IN RE: PETITION FOR SPECIAL EXCEPTION

E & W/S Hanover Pike, N of Butler Road
(1320 N. Butler Road)

4<sup>th</sup> Election District
3<sup>rd</sup> Council District

James & Sandra Lee Howdyshell, Owners;

James & Sandra Lee Howdyshell, Owners; Owings Mills Church of God, Associate Pastor Darren Pendley Contract Purchaser/Petitioner \* BEFORE THE

\* ZONING COMMISSIONER

\* FOR

BALTIMORE COUNTY

\* Case No. 06-251-X

### ORDER ON THE MOTION FOR RECONSIDERATION

WHEREAS, this matter came before this Zoning Commissioner for consideration of a Petition for Special Exception filed by the Owners/Contract Purchaser of the subject property, seeking approval to use the subject property for a church, pursuant to Section 1A01.2C.6 of the Baltimore County Zoning Regulations ("BCZR"). That Section allows a church in any R.C.2 zone by special exception, provided that the Hearing Officer makes a finding that the use will not be detrimental to the primary agricultural uses in its vicinity.

By my opinion and Order dated March 2, 2006, I granted the special exception request, in accordance with the site plan submitted into evidence as Petitioner's Exhibit 1, subject to certain terms and conditions. Among those conditions, Restriction No. 3 required the Petitioners to comply with all of the terms and conditions of the Agreement reached by and between them, the Owings Mills Church of God, and the Hanover Road Association, Inc., a copy of which was attached thereto and made a part thereof.

Subsequent to the issuance of said Order, a timely Motion for Reconsideration was filed by the Office of People's Counsel, seeking clarification of Restriction No. 3 thereof. Specifically, Item 14 of the Agreement by and between the parties allows modification by negotiation of the terms and conditions thereof; however, does not include the public review of any such negotiation. The Office of People's Counsel requests that any negotiations to modify

SAME CORP.

the terms and conditions of the Agreement by and between the parties be subject to a public hearing before the Zoning Commissioner to determine the appropriateness of such modification and its impact, if any, on the special exception relief granted herein. I find the Motion filed by the Office of People's Counsel to be appropriate in this instance and will grant same accordingly.

"Any material expansion or modification of the use of the subject property by virtue of further negotiations contemplated by the parties in Paragraph 14 of the Agreement, shall require a public hearing to determine the appropriateness of same and its impact, if any, on the special exception relief granted herein."

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued on March 2, 2006 shall remain in full force and effect.

Any appeal of this decision must be filed within thirty (30) days hereof and in accordance

with the applicable provisions of law.

AM J. WISEMAN, II.

Zoning Commissioner for

**Baltimore County** 

cc: Joseph R. Woolman, III, Esquire, Gildea & Schmidt, LLC

300 East Lombard Street, Suite 1440, Baltimore, Md. 21202

Mr. & Mrs. James Howdyshell

5611 Allender Road, White Marsh, Md. 21162-1109

Pastor Darren Pendley, Owings Mills Church of God

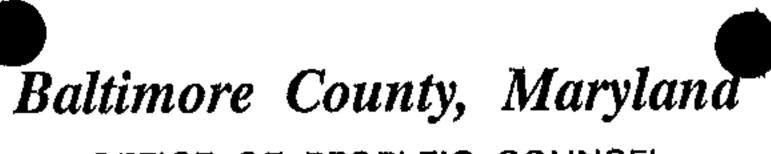
2 Last Gate Road, Owings Mills, Md. 21117

Mr. George Harmon, 5429 Weywood Drive, Reisterstown, Md. 21136

Mr. R. H. Slaterbeck, 13929 Old Hanover Road, Reisterstown, Md. 21136

Ms. Melanie Moser, 501 W. University Parkway, 2B, Baltimore, Md. 21210

People's Counsel; Case File





PETER MAX ZIMMERMAN People's Counsel

OFFICE OF PEOPLE'S COUNSEL

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

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

> > CAROLE S. DEMILIO Deputy People's Counsel

March 15, 2006

William J. Wiseman, III, Zoning Commissioner **County Courts Building** 401 Bosley Avenue, Suite 405 Towson, Maryland 21204

MAR 1 [ 2006

Re:

PETITIONER FOR SPECIAL EXCEPTION

James & Sandra Lee Howdyshell, Owners;

Owings Mills Church of God, Contract Purchasers

1320 North Butler Road Case Nos: 06-251-X

Dear Mr. Wiseman:

Please accept this letter as a Motion for Reconsideration of the Findings of Fact and Conclusions of Law and Order dated March 2, 2006.

We respectfully request that the Order approving the above-mentioned special exception include an additional restriction which is really a clarification. It relates to Restriction 3, which incorporates the Agreement between the Petitioner and Hanover Road Association, wherein peragraph 14 allows modification by negotiation of the parties. This is insufficient. Any modification must be subject to a public hearing and review by the Zoning Commissioner in a special hearing to amend the special exception. This public review should occur, over and above the potential negotiations between the parties contemplated in paragraph 14 of the Agreement. In other words, modification of the special exception should not be left to private parties alone, without a public hearing and review.

Thank you for your consideration.

