planning finds that the subject proposal will be in compliance with above referenced section of the regulations provided the following conditions are met:

- 1. Redesign the site layout so as to provide a 10-foot setback along the northeast property line.

 Install compact dense evergreen screening in combination with a 6-foot wood privacy fence wherever the requested variances adjoin residential property lines.
- 2. Submit building elevations to the Office of Planning for review and approval prior to applying for any building permit.
- 3. Direct all exterior lighting away from all adjacent residential use.
- 4. Limit the height of all exterior lighting to 14 feet.

5. Submit a landscape and lighting plan to Avery Harden, Baltimore County's Landscape Architect for review and approval.

Prepared by:

Division Chief:

AFK/LL:MAC:

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BY

BY

STATEMENT

W:\DEVREV\ZAC\5-250.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits &

Development Management

DATE: December 14, 2004

Robert W. Bowling, Supervisor Bureau of Development Plans

SUBJECT:

Zoning Advisory Committee Meeting

For December 13, 2004 Item Nos. 250, 254, 268, 269, 270, 271,

272, 723, 274, 275, and 276

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR VARIANCE

9138 Liberty Road; NE/side Liberty Road,

970' W of Offutt Road

2nd Election & 4th Councilmanic Districts
Legal Owner(s): Trustees of Collective

Christian Ministries, Inc -Edward McLaurin

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-250-A

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47

400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of December, 2004, a copy of the foregoing Entry of Appearance was mailed to, John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

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People's Counsel for Baltimore County

Per....





OFFICE OF PEOPLE'S COUNSEL

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

> 410-887-2188 Fax: 410-823-4236

PETER MAX ZIMMERMAN People's Counsel

CAROLE S. DEMILIO Deputy People's Counsel

April 6, 2005

RECEIVED

APR - 6 2005

ZOWNG COMMISSIONER

Hand-Delivered William J. Wiseman, Zoning Commissioner County Courts Building 401 Bosley Avenue, Suite 405 Towson, Maryland 21204

Re:

Trustees of Collective Christian Ministries

9138 Liberty Road Case No.: 05-250-A

Dear Mr. Wiseman,

Please accept this letter as a motion for reconsideration under Rule 4K of the opinion and order dated March 7, 2005. It approves setback and landscape buffer exceptions or variances on the west side of the property for a new parking lot, a future new building, and an existing building. The degree is severe: two feet instead of fifty feet and seventy-five feet, and over most of the length of the west side of the property. There is opposition from the Office of Planning and the Liberty Road Community Council to the extent of the deviations. With all due respect to the Zoning Commissioner's thoughtful opinion, there are reasons to give another hard look.

This property is 2.415 acres in size. There appears to be plenty of room for a church, future expansion, and parking, in the rear of the property and on the east side which either would not involve exceptions or variances or would involve lesser deviations. The site plan parking calculations show more parking than is legally required, 69 spaces rather than the required 55.

What is the reason to squeeze a large parking lot up against the west side boundary? Is another expansion, not shown on the plan, contemplated for the east side? What, if any, potential uses are contemplated for, or may be allowed, on the rest of the property? Is such a large parking lot necessary in the first place? At what point is the property overbuilt or overcrowded?

Separately, this is a hazardous stretch of Liberty Road. There is no traffic light. There are hills. The traffic moves quickly. This is shown in the case of the nearby Wylie Funeral Home, at 9142 Liberty Road. The County Board of Appeals approved a special exception, but with detailed conditions as to access and traffic control, which is particularly difficult when many vehicles exit to make a left turn across Liberty Road. Case No. 02-174-XA (2003).

William J. Wiseman, Zoning Commissioner April 6, 2005 Page 2

The site plan does not show any provision for storm water management. There is an increasing recognition nationally that large parking lots contribute to environmental degradation.

