

~~Wednesday February 14, 2007 @ 9:00 am Rm 401~~
Wednesday April 18, 2007 @ 9:00 am Rm 401

ST

07.202 202
SPH

CERTIFICATE OF POSTING

1) Posted 1/19 Hearing Date 2/14/07
2) Posted _____ Hearing Date _____

ADS

1) Paper/Date 1/30 Enc ✓
Paper/Date _____ Enc _____

2) Paper/Date _____ Enc _____
Paper/Date _____ Enc _____

P&A FEES

1) _____
2) _____

COMMENTS

Planning _____ Fire ✓ Traffic _____
Critical Area _____ SHA ✓ EPA _____
Health: _____ plans review ✓

Associate _____

Issuing Violation # _____

For Hearing(s) _____

20070202

Note: no "A"

07.202.SPH

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SW corner of Concordia Drive and Cowpens *
Avenue. * DEPUTY ZONING COMMISSIONER
9th Election District
3rd Councilmanic District * OF BALTIMORE COUNTY
(1145 Concordia Drive)

Michael and Honey Constantine, George M., Jr.
and Ann Sagi Ward, Carl and Edna Rau, *
Christopher Donald and Ashley Bailey Semesky,
Ross E. and Rhonda M. Memphis, and *
Donald Eugene and Mary R. Sloat, for
Baltimore Lutheran High School
Association, Inc.

Legal Owners

*

CASE NO. 07-202-SPH

* * * * *

CONSENT ORDER AND DISMISSAL

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at 1145 Concordia Drive. The Petition was filed by Michael and Honey Constantine, George M., Jr. and Ann Sagi Ward, Carl and Edna Rau, Christopher Donald and Ashley Bailey Semesky, Ross E. and Rhonda M. Memphis and Donald Eugene and Mary R. Sloat, adjacent and nearby property owners. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to 15 questions regarding a tent structure on school property.

1. Whether the Zoning Commissioner/Deputy Zoning Commissioner have the exclusive authority, pursuant to the Baltimore County Charter to interpret the zoning regulations of Baltimore County for defined terms, as well as undefined terms in the zoning regulations?
2. Whether the use at the above property of a tent structure as an accessory building is an accessory use or building, under 1B01.1A (14), as a school facility, or under Section 18, an accessory use or building and whether same, as originally petitioned as a cover for a tennis court, is subject to the height and area regulations provided for buildings, as set forth in BCZR, Section 400?

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3. Whether the tent-like covering at the above property is exempt, under the provisions of Section BCZR 300.1, for exceptions to height, for cupolas or domes, where such structure has a horizontal area greater than 25% of the roof area of the building?
4. Whether the above tent-like structure constitutes a special exception use for a community building, including a tennis facility, pursuant to BCZR 1B01.1.C, Uses Permitted by Special Exception (for) community buildings, swimming pool, commercial beaches, golf course, country clubs or other similar civic, social, recreational or educational uses, including tennis facilities provided that no tennis facility in a DR1 or DR2 zone shall comprise more than 4 courts?
5. Whether the tent-like structure was properly represented by the property owner to Baltimore County, and/or is subject to residential transition area regulations, under 1B01.1.B.1.b, where the subject property lies adjacent to land zoned DR2, which contains a single family detached, semi-detached, or duplex drawing within 150 feet of the tract boundary?
6. Whether the tent-like structure use is a permitted use referred to in the RTA uses, under BCZR 1B01.1.B.1.d, to include the tent-like structure, as well as the parking area, under the referenced regulation?
7. Whether the tent-like structure in use from the subject property meets the requirements, under the BCZR, as an exception to residential transition, under 1B01.1.B.1.g?
8. Whether the tented structure constitutes, as originally applied for, under the BCZR definitions, a building or tennis facility, or accessory building, or accessory use or structure, or commercial recreational facility, as defined under the BCZR, and as interpreted by the Zoning Commissioner/Deputy Zoning Commissioner?
9. Whether the owner of the subject property is subject to the BCZR requirements of Section 102.2, General Requirements, that no yard space or minimum area required for a building or use shall be considered as any part of the yard space or minimum area for another building or use?
10. Whether the owner of the subject property is subject to the BCZR, Section 102.1, that no land shall be used or occupied and no building or structure shall be erected, altered, located or used, except in conformity with these regulations and this shall include any extension of a lawful non-conforming use?
11. Whether the subject property enjoys a valid non-conforming use status for the tented structure or for its parking area?
12. Whether the property owners' lease of its facilities as a proprietary function for remuneration makes the property subject, beginning with the lease of the property, to not qualify as a school related recreational facility, but rather subject to the special exception requirements for a community recreational facility?

13. Whether the subject owner, by applying for this tented structure solely as a covering for its tennis courts misrepresented the application, based on its change in use of the tented structure in its non-compliance with the BCZR generally, under BCZR 102.6, 102.7, 103.1?
14. Whether the Petitioner's use of a tented structure at the subject property is grandfathered under the provisions of the BCZR generally or Section 103.1, where the property owners have represented of Baltimore County that there have been no prior zoning hearings with regard to the subject property?
15. Whether the Petitioner's use of the tented structure on the subject property complies with the requirements of Section 500.1 of the BCZR, all applications to the building engineer for building permits shall be submitted to the Zoning Commissioner for approval by the Commissioner as to zoning, before any permits shall be issued. Before approving any such application, Zoning Commissioner shall be satisfied that the application is in proper form and contains all necessary information, and that the proposed building or use of land, building or structure complies in all respects with the regulations then in effect with respect to zoning, based on the apparent misrepresentation of the proposed use of the tented structure by the subject property owner to Baltimore County, upon application for a building permit?

This case was originally scheduled to be heard on February 14, 2007 but was postponed because of inclement weather. The property had been posted with Notice of Hearing on January 19, 2007, for 15 days prior to the February 14 hearing, in order to notify all interested citizens of the requested zoning relief. This required 15 signs to be posted on the property. In addition, a Notice of Zoning hearing for the February 14 hearing was published in "The Jeffersonian" newspaper on January 30, 2007, to notify any interested persons of the scheduled hearing date. These notices contained all 15 questions asked in the Petition.

The case was rescheduled for hearing on April 18, 2007. By agreement of counsel, the notice provisions were reduced to "numerous questions regarding a tent structure on school property" and the property was reposted on April 7, 2007. In addition notice of the April 18, 2007 hearing was published in the Jeffersonian Newspaper on April 3, 2007.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) Comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing were Herbert Malmud, civil engineer who prepared the site plan, as well as Michael and Honey Constantine, George M., Jr. and Ann Sagi Ward, Carl and Edna Rau, Christopher Donald and Ashley Bailey Semesky, Ross E. and Rhonda M. Memphis and Donald Eugene and Mary R. Sloat, Petitioners. Michael P. Tanczyn, Esquire, represented the Petitioners. Also appearing in support of the Petitioners' request were residents of the surrounding community and also representatives of the surrounding community associations. These individuals are too numerous to mention and specifically identify herein. However, all have signed in on the Petitioner's Sign-In Sheets. Reference is made to the sign-in sheets which are contained within the Hearing Officer's file.

Appearing in opposition to the Petitioners' request were persons affiliated with the school and residents of the surrounding communities and also representatives of the surrounding community associations. These individuals are too numerous to mention to specifically identify herein. However, all have signed in on the Citizen and Protestant Sign-In Sheets. Reference is made to the sign-in sheets which are

contained within the Hearing Officer's file. Arnold Jablon Esquire, represented the respondents. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 23.5 acres +/- and is zoned DR 2 and contains the Baltimore Lutheran High School and associated buildings. The file reflects community adjacent to the school concerns regarding use of a large canopy which the school erected over its tennis courts. Apparently the canopy was a symbol of other disputes between the school and the community.

At the initial hearing, Mr. Jablon presented an oral Motion to Dismiss the Petition on several grounds including his assertion that a valid permit had been issued by the County to allow the canopy to be erected. He indicated that this Commission had no legal authority to overrule the Director of Permits and Development Management issuance of a building permit for same. In response Mr. Tanczyn reviewed this Commission's history of accepting such Petitions, and applicable appellate cases relating to this procedure. However thereafter the Parties entered into settlement discussions and jointly requested that the case be continued to allow more time for the Parties to resolve their disputes.

On May 11, 2007 the Parties by counsel jointly presented a letter of agreement dated May 10, 2007 which provides for certain understandings between the Parties including installation of screening on School property, limitations on lighting and use of athletic fields, etc., which was accepted a Joint Exhibit 1. In addition the Parties jointly requested that the terms of the agreement be enforceable by the County Code Enforcement Office and sent a copy to the Office of Law for review. Finally the Petitioners agreed to dismiss the Petition and the Respondents agreed there would be no need for this Commission to rule upon the Motion to Dismiss.

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Findings of Fact and Conclusions of Law

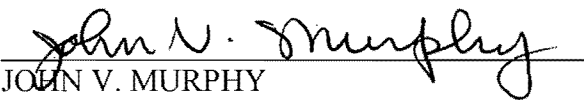
I find the agreement between the Parties most reasonable as it will enhance the health, safety and welfare of the community including the School. Therefore I will incorporate the agreement of May 10, 2007 into the Order in this case and dismiss the Petition without prejudice having been withdrawn by the Petitioners.

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 Petitioner, I find that the Petitioners' request for special hearing should be dismissed with conditions.

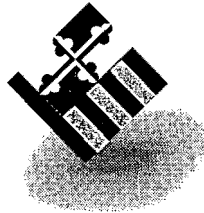
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 06th day of June 2007, that the Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) involving 15 questions regarding a tent structure on school property is hereby DISMISSED without prejudice subject to the following conditions:

1. The Parties agreement dated May 10, 2007 and accepted as Joint exhibit 1 is hereby incorporated into the Order of this case; and
2. The terms and conditions of the May 10, 2007 Agreement shall be enforceable by Baltimore County.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

6-11-07
PZ
VM:pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 8, 2007

MICHAEL P. TANCZYN, ESQUIRE
LAW OFFICES OF MICHAEL P. TANCZYN
606 BALTIMORE AVENUE, SUITE 106
TOWSON, MD 21204

Re: Petition for Special Hearing
Case No. 07-202-SPH
Consent Order and Dismissal
Property: 1145 Concordia Drive

Dear Mr. Tanczyn:

Please find attached the Consent Order and Dismissal for the above-referenced case. This matter has been dismissed without prejudice.

Very truly yours,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz

Enclosure

c: Arnold Jablon, Esquire, Venable LLP, 210 Allegheny Avenue, Towson MD 21204

SCARLETT & CROLL, P.A.

