IN RE: PETITION FOR VARIANCE

* BEFORE THE

W of York Road,
208 ft. N c/l Stevenson Lane
9th Election District
5th Councilmanic District
(7308 York Road.)

* CASE NO. 06-431- A

Central Presbyterian Church
Petitioners

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Central Presbyterian Church of the City of Baltimore by Leslie Bley, Trustee. The Petitioners are requesting variance relief for property located at 7308 York Road, in the Towson section of the County. Variance relief is requested from Section 504.2 and page 29 of the CMDP of the Baltimore County Zoning Regulations to permit a church building with a length of 384 feet in lieu of the required 200 feet.

The property was posted with Notice of Hearing on March 31, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on March 30, 2006 to notify any interested persons of the scheduled hearing date and relief requested.

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar

to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated April 2, 2006.

Interested Persons

Appearing at the hearing on behalf of the variance request were Jim McClure, Mark Dininno, Bruce Stuart, and Les Bley, Trustee for the Petitioner and Douglas Kennedy, professional engineer who prepared the Plat to Accompany. John Gontrum, Esquire represented the Petitioners. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

D.R. and is improved by the Central Presbyterian Church on York Road. Mr. Gontrum proffered that the property is oddly shaped having three rectangular parcels with frontage on both York Road and Stevenson Lane as shown on Petitioner's exhibit 1.



The existing sanctuary is located on parcel 106, has twin entrances on York Road and seats 480 persons. 120 parking spaces are required for the existing structure. An office building to the north at 7400 York Road was sold from the Church property some years ago with the agreement that Church members could park on the office parking lot on weekends. See Petitioner's exhibit 6, Deed of Cross Easement Agreement dated June 19, 1998. There are 107 spaces on this lot behind the office building. In addition the Church itself has a parking lot on parcel 650 behind the office building with 138 spaces.

The Petitioner would like to build another sanctuary on parcel 106 with 550 seats for contemporary worship services, community rooms and child day care services. The whole building would be 384 feet long whereas 200 feet are allowed by right under the CMDP regulations. However the new length runs away from York Road so as not to be noticeable. In addition there are several other buildings on nearby hospitals and colleges which are far longer that 200 feet. In addition Note 4 on the Plat to Accompany specifically states that worship services will not occur simultaneously in the new and existing sanctuaries. This means that parking will be more than adequate if the two sanctuaries are not operated at the same time. However the Church will also build a new parking lot on parcel 865 containing 55 spaces with entrance off of Stevenson Lane. This will bring the total spaces to 300 of which 193 are on Church property. Should both sanctuaries be used simultaneously 258 spaces are required.

Mr. Gontrum opined that the new sanctuary must connect to the existing building for the safety and convenience of children and adults going back and forth between the two buildings. In addition the new sanctuary can not be moved back toward the rear property line of this parcel because of an existing storm water management facility

located there as shown in red on exhibit 5 A and deed 5 B. Finally the new sanctuary cannot be located on the grassy portion in the far rear of parcel 650 because first and foremost the adjacent residential communities do not want it there. He noted that he worked closely with the communities involved in considering alternative locations and all agreed that the grassy area should be kept vacant as open space between communities and the soil is very rocky making blasting near residences problematic.

Finally he noted that the community's major concern is storm water management. He indicated that the Petitioner would provide additional drains and water quality facilities on site which coupled with the existing facilities should improve the run off problems in the neighborhood.

Findings of Fact and Conclusions of Law

This case arises from the Petitioners request to have a building 384 feet long. The CMDP regulations allow 200 feet. There is no request for parking variance because among the three lots, there is more than adequate parking available. I am satisfied that the Church has sufficient legal interest in the parking lot behind the office building to meet the parking requirements as shown in exhibit 6.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The property is very oddly shaped having three almost disjointed parcels of property. In addition there is rocky soil on the rear of parcel 650 so that it is not feasible to construct the new sanctuary in that location.

PARTHER PROBLEMS

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The new and existing buildings should be connected for the safety and convenience of members.

No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting this variance as residential density is not an issue here.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The adjoining residential communities seem to agree.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 19 day of April 2006, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 504.2 and page 29 of the CMDP of the Baltimore County Zoning Regulations to permit a church building with a length of 384 feet in lieu of the required 200 feet, be and is hereby GRANTED subject to the following conditions:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioner shall submit a landscape and lighting plan to the Baltimore County Landscape Architect for review and approval.
- 3. When applying for any permits, the site plan and/or landscape plan filed must reference this case and set forth and address the restrictions of this Order.

OF A CEIVED FOR FURK 9, Any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy

Deputy Zoning Commissioner



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

April 19, 2006

John B. Gontrum, Esquire Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue, 4th Flr. Towson, MD 21204

> Re: Petition for Variance Case No. 06-431-A Property: 7308 York Road

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above-captioned case. The petition for Variance has been granted with restrictions in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:dlw Enclosure

c: Central Presbyterian Church of the City of Baltimore, c/o Leslie Bley, Trustee, 7308 York Road, Towson, MD 21204
Jim McClure, 8335 Tally Ho Road, Lutherville, MD 21093
Mark Dininno, 411 Donegal Drive, Towson, MD 21204
Bruce Stuart, 8920 Satyr Hill Road, Baltimore, MD 21234
Douglas L. Kennedy, P.E., 3106, Lord Baltimore, Suite 110, Baltimore, MD 21244
People's Counsel; Avery Harden, Baltimore County Landscape Architect; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7308 York Road

which is presently zoned OR-1, DR 5.5

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

Please see attached

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

other configurations of building on property increase impact on storm-water management or increase proximity to residential parcels

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/L	essee:			Legal Owne		+ orior	Chir	cah of the
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Attorney For Petition	er:			7308 Yor	k Road	l	410	823-6145
				Address	<u> </u>			Telephone No.
John B. Gontru	m/			Baltimor	ce, MD	21204	l .	
Name - Type or Print			City		······································	State	Zi	p Code
44386				Representa	tive to b	e Contac	ted:	
Whiteford, Taylor & Preston				John B.	Gontru	ım		
Company			•	Name			·····	······································
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ATTACHMENT TO PETITION FOR VARIANCE

CENTRAL PRESBYTERIAN CHURCH OF THE CITY OF BALTIMORE

Hereby petition for a Variance from Section(s) 504.2 and CMDP at 29 to permit a church building with a length of 384 feet in lieu of the required 200 feet.