William J. Wiseman, III, Zoning Commissioner March 14, 2006 Page 2

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Peter Max Cimenerman

Carole S. Demilio

Deputy People's Counsel for Baltimore County

### PMZ/CSD/rmw

cc: Joseph R. Woolman, III, Esquire

Mr. George Harmon Mr. R.H. Slaterbeck IN RE: PETITION FOR SPECIAL EXCEPTION

E & W/S Hanover Pike, N of Butler Road (1320 N. Butler Road) 4<sup>th</sup> Election District

3<sup>rd</sup> Council District

James & Sandra Lee Howdyshell, Owners; Owings Mills Church of God, Associate Pastor Darren Pendley Contract Purchaser/Petitioner \* BEFORE THE

\* ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* Case No. 06-251-X

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the Owners of the subject property, James and Sandra Lee Howdyshell, and the Contract Purchaser, Owings Mills Church of God, through their attorney, Joseph R. Woolman, III, Esquire. The Petitioners request Special Exception relief to use the subject property for a church, pursuant to Section 1A01.2C.6 of the Baltimore County Zoning Regulations ("BCZR"). The subject property and requested relief are more particularly shown 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 Daniel Moore, Senior Pastor of Owings Mills Church of God, Associate Pastor Darren Pendley, and several members of the congregation. Appearing and testifying on behalf of the Petitioners were Melanie Moser, a registered civil engineer with DeMario Design Consultants, Inc., the consultants who prepared the site plan for this property, and Joseph R. Woolman, III, Esquire, attorney for the Petitioners. George Harmon and R. H. Slaterbeck, members of the Hanover Road Association, Inc. (the community), appeared at the hearing to execute and confirm an Agreement reached by and between the Petitioner and the community regarding the proposed use and development of the subject property. William Hughey from the Baltimore County Office of Planning also appeared and testified in support of the request. Mr. Hughey conditioned his support on the aforementioned

ASSOCIATION FOR FILING.

Agreement between the Petitioner and the community. There were no Protestants or other interested persons present.

Testimony and evidence presented disclosed that the subject property is a large, irregularly shaped tract of land located on both the east and west sides of Hanover Pike (Maryland Route 30), approximately 500 feet north of Butler Road, in northwestern Baltimore County. A majority of the property lies on the west side of Hanover Pike. The property consists of a gross area of 9.52 acres, more or less, zoned RC-2, and is currently unimproved.

The RC-2 "Resource Conservation" zone is among the most restrictive land use zones in Baltimore County and provides for the preservation and protection of agricultural lands. Nevertheless, a church is a use permitted by Special Exception in an RC-2 zone. As more particularly shown on the site plan, the Petitioners propose to develop the site with a 160' x 100' sanctuary building, featuring a 120' x 100' accessory wing. A parking field containing 334 spaces is located to the east and north of the sanctuary building.

On behalf of the Petitioners, Mr. Woolman proffered the testimony of Pastor Pendley and Pastor Moore, submitted the aforementioned site plan and introduced an executed Agreement between the community and Petitioner, dated January 7, 2006, a copy of which was submitted into evidence as Petitioner's Exhibit 2. The Agreement memorializes the terms and conditions of their understandings and will be incorporated into the record of this case and made a part hereof. Essentially, the Agreement provides the following:

1. The church shall be constructed with a maximum seating capacity of 550 seats in the primary sanctuary or auditorium.

2. The community recognizes that the topography of the site does not permit the location of all parking areas to the rear of the church; however, the Petitioner agrees to provide landscaping to screen any proposed and future parking areas that are visible from Hanover Pike.

- 3. There will be no lighting of any athletic field or activity thereon after dusk.
- 4. Other than temporary construction buildings, there will be no permanent structures on the site, other than the proposed sanctuary building, the accessory wing, a single 24' x 20' storage shed and a picnic pavilion to the rear of the site.
- 5. The front façade of the church building shall be constructed of brick and building elevations shall be submitted to the Office of Planning for review prior to the issuance of any building permits.
- 6. The Petitioner shall not permit all-terrain vehicles, dirt bikes, motorcycles or other similar vehicles to be used on the property.
- 7. Lighting of the buildings and parking areas shall be minimal after 10:00 p.m. and sufficient only to ensure security. All lighting, other than spotlights to accentuate the steeple, shall be shielded to direct all light downward. A lighting plan shall be submitted to the Office of Planning for their review and compliance with Baltimore County's rural lighting standards and the design guidelines contained in the Hanover Pike Corridor Study.
- 8. All signage shall comply with the applicable Baltimore County Zoning Regulations.

  No variances shall be requested to signage limits contained in the County Code.
- 9. Existing wooded areas between Hanover Pike and the church shall be preserved to the maximum extent possible to buffer the proposed parking area from Hanover Pike. Wooded land preservation shall comply, where possible, with the site planning guidelines contained in the Hanover Pike Corridor Study and Baltimore County Landscape Manual. Tree removal, other than that necessary to establish an entrance/driveway, (no wider than 50 ft.) and to construct the parking lot's buildings as presented in drawings provided during the Special Exception hearing. The landscape plan addressing the above-described preservation of existing wooded areas on the

remainder of this site shall be submitted for review and approval by the landscape architect for Baltimore County.

- 10. There will be no freestanding antenna or broadcast towers on the site.
- 11. The portion of the site located to the east of Hanover Pike shall remain in natural condition with no structures.
- 12. Alcoholic beverages, other than those that may be used for religious purposes, shall not be permitted on the site.
  - 13. Any day care schooling provided on the site shall be limited to 75 students.
- 14. Modifications of any of these limitations shall occur only through a negotiation process with the Hanover Road Association, Inc.

The "law of Special Exceptions" as set forth in Section 502.1 of the B.C.Z.R. and the aforementioned conditions shall be considered and applied conjunctively in rendering a decision in this matter. In this regard, it is important to note that the BCZR classify land uses in a given zone in one of three categories. That is, for each zone, uses are either permitted by right; prohibited; or, permitted by special exception. Those uses permitted by right are automatically allowed without the necessity of the Petitioner undergoing zoning review through a public hearing. Prohibited uses are not allowed, regardless of the circumstance. The middle ground uses are characterized in Baltimore County as "Special Exception uses." In other jurisdictions, they are known as "conditional uses." Special exception uses are permitted only after a public hearing during which the Petitioner must demonstrate that the proposed use satisfies the standards for Special Exception set forth in Section 502.1 of the BCZR.

A special exception is neither "special" nor "exceptional." Special exception uses are not to be confused with zoning variances (*See Cromwell v. Ward*, 102 Md. App. 691 (1995)). As stated in *Cromwell*: "Thus, a Special Exception is not truly an exception to the zoning regulations

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E A at all." (*Cromwell*, p.72) As noted above, the phrase "conditional use" is far more accurate in terms of defining special exceptions.

