IN RE: PETITION FOR VARIANCE

W/S Bradshaw Road, 358' S of the c/l

Franklinville Road

(7901 Bradshaw Road)

11th Election District

3rd Council District

Salem United Methodist Church Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 05-347-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Salem United Methodist Church, through its attorney, John B. Gontrum, Esquire. The Petitioner requests a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 29 feet in lieu of the required 50 feet for a proposed two-story building addition. 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 Cliff Webner, Robert Knight, Chairman of the Church's Building and Grounds Committee, Patrick Richardson, the Professional Engineer who prepared the site plan for this property, and John B. Gontrum, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the property under consideration is an irregularly shaped parcel fronting on the west side of Bradshaw Road, just south of its intersection with Franklinville Road in Upper Falls. The property contains a gross area of 2.44 acres, more or less, zoned R.C.5, and is improved with a one-story sanctuary, which features a two-story education wing and attendant student play areas, a two-story "Salem House" and parking for up to 78 vehicles. The Church is desirous of expanding the existing educational wing to accommodate

its growing student population. As shown on the site plan, the Petitioner proposes a two-story, 4,954 sq.ft.-addition to the rear of the existing building. In this regard, it is to be noted that the existing building is located 34 feet from the rear property line. As shown on the site plan, the proposed addition will be located immediately adjacent to the educational wing. However, due to the location of the existing building and the unusual configuration of the lot, a portion of the proposed addition will be located 29 feet from the rear property line. It is also to be noted that the existing well and play area borders the educational building on the north side and the septic reserve area and woods are to the south. These site constraints and the property's shape mandate the location of the proposed addition. Moreover, testimony indicated that the proposed location was the most practical site for expanding the existing building and was the least intrusive area as it relates to neighboring properties.

Mr. Gontrum proffered the testimony of Petitioner's expert witnesses that the relief requested will not be detrimental to the health, safety or general welfare of the locale and would be compliant with the spirit and intent of the zoning regulations. Moreover, Mr. Knight indicated that he discussed the Church's proposal with the adjacent neighbors (the Daniels to the north; the McLaughlins to the west and the Stricklins to the south) all of whom support the request. Finally, the Greater Kingsville Civic Association submitted a letter of support marked into evidence as Petitioner's Exhibit 2. That letter indicates that the Salem Methodist Church is a vital part of the community and that its facilities serve several functions, including sponsoring Boy Scouts, the community Food Bank, and childcare.

Based upon the testimony and evidence offered, I am persuaded to grant the variance.

I find that the relief requested is appropriate in this instance and that strict compliance with the zoning regulations would result in a practical difficulty and unreasonable hardship for the Petitioners. As noted above, no one appeared in opposition to the request and the Petitioners have the support of their neighbors. Moreover, there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency. Thus, it is clear that relief can be

R CLASS

granted and that there will be no detrimental impact to adjacent properties or the surrounding locale.

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

this ______ day of March 2005 that the Petition for Variance seeking relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 29 feet in lieu of the required 50 feet for a proposed two-story building addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

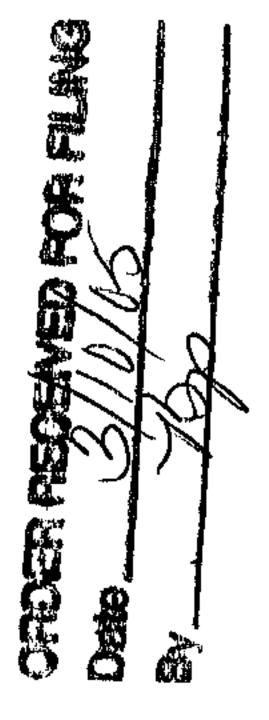
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this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

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

Zoning Commissioner

for Baltimore County

WJW: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 William J. Wiseman III, Zoning Commissioner

March 10, 2005

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

RE: PETITION FOR VARIANCE
W/S Bradshaw Road, 358' S of the c/l Franklinville Road
(7901 Bradshaw Road)
11th Election District — 3rd Council District
Salem United Methodist Church - Petitioner
Case No. 05-347-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.

Very truly yours

WILLIAM J. WISHMAN, III Zoning Commissioner

for Baltimore County

WJW:bjs

cc: Pastor Cliff Webner, 12012 Belair Road, Kingsville, Md. 21087 Mr. Robert Knight, 8335 Bradshaw Road, Kingsville, Md. 21087

Mr. Patrick Richardson, 110 Old Padonia Road, Suite LC, Cockeysville, Md. 21030

People's Counsel; Case File



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



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7901 Bradshaw Road which is presently zoned R.C. 5

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

1A04.3.B.2 for a rear yard setback of 29'in lieu of the required 50'

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

site configuration and existing conditions create a unique condition that creates a potential difficulty in meeting the zoning regulations: additional reasons will be presented at the hearing.