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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: #06-431-A 7308 York Road West side of York Road, 208 feet north of center line of Stevenson Lane 9th Election District 5th Councilmanic District
Legal Owner(s). Central
Presbyterian Church of the
City of Baltimore
Variance: to permit a
church building with a
length of 384 feet in lieu of the allowed 200 feet. Hearing: Monday, April 17, 2006 at 10:00 a.m., Room 407, County Courts Building, 401 Bosley Ave-nue, 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 Of-

tice at (410) 887-3868.

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

CERTIFICATE OF PUBLICATION

3/30/,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 $3(30)$,2006.
The Jeffersonian Arbutus Times Catonsville Times Towson Times Owings Mills Times NE Booster/Reporter North County News

JOVERTISING

CERTIFICATE OF POSTING

Baltimore County Department of Permits and Development Management

County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Christen Matthews	
Ladies and Gentlemen: This letter is to certify under the per	nalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the propery	
# 7308 YORI	<u> 120AD</u>
The sign(s) were posted on MAQ. 31,	2006
	(Month, Day, Year)
	Sincerely, Darley David (Signature of Sign Poster and Date)
	CZARLAGEDE, MOORE (Printed Name)
	3225 RYGIZSON CIRCLE (Address)
	BALTIMORE, MD, 21227 (City, State, Zip Code)
	(410) 242-4263 (Telephone Number)

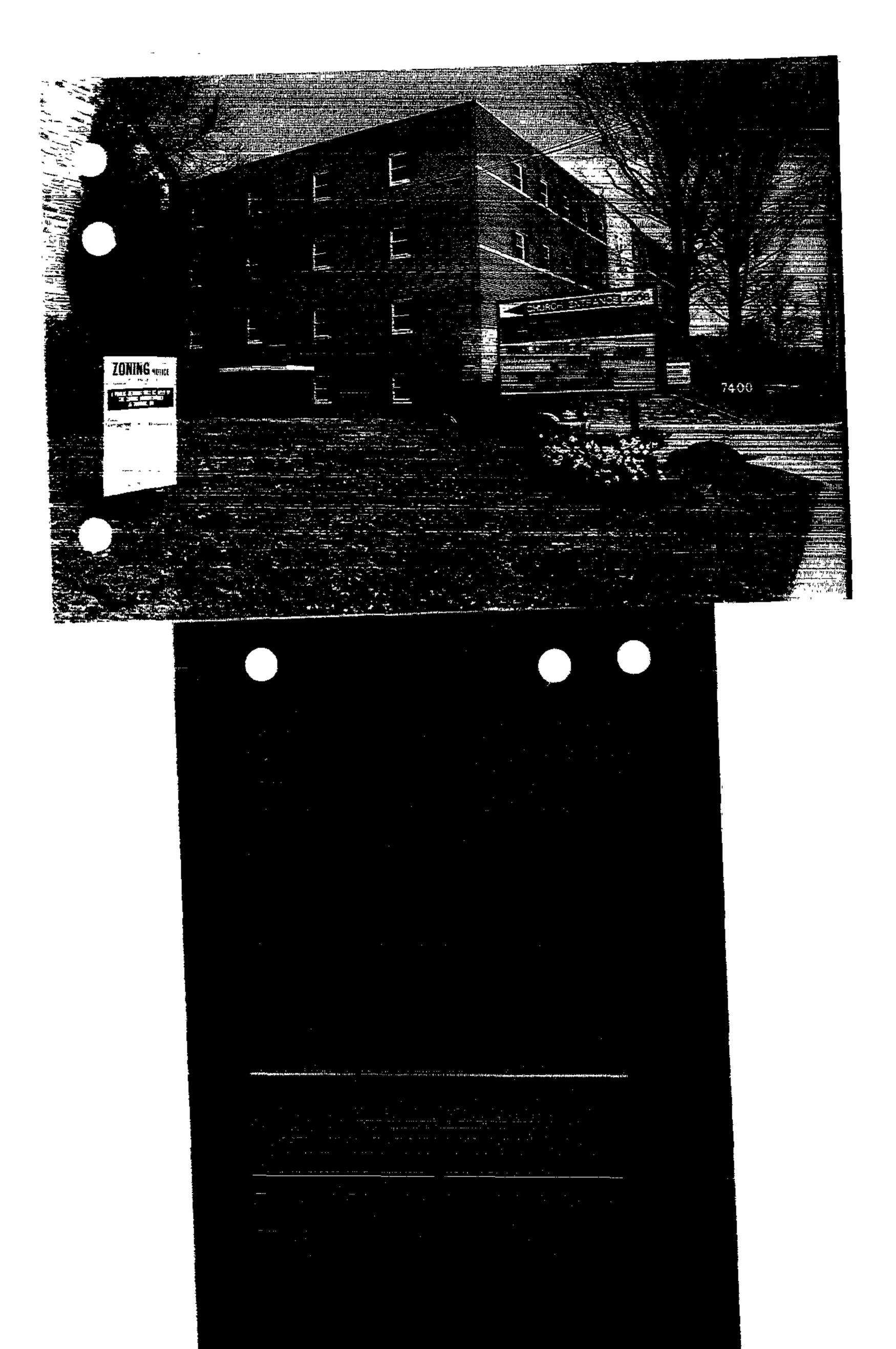
RE: Case No.: 06-43[-A

CENTRAL

Petitioner/Developer: PRESIBYTERIAN

Date of Hearing/Closing: 4-17-06

CHURCIJ



Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

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

March 21, 2006

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: 06-431-A

7308 York Road

West side of York Road, 208 feet north of centerline of Stevenson Lane

9th Election District—5th Councilmanic District

Legal Owners: Central Presbyterian Church of the City of Baltimore

Variance to permit a church building with a length of 384 feet in lieu of the allowed 200 feet.