The seminal case in Maryland for special exceptions is <u>Schultz v. Pritts</u>, 291 Md. 1 (1981). In <u>Schultz</u>, the Court repeated the often-stated principle that, "A special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare and, therefore, valid." (<u>Schultz</u>, p. 11).

In another case, the Court of Special Appeals stated that a special exception use, "... is a use which has been legislatively determined to be conditionally compatible with the uses permitted as of right in a particular zone, the condition being that a zoning body must, in each case, decide under specified statutory standards whether the presumptive compatibility exists." <u>People's Counsel v. Mangione</u>, 85 Md. App. 748, 747-948 (1991).

The law of special exception was also recently delineated in a reported decision before the Court of Special Appeals in *Mossberg v. Mont. Co.*, 107 Md. App. 1 (1995). In *Mossberg*, a property owner in Montgomery County sought special exception (conditional use) approval for a solid waste transfer station. In discussing the permissibility of such a use under the conditional use/special exception statute, the Court of Special Appeals noted that the mere existence of impacts from the proposed use cannot serve as a basis for denial of the petition. In this regard, the Court stated, "Moreover, it is not whether a use permitted by way of a special exception will have adverse effect (adverse effects are implied in the first instance by making such uses conditional uses or special exceptions, rather than permitted uses), it is whether the adverse effects in a particular location would be greater than the adverse effects ordinarily associated with a particular use that is to be considered by the agency." (*Mossberg*, pp. 8-9)

Further on, the Court noted that the question was, "... not whether a solid waste transfer station has adverse effects. It inherently has them. The question is also not whether this solid

waste transfer station issue here will have adverse effects at this proposed location. Certainly it will, and those adverse effects are contemplated by the statute. The proper question is whether those adverse effects are above and beyond, i.e.; greater, than they would generally be elsewhere within the areas of the County where they may be established ...." (Mossberg, @ p. 9)

Applying the holdings of these cases to the matter before me, and perhaps more importantly, the agreed conditions between the community and Petitioner in this matter, the question is not whether the proposed church will have an adverse impact on the surrounding locale. By virtue of the fact that a church is permitted in an RC-2 zone only by special exception, it is clear that the County Council envisioned that churches would have such impacts. The question, rather, is whether those impacts are more particularly egregious at this location. Simply stated, the zoning commissioner must apply the standards and criteria set out in BCZR Section 502.1 to the proposed use and surrounding locale, in accordance with the holdings articulated in Schultz and Mossberg, supra.

After taking into account the modifications and conditions set forth above, and applying the aforementioned standards and criteria, I am persuaded that the Petition for Special Exception should be granted. In my judgment, the applicant meets the standards set forth in Section 502.1 of the BCZR, as construed by <u>Schultz</u> and <u>Mossberg</u>. Although I recognize that there will be impacts associated with this proposal upon the surrounding locale, I do not find that those impacts are particularly unique here and would therefore not justify denial of the Petition. Moreover, the series of modifications and restrictions recited above will clearly mitigate those impacts. Those restrictions are incorporated to afford protection of the surrounding community and neighboring properties. With the implementation of these restrictions, I am persuaded that the special exception can be granted. The Petitioner shall also submit the project for review to Baltimore County's development review processes, codified in Article 32 of the Baltimore County Code.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the Petition for Special Exception shall be granted, subject to certain restrictions and modification as forth herein.

day of February, 2006, that the Petition for Special Exception to use the subject property for a church, pursuant to Section 1A01.2.C.6 of the Baltimore County Zoning Regulations (BCZR), 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 review of this order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30 day appeal period from the day this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning, dated January 9, 2006, a copy of which is attached hereto and made a part hereof.
- 3) Compliance with all of the terms and conditions set forth in the Agreement entered into by and between the Petitioner, Owings Mills Church of God, and the Hanover Road Association, Inc., dated January 7, 2006 (Petitioner's Exhibit 2), a copy of which is attached hereto and made a part hereof.
- 4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be filed within thirty (30) days hereof and in accordance

with the applicable provisions of law.

Zoning Commissioner for

**Baltimore County** 



JAMES T. SMITH, JR. County Executive

March 2, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Joseph R. Woolman, III Gildea & Schmidt, LLC 300 East Lombard Street, Suite 1440 Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL EXCEPTION

S & W/S Hanover Pike, N of Butler Road

(1320 N. Butler Road)

4<sup>th</sup> Election District – 3<sup>rd</sup> Council District

James & Sandra Lee Howdyshell, Owners; Owings Mills Church of God, Contract Purchasers Case No. 06-251-X

Dear Mr. Woolman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception 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,

HLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Mr. & Mrs. James Howdyshell

5611 Allender Road, White Marsh, Md. 21162-1109

Pastor Darren Pendley, Owings Mills Church of God

2 Last Gate Road, Owings Mills, Md. 21117

Mr. George Harmon, 5429 Weywood Drive, Reisterstown, Md. 21136

Mr. R. H. Slaterbeck, 13929 Old Hanover Road, Reisterstown, Md. 21136

Ms. Melanie Moser, 501 W. University Parkway, 2B, Baltimore, Md. 21210

People's Counsel; Case File



### Petition for Special Exception

to the Zoning Commissioner of Baltimore County

9.52 ac. W/S New Hanover Road

fawthe property located 2 1320 N. Butler Road

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 Church uand/or other building for religious worship (BCZR Section 1A01.2)

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.

