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IN RE: PETITION FOR VARIANCE

SE/Corner Bowleys Quarters Road and

Carroll Island Road

(201 Bowleys Quarters Road)

15th Election District

6th Council District

Piney Grove Methodist Church, Inc. Petitioners

- BEFORE THE
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 06-335-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, Piney Grove Methodist Church, Inc., through its president, Charles A. Byus, and attorney, Michael S. Karas, Esquire. The Petitioners request a variance from Section 450.4(E) and (G) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a freestanding sign with a height of 8'3" in lieu of the maximum allowed 6' and a sign area of 42 sq.ft. in lieu of the maximum allowed 25 sq.ft. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request was Charles A. Byus, President and member of the Piney Grove Methodist Church, Inc., property owner, and Bruce E. Doak, Professional Land Surveyor with Gerhold, Cross & Etzel, the consultants who prepared the site plan for this property. Appearing as an interested citizen was William Lagna, adjacent property owner. There were no Protestants or other interested persons present; however, it should be noted that a letter of support was received from Michael Vivirito, President of the Bowleys Quarters Improvement Association, Inc., (Petitioner's Exhibit 4).

Testimony and evidence offered disclosed that the subject property is a large rectangular shaped tract located on the southeast corner of the intersection of Bowleys Quarters Road and Carroll Island Road in Middle River. The property contains a gross area of 2.69 acres,

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more or less, zoned D.R.3.5, and is improved with a one-story brick church known as the Piney Grove United Methodist Church, which has existed at this location for many years.

The subject of the instant Petition relates to a proposed new identification sign, which will replace an existing sign located in front of the church near the intersection of Bowleys Quarters Road and Carroll Island Road. Testimony indicated that the existing sign is old and in need of replacement. The existing sign is less than 8 feet tall; however, has an architectural detail along the top that increases its height in that area to approximately 8.5 feet. It is also approximately 9 feet wide. The proposed sign will be slightly smaller with a height of 8 feet, 3 inches and a width of 8 feet. The proposed sign area will contain the name of the church and its seal, and feature a changeable copy area to advertise events and services, including special religious occasions, flea markets, etc. The proposed sign will also be internally lit.

As noted above, William Lagna, the adjacent property owner, appeared as an interested citizen. Mr. Lagna does not oppose the new sign; however, requested that its placement be limited to the area shown on the site plan and a sufficient distance from the intersection to reduce its impact on traffic visibility. Mr. Doak redlined the plan addressing Mr. Lagna's concerns and pointed out that the new sign will be located further back on the property and away from the intersection than the existing sign. Mr. Byus emphasized that the sign will be located where shown on the plan and will be tasteful and attractive to the neighborhood.

Based upon the testimony and evidence presented, I am persuaded to grant the requested variance. I find that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. for relief to be granted and that there will be no adverse impacts upon the adjacent properties or surrounding locale. As noted above, the proposed sign will actually be smaller than the existing sign and has been tastefully designed to be compatible with the neighborhood. Moreover, appropriate landscaping will be provided around the base similar to that provided around the existing sign (see Petitioner's Exhibit 3). Finally, there were no adverse Zoning Advisory Committee (ZAC) comments received from any of the County reviewing agencies and the Bowleys Quarters Improvement Association supports the proposal.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23 day of February 2006 that the Petition for Variance seeking relief from Section 450.4(E) and (G) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a freestanding sign with a height of 8'3" in lieu of the maximum allowed 6' and a sign area of 42 sq.ft. in lieu of the maximum allowed 25 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction

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

Any appeal of this decision must be entered within thirty (30) days of the date hereof.