Hearing: Monday, April 17, 2006 @ 10:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

Timothy Kotroco

Director

TK:raj

C: John B. Gontrum, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Ave., 4th Fir., Towson, MD 21204 Central Presbyterian Church of the City of Baltimore, c/o Leslie Bley, Trustee, 7308 York Road, Towson, MD 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN <u>POSTED</u> BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 1, 2006.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-339

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 ubject 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	paper Advertising:		
Item Num	ber or Case Number:	06-431A	· · · · · · · · · · · · · · · · · · ·
Petitioner	*	See Before	··-···-·······························
Address c	or Location:	Same V	
	FORWARD ADVERT	ISING BILL TO:	BALTinions
	7308 Youke BACTIMORE	•	
Telephone	e Number:	-823-6145	

Department of Permits as Development Management

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





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

April 13, 2006

John B. Gontrum Whiteford, Taylor & Preston 210 W. Pennsylvania Ave, 4th Flr Towson, MD 21204

Dear Mr. Gontrum:

RE: Case Number: 06-431-A, 7308 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 7, 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. Carl Richards Ir

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel Central Presbyterian Church of the City of Baltimore Leslie Bley, Trustee 7308York Road Baltimore 21204

Fire Department

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





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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 March 21, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: March 20, 2006

Item No.: Item Numbers 427 through 434 and 436 through 439 and 441

431

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

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

LT. Roland P. Bosley Jr. Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: March 27, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 27, 2006

Item Nos. 429, 430, 431, 432, 433, 434, 435,

436, 437, 439, 440, and 441

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-03272006 doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: April 5, 2006

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 7308 York Road

INFORMATION:

Item Number: 6-431

Petitioner: Central Presbyterian Church of the City of Baltimore

Zoning: OR 1 and DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed photos of the existing structure, colored renderings, a site plan, architectural elevations, cross sections and floor plans, which demonstrate that the project design is compatible with the existing conditions and the community. The increased building length meets the compatibility objectives of Section 32-4-403 and the Director recommends approval of the petitioner's request subject to the following:

- 1. Review and approval of landscape and lighting plan that is in conformance with IESNA (Illumination Engineering Society) standards.
- 2. Delineation of existing and proposed parking on the site plan.
- Demonstration to the Zoning Commissioner that the subject proposal's parking will not encumber or conflict with the existing parking conditions and adjacent office uses.

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

richarca by.

AFK/LL: CM



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

Maryland Department of Transportation

Date: 3.21.06

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

RE: Baltimore County

Item No. 43/ 015

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/VS 45.

are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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

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Engineering Access Permits Division

RE: PETITION FOR VARIANCE

7308 York Road; W/S York Road, 208' N

c/line Stevenson Lane

9th Election & 5th Councilmanic Districts Legal Owner(s): Central Presbyterian

Church of the City of Baltimore

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER *

FOR

BALTIMORE COUNTY

06-431-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. Chamerman

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 23rd day of March, 2006, a copy of the foregoing Entry of Appearance was mailed to, John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

MAR 2 3 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



March 14, 2006

Mr. Tim Silcott 400 Stevenson Lane Towson, MD 21204

Dear Tim,

These are my notes from our meeting on the church grounds on Thursday, March 9, 2006.

- 1) You and I walked the rear of your property and the church property and I agreed that we would cleanup the back hill and we would try to cut as much ivy from the around the trees as possible.
- 2) You showed me the storm drain at the bottom of the hill and requested that we try and keep it clean. I agreed that we would check on it quarterly and clean it if needed. We also agreed that if you see something that needs attention that you could call Jim McClure at 410-823-6145 and he will discuss how to resolve the issue with you.
- 3) We also discussed that we plan to remove some of the low growing evergreen bushes from the curve to the east end of the parking lot and replace them with arborvitae bushes or something like them. I'm not sure whether this will happen as a part of the contract work or if we will do it as an "in-house" job. As we discussed, the bushes will be part of the civil drawings along with the re-grading of the back lot and that makes this a legally binding requirement.

You had indicated that you were satisfied with these upgrades. Tim, if this accurately depicts our discussion, please sign the bottom of the second copy of the attached letter and mail it back to us in the enclosed envelope for our records.

Thank you for your openness in our discussions.

Sincerely,

Les Bley, Trustee

Chairman, Building and Grounds Committee

Cc: Jim McClure - Central Presbyterian Church

Mark Dininno - Chairman, Building Committee

Doug Kennedy - Senior VP, KCW Engineering Technologies

Agreed To:

Tim Silcott

Date:

Wind wind

J. MARKWOOD HARP, SR. 408 Stevenson Lane Towson, Maryland 21204

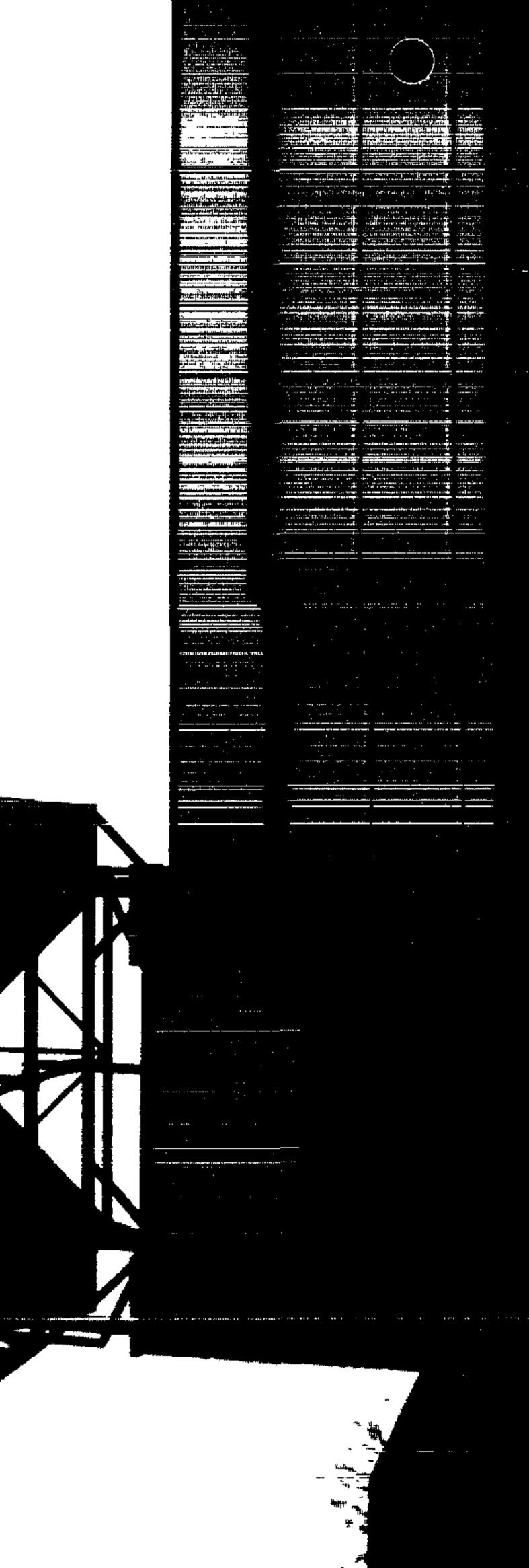
April 13,2006

To whom it may concern: Care of Central Presbyterion Church

We are members of the Yorkleigh Association and property owner bordered on two sides by central Presyterian Church. As such we have had the apportunity to review the Site Development Plan or the Church. We, along with other members of the Association were pleased when the Church acquired tiz steventon have, and then removed the ugly dwelling that had been on that site. The new use by the Church for parking will be much improved relative to the misuse of prior occupancy. The proposed landscaping will include new trees endother planting which supplants the unkempt appearance of the prior occupancy. Overall, the new use by the Church at 12 Stevenson have will enhance the neighborhood and provide planting and screening to shield our adjoinent buildings and activity on the corner of york Road and Stevenson Lane from the commercial stevenson Lane. Do we have any reservations or objections? No. Rather, we look forward to the completion of the Church Project.

Cordially yours, WashHarp-Christine Harp

Christine and Markward Harp



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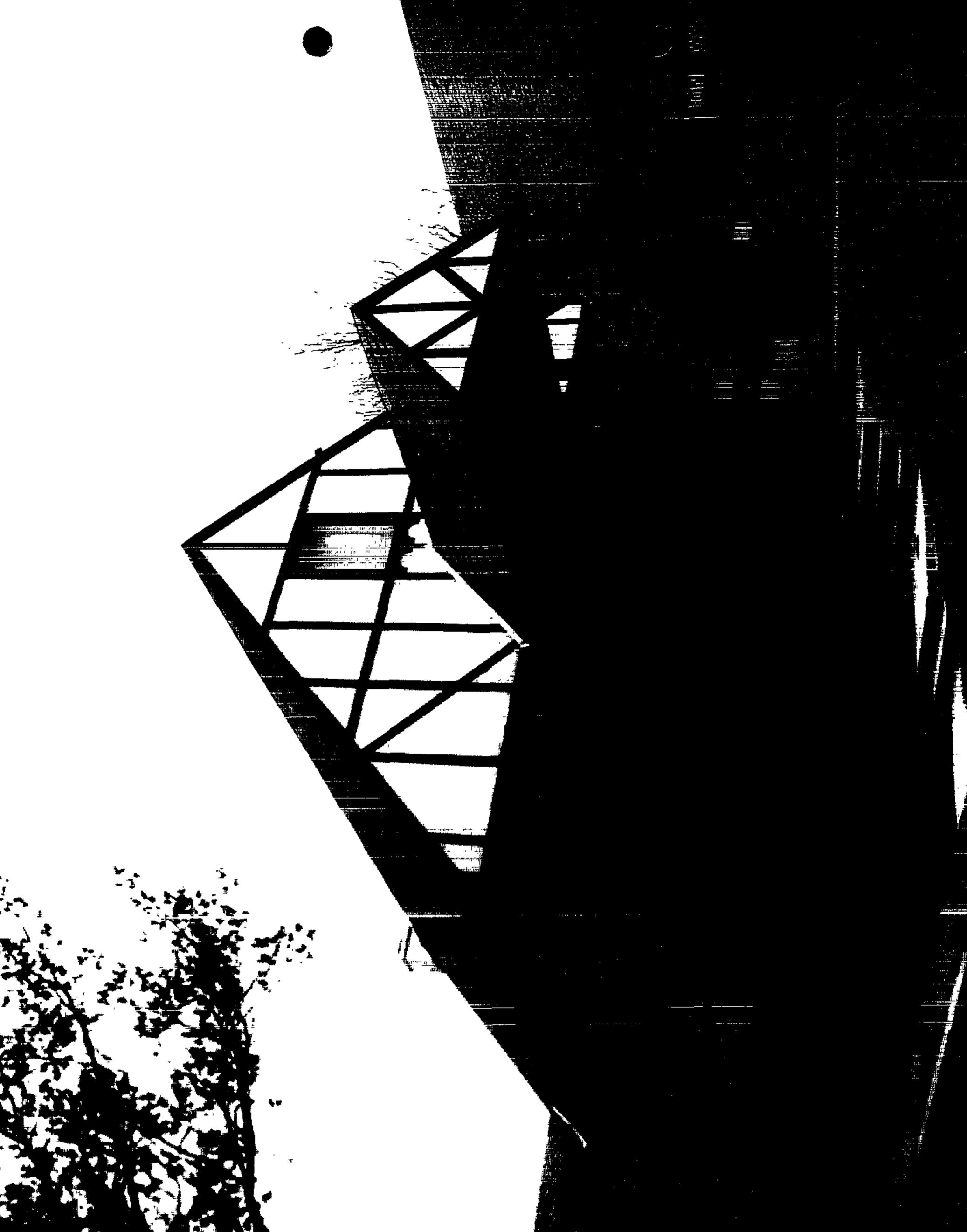














