Under these circumstances, the Office of Planning request for a setback of ten feet seems, in context, quite modest. Upon further inquiry as to the basis of this suggestion, staff has noted that there is room for parking elsewhere on the site, which does not encroach so far into the Residential Transition Area and which allows more than nominal landscaping. The record also reflects the LRCC's concern.

It seems fair to provide an opportunity for interaction between the Petitioner, the Office of Planning and/or other county staff, and the LRCC to consider an alternative plan which will more closely satisfy the law and the concerns of all parties, and possibly lead to a consensus. It should also clarify, at least conceptually, the ultimate use, if any, of the east side of the property.

The opinion notes that the Darlings, the neighbors on the west side, do not object to the proposed exceptions or variances. There is also an observation in the opinion that the church may desire to purchase the Darling property. It seems more likely that the presence of a large parking lot at the boundary will provide the Darlings an argument for commercial zoning in an area where the Council so far has maintained a residential zone. The law reflects public interests beyond the immediate opinions of particular individuals, even immediate neighbors.

For all of the above reasons, it is respectfully submitted that this case deserves another hard look. The question is not whether there may be a church at this site. The question is whether the proposed site plan is appropriate, whether it warrants modification, the implications for the entire property, the neighboring property, and traffic and storm water issues.

Very truly yours.

Peter Max Zimmerman

People's Counsel for Baltimore County

PMZ/rmw

cc: John B. Gontrum, Esquire William Obriecht

Lynn Lanham/Mark Cunningham, Office of Planning

William Obriecht 2415 Poplar Dr. Baltimore, Md. 21207

April 6, 2005

William J. Wiseman, Zoning Commissioner County Courts Building 401 Bosley Ave., Suite 405 Towson, Md. 21204

Re: Case No. 05-250-A

Dear Mr. Wiseman,

RECEIVED

APR - 6 2005

ZONING COMMISSIONER

I would like to file a request for reconsideration under rule 4K of your decision dated March 7, 2005. The decision arrived too late to be discussed at the March 9, 2005 meeting of the Liberty Road Community Council.

I make this request because I believe that the decision does not support the Baltimore County Zoning regulations.

The request asked for a variance of 2 feet in lieu of the required 75 and 50 feet. The Planning Office had requested that at least 10 feet be provided as a buffer on the east side of the property. One could understand the request if there was no room on the property for the requested building and parking unless the parking lot be placed within 2 feet of the property line. However there is sufficient room on the west and north part of property to provide at least 10 feet of buffer on the west side.

I also believe that a 2 foot buffer is significantly less that a 10 foot buffer. I believe that the regulations would be significantly weakened if 8 feet could be deducted from all buffers given in the regulations by stating there is no appreciable difference between 2 and 10 feet.

I also wish to note that the position of the Liberty Road Community Council presented at the hearing was to oppose the variance, but that they may not oppose any necessary variances if the new building and parking lot is centered in the property with equal buffers on all sides (A copy of the motion presented at the hearing is enclosed).

I understand that the location of the parking would not be a problem if the church owned the Darling property. It is possible that the church is requesting the lot 2 feet from the property line because "of perhaps acquiring the adjacent Darling tract at some point in the future" However, no documents were presented to support the 'perhaps acquiring' the property such as an option to buy.

Request for Reconsideration of Case No. 05-250-A Page 2

The 2 foot buffer is a problem for the community and it's impact on the zoning of the Darling property unless the Darling property is purchased by the church. Until such time as the property is purchased by the church the 2 foot buffer is a precedent for future decisions and tends to support the rezoning of the residential Darling property adjacent to the 2 foot buffer because it becomes unattractive for residential use.

I would appreciate your reconsideration of the decision in Case No. 05-250-A.