ATTORNEYS AT LAW
SUITE 600
201 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201-4110

(410) 468-3100
TELEFAX (410) 332-4026

May 10, 2007

VIRGINIA OFFICE:
515 KING STREET
SUITE 400
ALEXANDRIA, VIRGINIA 22314

**VIA ELECTRONIC MAIL (mptlaw@verizon.net)
AND HAND DELIVERY**

Michael P. Tanczyn, Esquire
606 Baltimore Ave., Ste. 106
Towson, MD 21204

Re: Baltimore Lutheran School
1145 Concordia Dr.
Towson, MD 21286

Dear Mike:

This letter constitutes a "letter of intent" with regard to the resolution by and between Baltimore Lutheran High School Association, Inc. ("BLS"), and Michael Constantine, Honey Constantine, George Ward, Ann Ward, Carl Rau, Edna Rau, Christopher Semesky, Ashley Semesky, Ross Memphis, Rhonda Memphis, Donald Sloat and Mary Sloat (collectively, the "Zoning Litigants") concerning certain disputes. By signing this letter in the spaces provided below¹, the parties acknowledge the following terms and conditions of their settlement agreement, which terms and conditions shall be incorporated into Deputy Zoning Commissioner Murphy's closing memorandum regarding the pending Petition for Special Hearing proceeding:

Zoning Litigants will agree to:

- A. request that www.baltimorelutheraninfo.org website be taken offline (or at least send letter denouncing it and/or indicating that matters are being resolved, there is no further need for website, and website is not endorsed)
- B. dismiss pending zoning litigation with consent agreement incorporated into Deputy Zoning Commissioner's order of dismissal
- C. forbear from filing threatened nuisance and diminished value lawsuits
- D. acknowledge that BLS has plans to build chapel/fine arts building

BLS will agree to:

- E. install metal (green vinyl-covered chain link) 6 ft. high fence running along Bridges' property (approx. 150 ft.) and parallel to Concordia Dr. from Bridges' property to main entrance driveway (approx. 1,100 ft.) prior to 2007/2008 academic year, present service driveway to be blocked by either said fence line or, if any required approval of alternate access cannot be obtained or if alternate access is not economically feasible, a locked gate

¹ Facsimile signatures shall be considered as if they were original signatures and, if executed simultaneously in counterparts, each counterpart shall be deemed an original, but all, together, shall constitute one and the same instrument.

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6-11-07
PB

Joint #1

Michael P. Tanczyn, Esquire
Douglas W. Desmarais, Esquire
May 10, 2007
Page 2

- F. plant staggered row of 7 ft. high Leyland Cyprus trees running parallel to Concordia Dr. from Bridges' property to main entrance driveway, between fence and Concordia Dr. by end of Spring 2008 planting season
- G. plant row of 7 ft. high Leyland Cyprus trees atop berm between upper and lower playing fields (approx. 400 ft.) by end of Spring 2008 planting season
- H. sign written agreement that BLS will not illuminate outdoor playing fields for 15 years
- I. install shields on, or redirect, exterior lights (approx. 3)
- J. no use of outdoor playing fields on Sundays during Summer
- K. no non-BLS use of outdoor playing fields on Sundays during academic year
- L. no BLS use of outdoor playing fields on Sundays except between 1:00 p.m. and 5:00 p.m.
- M. no use of outdoor playing fields before 10:00 a.m. on Saturdays
- N. no use of outdoor playing fields before 8:00 a.m. on weekdays during Summer
- O. end use of outdoor playing fields at dusk
- P. provide personnel to monitor indoor and outdoor athletic facility use
- Q. end non-BLS use of indoor athletic facilities by 9:00 p.m. (with facility vacated, and non-security lights turned off, by 9:15 p.m.) on weekdays and Saturdays
- R. permit non-BLS use of indoor athletic facilities no earlier than 9:00 a.m. on Saturdays
- S. permit use of indoor athletic facilities no earlier than 1:00 p.m. on Sundays
- T. end use of indoor athletic facilities by 7:00 p.m. (with facility vacated, and non-security lights turned off, by 7:15 p.m.) on Sundays

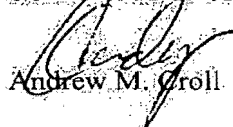
The parties jointly will agree to:

- U. Negotiate in good faith with each other in the event any of them seeks to modify any of the foregoing terms

Your continued courtesy and cooperation in this matter are greatly appreciated.

Very truly yours,

SCARLETT & CROLL, P.A.


Andrew M. Croll

cc: Arnold E. Jablon, Esquire

FORM RECEIVED FOR FILING
6-11-07


Michael P. Tanczyn, Esquire
Douglas W. Desmarais, Esquire
May 10, 2007
Page 3

UNDERSTOOD AND AGREED:

Michael Constantine
MICHAEL CONSTANTINE

Honey Constantine
HONEY CONSTANTINE

George M. Ward
GEORGE WARD

Ann Ward
ANN WARD

Carl W. Rau
CARL RAU

Edna Rau
EDNA RAU

Christopher Semesky
CHRISTOPHER SEMESKY

Ashley Semesky
ASHLEY SEMESKY

Ross Memphis
ROSS MEMPHIS

Rhonda Memphis
RHONDA MEMPHIS

Donald Sloat
DONALD SLOAT

Mary Sloat
MARY SLOAT

FORM RECEIVED FOR FILING
6-11-07
PB

Michael P. Tanczyn, Esquire
Douglas W. Desmarais, Esquire
May 10, 2007
Page 4

BALTIMORE LUTHERAN HIGH
SCHOOL ASSOCIATION, INC.

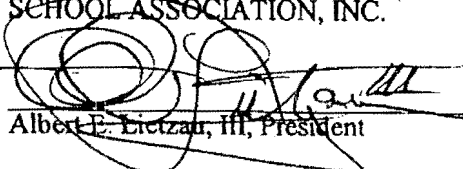
By: Albert E. Lietzau, III, President

STAMP RECEIVED FOR FILE
6-11-07
PB

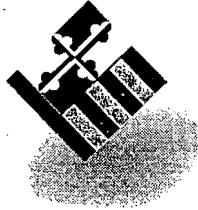
Michael P. Tanczyn, Esquire
Douglas W. Desmarais, Esquire
May 10, 2007
Page 4

BALTIMORE LUTHERAN HIGH
SCHOOL ASSOCIATION, INC.

By:


Albert E. Lietzau, III, President

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6-11-07
PO



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 14, 2007

WILLIAM J. WISEMAN III
Zoning Commissioner

MICHAEL P. TANCZYN, ESQUIRE
LAW OFFICES OF MICHAEL P. TANCZYN
606 BALTIMORE AVENUE, SUITE 106
TOWSON, MD 21204

ARNOLD JABLON, ESQUIRE
VENABLE LLP
210 ALLEGHENY AVENUE
TOWSON, MD 21204

Re: Petition for Special Hearing
Case No. 07-202-SPH
Property: 1145 Concordia Drive

Dear Messrs. Tanczyn and Jablon:

Please find attached a draft consent order and dismissal for your review. I understand that you provided the Office of Law a copy of the Agreement of May 10, 2007 for their review and comment since you are requesting the County enforce the terms of the agreement.

Please let me hear from you at your convenience.

Very truly yours,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz

Enclosure



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1145 Concordia Drive

which is presently zoned DR2

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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See attachment

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Michael P. Tanczyn, Esquire

Name - Type or Print

Signature

Michael P. Tanczyn, P.A.

Company

606 Baltimore Avenue, Ste. 106

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Baltimore Lutheran High School,
Association, Inc.

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Herbert MALMUD

Name

12018 Ridge Valley DR. 410308 0442

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 4.5 hrs

UNAVAILABLE FOR HEARING

Case No. 07-202-JPH

REV 9/15/98

Reviewed By JF/WCR Date 11-3-06

DROP-OFF

PETITION FOR SPECIAL HEARING

1145 Concordia Drive

Legal Owner(s) attachment:

Michael Constantine

1132 Concordia Drive
Baltimore, MD 21286
Telephone No.:

410-321-1428

Signature:

Michael Constantine

Honey Constantine

1132 Concordia Drive
Baltimore, MD 21286
Telephone No.:

(410) 321-1428

Signature:

Honey Constantine

George M. Ward, Jr.

1124 Concordia Drive
Baltimore, MD 21286
Telephone No.:

410-825-7611

Signature:

George M. Ward, Jr.

Ann Sagi Ward

1124 Concordia Drive
Baltimore, MD 21286
Telephone No.:

410-825-7611

Signature:

Ann Sagi Ward

Carl Rau

1126 Concordia Drive
Baltimore, MD 21286
Telephone No.:

410-823-5538

Signature:

Carl Rau

Edna Rau

1126 Concordia Drive
Baltimore, MD 21286
Telephone No.:

410-823-5538

Signature:

Edna Rau

Christopher Donald Semesky

1130 Concordia Drive

Baltimore, MD 21286

Telephone No.:

410-821-7038

Signature:

Ashley Bailey Semesky

1130 Concordia Drive

Baltimore, MD 21286

Telephone No.:

410-821-7038

Signature:

Ross E. Memphis

1136 Concordia Drive

Baltimore, MD 21286

Telephone No.:

410-828-1136

Signature:

Rhonda M. Memphis

1136 Concordia Drive

Baltimore, MD 21286

Telephone No.:

410-828-1136

Signature:

Donald Eugene Sloat

1138 Concordia Drive

Baltimore, MD 21286

Telephone No.:

410-823-1807

Signature:

Mary R. Sloat

1138 Concordia Drive

Baltimore, MD 21286

Telephone No.:

410-823-1807

Signature:

ATTACHMENT

1. Whether the Zoning Commissioner/Deputy Zoning Commissioner have the exclusive authority, pursuant to the Baltimore County Charter to interpret the zoning regulations of Baltimore County for defined terms, as well as undefined terms in the zoning regulations?
2. Whether the use at the above property of a tent structure as an accessory building is an accessory use or building, under 1B01.1A (14), as a school facility, or under Section 18, an accessory use or building and whether same, as originally petitioned as a cover for a tennis court, is subject to the height and area regulations provided for buildings, as set forth in BCZR, Section 400?
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or used, except in conformity with these regulations and this shall include any extension of a lawful non-conforming use?

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15. Whether the Petitioner's use of the tented structure on the subject property complies with the requirements of Section 500.1 of the BCZR, all applications to the building engineer for building permits shall be submitted to the Zoning Commissioner for approval by the Commissioner as to zoning, before any permits shall be issued. Before approving any such application, Zoning Commissioner shall be satisfied that the application is in proper form and contains all necessary information, and that the proposed building or use of land, building or structure complies in all respects with the regulations then in effect with respect to zoning, based on the apparent misrepresentation of the proposed use of the tented structure by the subject property owner to Baltimore County, upon application for a building permit?