RW 97-211-1, Sheet-1-04-2
J.O. 4-1-8450
Item (S)
Election Dist.: 9th

THIS DEED OF DECLARATION AND EASEMENT, Made this day of declary, in the year, 1998, between CENTRAL PRESBYTERIAN CHURCH OF THE CITY OF BALTIMORE, a Maryland religious corporation, of Baltimore County, State of Maryland, party of the first part; and BALTIMORE COUNTY, MARYLAND, a body corporate and politic, party of the second part.

WHEREAS, Central Presbyterian Church of the City of Baltimore, the party of the first part is the owner of all that property situate in Baltimore County, State of Maryland, and more particularly described in Exhibit "A", which is attached hereto and made a part hereof, to which it acquired title in fee simple by a Deed dated September 24, 1951, which Deed is recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2019, folio 198 from The Presbytery of Baltimore and by a Deed dated October 15, 1965, which Deed is recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4533, folio 131 from J. Liston Wiedefeld and Eva R. Wiedefeld, husband and wife; and

WHEREAS, the party of the first part desires to reserve easements for the installation and maintenance of utilities and drainage facilities as hereinafter set forth; and

WHEREAS, the party of the first part desires to grant unto Baltimore County, Maryland, an easement for storm drain purposes as hereinafter set forth.

DA.E/LA-SHELL Rev. 2/97

0012852 304

NOW, THEREFORE, THIS DECLARATION WITNESSETH, that the said party of the first part, for itself, its successors and assigns, declares and covenants that all that lot of ground as described and shown on Exhibit "A" shall be subject to the following reserve easements and covenants.

RESERVE EASEMENTS AND COVENANTS

Easement for the installation and maintenance of utilities and drainage facilities in the storm water management area, containing 0.290 acre (12.654 square feet), more or less, as shown and indicated "STORM WATER MANAGEMENT EASEMENT" on Baltimore County Bureau of Land Acquisition Drawing No. RW-97-211 Sheet 1 of 2, which is attached hereto as Exhibit "A" and made a part hereof, is hereby reserved by the party of the first part for the installation and maintenance of utilities, storm water sewers, surface drains, and storm water management devices. No structure, planting, or rother material shall be placed or permitted to remain within this easement except as shown on the storm water management plans or within any utility or similar easements (which may be located on the property described in Exhibit "A") which may damage or Linterfere with the installation of, access to, and maintenance of utilities, or which may change the direction of flow of drainage channels in the easement, or which may obstruct or retard the flow of water through drainage channels or the storm water management devices in the easements. The easement area and all improvements in it shall be maintained continuously by the party of the first part, and at the party of the first part's expense, including, without limitation, any maintenance and repairs required by Baltimore County to maintain the proper functioning of any storm water management devices located within the easement area, except for those improvements whose maintenance is the responsibility of a governmental body or agency or a public authority or utility company. No conveyance of the Property, or of any interest therein, shall be deemed to be, or construed as, a conveyance of this easement, or any of them, even though the conveyance purports to convey the party of the first part's entire interest therein, but such effect shall only arise if the conveyance specifically recites it to be the intention of the party of the first part to thereby convey this easement.

FURTHER WITNESSETH, that in consideration of the sum of One Dollar (\$1.00), and other good and valuable considerations, the

DA.E/LA-SHELL Rev. 2/97

receipt of which is hereby acknowledged, the said party of the first part, does grant unto Baltimore County, Maryland, a body corporate and politic, its successors and assigns, an easement to enter upon the property of the party of the first part as described shown on Exhibit "A" for the purpose of inspecting, and constructing, maintaining, and repairing storm water management facilities thereon and as more particularly shown on Exhibit "A", which is attached hereto and made a part hereof, as Baltimore County, Maryland, in its sole discretion, deem necessary; and said party of the first part agrees that any and all costs incurred by Baltimore County, Maryland, thereby shall be assessable as a lien against the property described in Exhibit "A", which is attached hereto and made a part hereof, and that no buildings or similar structures of any kind shall be erected, in or over the said easement area which may interfere with the access to, maintenance and repair of said storm water management facilities.

The covenants contained in this Declaration and the easement shall run with the land and be binding on the party of the first part, its successors and assigns.

WITNESS, the hand and seal of the party of the first part, this day and year first above written.

WITNESS:

CENTRAL PRESBYTERIAN CHURCH OF BALTIMORE CITY

By:
Robert M. Summers, President
Board of Trustees

DDE.E-E/LA-SHELL

Rev. 2/97

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, that on this 17 day of 15 da

AS WITNESS My Hand and Notarial Seal.