Sincerely,

William Obriecht

cc: John B.. Gontrum, Esquire

LIBERTY ROAD COMMUNITY COUNCIL, INC. P. O. Box 31617 Baltimore, Md. 21207

To: Zoning Commissioner of Baltimore County

The following motion was made, seconded and passed at the January 11, 2005 meeting of the Board of Directors of the Liberty Road Community Council:

That Liberty Road Community Council, Inc. oppose the variances requested in Case No. 05-250A regarding the property at 9138 Liberty Road. However, Liberty Road Community Council, Inc. may not oppose any necessary variances if the new building and parking lot is centered in the property with equal buffers on all sides.

William Obriecht, Zoning Committee Member Liberty Road Community Council, Inc.

Willia, Cloudel

From:

"Gontrum, John" < JGontrum@wtplaw.com>

To:

<wwiseman@co.ba.md.us>

Date: Subject:

3/1/2005 5:47:42 PM Collective Christian

Bill,

Attached are two versions of an Order. One grants the variance as requested, and one grants a partial variance but shifts the parking lot back 10 feet as recommended by Planning. I can understand why you might go either way, and I see my role in this drafting not so much as an advocate but as trying to assist in the drafting issues. I know that my client has had further discussions with Mr. Darling and with the community association since the hearing, and I do not believe that the position of either has changed appreciably. Mr. Darling is not requesting landscaping on his property or a fence, and I have not heard further from the association since meeting with its board. Thanks again for your patience and allowing us time to meet with the parties in this matter.

John

This transmission contains information from the law firm of Whiteford, Taylor & Preston L.L.P. which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this transmission in error, please notify us by telephone (410) 832-2000or (410) 832-2055 or by email (jgontrum@wtplaw.com <mailto:m@wtplaw.com>) immediately.

CASE NAME OS - 250 - A CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

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ZEN'S SIGN-IN SHEET

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FETITIONER SIGN IN SHEET

MISSING ??

O John B. Gontrum Atty

O David A. Green Po.