H. MALMUD & ASSOCIATES, INC.
12018 RIDGE VALLEY DRIVE
OWINGS MILLS, MARYLAND 21117
TELEPHONE 410 308-0442

ZONING DESCRIPTION
1145 CONCORDIA DRIVE
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME AT THE INTERSECTION FORMED BY THE SOUTH SIDE OF CONCORDIA DRIVE, 50 FEET WIDE AND THE CENTER OF COWPENS AVENUE, THENCE BINDING ON OR NEAR THE CENTER OF SAID COWPENS AVENUE THE THREE (3) FOLLOWING COURSES AND DISTANCES:

- (1) SOUTH 22 DEGREES 45' 00" EAST 60.20 FEET,
- (2) SOUTH 36 DEGREES 56' 00" EAST 362.80 FEET,
- (3) SOUTH 05 DEGREES 48' 30" EAST 55.27 FEET TO THE RIGHT OF

WAY LINE OF THE BALTIMORE BELTWAY, I-695,
THENCE BINDING THEREON THE SIXTEEN (16) FOLLOWING COURSES AND DISTANCES:

- (4) SOUTH 85 DEGREES 37' 00" WEST 17.42 FEET
- (5) SOUTH 08 DEGREES 01' 27" WEST 102.39 FEET,
- (6) SOUTH 19 DEGREES 21' 58" WEST 54.63 FEET,
- (7) SOUTH 06 DEGREES 22' 24" WEST 101.79 FEET,
- (8) SOUTH 03 DEGREES 21' 42" EAST 75.55 FEET,
- (9) SOUTH 69 DEGREES 54' 56" WEST 213.34 FEET,
- (10) NORTH 72 DEGREES 40' 33" WEST 19.14 FEET,
- (11) NORTH 10 DEGREES 02' 20" EAST 131.13 FEET,
- (12) SOUTH 85 DEGREES 43' 27" WEST 149.65 FEET,
- (13) NORTH 79 DEGREES 19' 53" WEST 455.03 FEET,
- (14) NORTH 79 DEGREES 23' 17" WEST 100.00 FEET,
- (15) SOUTH 55 DEGREES 47' 10" WEST 131.38 FEET,
- (16) NORTH 55 DEGREES 54' 33" WEST 352.55 FEET,
- (17) NORTH 56 DEGREES 53' 05" WEST 101.27 FEET,
- (18) NORTH 58 DEGREES 48' 00" WEST 52.38 FEET,
- (19) NORTH 47 DEGREES 47' 00" WEST 361.55 FEET THENCE LEAVING

THE SAID BELTWAY AND BINDING ON THE EASTERLY SIDE OF 1127 CONCORDIA DRIVE:

(20) NORTH 17 DEGREES 13' 00" EAST 286.60 FEET TO INTERSECT THE SOUTH SIDE OF CONCORDIA DRIVE THENCE BINDING THEREON THE TWO (2) FOLLOWING COURSES AND DISTANCES:

(21) BY A LINE CURVING TO THE LEFT WITH A RADIUS OF 661.00 FEET, AN ARC LENGTH OF 59.03 FEET, CHORD BEARING AND DISTANCE OF SOUTH 82 DEGREES 08' 55" EAST 59.01 FEET AND

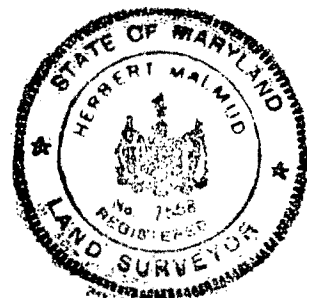
(22) SOUTH 84 DEGREES 14' 55" EAST 1361.87 FEET TO THE PLACE OF BEGINNING.

CONTAINING 23.5 ACRES OF LAND, MORE OR LESS.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE.

THIS PROPERTY IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY, AND/OR COVENANTS OF RECORD AND LAW. A TITLE REPORT WAS NOT FURNISHED FOR THIS DESCRIPTION.

HERBERT MALMUD
REGISTERED LAND SURVEYOR
MARYLAND # 7558
OCTOBER 29, 2006



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21783

DATE 11-3-06 ACCOUNT 001-006-6150

AMOUNT \$ 325.00

RECEIVED
FROM:

Michael Paul Toney

FOR:

1115 Concordia Dr. Balto. Lutheran
Det. Br. Special Hearing High School
OROC-EE Item # 202

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED
11/03/2006 11/03/2006 09:25:11
RECEIVED
11/03/2006 11/03/2006
RECEIPT # 001032 11/03/2006
Dept 5 528 200000 VERIFICATION
CR NO. 021783

Receipt Tot \$325.00
\$325.00 OK \$4.00 EA
Baltimore County, Maryland

CASHIER'S VALIDATION

**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: #07-202-SPH

1145 Concordia Drive
Southwest corner of Con-
cordia Drive and Cowpens
Avenue

9th Election District
3rd Councilmanic District
Legal Owner(s): Baltimore
Lutheran High School
Association, Inc.

Special Hearing: to ad-
dress numerous questions
regarding a tent structure
on school property.

Hearing: Wednesday,
February 14, 2007 at 9:00
a.m. In Room 106, County
Office Building, 111 West
Chesapeake Avenue,
Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-3868.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

JT/1/788 Jan. 30, 123395

CERTIFICATE OF PUBLICATION

2/1/, 2007

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 1/30/, 2007.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

**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: #07-202-SPH

1145 Concordia Drive
Southwest corner of Concordia Drive and Cowpens Avenue

9th Election District

3rd Councilmanic District

Legal Owner(s): Baltimore

Lutheran High School Association, Inc.

Special Hearing: to address numerous questions regarding a tent structure on school property.

Hearing: Wednesday,
April 18, 2007 at 9:00
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.

JT/4/617 Apr. 3 130242

CERTIFICATE OF PUBLICATION

4/5/, 2007

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/3/, 2007.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-202-SPH

Petitioner/Developer: BALTO. LUTHERAN H.S.

Date of Hearing/Closing: FEB. 14, 2007

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 penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at _____

1145 CONCORDIA DRIVE
13 SIGNS - 15 ISSUES

The sign(s) were posted on JAN. 10, 2007
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)



CERTIFICATE OF POSTING

RE: Case No.: 07-202-SPH

Petitioner/Developer: M. TANICZYK

Date of Hearing/Closing: APRIL 18, 2007

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 penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at _____

1145 CONCORDIA DRIVE

The sign(s) were posted on APRIL 2, 2007
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

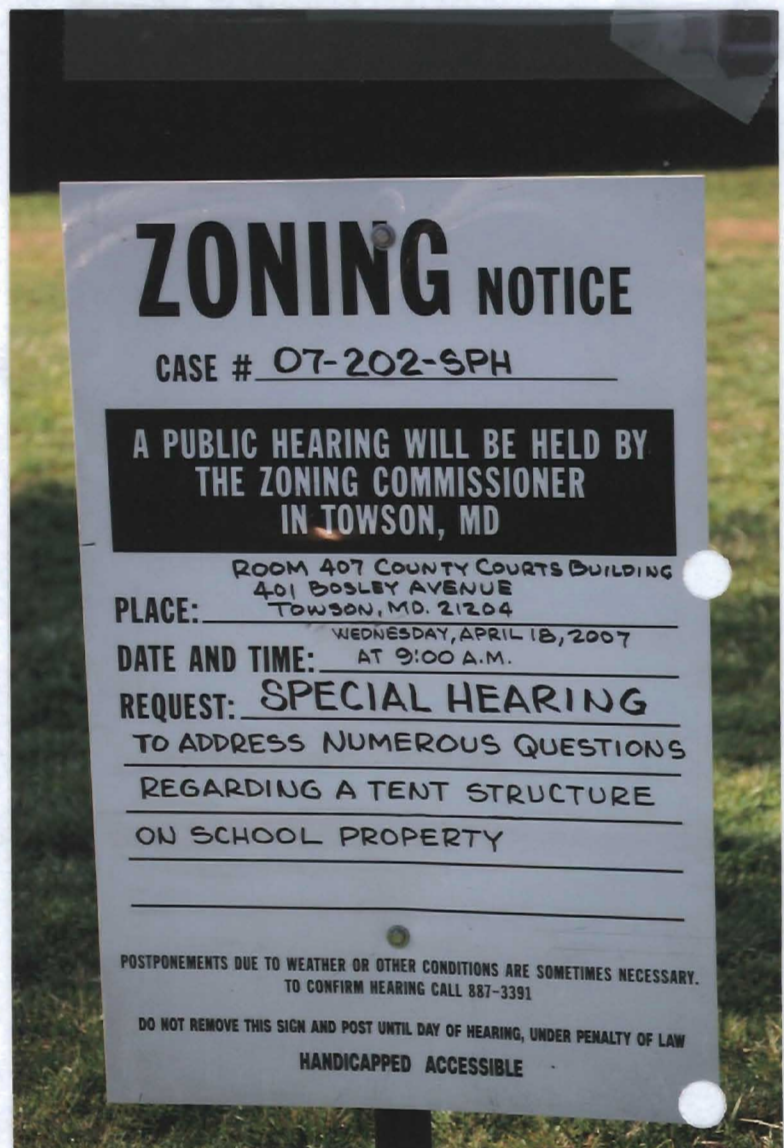
GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)





**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 07-202-SPH

Petitioner: Michael CONSTANTINE AT AL

Address or Location: 1145 CONCORDIA DRIVE BALTO MD 21286

PLEASE FORWARD ADVERTISING BILL TO:

Name: Michael TAN C23W

Address: STE 106

606 BALTIMORE AVE

TOWSON MD 21204

Telephone Number: 410 296 8823

Revised 7/11/05 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 30, 2007 Issue - Jeffersonian

Please forward billing to:

Mike Tanczyn
606 Baltimore Avenue, Ste. 106
Towson, MD 21204

410-296-8823

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: 07-202-SPH

1145 Concordia Drive

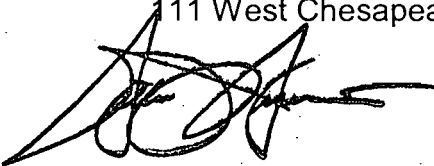
Southwest corner of Concordia Drive and Cowpens Avenue

9th Election District – 3rd Councilmanic District

Legal Owners: Baltimore Lutheran High School Association, Inc.

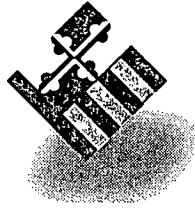
Special Hearing to address numerous questions regarding a tent structure on school property.

Hearing: Wednesday, February 14, 2007 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake 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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY J. KOTROCO
January 4, 2007
Director
Department of Permits and
Development Management

NEW 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: 07-202-SPH

1145 Concordia Drive

Southwest corner of Concordia Drive and Cowpens Avenue

9th Election District – 3rd Councilmanic District

Legal Owners: Baltimore Lutheran High School Association, Inc.

Special Hearing to address numerous questions regarding a tent structure on school property.

Hearing: Wednesday, February 14, 2007 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Michael Tanczyn, 606 Baltimore Avenue, Ste. 106, Towson 21204
Arnold Jablon, 210 Allegheny Avenue, Towson 21204
Herbert Malmud, 12018 Ridge Valley Drive, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 30, 2007.**
- (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.

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: February 16, 2007

TO: Kristen Matthews
Department of Permits & Development Management

FROM: Patti Zook, Legal Secretary to
John V. Murphy, Deputy Zoning Commissioner

SUBJECT: Petition for Special Hearing
Case No. 07-202-SPH

The above-referenced case needs to be rescheduled because of inclement weather on Wednesday, February 14, 2007. The file is being returned to you for safe keeping.