Notary Public

My Commission Expires:

August 1, 2001

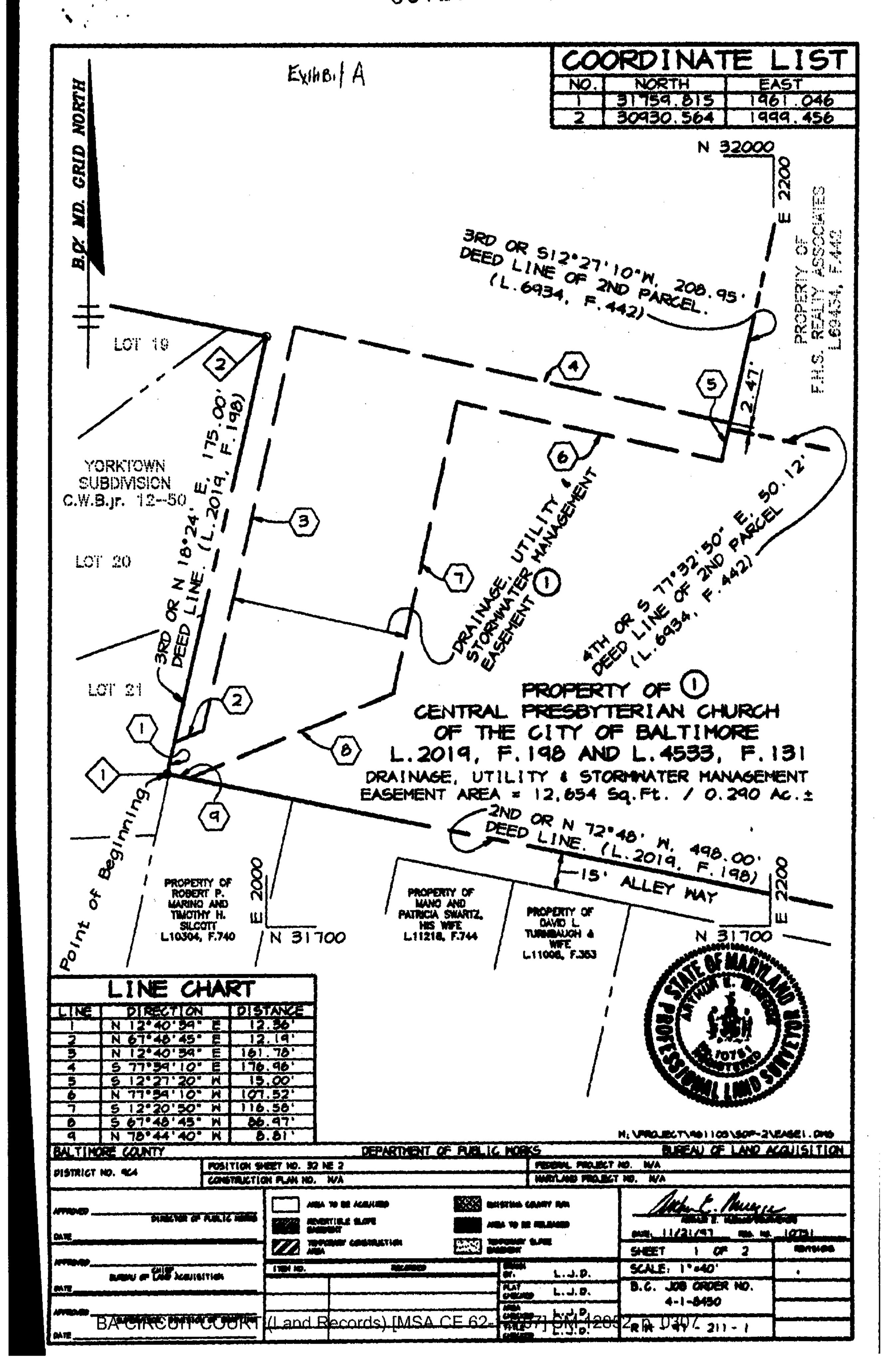
This is to certify that the within instrument was prepared by an attorney admitted to practice before the Court of Appeals of Maryland.

Richard E. Lattanzi, Attorney

Reviewed for Baltimore County Requirements

Office of County Attorney

DA.E/LA~SHELL
Rev. 2/97



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DEED OF CROSS-EASEMENT AGREEMENT

THIS DEED OF CROSS-EASEMENT AGREEMENT (the "Agreement") i made this and the day of the press of the central press terian thurch of BALLIMORE COUNTY, MARYLAND (the "Church"), FHS REALTY ASSUCIATES, a Maryland general partnership, and ROBERT A. ARIOSA (collectively "FHS") and FLOW DEVELOPMENT 1998, INC., a Maryland corporation, and/or its successors and assigns (collectively "Flow").

RECITALS:

- A. The Church is the owner of that certain improved lot of real property situated in Baltimore County, Maryland, commonly known as 7308 York Road, Towson, Maryland (the "Church Property"). The Church Property consists of, among other things, a parking lot (the "Church Easement Area").
- B. FHS is the record owner, and Flow is the contract purchaser, of that certain improved lot of real property situated in Baltimore County, Maryland and commonly known as 7400 York Road, Towson, Maryland (the "FHS/Flow Property"), which property is adjacent to the Church Property. The FHS/Flow Property consists of, among other things, a parking lot (the "FHS/Flow Easement Arca") Hereaster FHS and Flow are collectively referred to as the "Owner of 7400 York Road".
- C. The Church Easement Area is shown as the cross-hatched area on Exhibit A. The FHS/Flow Easement Area is shown as the cross-hatched area on Exhibit B. Both exhibits are attached hereto and made a part hereof.
- D. The Church has agreed to grant to the Owner of 7400 York Road, in perpetuity, a non-exclusive easement in the Church Easement Area, and the Owner of 7400 York Road has agreed to grant to the Church, in perpetuity, a non-exclusive easement in the FHS/Flow Easement Area, under the terms and conditions set forth herein.