WJW:bjs

WILLIAM L. WISEMAN, III
Zoning Commissioner of
Baltimore County



JAMES T. SMITH, JR. County Executive

February 23, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Michael S. Karas, Esquire Bishop, Denemen & Simpson, LLC 2 North Charles Street, Suite 500 Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE

SE/Corner Bowleys Quarters Road and Carroll Island Road (201 Bowleys Quarters Road)

15th Election District – 6th Council District
Piney Grove Methodist Church, Inc. - Petitioner
Case No. 06-335-A

Dear Mr. Karas:

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 July yours,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Mr. Charles A. Byus, President, Piney Grove Methodist Church, Inc.

201 Bowleys Quarters Road, Baltimore, Md. 21220

Mr. Bruce Doak, Gerhold, Cross & Etzel

320 E. Towsontown Blvd., Suite 100, Towson, Md. 21286

Mr. William Lagna, 221 Bowleys Quarters Road, Baltimore, Md. 21220

Chesapeake Bay Critical Areas Commission

1804 West Street, Suite 100, Annapolis, Md. 21401

DEPRM; People's Counsel; Case/File



4145145

Petition for Variance

to the Zoning Commissioner of Baltimore County

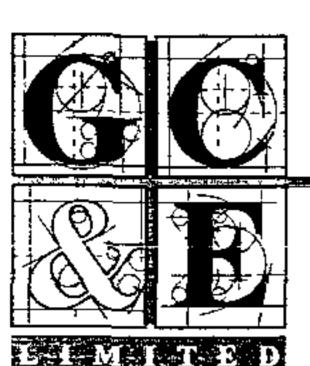
for the property located at the SE corner of Bowleys Querters Rd. and which is presently zoned CARROLL ISLAND Rd.

DR. 3.5.

Date 1-10-06

made a part hereof, hereby petition for a Variance from Sec	tion(s)
450 T	o allow a tree standing sign will
an aneq of 423k the & qheigh	y of 8 ft, 3, in her for the wext.
-min allowed 25 sale 26	A. height respectively
of the Zoning Regulations of Baltimore County, to the zonin hardship or practical difficulty)	stion(s) o allow a free standing sign with of fly 3, in lies of the waxi- of height respectively ig law of Baltimore County, for the following reasons: (indicase
· · · · · · · · · · · · · · · · · · ·	1 -
The existing sign is som	aller and de teriorations and the new
sign will improve the appear	aller and de teriorations and the new ance of the property in the common, by
Property is to be posted and advertised as prescribed by the	zoning regulations.
	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:	<u>Legal Owner(s):</u>
	PINEY GROVE METHODIST CHURCH, INC.
Name - Type or Print	Name - Type or Print
Signature	Charles A. Byers
	Signature OHARLES A. BYUS, PRESIDENT
Address Telephone No.	Name - Type or Print
City State Zip Code	
	Signature
Attorney For Petitioner:	ZOL BOWLEYS QUARTERS ROAD (410) - 335 - 6927 Address Telephone No.
Marne - Type of Print	Total Control
Name - Type or Print	City State Zip Code
that de	Representative to be Contacted:
Company / Common / Jimpson ELC	Gerhold, Cross, & Etzel, Ltd Mike Alexander
North Charles St. Suite 500	
AUGUSTS :	320 E. Towsontown Blvd. Ste. 100 Address Telephone No.
State 2/20/	Towson, Maryland 21286 (410)-823-4470
	OFFICE USE ONLY
Se No. 06-3357	ESTIMATED LENGTH OF HEARING
	UNAVAILABLE FOR HEARING Reviewed By 2 2 Date 1-10-02

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)



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

December 20, 2005

Zoning Description Piney Grove United Methodist Church 201 Bowleys Quarters Road Baltimore, Maryland 21220

All that piece or parcel of land situate, lying and being in the Fifteenth Election District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point intersecting the centerline of Bowleys Quarters Road and the centerline of Carroll Island Road, and running thence,

- 1) South 06 degrees 15 minutes East 13.2 perches,
- 2) South 03 degrees 34 minutes East 301.85 feet,
- 3) South 89 degrees 45 minutes East 250 feet,
- 4) North 03 degrees 34 minutes West 418.64 feet,
- 5) North 68 degrees 19 minutes West 58 feet,
- 6) North 71 degrees West 13.2 perches, to the point of beginning.