B Patrick C. Richardin PE

Dth

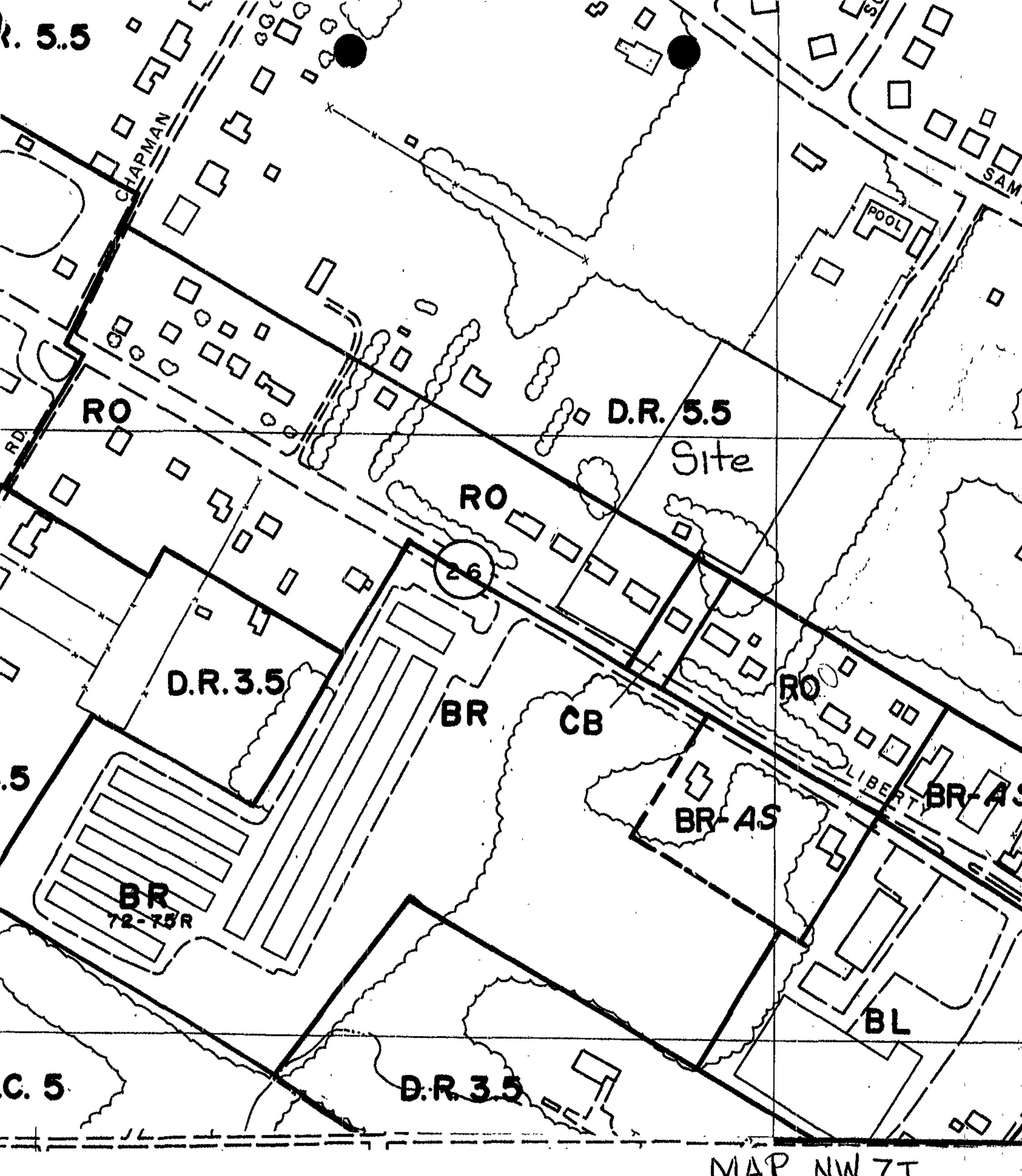
Case No.:	05
Case Tion	

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site PLAN	Liberty Road Community Council
No. 2	Mr. Darling's Consent	Liberty Road Community Council
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		-
No. 11		
No. 12	- 41-s	



MAP. NW 7I 1'-200'

I <u>Donald Darling</u>, owner of <u>9140 Liberty Road Randallstown</u>, <u>Maryland</u>, do hereby affirm that Collective Christian Ministries of 9138 Liberty Road has apprised me of their intent and desire to seek a zoning variance of the residential transition area's normal requirements in the building of their Church parking lot. This variance request would allow Collective Christian Ministries to build within two feet of my property.

I am okay with the Baltimore County governing body granting this variance.

I herein acknowledge that my agreement to this variance was of my own free will, and not coerced in any form of fashion.

Signature

Subscribed and sworn to before me, in my presence this 22nd day of January, 2005

CLEO McLAURIN NOTARY PUBLIC STATE OF MARYLAND My Commission Expires September 22, 2007



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LIBERTY ROAD COMMUNITY COUNCIL, INC. P. O. Box 31617 Baltimore, Md. 21207

To: Zoning Commissioner of Baltimore County

The following motion was made, seconded and passed at the January 11, 2005 meeting of the Board of Directors of the Liberty Road Community Council:

That Liberty Road Community Council, Inc. oppose the variances requested in Case No. 05-250A regarding the property at 9138 Liberty Road. However, Liberty Road Community Council, Inc. may not oppose any necessary variances if the new building and parking lot is centered in the property with equal buffers on all sides.

William Obriecht, Zoning Committee Member Liberty Road Community Council, Inc.

LIBERTY ROAD COMMUNITY COUNCIL, INC.