Thank you for your attention and cooperation in this matter.

CASE NUMBER: 7-202-SPH

1145 Concordia Drive

Location: SW corner of Concordia Drive and Cowpens Avenue.

9th Election District, 3rd Councilmanic District

Legal Owner: Michael and Honey Constantine, George M., Jr. and Ann Sagi Ward, Carl and Edna Rau, Christopher Donald and Ashley Bailey Semesky, Ross E. and Rhonda M. Memphis and Donald Eugene and Mary R. Sloat

SPECIAL HEARING: 15 questions regarding a tent structure on school property. See Petition.

Hearing: Wednesday, 2/14/2007 at 9:00:00 AM, County Office Building, 111 West Chesapeake Avenue, Room 106, Towson 21204.

*pod date Mike Tanen
March 19
22
28
29
30
Schedule for
Jm*

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 3, 2007 Issue - Jeffersonian

Please forward billing to:

Mike Tanczyn
606 Baltimore Avenue, Ste. 106
Towson, MD 21204

410-296-8823

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: 07-202-SPH

1145 Concordia Drive

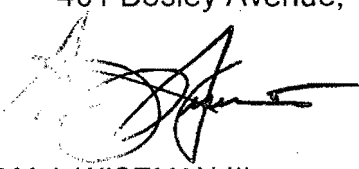
Southwest corner of Concordia Drive and Cowpens Avenue

9th Election District – 3rd Councilmanic District

Legal Owners: Baltimore Lutheran High School Association, Inc.

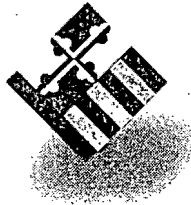
Special Hearing to address numerous questions regarding a tent structure on school property.

Hearing: Wednesday, April 18, 2007 at 9:00 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

March 2, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

NEW 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: 07-202-SPH

1145 Concordia Drive

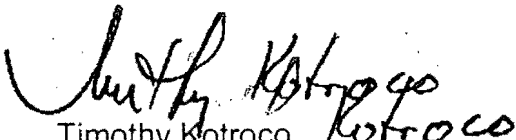
Southwest corner of Concordia Drive and Cowpens Avenue

9th Election District – 3rd Councilmanic District

Legal Owners: Baltimore Lutheran High School Association, Inc.

Special Hearing to address numerous questions regarding a tent structure on school property.

Hearing: Wednesday, April 18, 2007 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204


Timothy Kotroco
Director

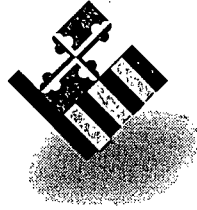
TK:klm

C: Michael Tanczyn, 606 Baltimore Avenue, Ste. 106, Towson 21204

Arnold Jablon, 210 Allegheny Avenue, Towson 21204

Herbert Malmud, 12018 Ridge Valley Drive, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 3, 2007.**
- (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.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

February 7, 2007

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, MD 21204

Dear Mr. Tanczyn:

RE: Case Number: 07-202-SPH, 1145 Concordia Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 3, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Herbert Malmud 12018 Ridge Valley Drive Owings Mills 21117
Arnold Jablon Venable 210 Allegheny Avenue Towson 21204



Baltimore County
Fire Department

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

November 16, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 13, 2006

Item Number(s): Item 202

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.

... 3The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11-13-2006

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

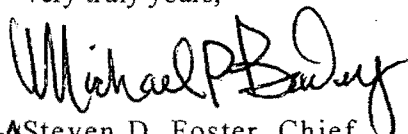
RE: Baltimore County
Item No. 7-202-SPH
1145 CONCORDIA DRIVE
MICHAEL & HONEY CONSTANTINE
SPECIAL HEARING - TENT ON
SCHOOL PROPERTY

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-202-SPH.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 20, 2006
Item Nos. 07-202, 203, 204, 205, 206, 207,
208, 209, 210, 211, and 212

DATE: November 14, 2006

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-11142006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: November 30, 2006

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

RECEIVED
APR 13 2007

BY:

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-202- Special Hearing

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:

Bill Hughey

Division Chief:

Lynda Farkas

CM/LL

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
1145 Concordia Drive; SW corner
Concordia Drive & Cowpens Avenue * ZONING COMMISSIONER
9th Election & 3rd Councilmanic Districts *
Legal Owner(s): Baltimore Lutheran High * FOR
School Association, Inc, et al.
Petitioner(s) * BALTIMORE COUNTY
* 07-202-SPH

* * * * *

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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 15th day of November, 2006, a copy of the foregoing Entry of Appearance was mailed to, Herbert Halmud, 12018 Ridge Valley Drive, Owings Mills, MD 21117 and Michael Tanczyn, Esquire, 606 Baltimore Avenue, St. 106, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

NOV 15 2006

Per... *KM*.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PETITION FOR SPECIAL HEARING
1145 Concordia Drive, SW corner
Concordia Drive & Cowpens Avenue 9th Election
& 3rd Councilmanic District Legal Owner(s)
Baltimore Lutheran High School Association, Inc., et al

BEFORE THE ZONING
COMMISSIONER
OF
BALTIMORE COUNTY
CASE NO:07-202-SPH

AFFIDAVIT OF SERVICE

I, Cynthia Niemcyk, do solemnly swear under the penalties of perjury that the statements made herein are true to the best of my knowledge, information and belief.

1. I am a competent person over the age of eighteen and not a party to the case.
2. I served a Subpoena Duces Tecum, by personal delivery to, Vernon Walsh, 318 Hawthorne Ct., Westminster, Md., 21158.

DATE: 04-07-07

Cynthia Niemcyk
Cynthia Niemcyk
P.O. Box 1196
Hunt Valley, MD 21030
(410)628-7873
Bond's Sure Serve

DATE	TIME	RACE	M-F	HT	WT	D.O.B
<u>04-07-07</u>	<u>9:10AM</u>	<u>WHITE</u>	<u>MALE</u>	<u>5-9</u>	<u>235</u>	<u>55</u>

PETITION FOR SPECIAL HEARING
1145 Concordia Drive; SW corner
Concordia Drive & Cowpens Avenue
9th Election & 3rd Councilmanic Districts
Legal Owner(s): Baltimore Lutheran High
School Association, Inc., et al.

BEFORE THE ZONING
COMMISSIONER
OF
BALTIMORE COUNTY
07-202-SPH

* * * * *

SUBPOENA DUCES TECUM

TO: Vernon Walsh
Baltimore Lutheran High School
1145 Concordia Drive
Towson, Maryland 21286

You are hereby commanded to appear and bring to the hearing:

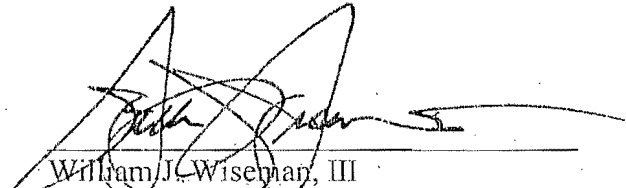
1. Copies of rental contracts and rental income statements for the last five (5) years:
2002 - 2007.
2. Proofs of payment under the rental contracts, as received by Baltimore Lutheran
School.
3. An accounting statement showing rentals received for each of those years.
4. Any executory contracts for future rentals of the facilities, including buildings,
rooms, or athletic facilities for any parties from 2002 and prospectively from the present.

on: Wednesday, April 18, 2007 @ 9:00 a.m.

at: Baltimore County Courts Building
Room 407
401 Bosley Avenue
Towson, MD 21204

This Subpoena was requested by Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Suite
106, Towson, Maryland, 21204, 410-296-8823, counsel for Petitioner(s), and any questions should
be referred to that office.

March 30, 2007
DATE



William J. Wiseman, III
Zoning Commissioner

MICHAEL TANCZYN
606 BALTIMORE AVE
TOWSON, MD 21204

FEDERAL TAX ID: 52-2053913

4/11/2007

#21439

Enclosed please find the following names, and code numbers completed by Bond's Sure Serve

VERNON WALSH 318 HAWTHORNE CT WESTMINSTER, MD 21158	SPECIAL HEARING	\$60.00
---	-----------------	---------

RELOCATED ADDRESS		\$15.00
-------------------	--	---------

THANK YOU
BOND'S SURE SERVE
PO BOX 1196
COCKEYSVILLE, MD 21030

TOTAL: \$75.00

RAYMOND BOND

Raymond Bond

LAW OFFICES
MICHAEL P. TANCZYN, P.A.

Suite 106 • 606 Baltimore Avenue
Towson, Maryland 21204
Phone: (410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827
Email: mptlaw@verizon.net

March 29, 2007

RECEIVED

APR - 3 2007

Arnold Jablon, Esquire
210 Allegheny Avenue
Towson, MD 21285-5517

ZONING COMMISSIONER

Re: Protest of 1145 Concordia Drive
Baltimore Lutheran High School, ASN, Inc.
23.241 acres

Dear Arnold:

Regarding the above captioned matter, this letter serves to confirm your phone message of today, advising that the placement of a single sign noting that there are numerous issues on the Petition for the new hearing date of April 18, 2007 is acceptable to you.

Please feel free to contact me with any questions or concerns.

Very truly yours,



Michael P. Tanczyn, Esquire

MPT/cbl

cc: The Honorable John V. Murphy, Esquire
Garland Moore
client

LAW OFFICES
MICHAEL P. TANCZYN, P.A.

Suite 106 • 606 Baltimore Avenue
Towson, Maryland 21204
Phone: (410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827
Email: mptlaw@verizon.net

May 14, 2007

RECEIVED
MAY 14 2007

BY:.....

The Honorable John V. Murphy
Deputy Zoning Commissioner
Suite 405
County Courts Building
Towson, Maryland 21204

Re: 1145 Concordia Drive
Case No.: 07-202 SPH

Dear Mr. Murphy:

Following the continued hearing held by you in the above case on May 11, 2007, I, per your instructions, took a copy of the signed letter of intent to the County Law Office and wrote a note to the County Attorney, John Beverungen, Esquire, advising him of your request that the Office of Law be given a copy of the letter of intent which was requested, being part of a Consent Order for Law Office review. I am writing merely to advise you that that detail was taken care of by me.

Very truly yours,



Michael P. Tanczyn, Esquire

MPT/kds

cc: Andrew M. Croll, Esquire (via facsimile)
Arnold E. Jablon, Esquire (via facsimile)
Michael Constantine

LAW OFFICES
MICHAEL P. TANCZYN, P.A.

Suite 106 • 606 Baltimore Avenue

Towson, Maryland 21204

Phone: (410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827

October 30, 2006

VIA HAND-DELIVERY

W. Carl Richards
Zoning Administrator
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Protest of 1145 Concordia Drive
Baltimore Lutheran High School, ASN, Inc.
23.241 acres

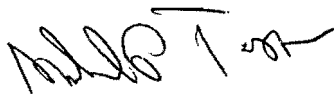
Dear Carl:

Enclosed herewith please find a drop off Petition for Special Hearing for 1145 Concordia Drive, with questions being raised by my clients, who are the adjacent property owners. We also enclose the following:

1. 12 copies of the plat, folded;
2. 3 copies of a sealed description;
3. 200 scale zoning map with the property outlined thereon;
4. Our check for costs.