Containing 117,026 sq. ft. or 2.69 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



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TRIBUTION ITE CASHIER PINK - AGENCY YELLOW - CUSTOMER	The 201 Behavious avantors Res.	CEIVED TO THE TOTAL OF THE STATE OF THE STAT	TO DE ACCOUNT	ALTIMORE COUNTY, MARYLAND FFICE OF BUDGET & FINANCE No. 2838 INSCELLANEOUS RECEIPT
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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: #06-335-A

SE corpor of Powley County County (1997)

SE corner of Bowleys Quarters Road and Carroll Island

Southeast corner of Bowleys Quarters Road and Carroll. Island Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Piney Grove Methodist Church, Inc., |

c/o Charles A. Byus, Pres.

Variance to allow a free standing sign with an area of 42 sq. feet and a height of 8 feet 3 inches in lieu of the maximum allowed 25 sq. feet and 6 feet height respectively.

Hearing: Thursday, February 9, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County -

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning

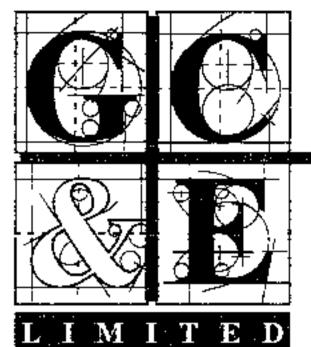
Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. JT 1/781 Jan. 24

CERTIFICATE OF PUBLICATION

127,2006
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 $_{1}24[,2006]$.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
Dulling

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson. Maryland 21286 Phone: (410) 823-4470 • Fax. (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 06-335-A
PETITIONER/DEVELOPER:
Piney Grove Methodist Church, Inc.
DATE OF HEARING: February 9, 2006

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

LOCATION:

201 Bowleys Quarters Road

(see page 2 for full size photo)