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

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

i/We do solemnly declare and affirm, under the penalties of perjury, that i/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

	S	alem United)	ethodist Ch	urch
Name - Type or Print	Name - Typ			
Signature	- ``§	ignature 480 cmm	1 KUSTEES	······································
Address Telephone No.	T N	lame - Type or Print		· · · · · · · · · · · · · · · · · · ·
City State Zip Code	- 8	Ignature PAAACHA	WRD. (410) 5	12-25-43
Attorney For Petitioner:	. <u>ė</u>	335 Bradshaw	Road (410)	679-3963
· · · · · · · · · · · · · · · · · · ·		Address UPPLACE	LISIMD 2115	Telephone No.
John B. Gontrum, Esquire Name - Type or Print	City	dingsville, Mi		lp Code
Signature	_ [Representative to I	be Contacted:	
Whiteford, Taylor & Preston LLP Company	- 7	Vame	<u> </u>	
210 W. Pa. Ave., (410) 832-2000				
Address Telephone No.		Address		Telephone No.
Towson, MD 21204 City State Zip Code	7	City	State	Zip Code
		OFFICE	USE ONLY	
Case No. 05-347-A		estimated length of F	HEARING	-
		UNAVAILABLE FOR HEARI	. T-7 - 2 - 1	-
Reviewe	-			

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

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

ZONING DESCRIPTION SALEM METHODIST CHURCH 7901 BRADSHAW ROAD 11TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a stone found near the west side of Bradshaw Road and on the northeast corner of the property and thence running South 60 degrees 19 minutes 20 seconds West 5.72 feet to the edge of the 50' right of way, thence (1) South 60 degrees 19 minutes 20 seconds West 240.87 feet, (2) South 32 degrees 56 minutes 50 seconds East 339.16 feet, (3) South 16 degrees 41 minutes 32 seconds West 57.50 feet to, (4) South 51 degrees 39 minutes 52 seconds East 45.90 feet, (5) North 59 degrees 10 minutes 25 seconds East 235.54 feet, running with and binding on the west side of Bradshaw Road (6) North 28 degrees 14 minutes 46 seconds West 416.18 feet to the end of the first said South 60 degrees 19 minutes 20 seconds West 5.72 foot line.

Containing a net area of 95,948 square feet, or 2.203 acres of land, more or less.



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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: #05-347-A
7901 Bradshaw Road
W/side of Bradshaw Road
at the distance of 358 feet
from the centerline of
Frankinville Road
11th Election District
3rd Councilmanic District
Legal Owner(s): Salem
United Methodist Church
Veriance: to permit a rear

Variance: to permit a rear yard setback of 29 feet in lieu of the required 50 feet. Hearing: Wednesday, February 23, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204,

WILLIAM WISEMAN
Zoring Commissioner for
Baltimbre 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.

01/2/643 Feb. 8 38743

CERTIFICATE OF PUBLICATION

$\frac{2 9 }{2005}$
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 2/8,2005.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
<u> </u>

LEGAL ADVERTISING

CERTIFICATE OF POSTING

	RE: Case No.: 05-347-A
	Petitioner/Developer: SALEM
	ONITED METHODIST Cho
	Date of Hearing/Closing: 2/23/05
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	•
This letter is to certify under the penalties of perjur posted conspicuously on the property located at:	y that the necessary sign(s) required by law were
7901 BRADSH	AW ROAD
	,
The sign(s) were posted on	7/05
	onth, Day, Year)
Sin	cerely,
	* *
	Robert Black 2/9/05
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	18 Mari Wanda 1722 - 27 3 3
	(City, State, Zip Code)
	(City, State, Zip Code) (410) 282-7940

TO: PATUXENT PUBLISHING COMPANY

Tuesday, February 8, 2005 Issue - Jeffersonian

Please forward billing to:

Robert Knight 7901 Bradshaw Road Upper Falls, MD 21156

410-592-2543

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: 05-347-A

7901 Bradshaw Road

W/side of Bradshaw Road at the distance of 358 feet from the centerline of Franklinville Road 11th Election District – 3rd Councilmanic District Legal Owner: Salem United Methodist Church

Variance to permit a rear yard setback of 29 feet in lieu of the required 50 feet.