We also will have filled out the advertising form at the time this is filed. Please schedule this for hearing as soon as possible.

Very truly yours,



Michael P. Tanczyn, Esquire

202

MPT/cbl

Encl.

cc: Herb Malmud

LAW OFFICES
MICHAEL P. TANCZYN, P.A.

Suite 106 • 606 Baltimore Avenue
Towson, Maryland 21204
Phone: (410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827
Email: mptlaw@verizon.net

May 18, 2007

RECEIVED
MAY 23 2007

BY:.....

The Honorable John V. Murphy
Deputy Zoning Commissioner
Suite 405
County Courts Building
Towson, Maryland 21204

Re: 1145 Concordia Drive
Case No.: 07-202 SPH

Dear Mr. Murphy:

I have looked at the draft and it appears to be fine as far as I am concerned.

Thank you for your assistance and if you have any questions please call.

Very truly yours,



Michael P. Tanczyn, Esquire

MPT/kds
cc: Andrew M. Croll, Esquire
Arnold E. Jablon, Esquire
Clients

John Murphy - Baltimore Lutheran High School Association

From: Patrick Daly
To: Murphy, John
Date: 05/16/07 3:43 PM
Subject: Baltimore Lutheran High School Association

Mr. Murphy,

At your request, Michael Tanczyn presented a copy of the letter agreement in the above-referenced case to John Beverungen for his review/comment. It is my understanding that the letter agreement is to be part of the Final Order issued by you. Mr. Beverungen has asked me to respond to you regarding the matter. I have reviewed the letter agreement and, from Baltimore County's perspective, I cannot think of any revisions that the County would require to the agreement. As an aside, there is apparently a long-standing issue as to whether the County has the power/authority to enforce such private agreements (but I have not delved into that issue).

Patrick S. Daly
 Assistant County Attorney
 Baltimore County Office of Law
 400 Washington Avenue
 Towson, Maryland 21204
 (410) 887-4420 (phone)
 (410) 296-0931 (fax)

Confidentiality Statement

This electronic mail transmission contains confidential and privileged information. The information is above. If you are not the intended recipient, or taking of any action based on the contents have received this electronic mail transmissio.

IMPORTANT MESSAGE			
FOR <u>Jack</u>			
DATE <u>6-5</u>		TIME <u>11:15</u> A.M.	
M <u>Arnold Jablon</u>			
OF _____			
PHONE _____			
AREA CODE		NUMBER	EXTENSION
☐ FAX			
☐ MOBILE			
AREA CODE		NUMBER	TIME TO CALL
TELEPHONED	☒	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE			
<u>He & his client are</u>			
<u>okay with the order -</u>			
<u>you can issue the</u>			
<u>order</u>			
SIGNED			



FORM 3002P
MADE IN U.S.A.

PAMELA POST

1000 DUNBLANE RD.

TOWSON, MD

21286

wants copy of
order

Case 07-202-SPH

on 4-18-07
(church text)

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER 37 202 SPH

DATE April 18, 2007

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
HERBERT MALMUD	12018 RIDGE VALLEY DR.	OWINGS MILLS, MD 21117	PAPAJARS@AOL.COM.
MICHAEL SANCEN	STE 106 606 BALTIMORE AVE	TOWSON MD 21204	MPTLAW@VERIZON.NET
Ann + George Ward	1124 Concordia Drive	Towson, Md. 21286	anngerward@verizon.net
Betty Ford	1013 Concordia Pl	Towson, Md 21286	
Ross & Rhonda Memphis	1136 Concordia Dr	Towson, MD 21286	renemphis@comcast.net
WILLIAM FLETCHER	1118 CONCORDIA DR	TOWSON, MD 21286	
DON + MARY SLOAT	1138 CONCORDIA DR.	TOWSON, MD 21286	
TyLisa Conklin-Itzoe	1011 Concordia Dr.	Towson, MD 21286	4tylisa@comcast.net
Stan & Lynn Constantino	1126 Green Acorn Rd.	Towson, MD 21286	STC@BaltCOFFEE.com
Grace & Duane Sklydt	1103 Concordia Dr.	Towson, Md. 21286	
Pat Melvin John Melvin	1121 Greenlake Rd	Towson MD 21286	pmelvin9@comcast.net
Mike Constantine	1132 Concordia Dr	Towson MD 21286	
Honey Constantino	1130 Concordia Dr	TOWSON MD 21286	
Virginia Constantine	1135 Green Acorn Rd	IL ~ IL	
Joanne Brown	1214 Brook Meadow Drive	Towson, MD 21286	
Ashley Semesky	1130 Concordia Dr	Towson, MD 21286	asemesky@yahoo.com
Honey Cynthia + Dan Betscher	1134 Concordia Dr	Towson, MD 21286	dbetscher@betscher.com
JAMES CROSSAN	1104 Cowpens	TOWSON, MD 21286	J.MCROSSAN@COMCAST.NET
Laren Mariotti	1102 Cowpens	IL 21286	SeeMe.Shop@AOL
Judy Walter + Don Klein	1004 Green Acorn Rd.	IL	LILYFIELD@comcast.net

CASE NAME _____
CASE NUMBER 07-2002 SPH
DATE April 18, 2007

[illegible]

CASE NAME _____
CASE NUMBER 07 2025A1
DATE April 18, 2000

[illegible]

CASE NAME _____
CASE NUMBER _____
DATE May 11, 2007

CITIZEN'S SIGN-IN SHEET

[illegible]

CASE NAME 07-202-SPH
CASE NUMBER _____
DATE 7/18/07

PLEASE PRINT CLEARLY

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
A. E. LIETZAU III Lynn Finckel	1115 ARROWHURST DR 111 Warwick Dr	BALTIMORE 21218 Lutherville 21093	alietau3@comcast.net lynnfinckel@comcast.net
GABRIEL JAMES FLANNERY	2823 SCHUSTER RD	JARRETTSVILLE, MD 21084	N/A
TERRY HELL	6915 SUNSHINE AVE	KINGSVILLE MD 21087	
Dixie Andriou	6710 Garvey Rd	Rosedale, MD 21237	
FREDERICK N CROUSE	7809 DANIELS AVE 21234	PARKVILLE MD 21234	fcrouse@yahoo.com
Joseph Andriou	6710 GARVEY RD 21237	Rosedale MD 21237	JANDRIOU@COMCAST.NET
Rebecca Pelland	8650 Willow Run Rd.	Balt., MD 21244	beckypelland@comcast.net
Gene Dudley	2520 WHITE ROAD	KINGSVILLE, MD 21087	GENE@THEDUDLEYS.COM
Jennifer Dudley	2520 White Road	Kingsville, MD 21087	Jen@theDudleys.com
LINDA Mongione Licata	1103 Hampton Court	Towson, MD 21286	lmlicata@ccmgmt
Robert J. Licata	" "	" "	rjlicata@ccmgmt
Joanne Mongione	2016 Dumont Rd	Lutherville, MD 21093	
John Borth	12029 Lamplighters Dr	Ellicott City, MD 21042	john.borth@verizon.com
Joni E. Hartman	4505 Cornflower Ct.	Ellicott City MD 21043	ECpsalmist@aol.com
Darlene Ramsey	25 Roger Valley Ct 212	Balto MD 21234	
Sue Chaudron	2840 Hoover Lane	Glen Arm, Md 21057	chaudron@mdonline.net
Self Logic	33 Springdale Ct	Balt MD 21220	
Ellen Marquardt	111 Jackson Blvd	Bel Air, MD 21014	emarquardt@afo.net
Matthew Wessel	14009 Manor Rd.	Baldwin MD 21013	mhwessel41@comcast.net

PLEASE PRINT CLEARLY

CASE NAME _____

CASE NUMBER _____

DATE _____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
ANAND JASLOW	210 AUBURN		
DAVID KAREDA	"		
Randal Gast	2964 Dumbarton Dr.	Abingdon, MD 21009	Rgast.e.baltimore.lutheran.org
DAVID MARTIN	222 ROSELY AVE. S. B1	TOWSON MD 21284	dmartin@martinandphillips.com
ANDREW M. CROLL	201 N. CHARLES, STE. 600	BALTO. MD 21201	amcroll@scarletteroll.com
Michael Fisher	14315 Jarrettsville Pike	Phoenix, MD 21131	mfisher@siteresourcesinc.com
PAUL WOCKENTESS	11572 Pebble Creek DR	TIMONIUM MD 21093	wockmd@comcast.net
C. Lewis	1515 Emmorton Rd.	Bel Air, Md 21014	
ANNA ANNA TRAN	16 WINTERBERRY CT	HUNT VALLEY, MD 21030	allisontran@aol.com
PETER TRAN	16 Winterberry Court	Hunt Valley, MD 21030	MedicFE6d@aol.com
Dorothy Frech	123 Glenmore Ave	Balto md 21228	
Gloria Murphy	36 Holmehurst Ave	Catonsville MD 21228	gmurph618@aol.com
Eleni Koros	9501 Horn Ave	Baltimore, MD 21236	Ekoros@ups.com
Jennifer Morland	33 Springtide Ct.	Balto. MD 21220	jenmorland@aol.com
Diana Goodwin	3414 Furnstead Dr	Westminster, MD 21157	dgoodwin@foundationtestgroup.com
Amy + Roger KLAIR	4201 Somerset Place	Balto, md 21210	AmyKlaire@msn.com
Kenneth E. BAKER	2461 Springlake Drive	Timonium, Md, 21093	quie@comcast.net
Rhonda Herman	206 Dunbeath Ct.	Lutherville, MD 21093	jdrrv3@comcast.net
George Kennedy	533 Anneslie Rd.	Baltimore, Md 21212	gkennedy@jhu.edu
Lois Natarajan	2931 Baldwin Mill Rd	Baldwin, MD 21013	lnatarajan@baltimore
Ann L Poole	1121 Ryeate Rd	Jowson, Md. 21286	lutheran.org.