SIGNATURE OF SIGN POSTER

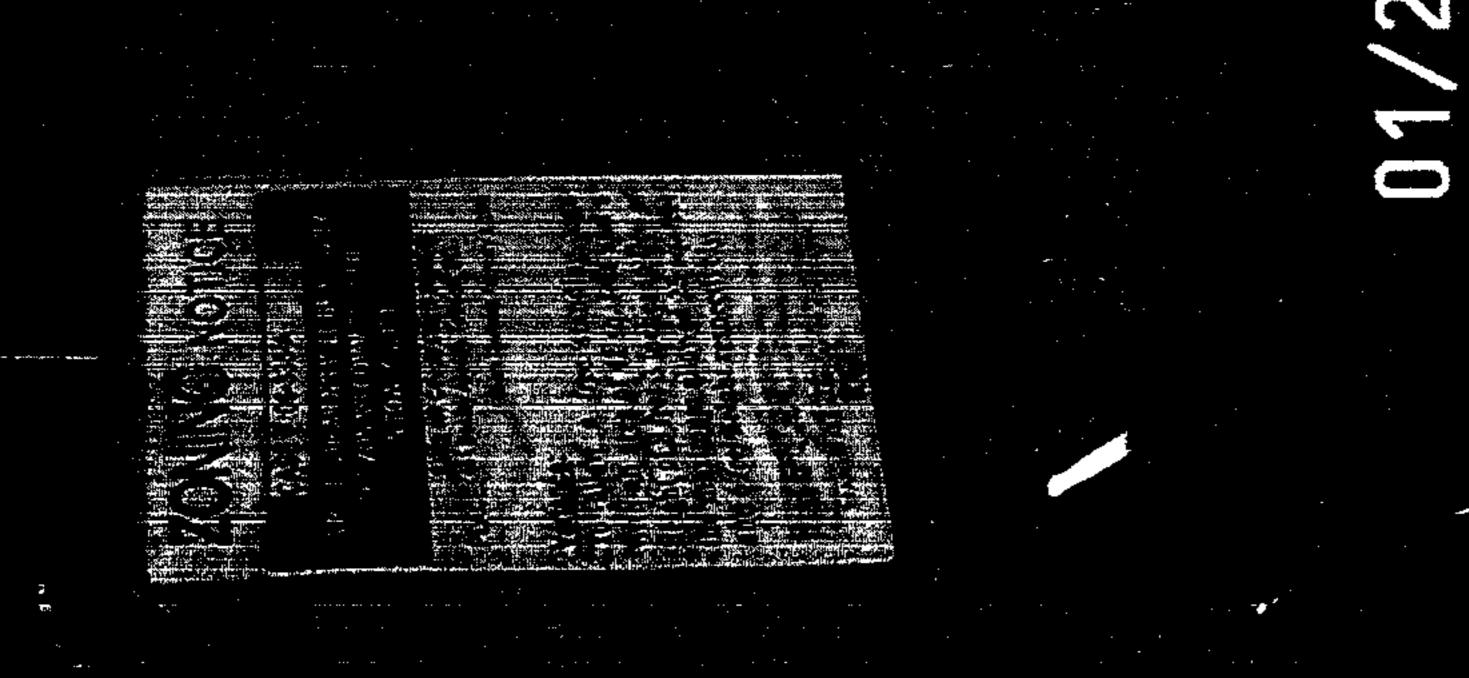
John J. Dill

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: January 23, 2006

10.00

to the transfer of the state of

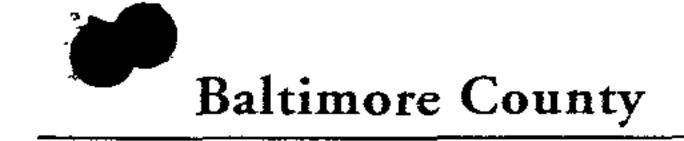


54.

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

February 6, 2006

Michael S. Karas Bishop, Danema & Simpson 2 North Charles Street, Ste. 500 Baltimore, Maryland 21201

Dear Mr. Karas:

RE: Case Number: 06-335-A

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 10, 2006.

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 Rill D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel C. Piney Grove Methodist Church Charles Byrus 201 Bowleys Quarters Road Middle River 21220 Mike Alexander Gerhold Cross Etzel 320 E Towsontown Blvd Towson 21286

Visit the County's Website at www baltimorecountyonline.info

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: February 8, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

S/E corner of Bowleys Quarters Road and Carroll Island Road

INFORMATION:

Item Number:

6-335

Petitioner:

Piney Grove Methodist Church, Inc.

FEB - 3 2003

Zoning:

DR 3.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner request provided substantial landscaping is provided at the base of the proposed sign. Avery Harden, Baltimore County Landscape Architect, shall approve said landscaping.

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

Prepared by:

Division Chief:

AFK/LL: CM

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

January 25, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: January 23, 2006

Item No.: (335-A) 6-336-A, 6-337-A, 6-338-A, 6-339-A, 6-340-SPH, 6-341-A, 6-342-A. 6-343-A, 6-344-A and 6-345-SPHXA

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 Lt. W T Moffitt Fire Marshal's Office (0)410-887-4881 (C)443-829-2946 MS-1102F

cc: File



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

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

JANUARY 20,2006

ATTENTION: Zoning Review planners

Distribution Meeting of: January 16,2006

Item

No.:

328,

329, 330,

331,

333,

1. The Fire Marshal's Office has no comments a: this time.

Acting Lt. David Heath Fire Marshal's Office (0)410-887-4381 MS-1102F

cc: File



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

Robert L. Flanagan, Secretary Neil J Pedersen, Administrator

Maryland Department of Transportation

Date:

1.17.04

RE:

Baltimore County
Item No. 22

2 L L

Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Dear. Ms. Matthews:

Ms. Kristen 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. theel

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 31, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 23, 2006

Item Nos. 328, 329, 330, 331, 332, 333, and 335

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

DAK:CEN:clw

ce: File

ZAC-NO COMMENTS-01312006 doc

RE: PETITION FOR VARIANCE

SE corner Bowleys Quarters Road &

Carroll Island Road

15th Election & 6th Councilmanic Districts

Legal Owner(s): Piney Grove Methodist

Church by Charles A Byus, President

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

* 06-335-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.