### Legal Owner(s): Contract Purchaser/Lessee: James Howdyshell Owings Mills Church of God Name - Type or Print Name Type or Print mill Signature Signature By: Associate Pastor Darren Pendley 2 Last Gate Road Sandra Lee Howdyshell Telephone No. Name - Typeyor Print Address 21117 MD Owings Mills Zip Code State Signature Wayne M Rush City 5611 Allender Road **Attorney For Petitioner:** Telephone No. Address 21162-1109 MD Joseph R. Woolman, III White Marsh Zip Code State City Name - Type or Print Representative to be Contacted: Hawrence E. Schmidt Signature Joseph R. Woolman, III Gildea & Schmidt LLC Name Company 410-234-0070 300 East Lombard Street Suite 1440 410-234-0070 300 East Mombard Street, Suite 1440 Telephone No. Telephone No. Address Address 21202 21202 MD MD Baltimore Baltimore Zip Code City State Zip Code State **#City** OFFICE USE ONLY ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By \_\_\_\_\_\_

Date 11/8/05

Case No. 06-251-X

REV 09/15/98

### Description

### To Accompany Petition for Special Exception

### 9.52 Acre Parcel

### West side of Hanover Pike

### North of Butler Road

### Fourth Election District, Baltimore County, Maryland

Beginning for the same at a point in or near the centerline of Old Hanover Road, variable width right of way, at a distance of 1810 feet more or less northeasterly along the centerline of Old Hanover Road from the centerline intersection with Butler Road; thence binding in or near the centerline of Old Hanover Road:

- 1) South 13° West 128.70 feet; thence
- 2) North 78-3/4° West 547.8 feet; thence
- 3) North 42° West 788.7 feet; thence
- 4) North 57° East 515.63 feet; thence
- 5) South 32° East 948.75 feet; thence
- 6) South 75-3/4° East 160.88 feet to the point of beginning;

Containing 9.52 acres of land, more or less.

Being known as 9.88 acres of land, more or less, on Hanover Pike (Maryland Route 30) and being more particularly described in a deed dated November 1, 1922, and recorded among the Land Records of Baltimore County, Maryland in Liber 564, Folio 47 SAVING AND EXCEPTING THEREFROM all that lot of ground conveyed to the State Roads Commission in a deed dated May 25, 1938 and recorded among the Land Records of Baltimore County, Maryland in Liber 1031, Folio 444. The net acreage being 9.52 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARD FOR ZONING PURPOSES ONLY, AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

November 7, 2005 Project No. 05109.1

F-251

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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 <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

Case: #06-251-X

1320 N. Butler Road

East and West side of Hanover Pike, approximately 500 feet north of Butler Road 4th Election District - 3rd Councilmanic District
Legal Owner(s): James & Sandra Lee Howdyshell
Contract Purchaser: Owings Mills Church of God,
Associate Pastor Darren Pendley
Special Exception: to permit a church and/or other
building for religious worship.
Hearing: Monday, January 9, 2006 at 10:00 a.m. in
Room 407, County Courts Building, 401 Bosley
Avenue, Towson 21204.

WILLIAM J. WISEMAN, III 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.

12/226 Dec. 22

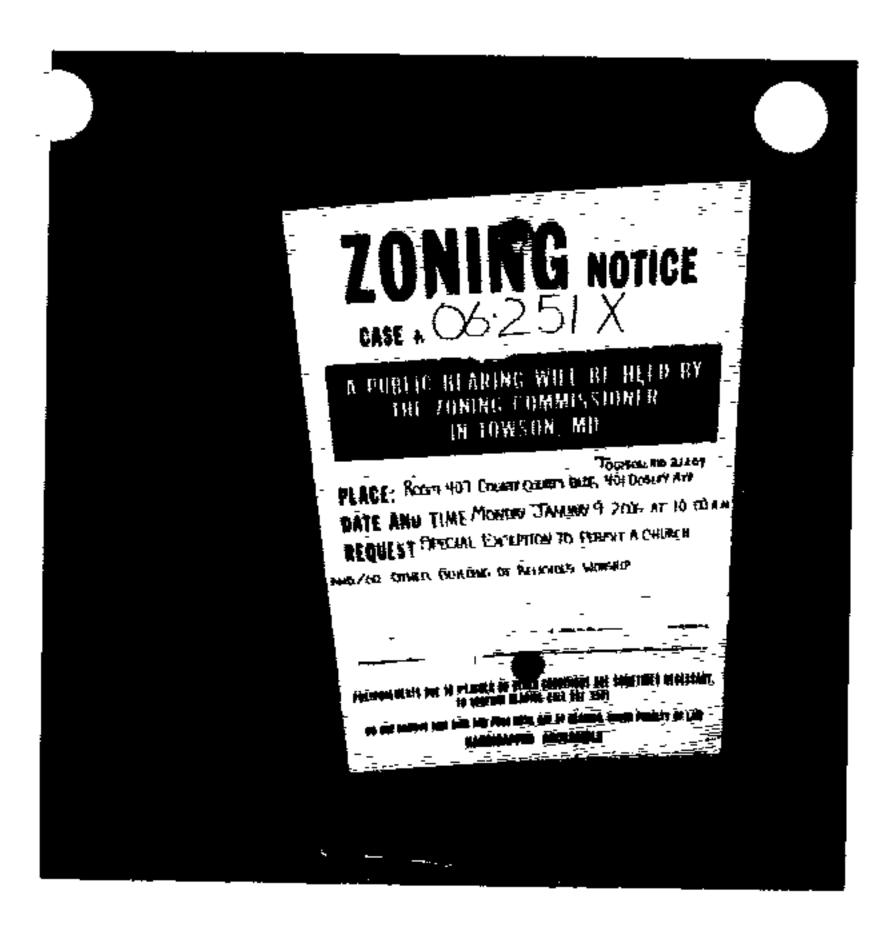
### CERTIFICATE OF PUBLICATION

$\left 2\right 22,2005$
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 $\frac{12 22 }{,2005}$ .
The Jeffersonian  Arbutus Times  Catonsville Times  Towson Times  Owings Mills Times  NE Booster/Reporter
☐ North County News