100

DATE _____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
GEORGE SCHUEBLER	712 MILLMAN ROAD	TOUSSON MD 21206	georgeschuebler@yahoo.com
SUSAN PARARAS JENSEN	1809 ANSARI LANE	BALDWIN MD 21013	susanjensen@comcast.net
ADDITIONAL SIGN-INS			
Baltimore Lutheran 4/18/07			
Ellen Marquardt			
Janet Mangione			
Linda Spitzer			
Robert Spitzer			
Alice McBride			

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE 5/11/07

BALTO LUTHERAN

CITIZEN'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

ARNOLD JABLON

210 ALLUMANY AVE

ANDREW M. CROLL

201 N. CHARLES ST., STE 100 BALTO., MD 21201

Randal C. Gast

2964 Dumbarton Dr. Abingdon, MD 21009

VERNON G. WALSH

328 Hawthorne Ct Westminster, MD 21158

THE CHATTERLEIGH ASSOCIATION

INCORPORATED

TOWSON, MD. 21204

May 1. 1986

Mr. Arnold Jablon, Zoning Commissioner
Baltimore County
Office of Planning and Zoning
Towson, MD. 21204

RE: Petitions for Special Hearing
& Variances
Case 86-447-SPHA

5/10/86
COPIES TO:
THEA PRETTYMAN
BURT SHLAR
STEWART SHINNICK
HDL
5/5/86

Dear Mr. Jablon:

The Chatterleigh Association, Inc., which is comprised of the Chatterleigh, Brook Meadows, Hunt Club Farms, and Hunt Crest developments, wishes to advise you that we support the Baltimore Lutheran High School's present and future building expansion program. Baltimore Lutheran High School has been a good neighbor since their beginning 21 years ago. Each time the School has built they have always come to our Association to advise us of their plans and to ask for our approval.

This is their fifth expansion program and, on January 5th, a representative of the school attended our annual meeting and presented to our membership both their present plan to add to their senior high school building a library/media center, two classrooms, and an office area, and their future plans showing a chapel, an addition to the gymnasium, and additional classrooms. They presented us a floor plan of the new proposed senior high school building and a plot plan showing all future areas of expansion.

The School presents an architecturally pleasing addition to our neighborhood with a low profile - in fact the elevation of their buildings are lower than the neighboring two story houses. Our membership found only one item which we had any quarrel and that was the addition of trees and shrubbery. We are very concerned about the security and safety of our homes and members and wish to convey to you our desire that the new proposed addition to the present senior high school building be provided with only "foundation" planting.

The membership unanimously passed the following resolution in support of Baltimore Lutheran High School. "Be it resolved that the Chatterleigh Association supports Lutheran High School in its appeal in opposition to additional trees being planted along Concordia Drive".

Mr. Albert F. Carr, Treasurer of the Chatterleigh Association, will be in attendance on Monday, May 5th, to represent us should you have any questions. We thank you for any help you can give us in support of our position.

Very truly yours,

G. Dowell Schwartz, JR., President of Chatterleigh Association
12 Linlow Court
Baltimore, Maryland 21204

Received Time Feb. 13. 12:10PM

THE CHATTERLEIGH ASSOCIATION

12/02/86

MINUTES

Chatterleigh Association Board of Governor's Meeting
December 2, 1986

1. The minutes of the June 24, 1986 Board Meeting were approved.
2. Treasurer Albert Carr submitted the membership report, indicating that as of December 2, 1986, 264 of the 311 families had paid their dues. This compares with 280 paid memberships last year. Of the 264 families who paid this year, 4 were not members last year and paid for 2 years. One family paid \$5.00 dues and a \$5.00 contribution. As of December 2, 1986, there was a total of \$5689.29 in the Association accounts.

The Association records were audited on August 21, 1986, by Richard J. Long, Jr., a member of our Association and a retired employee of the Baltimore Gas and Electric Company with extensive accounting experience. He found no inaccuracies or improprieties. His review will be updated for the end of 1986.

3. COMMITTEE REPORTS

A. Executive Committee: No report/no action.

B. Landscape Committee:

Committee co-chairpersons Pat Rasmussen and Mary Lou Weiglein reported that the improved entrance to our community at Chatterleigh has been cared for entirely by the residents nearest the entrance. The entrance at Brookmeadow has been cared for by resident Steve Schwab and the committee chairpersons.

from the county

Advice was sought for a solution to the problem of the divider at the corner of Ryegate and Cowpens, but was not found to be very helpful. The recommendation was, in general, to leave it alone. Discussion followed at the Board meeting as to possible solutions. The consensus of opinion was that the neighbors should be polled, and, if in favor, the trees should be removed.

Board members discussed the problem of trees blocking the view of motorists at the northwest corner of Concordia and Cowpens. This matter will be referred to the Traffic Committee.

The Garden Club made the lovely Christmas wreaths that adorned our entrances.

C. Covenants Committee:

The committee feels it has had good response and cooperation from the community. They have had many calls asking for information and have had 6 improvement plans submitted for approval.

There was a discussion of a violation and the letter which had been written to be sent to the homeowner involved. Chairman Dick Muffoletto asked for the opinion of the Board before contacting the resident, and the Board agreed that no exception should be made and a correction should be sought.

D. Traffic Committee

The street sign has been replaced at the corner of Ryegate and Green Acre. Concern was expressed over the lack of complete repair to the site of the water damage on Brook Hollow. Janis Schwartz was asked to call the appropriate agency.

E. Block Captains Committee

The Neighborhood Watch Program is nearly complete. We await the signs which the Police Department will erect, and which were promised before Christmas. One will be placed on Cowpens just before the first house on the right, one will be at Providence and Green Acre, and one will be on Cowpens just before Temfield, on the right when coming from Providence Road.

Three or four new Block Captains are needed.

F. Zoning Committee

1. Eck Farm: Burt Sklar reported that road work is progressing. A status report will be made at the annual meeting.
2. 1012 Concordia: One vehicle has been removed. The others are possibly legal, and further removal will not be pursued by the Association.
3. Beltway Sound Barriers: Barriers were originally rejected for our community - the only one in the 9th district denied. It was felt that this was possibly due to much stronger community representation in other areas. Some reconsideration is possible, and Representative Martha Klima will be asked to have another meeting with the community. If this meeting is scheduled, notice will be sent to the entire association rather than just to the residents involved.
4. Beltway Expansion Project: Stewart Shinnick reported that delays have been caused by lack of funds. Engineers would be happy to have a meeting with area residents prior to the state meeting to discuss options, problems, and prospects. The Association should compile a list of problems prior to such a meeting.
5. Lutheran High School Expansion: Work is progressing on tennis courts, the foundation for the addition, etc., but the weather has been a problem. The target date for completion is May 1, 1987.

Despite neighborhood testimony, the County required 5 additional trees along Concordia.

4. OTHER BUSINESS**A. Directory Update**

The directories are ready for mailing. The Board agreed that directories would be mailed only to families whose dues had been paid.

B. Newsletter

As a result of a request in the newsletter, computer use has been made available to the Providence Fire Department.

C. Incorporation Status

Albert Carr reported that our charter was revoked in February, 1980 because the necessary information for continuance had not been filed. The necessary papers for re-incorporation, which would cost \$40.00, have been obtained, and it was agreed by the Board that they should be filed. The appropriate information will be filed annually.

PETITION FOR ZONING VARIANCE

86-447-SHA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, the undersigned, legal owner(s) of the property situated 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 1802.2.B(V.B.2) to permit a building height of 34.9' in lieu of the maximum allowed, 300', 1802.2.B(V.B.2) to permit a distance between buildings of 10' in lieu of the required 60', 1802.2.B(V.A.2) to permit a distance between buildings of 21' in lieu of the required 100', 1802.2.B(V.B.2) to permit a front setback of 59' in lieu of the required 60' to the property line.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

MAP NE-10-R-5
36
R.D. 9
DATE 2-10-87
200
1000
50

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

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: Legal Owner(s):
Vernon M. Scherer, President
Lutheran High School Assoc. of Balto.
(Type or Print Name) (Type or Print Name)

Signature: (Type or Print Name)

Address: (Type or Print Name)

City and State: (Type or Print Name)

Attorney for Petitioner: John R. Howard, Esquire

(Type or Print Name) Address: 114 Concordia Drive Phone No. 823-3243

City and State: Baltimore, MD 21204

Address: 210 Allegheny Avenue

Towson, MD 21204

City and State: Name: John R. Howard

Attorney's Telephone No. 823-4111 Address: 210 Allegheny Avenue Phone No. 823-4111

Towson, MD 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day

of April, 1986, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore

on the 5th day of May, 1986, at 10:45 o'clock

Cal. J. J. J.
Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING

DATE May 2, 1986

BY [Signature]

RECORDING

ORDER RECEIVED FOR FILING



Garland E. Moore
3225 Ryerson Circle
Baltimore, MD 21227

DO NOT BEND



0000

AMOUNT

\$0.87

U.S. POSTAGE
PAID
BALTIMORE, MD
21227
JAN 29 2007
00099987-12
21204

PHOTOGRAPHS DO NOT BEND

Baltimore County Department of Permits and
Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention: **Christen Matthews**

SIGN #1

ZONING NOTICE

CASE # 07-202-SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 106, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MD. 21204

PLACE: _____

DATE AND TIME: _____

WEDNESDAY, FEBRUARY 14, 2007
9:00 A.M.

REQUEST: SPECIAL HEARING TO ADDRESS

(1) WHETHER THE ZONING COMMISSIONER/DEPUTY
ZONING COMMISSIONER HAVE THE EXCLUSIVE
AUTHORITY, PURSUANT TO THE BALTIMORE COUNTY CHARTER
TO INTERPRET THE ZONING REGULATIONS OF BALTIMORE
COUNTY FOR DEFINED TERMS, AS WELL AS UNDEFINED
TERMS IN THE ZONING REGULATIONS?

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

SIGN #2

ZONING NOTICE

CASE # 07-202-SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 106, COUNTY COURTS BUILDING
111 WEST CHESAPEAKE AVENUE

PLACE:

TOWSON, MD. 21204

DATE AND TIME:

WEDNESDAY, FEBRUARY 14, 2007

AT 9:00 A.M.

REQUEST: SPECIAL HEARING TO ADDRESS

- (2) WHETHER THE USE AT THE ABOVE PROPERTY OF A
TENT STRUCTURE AS AN ACCESSORY BUILDING IS
AN ACCESSORY USE OR BUILDING, UNDER 1801.14(4), AS
A SCHOOL FACILITY, OR UNDER SECTION 18, AN ACCESSORY
USE OR BUILDING AND WHETHER SAME, AS ORIGINALLY
PETITIONED AS A COVER FOR A TENNIS COURT, IS SUBJECT TO
THE HEIGHT AND AREA REGULATIONS PROVIDED FOR
BUILDINGS, AS SET FORTH IN BCZR, SECTION 400?

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

ZONING NOTICE

SIGN #3

CASE # 07-202-SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 106, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MD. 21204

PLACE: _____

DATE AND TIME: WEDNESDAY, FEBRUARY 14, 2007
AT 9:00A.M.

REQUEST: SPECIAL HEARING TO ADDRESS

(3) WHETHER THE TENT-LIKE COVERING AT THE ABOVE
PROPERTY IS EXEMPT, UNDER THE PROVISIONS OF
SECTION BCZR 300.1, FOR EXCEPTIONS TO HEIGHT,
FOR CUPOLAS OR DOMES, WHERE SUCH STRUCTURE
HAS A HORIZONTAL AREA GREATER THAN 25%
OF THE ROOF AREA OF THE BUILDING?

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

SIGN #4

ZONING NOTICE

CASE # 07-202-SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 106, COUNTY COURTS BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MD. 21204

PLACE: _____
WEDNESDAY, FEBRUARY 14, 2007

DATE AND TIME: _____
AT 9:00 A.M.