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 18th day of January. 2006, a copy of the foregoing Entry of Appearance was mailed to. Michael Alexander, Gerhold, Cross, & Etzel, Ltd, 320 East Towsontown Blvd, Suite 100, Towson, MD 21286 and Michael S Karas, Esquire, 2 North Charles Street, Suite 500, Baltimore, MD 21201, Attorney for Petitioner(s).

RECEIVED

JAN 1 8 2006

Per Cly

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

From:

Jeffrey Livingston

To:

Schuhmann, Bette 2/23/2006 2:53:41 PM

Date:

Subject:

Re: Piney Grove Methodist Church, 201 Bowleys Quarters Road (Case No. 06-335-A)

Bette,

I checked our files and the official word is "No Comment" for ZAC 06-335.

Sorry for the lack of communication lately. The pace has really stepped up since Bruce left! I'll try to get all caught up on the ZAC items.

Have fun, Jeff

Jeff Livingston jlivingston@co.ba.md.us (410) 887-4488 ext. 339

>>> Bette Schuhmann 02/23/06 12:17 PM >>>

Hi, Jeff - Bill heard a case back on February 9, 2006 for the above-captioned property, which is apparently located within the CBCA, and there are no comments in the file from DEPRM. If your agency does have a comment, would you please forward it to me ASAP? Bill would like to issue his decision in the matter within the next day or two. Thanks!

Bette Schuhmann bschuhmann@co.ba.md.us 410-887-3868

Bette Schuhmann - Piney Grove Methodist Church, 201 Bowleys Quarters Road (Case No. 06-335-A)

From: Bette Schuhmann

To: Livingston, Jeffrey

Subject: Piney Grove Methodist Church, 201 Bowleys Quarters Road (Case No. 06-335-A)

Hi, Jeff - Bill heard a case back on February 9, 2006 for the above-captioned property, which is apparently located within the CBCA, and there are no comments in the file from DEPRM. If your agency does have a comment, would you please forward it to me ASAP? Bill would like to issue his decision in the matter within the next day or two. Thanks!

about blank 2 23 2006

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 06- 335. A
DATE 2/05/66

PETITIONER'S SIGN-IN SHEET

E- MAIL										
CITY, STATE, ZIP	10w501 Mo 21286	MIDDURE RIVER MDZ1220								
ADDRESS	320 E. Towsown Seve	201 Bouneys Buts Parts Parts								
NAME	W	NEW ASTRON	345							

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 06. 335 A
DATE 2-9-2006

CITIZEN'S SIGN-IN SHEET

- MAIL	WILLIAM, CAGNIT OF									
CITY, STATE, ZIP	BALTIMORE MO 21220									
ADDRESS	21 BOWLEYS AD									· · · · · · · · · · · · · · · · · · ·
NAME	William LAGALA									**************************************

Case No.:	06-	335	A	

Exhibit Sheet

Petitioner/Developer

Protestant

	<u> </u>	<u> </u>	
No. 1			
	5 it & PLAN		
No. 2	GIS MAP		····-
No. 3		<u> </u>	
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The Bowleys Quarters Improvement Association, Inc.

P.O. Box 18051

Baltimore, Maryland

410-335-9802

410 335 3371

December 7, 2005

To Whom It May Concern:

This letter confirms our support for the building of a new sign to replace the old one at The Piney Grove United Methodist Church 201 Bowleys Quarters Rd. Pastor George Lambros informed me that they intend to tear down the old sign, which is in poor condition, and replace it with a new one, which will be approximately the same size. We feel that this will enhance the appearance of their property as well as the corner of Carroll Island Rd. and Bowleys Quarters Rd.