Resolved: That at the General Meeting of the Liberty Road Community Council, Inc. held on January 11, 2005, it was decided by the Council that responsibility for review and action on all zoning matters for the period January 1, 2005 through December 31, 2005 be placed in the Board of Directors consisting of the following members, each of whom is hereby authorized to testify on behalf of the Council before the County Board of Appeals on other duly constituted zoning agency, body, or commission:


Vivian Noonan, President Ella White Campbell, Executive Director Clifford Collins, Chairman of the Zoning Committee Helen Aiken, Zoning Committee Member William Obriecht, Zoning Committee Member

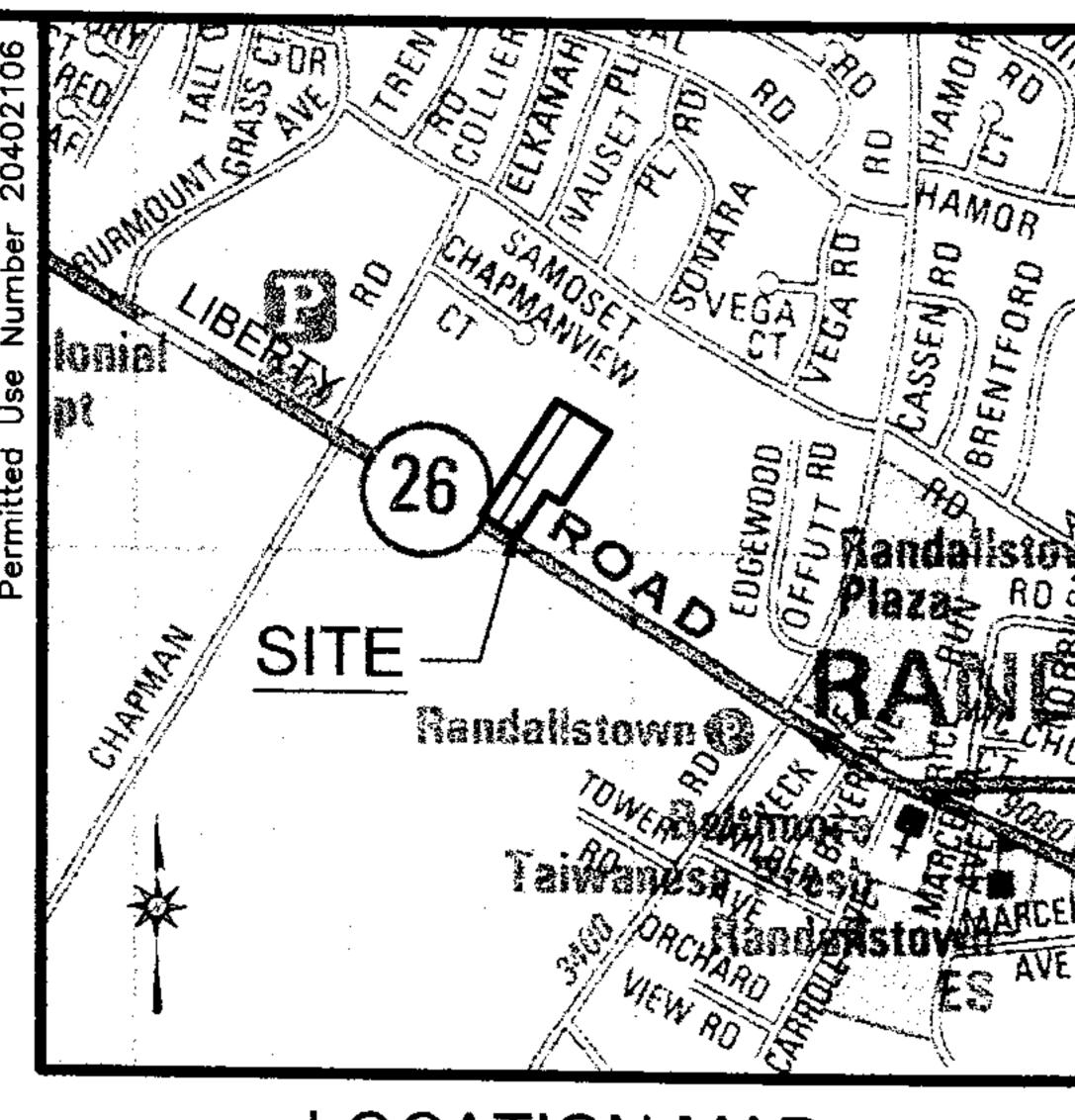
AS WITNESS OUR HANDS AND SEAL THIS ______ day of

ATTEST:

LIBERTY ROAD COMMUNITY COUNCIL, INC.