REQUEST: SPECIAL HEARING TO ADDRESS

- (4) WHETHER THE ABOVE TENT-LIKE STRUCTURE CONSTITUTES A
SPECIAL EXCEPTION USE FOR A COMMUNITY BUILDING, INCLUDING
A TENNIS FACILITY, PURSUANT TO BCR 1801.1.C, USES
PERMITTED BY SPECIAL EXCEPTION (FOR) COMMUNITY BUILDINGS, SWIMM-
ING POOL, COMMERCIAL BEACHES, GOLF COURSE, COUNTRY CLUBS OR
OTHER SIMILAR CIVIC, SOCIAL, RECREATIONAL OR EDUCATIONAL USES,
INCLUDING TENNIS FACILITIES PROVIDED THAT NO TENNIS FACILITY
IN A DR1 OR DR2 ZONE SHALL COMPRISE MORE THAN
4 COURTS?

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

SIGN #5

ZONING NOTICE

CASE # 07-202-SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

PLACE: ROOM 106, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MD. 21204

DATE AND TIME: WEDNESDAY, FEBRUARY 14, 2007
AT 9:00 A.M.

REQUEST: SPECIAL HEARING TO ADDRESS

- (5) WHETHER THE TENT-LIKE STRUCTURE WAS PROPERLY REPRESENTED BY THE PROPERTY OWNER TO BALTIMORE COUNTY,
AND/OR IS SUBJECT TO RESIDENTIAL TRANSITION AREA
REGULATIONS, UNDER BOI. 1.B.1.6, WHERE THE SUBJECT
PROPERTY LIES ADJACENT TO LAND ZONED DR2, WHICH
CONTAINS A SINGLE FAMILY DETACHED, SEMI-DETACHED OR DUPLEX
DRAWING WITHIN 150 FEET OF THE TRACT BOUNDARY?

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

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SIGN#6

ZONING NOTICE

CASE # 07-202-SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 106, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MD. 21204

PLACE: _____

DATE AND TIME: WEDNESDAY, FEBRUARY 14, 2007
AT 9:00 A.M.

REQUEST: SPECIAL HEARING TO ADDRESS

- (6) WHETHER THE TENT-LIKE STRUCTURE USE IS A PERMITTED
USE REFERRED TO IN THE RTA USES, UNDER BCZR 1B01.1.B.1.d,
TO INCLUDE THE TENT-LIKE STRUCTURE, AS WELL AS THE
PARKING AREA, UNDER THE REFERENCED REGULATIONS?
- (7) WHETHER THE TENT-LIKE STRUCTURE IN USE FROM THE
SUBJECT PROPERTY MEETS THE REQUIREMENTS, UNDER
THE BCZR, AS AN EXCEPTION TO RESIDENTIAL
TRANSITION, UNDER 1B01.1.B.1g?

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

ZONING NOTICE

SIGN #7

CASE # 07-202-SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 106, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MD. 21204

PLACE: _____

DATE AND TIME: WEDNESDAY, FEBRUARY 14, 2007
AT 9:00 A.M.

REQUEST: SPECIAL HEARING TO ADDRESS

- (B) WHETHER THE TENTED STRUCTURE CONSTITUTES,
AS ORIGINALLY APPLIED FOR, UNDER THE BCZR
DEFINITIONS, A BUILDING OR TENNIS FACILITY, OR
ACCESSORY BUILDING, OR ACCESSORY USE OR
STRUCTURE, OR COMMERCIAL RECREATIONAL
FACILITY, AS DEFINED UNDER THE BCZR AND AS
INTERPRETED BY THE ZONING COMMISSIONER/
DEPUTY ZONING COMMISSIONER?

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

ZONING

SIGN #8

NOTICE

CASE # 07-202-SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 106, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MD. 21204

PLACE: _____

DATE AND TIME: _____

WEDNESDAY, FEBRUARY 14, 2007

AT 9:00 A.M.

REQUEST: SPECIAL HEARING TO ADDRESS

- (9) WHETHER THE OWNER OF THE SUBJECT PROPERTY
IS SUBJECT TO THE BCZR REQUIREMENTS OF
SECTION 102.2, GENERAL REQUIREMENTS, THAT NO
YARD SPACE OR MINIMUM AREA REQUIRED FOR A
BUILDING OR USE SHALL BE CONSIDERED AS ANY PART
OF THE YARD SPACE OR MINIMUM AREA FOR ANOTHER
BUILDING OR USE?

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

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PLACE

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(10) WHETHER
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POSTPONEMENTS

DO NOT REMOVE

ZONING NOTICE

SIGN #9

CASE # 07-202-SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 106, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MD. 21204

PLACE: _____

DATE AND TIME: WEDNESDAY, FEBRUARY 14, 2007
AT 9:00 A.M.

REQUEST: SPECIAL HEARING TO ADDRESS
0) WHETHER THE OWNER OF THE PROPERTY IS SUBJECT
TO THE BCZR, SECTION 102.1, THAT NO LAND SHALL BE
USED OR OCCUPIED AND NO BUILDING OR STRUCTURE
SHALL BE ERRECTED, ALTERED, LOCATED OR USED,
EXCEPT IN CONFORMITY WITH THESE REGULATIONS
AND THIS SHALL INCLUDE ANY EXTENSION OF A
LAWFUL NON-CONFORMING USE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

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PLACE: _____

DATE AND TIME

REQUEST: _____

- (1) WHETHER THE
NON-CONFORMING
OR FOR ITS USE
- (12) WHETHER THE
AS A PROPRIETARY
PROPERTY SUBJECT
PROPERTY, TO A
FACILITY, BUT R
REQUIREMENTS

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

DO NOT REMOVE THIS SIGN

ZONING NOTICE

SIGN #10

CASE # 07-202-SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 106, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MD. 21204

PLACE: _____

DATE AND TIME: _____

WEDNESDAY, FEBRUARY 14, 2007
AT 9:00 A.M.

REQUEST: SPECIAL HEARING TO ADDRESS

- (1) WHETHER THE SUBJECT PROPERTY ENJOYS A VALID
NON-CONFORMING USE STATUS FOR THE TENTED STRUCTURE
OR FOR ITS PARKING AREA?
- (2) WHETHER THE PROPERTY OWNERS' LEASE OF ITS FACILITIES
AS A PROPRIETARY FUNCTION FOR REMUNERATION MAKES THE
PROPERTY SUBJECT, BEGINNING WITH THE LEASE OF THE
PROPERTY, TO NOT QUALIFY AS A SCHOOL RELATED RECREATIONAL
FACILITY, BUT RATHER SUBJECT TO THE SPECIAL EXCEPTION
REQUIREMENTS FOR A COMMUNITY RECREATIONAL FACILITY?

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

ZONING NOTICE

SIGN #11

CASE # 07-202-SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 106, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MD. 21204

PLACE: _____

DATE AND TIME: _____

WEDNESDAY, FEBRUARY 14, 2007

AT 9:00 A.M.

REQUEST: SPECIAL HEARING TO ADDRESS

- (13) WHETHER THE SUBJECT OWNER, BY APPLYING FOR
THIS TENTED STRUCTURE SOLELY AS A COVERING
FOR ITS TENNIS COURTS MISREPRESENTED THE APPLI-
CATION, BASED ON ITS CHANGE IN USE OF THE TENTED
STRUCTURE IN ITS NON-COMPLIANCE WITH THE BCZR
GENERALLY, UNDER BCZR 102.6, 102.7, 103.1?

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

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REQUEST

- (14) WHETHER
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ZONING NOTICE

SIGN #12

CASE # 07-202-SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

PLACE: ROOM 106, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MD. 21204

DATE AND TIME: WEDNESDAY, FEBRUARY 14, 2007
AT 9:00 A.M.

REQUEST: SPECIAL HEARING TO ADDRESS

(14) WHETHER THE PETITIONER'S USE OF A TENTED
STRUCTURE AT THE SUBJECT PROPERTY IS GRAND -
FATHERED UNDER THE PROVISIONS OF THE BCZR
GENERALLY OR SECTION 103.1, WHERE THE
PROPERTY OWNERS HAVE REPRESENTED OF
BALTIMORE COUNTY THAT THERE HAVE BEEN NO
PRIOR ZONING HEARINGS WITH REGARD TO
THE SUBJECT PROPERTY?

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

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ZONING NOTICE

SIGN #13

CASE # 07-202-SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

PLACE: ROOM 106, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MD. 21204

DATE AND TIME: WEDNESDAY, FEBRUARY 14, 2007
AT 9:00 A.M.