J. MULLING LEGAL ADVERTISING

### CERTIFICATE OF POSTING

	RE: Case No.: (20 25/X
	Petitioner/Developer: Z OWINGS MILLS
	Church of God
	Date of Hearing/Closing: JAV 7, 2006
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews	· ·
Ladies and Gentlemen:	· •
This letter is to certify under the penalties of posted conspicuously on the property located	perjury that the necessary sign(s) required by law were at:
1320: N.	BUTLER RD
The sign(s) were posted on	/2. 24 -05 : (Month, Day, Year)
	Sincerely,



Zohert Black 12-28-05
(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)

1320 N. BUTLER RD

PETITION FOR SPECIAL EXCEPTION RE:

1320 N. Butler Road; E & W/S Hanover Pike,

Approx. 500' N Butler Road

4<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts

Legal Owner(s): James & Sandra Howdyshell\*

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

06-251-X

### 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 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 6<sup>th</sup> day of December, 2005, a copy of the foregoing Entry of Appearance was mailed Joseph R. Woolman, III, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

1 1

DEC 0 6 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

er Max dimmeman

### 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 News	spaper Advertising:	
Item Num	aber or Case Number 106-251-25	
Petitioner	JAMES HOWDYSELL/ CHUNCH OF GOD	
	or Location. 1320 H BUTCER RD.	
PLEASE	FORWARD ADVERTISING BILL TO	
	JOSEPH R. WOOLMAN ITT	
Address	GILDEA & SCHMIST CLC	······································
	300 E. LOMBARD ST STE 1440	
	BALTIMORE MD 21202	
Telephone	e Number (410) 234-0070	<del></del>
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### 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 2, 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: 06-251-X

1320 N. Butler Road

East and West side of Hanover Pike, approximately 500 feet north of Butler Road

4<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: James & Sandra Lee Howdyshell

Contract Purchaser: Owings Mills Church of God, Associate Pastor Darren Pendley

Special Exception to permit a church and/or other building for religious worship.

Hearing: Monday, January 9, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Joseph Woolman, III, Gildea & Schmidt, 300 E. Lombard St., Ste. 1440, Baltimore 21202 Mr. & Mrs. James Howdyshell, 5611 Allender Road, White Marsh 21162 Owings Mills Church of God, A.P. Darren Pendley, 2 Last Gate Road, Owings Mills 21117

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 24, 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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, December 22, 2005 Issue - Jeffersonian

Please forward billing to:

Joseph Woolman, III Gildea & Schmidt, LLC 300 E. Lombard Street, Ste. 1440 Baltimore, MD 21202

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: 06-251-X** 

1320 N. Butler Road

East and West side of Hanover Pike, approximately 500 feet north of Butler Road 4<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: James & Sandra Lee Howdyshell

Contract Purchaser: Owings Mills Church of God, Associate Pastor Darren Pendley

Special Exception to permit a church and/or other building for religious worship.

Hearing: Monday, January 9, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

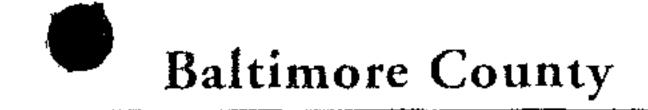
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

### Department of Permits a 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 9, 2006

Joseph R. Woolman III Gildea & Schmidt, LLC. 300 E. Lombard Street, Ste. 1440 Baltimore, Maryland 21202

Dear Mr. Woolman:

RE: Case Number: 06-251-X, 1320 N. Butler Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 18, 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.

Very truly yours.

U. Call Rillal S.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Owings Mills Church of God 2 Last Gate Road Owings Mills 21202
James and Sandra Lee Howdyshell 5611 Allender Road White Marsh 21162



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

### BALTIMORE COUNTY, MARYLAND

FEB - 2 2006

### INTER-OFFICE CORRESPONDENCE

ZONNG COMBISSIONER

**DATE:** January 9, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

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

SUBJECT:

Owings Mills Church of God

**INFORMATION:** 

Item Number:

6-251

Petitioner:

Joseph R. Woolman, III

Zoning:

RC 2

### Requested Action:

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and the agreement between Hanover Pike Community Association and Owings Mills Church of God. This office offers no opposition to the petitioner's request provided the following conditions are met and requested information is submitted to this office for review and approval:

- 1. There will be no lighting of any athletic field or activity thereon after dusk.
- 2. The front facade of the Church building shall be constructed of brick and building elevations shall be submitted to the Office of Planning for review prior to the issuance of any building permits.
- 3. A landscape plan shall be submitted to Baltimore County for review. The landscaping shall be designed to buffer the proposed parking area and shall comply, where possible, with the site planning guidelines contained in the Hanover Pike Corridor Study and Baltimore County Landscaping Manual.
- 4. Other than temporary construction buildings, there will be no permanent structures on the site other than the proposed sanctuary, accessory wing, 24ft. by 20 ft. storage shed and picnic pavilion to the rear of the site.
- 5. Lighting of the buildings and parking area shall be minimal after 10:00 PM and sufficient only to ensure security. A lighting plan shall be submitted to the Office of Planning for

review for compliance with Baltimore County Rural Lighting Standards and the design guidelines contained in the Hanover Pike Corridor Study.

- 6. All signage shall comply with applicable Baltimore County Zoning Regulations.
- 7. Tree removal shall be minimized to protect and preserve large healthy trees and maintain the rural character of the site.

For further information concerning the matters stated here in, please contact Bill Hughey at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL:CM

DEVREVZAC\6-251.doc

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Amold F. 'Pat' Keller, III

Director, Office of Planning

JAN 0 3 2000

**DATE:** January 9, 2006

**SUBJECT:** 

Owings Mills Church of God

INFORMATION:

**Item Number:** 

6-251

JAMES HOWDYSHELL ste. stal,
Joseph R. Woolman, III

**Petitioner:** 

Zoning:

RC 2

Requested Action:

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- 7. Tree removal shall be minimized to protect and preserve large healthy trees and maintain the rural character of the site.

For further information concerning the matters stated here in, please contact Bill Hughey at 410-887-3480.