LOCATION MAP SCALE: 1" = 1000'

SITE DATA 1. OWNER: TRUSTEES OF COLLECTIVE CHRISTIAN MINISTRIES INC. #9138 LIBERTY ROAD ÄANDALLSTOWN, MD 21133-3522 2. SITE AREA: NET: 105,202 Sq.Ft. OR 2.415 Ac.± 3. EXISTING BUILDINGS: 2,422 Sq.Ft. 4. PROPOSED BUILDING: (NOW) 3,523 Sq.Ft. (FUTURE) 3,608 Sq.Ft. 5. TOTAL BUILDINGS: (NOW) 7,134 Sq.Ft. (FUTURE) 10,742 Sq.Ft. WATER: PUBLIC SEWER: PUBLIC 7. NO 100 YR FLOODPLAINS ON SITE #9136 RESIDENTIAL PROPOSEĎ: #9136 CHURCH OFFICE #9138 GROUP CHILD CARE CENTER. PROP. BLDG. CHURCH 9. PARKING REQUIRED: GROUP CHILD CARE CENTER: 1 SPACE PER EMPLOYEE ON LARGEST SHIFT. 5 EMPLOYEES AT LARGEST SHIFT = 5 SPACES. CHURCH: 1 PER 4 SEATS IN PRINCIPAL PLACE OF WORSHIP. 200 SEATS = 50 SPACES TOTAL REQUIRED = 55 SPACES 10. PARKING PROVIDED: GROUP CHILD CARE CENTER: 6 SPACES CHURCH: 63 SPACES TOTAL: 69 SPACES. 12. DEED REF: 14509/132 & 15350/113 13. TAX ACCOUNT NO. 0223001430 & 1900001570 14. ELECTION DISTRICT 2 16. REGIONAL PLANNING DISTRICT 312 17. CENSUS TRACT 4025.01 18. WATERSHED: GWYNNS FALLS 19. ZONING: D.R. 5.5 & RO (PER 1"=200' ZONING MAP N.W. 7-I) 20. TAX MAP: 77 PARCEL #59 & #63 21. PREVIOUS ZONING CASÉS: NONE ON FILE 22. PREVIOUS PERMITS: NONE ON FILE 23. FLOOR AREA RATIO: (NOW) $7,134 \div 105,202 = .68$ (FUTURE) $10,742 \div 105,202 = 1.02$ MAXIMUM PERMITTED: 4.0 24. AMENITY OPEN SPACE REQUIRED: = 7% OF PARKING AREA 25,455 Sq.Ft. x 0.07 = 1,782 Sq.Ft. PROVIDED: 1,887 Sq.Ft. 25. SIGNS: ALL PROPOSED SIGNS TO MEET BCZR. 26. VARIANCE REQUESTED PER SECTION 1B01.1.B.1.c TO PERMIT THE PARKING LOT IN THE RTA WITH A SETBACK AND BUFFER OF 2' IN LIEU OF THE REQUIRED 75' AND 50' RESPECTIVELY, AND A SETBACK OF 20' FOR THE FUTURE

Richardson Engineering, ILC

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE

CHRISTIAN MINISTRIES INC.'

#9138 LIBERTY ROAD

TAX MAP 77; GRID 7; PARCEL 59 & 63

2ND ELECTION DISTRICT	BALTIMORE COUNTY, MARYLAND					
REVISIONS	DRAWN BY: CND	DESIGNED BY: PCR	SCALE: $1" = 40'$			
1	DATE: 9/16/04	JOB NO.: 03059	SHEET NO.: 1 OF 1			