NOW THEREFORE, WITNESSETH, that for and in consideration of the sum of Five Dollars (\$5.00), and in consideration of the Recitals, which are deemed to be a material and substantive part of this Agreement, the Church and the Owner of 7400 York Road make the following grants and agreements:

of 7400 York Road, in perpetuity, a non-exclusive easement, for use in common with the Church, in and to the Church Easement Area, for parking and access at all times, except that the Church shall have (a) exclusive use of the Church Easement Area on Sunday in each calendar week, and (b) exclusive use of at least one-half (1/2) of all of the available spaces on its lot on all other days. The Church Easement Area shall be used by FHS only for the temporary parking of cars and light trucks. Such vehicles shall not be stored on the Church lot for periods exceeding three (3) consecutive days without permission from the Church Office.

YORKROAD\BASEMETIT.AGR

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- 2. FHS/Flow Easement Area. The Owner of 7400 York Road hereby grants and conveys to the Church, iff perpetuity, a non-exclusive easement, for use in common with the Owner of 7400 York Road, in and to the FHS/Flow Easement Area, for parking and access at all times, except that the Owner of 7400 York Road shall have the exclusive right to use the FHS/Flow Easement Area during the buriness hours of 7:00 a.m. through 6:00 p.m. on Monday through Friday of each calendar week, and during the hours of 8:00 a.m. through 2:00 p.m. on Saturday of each calendar week.
- 3. Maintenance and Repair. The Church covenants to maintain and keep the Church Easement Area in a good and safe condition. The Owner of 7400 York Road covenants to maintain and keep the FHS/Flow Easement Area in a good and safe condition.
- each shall indemnify, defend, and save harmless the other from all loss, damage, expense, and/or liability arising from each party's (including its employees', contractors' and/or invitees') use or maintenance of the Church Easement Area and the FHS/Flow Easement Area, as the case may be. Bach party shall carry comprehensive general public liability insurance covering occurrences and events arising from the respective party's use and maintenance of the Church Easement Area and the FHS/Flow Easement Area, as the case may be.
- 5. Benefit. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. The easements granted herein, and the related benefits and servitudes, shall be perpetual and run with the land.
- 6. <u>Amendments</u>. This Agreement contains the final and entire agreement between the parties. Any subsequent amendment to, or termination of, this Agreement shall be valid only if executed in writing by the parties hereto.

IN WITNESS WHEREOF, the parties execute this Deed of Cross-Easement Agreement with the intent that it be a sealed instrument from the day and year first above written.

WITNESS:

CHURCH:

The Central Presbyterian Church of Baltimore County, Maryland

Jasse Gardner Clerk of Sessions Name: Robert M. Summers

Title: President of the

Board of Trustees

(signatures cont.)

WITNESS:

FHS:

FHS Realty Associates,

a Maryland general partnership

Name: Harry E/Smith

Tille: Partner & Authorized Signatory

Robert A. Afriosa, Individually
Jam

FLOW:

Flow Development 1998, Inc.

Mame: Morris H. Wolf

Title: President

STATE OF MARYLAND, CITY/COUNTY OF Baltimore, TO WIT:

I HEREBY CERTIFY that on this 19th day of June, 1998, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Robert M. Summers, known to me (or satisfactorily proven) to be the President of the Board of Trustees of the Central Presbyterian Church of Baltimore County, Maryland, whose name is subscribed to the within instrument, and he/she acknowledged the foregoing Easement Agreement to be the act of Central Presbyterian Church, and in my presence signed and scaled the same.

AS WITNESS my hand and Notarial Seal.

Notary Public

My commission expires:

C. BELLA CHOU Notery Public Blate of Maryland My Commission Expires May 1 2002

YCPKROAD\EASEMENT.AGR

STATE OF MARYLAND, CITY/COUNTY OF Bustimal. TO WIT:

I HEREBY CERTIFY that or this 1879 day of June. 1998, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Harry E. Smith, known to me (or satisfactorily proven) to be the Partner & Authorized Signatory of FHS Realty Associates, whose name is subscribed to the within instrument, and he acknowledged the foregoing Easement Agreement to be the act of the parlnership, and in my presence signed and sealed the same.

WITNESS my hand and Notarial Seal.

Notary Public

My commission expires: 3/7/10

STATE OF MARYLAND, CITY/COUNTY OF Baldings., TO WIT:

I HEREBY CERTIFY that on this 18th day of Vunc, 1998, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Robert A. Ariosa, known to me (or satisfactorily proven) to be the President for Flow Development 1998, Inc., whose name is subscribed to the within instrument, and he acknowledged the foregoing Easement Agreement to be his act, and in my presence signed and sealed the same.

WITNESS my hand and Notarial Seal.

Notary Public

My commission expires: 3/7/80

STATE OF MARYLAND, CITY/COUNTY OF Bultingere

I HEREBY CERTIFY that on this 76th day of June. 1998, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Morris H. Wolf, known to me (or satisfactorily proven) to be the President for Flow Development 1998, Inc., whose name is subscribed to the within instrument, and he acknowledged the foregoing Easement Agreement to be the act of the corporation, and in my presence signed and sealed the same.

WITNESS my hand and Notarial Seal.

Notary Mublic

My commission expires: 2/1/3000

AGREEMENT

It is understood and agreed by the parties hereto who are also the parties to the Deed of Cross-Easement Agreement ("Cross-Easement Agreement") attached hereto as Exhibit A, that

- The Cross-Easement Agreement will neither be dated nor recorded among the Land Records of Baltimore County, Maryland, prior to the transfer by Deed of the FHS/FLOW Property from FHS Realty Associates and Robert J. Ariosa to Flow Development 1998. Inc., and
- If such transfer does not occur, this Agreement shall be and become null, void and of no effect.

IN WITNESS WHEREOF, the parties execute this Agreement as of the of June, 1998.