Prepared by:

**Division Chief:** 

AFK/LL:CM

### Fire Department



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



Baltimore County

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 7, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 28, 2005

Item No.: 251 278

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.

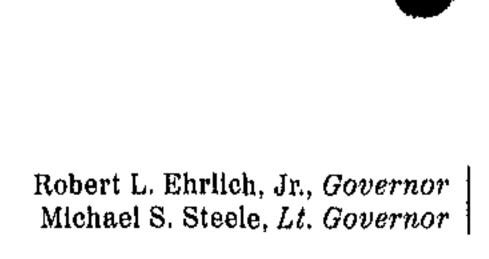
The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F

cc: File



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





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

### Maryland Department of Transportation

Date: 12.2.05

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

RE:

Baltimore County
Item No. 25/

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. 1. Healh

Engineering Access Permits Division

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 20, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

DAK/ Cob

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For December 5, 2005

Item Nos. (251),267, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 284, 285

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-12202005.doc

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** December 20, 2005

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For December 5, 2005 Item Nos. \$51,267, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 284, 285

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-12202005.doc

### Mr. Woolman,

Here are my concerns with their concerns of our property. Mr. Elseroad said he would be getting us a letter of approval by November 8<sup>th</sup> to be able to file with the petitions.

- 1.) Vegetated Buffers We want to make sure our church is seen from Rt. 30. We do not want it covered in trees. I understand keeping some trees there but 60% seems like quite a few trees.
- 2.) Exterior of Building I am not sure what a final building plan would do for them if we have already received the special exception, unless they would have the ability to hold us to it legally after we are finished.
- 3.) Capacity Limits I do not think we should be restricted to any capacity for growth. We are a church who wants to grow. I am not saying we would need a 1000 seat sanctuary, but I don't like the future restrictions.
- 4.) Lighting We do not plan on having night facilities for a sports field but we should not be restricted to not having any if it is situated behind the church location.
- 5.) Peaceful Coexistence We might at some point want to have a pavilion for picnics and other outdoor activities. We also may want to have storage for our church placed neatly on the piece of property.

We understand that they don't want it to be an eye sore for the community and neither do we. Is there anything they can hold us to legally after we have the special exception?

Thank you,

Rev. Darrin Pendley

#251

### October 26, 2005

TO:

Pastor Dan Moore

Owings Mills Church of God

2 Lastgate Road

Owings Mills, MD 21117

FROM: S. Glenn Elseroad

President, Hanover Road Association, Inc.

P.O. Box 70

Boring, MD 21020

RE:

Concerns about construction of a new church building along Rt. 30.

**Parking** 

The majority, if not all of the parking should be located to the rear or side of the building away from the main road. If any parking area is visible from the road we would like to see a small brim with plants/trees to help make the parking area more ecstatically pleasing. A good example of how this is accomplished in Columbia in the area of Dorsey Hall. The parking is not totally hidden nor is it totally exposed.

Vegetated Buffers

We want to maintain a rural look to the area. We want a 60% tree buffer along the front of the property and along Rt. 30. We want the wooded character of the property to remain. You will never be sorry that you saved large beautiful trees whenever possible.

Exterior of the Building

The exterior of the building should be aesthetically appropriate for the region. The front and any other area visible from the road should be brick or stone appearance. Colors of exterior should blend in with the natural beauty of the site.

Any rooftop utilities should be located to the rear of the building and shielded from the view

from the roads by pitched roofs.



A complete and final building plan, including specifications for all exterior materials, should be To bubmitted at the time the initial development plan is filed with Baltimore County.



Capacity Limits

A maximum seating capacity of 550 in the primary sanctuary or auditorium should be imposed.

### Lighting

The exterior lighting should be held to a minimum after 10 PM.

There should be no lighting for sports or athletic fields, if they should be established. All exterior lighting should be shielded and directed downward and inward to minimize offsite reflection and glare.

We would like to see motion sensor lighting used as much as possible.

Low voltage direct current lighting should be used for walkways.

#125)

Signs

On site signs identifying the facility should be no larger than allowed by Baltimore County regulations and in no case larger than signs of other Baltimore County churches in the area.

Peaceful Coexistence.

No All Terrain Vehicles, dirt bikes, or other similar vehicles shall be operated on the site. There should be no accessory, or temporary, structures other that indicated on the preliminary site plan, except that of administrative trailers of construction companies may be used during active construction of the church.

Term Limits

These agreements shall be made to run with the land records of Baltimore County, to the extent possible under law.

We would like to work with you on this project and have a completed project that helps to protect the natural beauty of the area.

SGE 10/26/05

October 31, 2005

Reverend Dan Moore Owings Mills Church of God 2 Lastgate Road Owings Mills, MD 21117

Re: Proposed Owings Mills Church of God relocation along Route 30 about 34 miles north of 795.

Dear Pastor Moore:

On October 24, 2005, the Board of Directors of the Hanover Road Association, Inc. met and reviewed your plans for relocating the Owings Mills Church of God to a new location on approximately 8 acres along Route 30. The property is about ¾ of a mile north of 795, adjacent to the Reisterstown Veterinary Center.

We have visited the proposed site for the relocation of your church and met with representatives from the Baltimore County Office of Planning. It is our understanding that you will have to apply for special exception before moving forward with your proposed project. Our Board of Directors decided to give preliminary support for your project with the following understanding: We want the property to maintain a rural look with 60% or more of the area along Route 30 to remain wooded. We also want to review the site plan showing the location of all buildings, parking areas and entrance driveways before we make our final decision on supporting this project.

I have enclosed an attachment dated October 26, 2005, showing a number of concerns from the Hanover Road Association, Inc. that were discussed at a meeting on that date. Bob Slaterbeck and I were pleased with the willingness you have showed in working with us and incorporating our concerns into your construction plans. When we finalize our agreement, it will be written in the form of a covenants and recorded with the land records of Baltimore County.

We look forward to working with you to quickly obtain approval to build a church that will meet the needs of your growing congregation and the community.