Hearing: Wednesday, February 23, 2005 at 2:00 p.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 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

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

January 19, 2005

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: 05-347-A

7901 Bradshaw Road

W/side of Bradshaw Road at the distance of 358 feet from the centerline of Franklinville Road 11th Election District – 3rd Councilmanic District

Legal Owner: Salem United Methodist Church

Variance to permit a rear yard setback of 29 feet in lieu of the required 50 feet.

Hearing: Wednesday, February 23, 2005 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: John B. Gontrum, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson 21204 Salem United Methodist Church, 7901 Bradshaw Rd., Upper Falls 21156

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 8, 2005.

- (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.

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: <u>05-347</u> ~本
Petitioner:
Address or Location: 7501 Bridshim Road
PLEASE FORWARD ADVERTISING BILL TO:
Name: Robent /cwisht
Address: 790/ Brandshaw Rd.
OPPen Falls, md. 2/156
Telephone Number: <u>4/0-552-25-45</u>

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

February 15, 2005

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

Dear Mr. Gontrum:

RE: Case Number: 05-347-A, 7901 Bradshaw Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 10, 2005.

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. Calling yours, Calling Of

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Salem United Methodist Church 7901 Bradshaw Road Upper Falls 21156



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



INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 24, 2005

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 24, 2005

Item Nos. 336, 337, 338, 339, 344,

346, and 347

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

RWB:CEN:jrb

cc: File



TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr Joo

DEPRM

DATE:

February 3, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of January 18, 2005.

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

05-335 05-336 05-338 05-339 05-344 05-345

Reviewers:

Sue Farinetti, Dave Lykens





DATE: January 31, 2005

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:

Zoning Advisory Petition(s): Case(s) 5-345 and 5-3

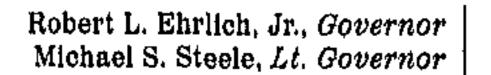
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

MAC/LL







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

Maryland Department of Transportation

Date:

1.12.05

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

RE:

Baltimore County

Item No. 347

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Dear. Ms. Matthews:

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,

Steven D. Foster, Chief

1. J. Gredle

Engineering Access Permits Division

RE: PETITION FOR VARIANCE * BEFORE THE

7901 Bradshaw Road; W/side Bradshaw Rd,
358' from c/line Franklinville Road * ZONING COMMISSIONER
11th Election & 3rd Councilmanic Districts
Legal Owner(s): Salem United * FOR

Methodist Church

Petitioner(s) * BALTIMORE COUNTY

* 05-347-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 and all documentation filed in the case.

RECEIVED

PETER MAX ZIMMERMAN

People's Counsel for Baltimore

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 21st day of January, 2005, 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).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Robert Aught Gounds 6mmit 52 Edition to Education Wins Eyisty is within 34 — this is a continueton of the Eyisty Bl. Western Well + Septic to Plan lineas to Rt - Week Septie " Constrants on site Meresty show & Contour best bocation least intrusivé to neighbory projections

PLEASE PRINT CLEARLY

CASE NAME SAUEM METHODIST CASE NUMBER 05-347-4 DATE 2/23/09

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
RICH REPSONS CLIPT RESSER	10 OCT PACEMIA RO SUITE LC 12012 BETANK RD. RD.	Cochessine MD 21030	RUCE BUTACTSON ENGINEERINGS NGT
REBERT KNUBAIT			ALK35 & COMCAST. NET

	05	347	Δ
Case No.:		ン ! /	~7

Exhibit Sheet

Petitioner/Developer

Protestant.

	- 	
No. 1	SITE PLAN	
	JIIZ VEMO	
No. 2	The Greater Lingville Civic ASSOC. INC. LETTER & SUPPORT	
	MSOUC. INC. LETTER OSUPPORT	
No. 3		
No. 4		
No. 5		<u></u>
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THE GREATER KINGSVILLE CIVIC ASSOCIATION, INC.

P.O. BOX 221 * KINGSVILLE, MARYLAND 21087

February 20, 2005

Zoning Commission Director's Office County Office Building 111 West Chesapeake Ave Towson, MD 21204

Re: Case Number 5-347-A

Sirs:

On Wed. February 16th, the Board of the Greater Kingsville Civic Association unanimously passed the following motion: *The GKCA does not oppose the request for a variance requested by Salem Methodist Church*.

Salem Methodist Church has been and continues to be a vital part of our community. Their facility serves several community functions such as sponsoring Boy Scouts, the community food bank, and child care. We anticipate a continuation of service from this "good neighbor" in our community.

Sincerely, Des Christerberg

Ila Christenbury

Corresponding Secretary