WITNESS:

Jesse Gardner Clerk of Sessions

WITNESS:

CHURCH:

The Central Presbyterian Church of Baltimore County, Maryland

TO:4108322015

Name: Robert M. Summers Title: President of the Board of

Trustees

FHS:

FHS Realty Associates, a Maryland general partnership

Name: Harrie E. Smith

Title: Partner & Authorized Signatory

Robeit J. Ariosa, Individually

FLOW:

Flow Development 1998, Inc.

Name: Morris H. Wolf

Title: President

PLEASE PRINT CLEARLY

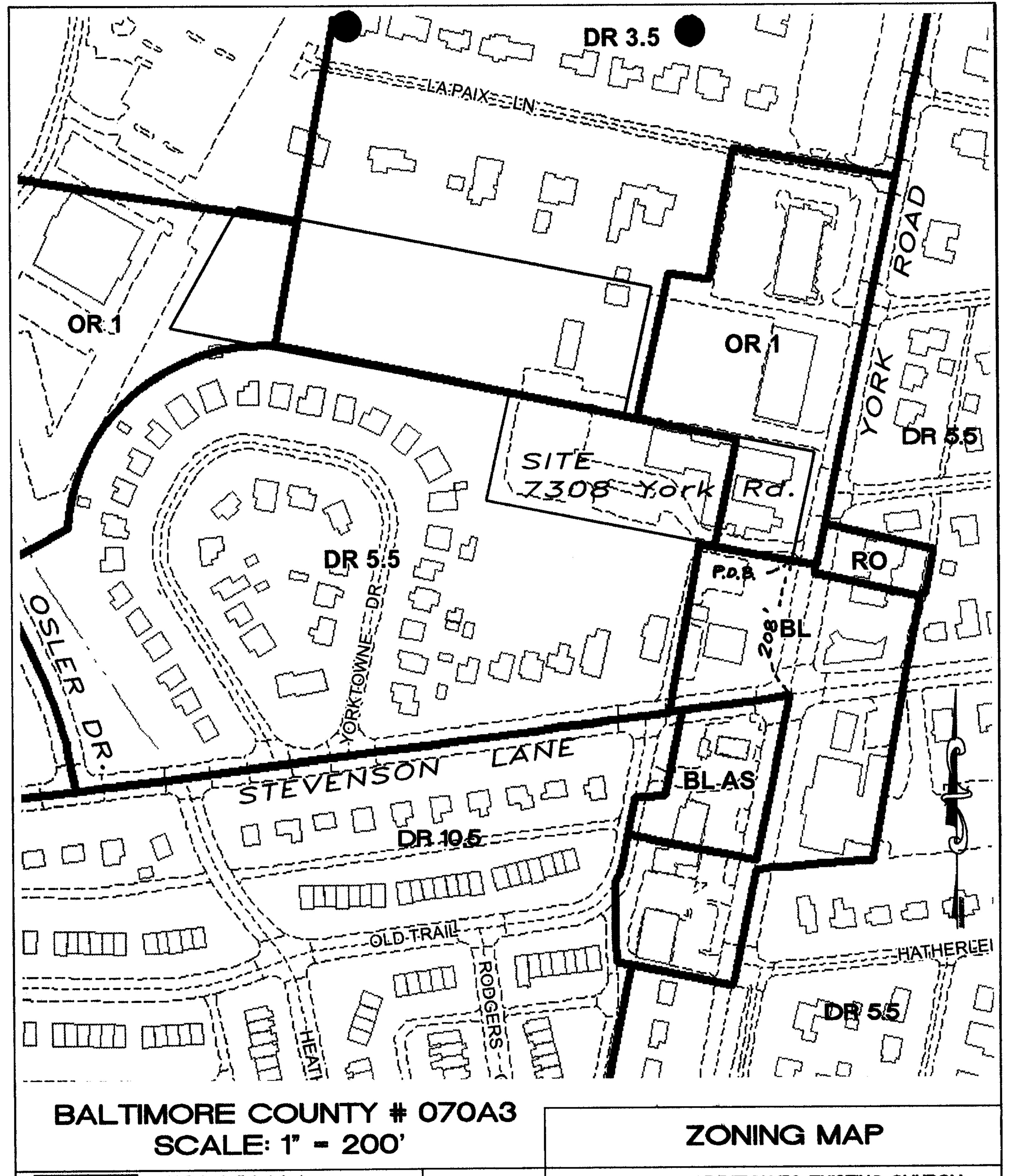
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ETITIONER'S SIGN-IN SHEET

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CITY, STATE, ZIP	he manife HD 21093	1000 MMD 21286	Towson MD 21286	1941 mono me Med 211234	BACTURE MD. 21244								
ADDRESS	8335 Telly As Rd	1309 BROOK MEADEW Da	411 DONESAL DRIVE	8928 Sat 111 111 111	0								
NAME	I'M MCLinke	F S	MARKTONE	21/2	UCLAS L. KENI								

ZONING HEARING FILE INTERNAL CHECKLIST Zoning Case No. 06-431

Date Completed/Initials	
3900	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
# 1 4 K 1 4	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
3/2	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
<u> </u>	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)





KCW Engineering Technologies, Inc. 3106 Lord Baltimore Drive, Suite 110 Baltimore, Maryland 21244 Tele (410) 281-0030 Fax (410) 298-0604 www.KCW-ET.com

KCW J.O.:	2030108
SCALE:	1" = 200'
DESIGNED:	DLK
DRAWN:	YN
CHECKED:	DLK
DATE: MA	VR. 3, 2006

BUILDING ADDITION TO EXISTING CHURCH
CENTRAL PRESBYTERIAN CHURCH
7308 YORK ROAD
TOWSON, MARYLAND

BALTIMORE COUNTY, MARYLAND

ELECTION DISTRICT 09, C-4