Respectfully,

S. Glenn Elseroad

President, Hanover Road Association, Inc.

P.O. Box 70 Boring, MD 21020

cc;

T. Bryan McIntire – Councilman 3<sup>rd</sup> District Arnold F. "Pat" Keller – Director Office of Planning Bill Huey – Office of Planning

#251



Maryland Department of Assessments and Taxation **BALTIMORE COUNTY Real Property Data Search** 

Go Back View Map **New Search Ground Rent** 

**Account Identifier:** 

District - 04 Account Number - 0402065250

**Owner Information** 

**Owner Name:** 

**Mailing Address:** 

HOWDYSHELL JAMES

5611 ALLENDER RD

**Sub District** 

HOWDYSHELL SANDRA LEE

Use:

RESIDENTIAL

WHITE MARSH MD 21162-1109

**Principal Residence:** 

NO

**Deed Reference:** 

**Block** 

1) /14235/ 426

**Assessment Area** 

**Location & Structure Information** 

Section

**Premises Address** 

**NEW HANOVER RD** 

Map

48

Seller:

Type:

Seller:

Type:

Type:

Seller:

**Legal Description** 

9.52 AC WS **NEW HANOVER RD** 

1320 N BUTLER RD

**Stories** 

**Special Tax Areas** 

Grid

4

**Parcel** 

941

Town **Ad Valorem** 

**Tax Class** 

Basement

**Primary Structure Built** 0000

**Enclosed Area** 

Subdivision

**Property Land Area** 

County Use 04

Plat No:

Plat Ref:

9.52 AC

Lot

Type

Exterior

**Value Information** 

Land: **Improvements:** 

Base Value Value As Of 01/01/2004 113,820 137,600

As Of 07/01/2005

As Of

07/01/2006

Total: **Preferential Land:**  113,820 137,600

129,672

**Phase-in Assessments** 

137,600

**Transfer Information** 

YANG CHARLES WON **NOT ARMS-LENGTH** 

**ROUTE 30 INVESTORS** 

**BROWN GEORGE S** 

UNIMPROVED ARMS-LENGTH

IMPROVED ARMS-LENGTH

Date: Deed1: Date:

Deed1:

Deed1:

Date:

12/30/1999 /14235/ 426 10/10/1995

/11250/ 35

11/16/1989

/ 8325/ 530

Price: Deed2:

\$78,000

Price: Deed2:

Price:

\$125,000 \$114,000

Deed2:

**Exemption Information** 

**Partial Exempt Assessments** County State Municipal

Class 000 000

000

07/01/2005

07/01/2006

Tax Exempt: **Exempt Class:** 

NO

**Special Tax Recapture:** 

\* NONE \*



Staff Sergeant Robert A. Black 1508 Leslie Road Dundalk, MD 21222

Bruce E. Doak Gerhold, Cross & Etzel, Ltd. Suite 100, 320 E. Towsontown Boulevard Towson, MD 21286

Stacy Gardner
Shannon-Baum Signs, Inc.
105 Competitive Goals Drive
Eldersburg, MD 21784

William D. Gulick, Jr.
McKee & Associates, Inc.
5 Shawan Road Suite 1
Cockeysville, MD, 21030

Thomas J. Hoff 406 W. Pennsylvania Avenue Towson, MD 21204

Richard Hoffman 904 Dellwood Drive Fallston, MD 21047

Charles E. Merritt 9831 Magledt Road Baltimore, MD 21234

Garland E. Moore 3225 Ryerson Circle Baltimore, MD 21227

Linda O'Keefe 523 Penny Lane Hunt Valley, MD 21030

J. Lawrence Plison, R.S. 1015 Old Barn Road Parkton, MD 21120

Martin Ogle 16 Salis Court Baltimore, MD 21220

Debra L. Starrett D & D Posting, LLC 2417 Snowden Creek Road Marriottsville, MD 21104

Linda M. Jones
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, MD 21286

Telephone: 410-282-7940 Cell: 410-499-7940 Fax: 410-282-7940

Telephone: 410-823-4470 Fax: 410-823-4473

Telephone: 410-781-4000 Toll Free: 800-368-2295 Fax: 410-781-4678

Telephone: 410.527.1555 Fax: 410-527-1568

Telephone: 410-296-3668 Fax: 410-296-5326

Telephone: 410-879-3122 Fax: 410-879-3122

Telephone: 410-665-5562 Cell: 410-663-5525 Fax: 410-663-4315

Telephone: 410-242-4263 Fax: 410-242-4263

Telephone: 410-666-5366 Fax: 410-666-0929 Cell: 443-604-6431

Telephone: 410-343-1443

Telephone: 410-780-5151
Fax: 410-780-5188
Cell: 443-629-3411
E-Mall: mert1114.80f.com

Telephone: 410-812-4741 Cell: 443-564-1892 Fax: 410-549-9261

Telephone: 410-295-3333 Fax: 410-296-4705

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT.
ZONING REVIEW

THE PETITIONER MUST USE ONE OF THE SIGN POSTERS ON THIS APPROVAL LIST. ANY REPOSTING MUST ALSO BE DONE BY ONE OF THESE APPROVED POSTERS. IF YOU WISH TO SELECT A POSTER NOT SHOWN ON THE LIST ABOVE, PRIOR APPROVAL BY THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT/ZONING REVIEW IS REQUIRED.