Sincerely,

Michael Vivirito

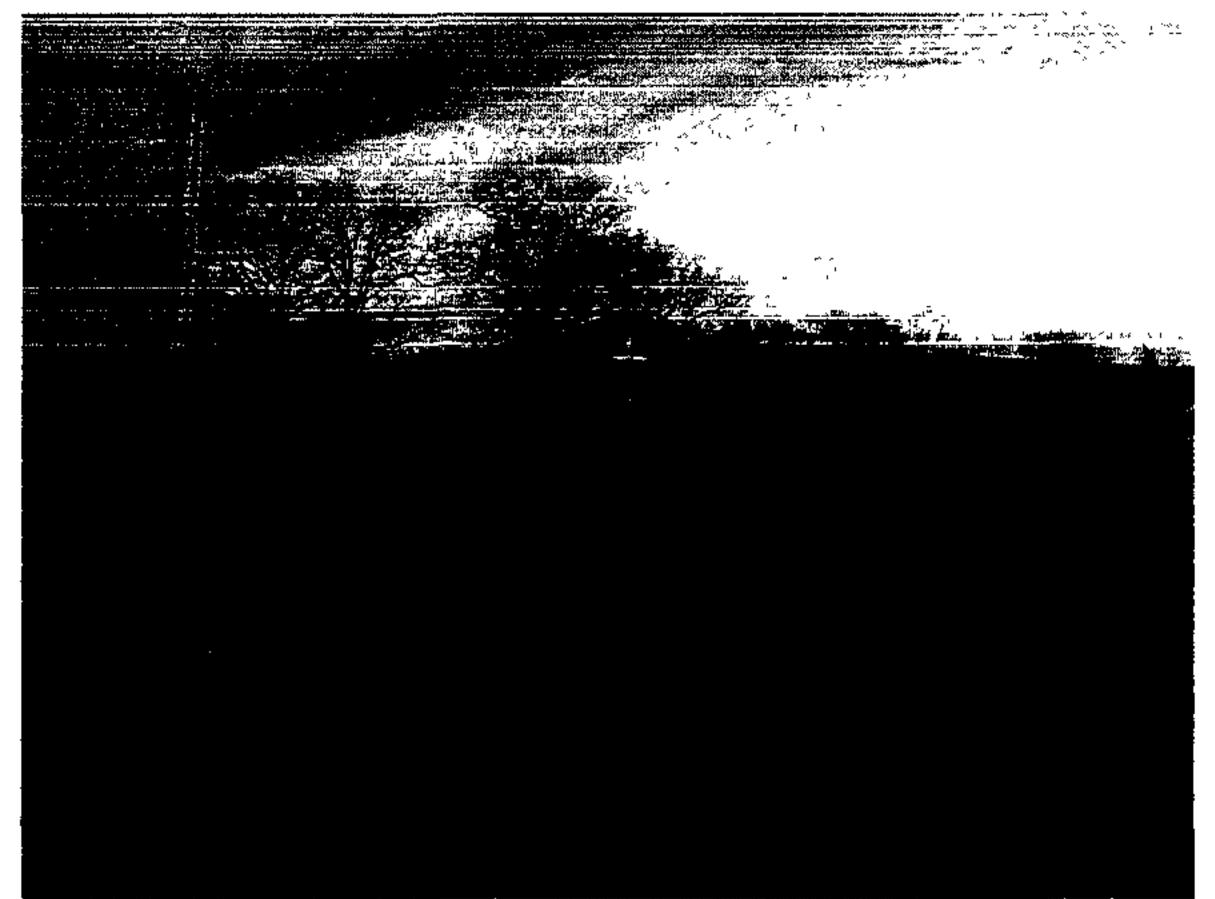
President

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PETITIONER'S

EXHIBIT NO.