THIS DEPARTMENT IS NOT ASSOCIATED WITH ANY OF THE ABOVE POSTERS, NOR DO WE RECOMMEND ANY SPECIFIC ONE. WE DO SUGGEST THAT YOU CONTACT A NUMBER OF THEM TO COMPARE PRICES SINCE THEIR CHARGES MAY VARY

CASE NAME 1320 N. Butter Rd. CASE NUMBER 06-251x.
DATE JANMARY 9, 2006

### CITIZEN'S SIGN-IN SHEET

ı	1	1	!	r	1	1	. !	1	ı	1	1	ļ	ļ		i	
														SLATERBECH	George Harman	NAME
								•	<b>*</b>					+ <b>0</b>	5429 Nexwood Dr.	ADDRESS
														MDS	Rejoterotomon MV 21136	CITY, STATE, ZIP
														RSHATERBECK & CAMPAUNT. NE	₩~	E- MAIL

DATE	CASE NUMBER	CASE NAME

## PEILICNER'S SIGN-IN SHEET

								1 6	Molario Mosor	SACRIC HAMILTON	7	1/ Lange	NAME
									501 W. University Phan 20	HIDE MINDERSONE FOR		4 rather 812	ADDRESS
									112 CMM	Pikesville, my 21758		M	CITY, STATE, ZIP
		4						tood	il Himan @	my Alabaster & y Alac. com		Manual Man	

DATE	CASE NUMBER	CASE NAME
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### COUNTY REPR IVE'S SIGN-IN SHEET

										TRIII (Hustry -	NAME /
											ADDRESS
											CITY, STATE, ZIP
								1			E-MAIL

ı

1251

# Baltimore County - My Neighborhood Copyright (C) 2005 Saturate Carry, Maryland

		1 10	1	
Case No.:	06-25		ļ	
-				

### Exhibit Sheet

### Petitioner/Developer

### Protestant

No. 2  AGREEMENT WITH  Hanover Rd. Assoc. Snc.,  No. 3  Colonized Plan  Denoting Parking Area  No. 4  No. 5  No. 6	
No. 3 Colonized PLAN DENOTING PARKING ARRA  No. 4  No. 5	 
No. 4  No. 5  No. 6	
No. 5 No. 6	,
No. 6	
No. 7	
No. 8	
No. 9	
No. 10	1
No. 11	
No. 12	

EXHIBIT NO.

### **AGREEMENT**

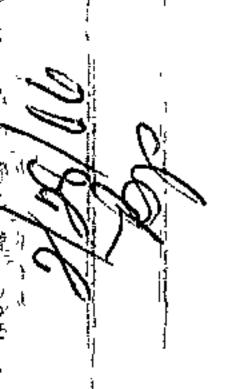
This AGREEMENT is made and entered into as of this \_\_\_day of January, 2006 by and between the Hanover Road Association, Inc. (The Community) and The Owings Mills Church of God (The Petitioner). This agreement shall be conveyed to and held as binding, to any restructured, renamed, reconstituted, or modified organization evolving out of the The Owings Mills Church of God (The Petitioner).

Whereas; the Hanover Road Association is charted to preserve the rural character of the County along Maryland Route 30 northward from Reisterstown to the Carroll County line, the Community has entered into negotiations with the Petitioner to support the development of the proposed site for religious purposes with the limitations that follow:

### WITNESSETH

Agreement to Request Conditional Approval by the Zoning Commissioner. The parties hereto request that the Zoning Commissioner for Baltimore County enter, as a condition of approval of Petitioner's request for Special Exception to use the subject property as a Church and/or other building for religious worship, a series of modifications and restrictions pursuant to the authority conferred upon him by Section 502.2 of the Baltimore County Zoning Regulations, (BCZR), as follows:

- 1. The Church shall be constructed with a maximum seating capacity of 550 seats in the primary sanctuary or auditorium.
- 2. The community recognizes that the topography of the site does not permit the location of all parking areas to the rear of the Church, however, the Petitioner agrees to provide landscaping to screen any proposed (as per attached site plan) and future parking areas that are visible from Hanover Pike.
- 3. There will be no lighting of any athletic field or activity thereon after dusk.
- 4. Other than temporary construction buildings, there will be no permanent structures on the site other than the proposed sanctuary building, the accessory wing, a single 24 ft. by 20 ft. storage shed, and a picnic pavilion to the rear of the site.



- 5. The front façade of the Church building shall be constructed of brick and building elevations shall be submitted to the Office of Planning for review prior to the issuance of any building permits.
- 6. The Petitioner shall not permit all terrain vehicles, dirt bikes, motorcycles, or other similar vehicles to be used on the property.
- 7. Lighting of the buildings and parking area shall be minimal after 10:00 PM and sufficient only to insure security. All lighting, other than spotlights to accentuate the steeple, shall be shielded to direct all light downward. A lighting plan shall be submitted to the Office of Planning for review for compliance with Baltimore County Rural Lighting Standards and the design guidelines contained in the Hanover Pike Corridor Study
- 8. All signage shall comply with applicable Baltimore County Zoning Regulations. No variances shall be requested to signage limits contained in the County Code.
  - Existing wooded areas between Hanover Pike and the Church shall be preserved to the maximum extent possible to buffer the proposed parking area from Hanover Pike.

    Wooded land preservation shall comply, where possible, with the site planning guidelines contained in the Hanover Pike Corridor Study and Baltimore County Landscaping

    Manual. Tree removal, other than that necessary to establish an entrance driveway that is no wider than 50 feet and to construct the parking lots and buildings as presented in drawings provided during the Special Exception hearing, shall be conducted only under a forest conservation plan approved by the County. A landscape plan addressing the above-described preservation of existing wooded areas and the remainder of the site shall be submitted for review and approval by the Landscape Architect for Baltimore County.

10. There will be no freestanding antenna or broadcast towers on the site.

- 11. The portion of the site located to the east of Hangver Pike shall be maintained in natural conditions with no structures or signage.
- 12. Alcoholic beverages, other than those that may be used for religious purposes, shall not be
- 13. Any daycare or schooling provided on the site shall be for Church members only. No commercial or other connection described to 75 "students" permitted unless all participants are members of the Church.
- 14. Modifications of any of the above site limitations shall occur only through a negotiation process with the Hanover Road Association.

IN WITNESS WHEREOF, the parties hereto have duly executed this agreement and affixed their seals as of the date and year first above written.


WITNESS:

COMMUNITY

Hanover Road Association, Inc.

PETITIONER

Owings Mills Church of God



PETITIONER'S