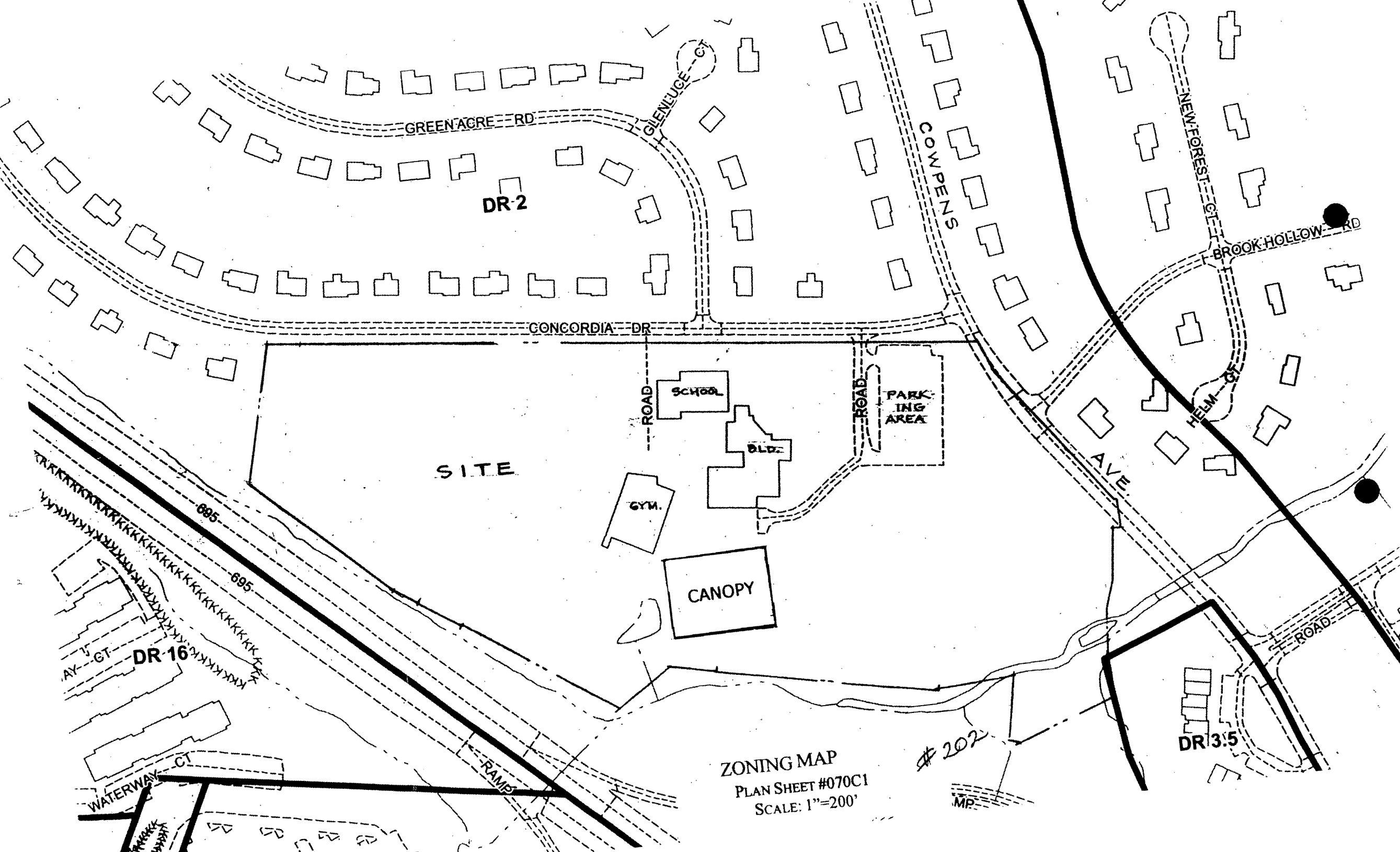
REQUEST: SPECIAL HEARING TO ADDRESS

- (15) WHETHER THE PETITIONER'S USE OF THE TENTED STRUCTURE ON THE SUBJECT
PROPERTY COMPLIES WITH THE REQUIREMENTS OF SECTION 506.10 OF THE BCLD.
ALL APPLICATIONS TO THE BUILDING ENGINEER FOR BUILDING PERMITS SHALL
BE SUBMITTED TO THE ZONING COMMISSIONER FOR APPROVAL BY THE
COMMISSIONER AS TO ZONING, BEFORE ANY PERMITS SHALL BE ISSUED. BEFORE
APPROVING ANY SUCH APPLICATION, ZONING COMMISSIONER SHALL BE SATISFIED
THAT THE APPLICATION IS IN PROPER FORM AND CONTAINS ALL NECESSARY
INFORMATION AND THAT THE PROPOSED BUILDING OR USE OF LAND, BUILDING OR
STRUCTURE COMPLIES IN ALL RESPECTS WITH THE REGULATIONS THEN IN
EFFECT WITH RESPECT TO ZONING, BASED ON THE APPARENT MISREPRESENTATION
OF THE PROPOSED USE OF THE TENTED STRUCTURE BY THE SUBJECT PROPERTY
OWNER TO BALTIMORE COUNTY, UPON APPLICATION FOR A BUILDING PERMIT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

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SITE

SCHOOL

PARKING AREA

BLDG

GYM

CANOPY

DR-16

DR-3:5

ZONING MAP
PLAN SHEET #070C1
SCALE: 1"=200'

#202

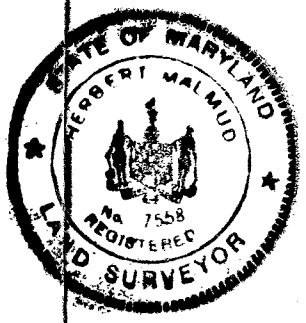
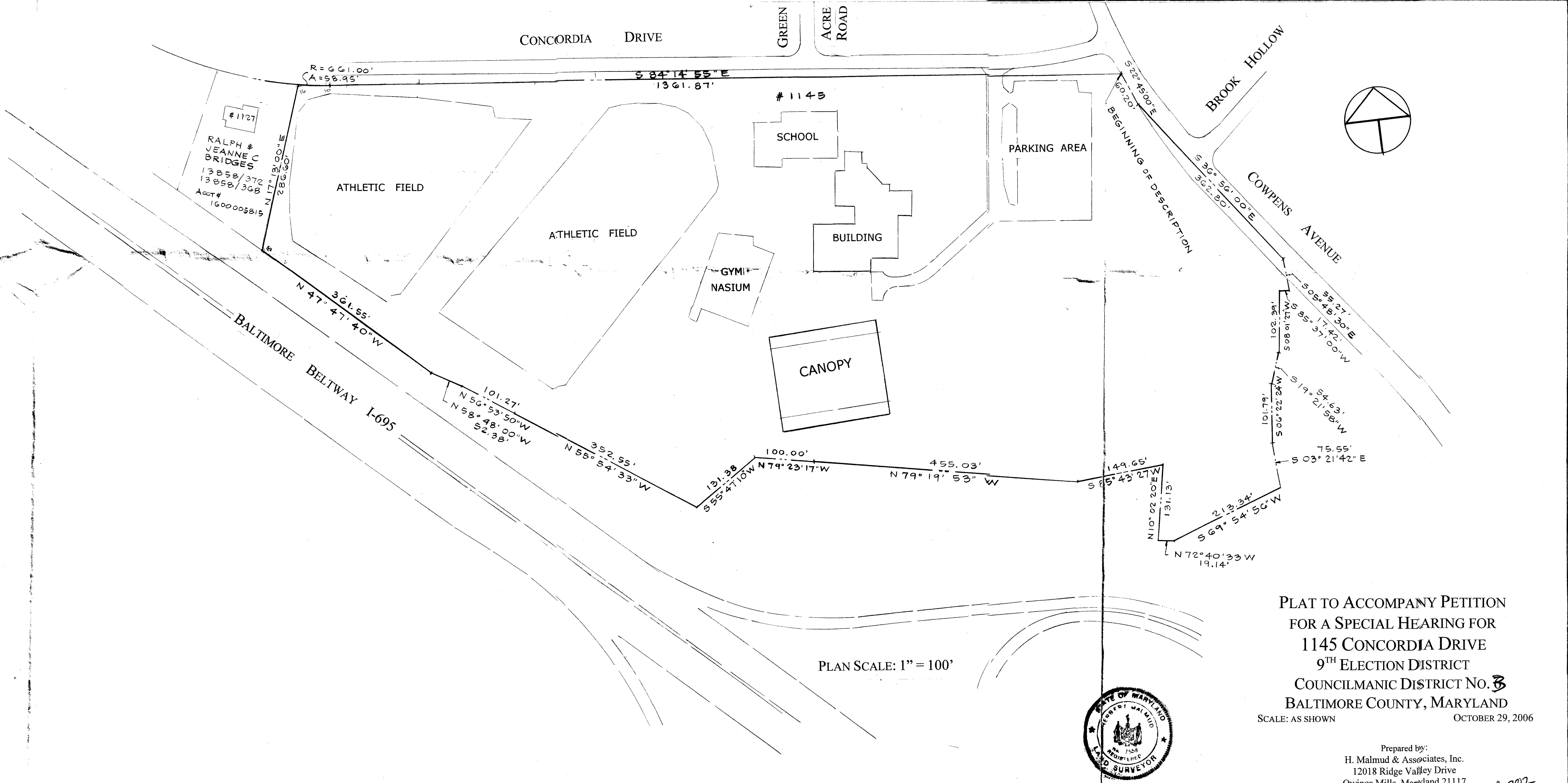
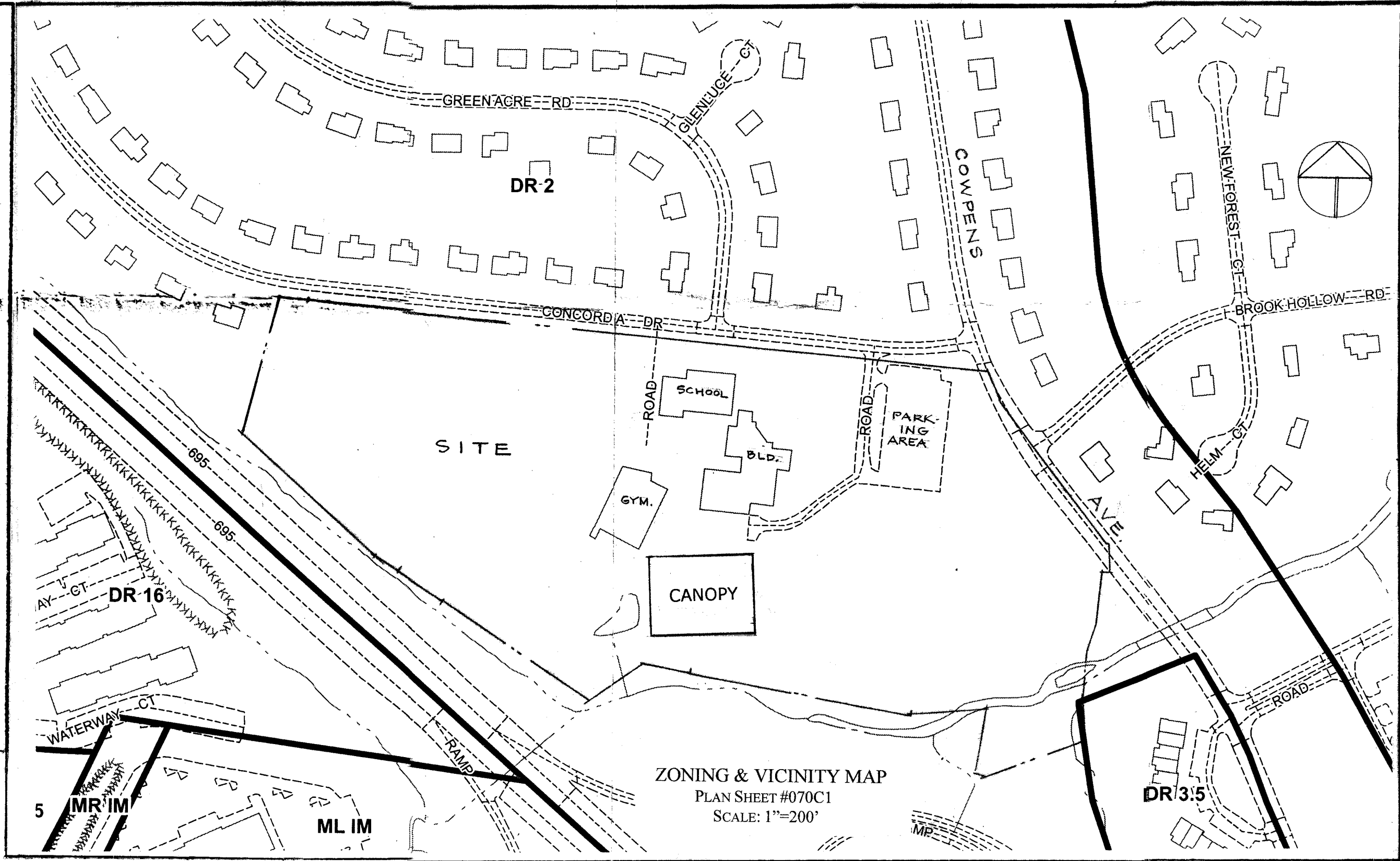
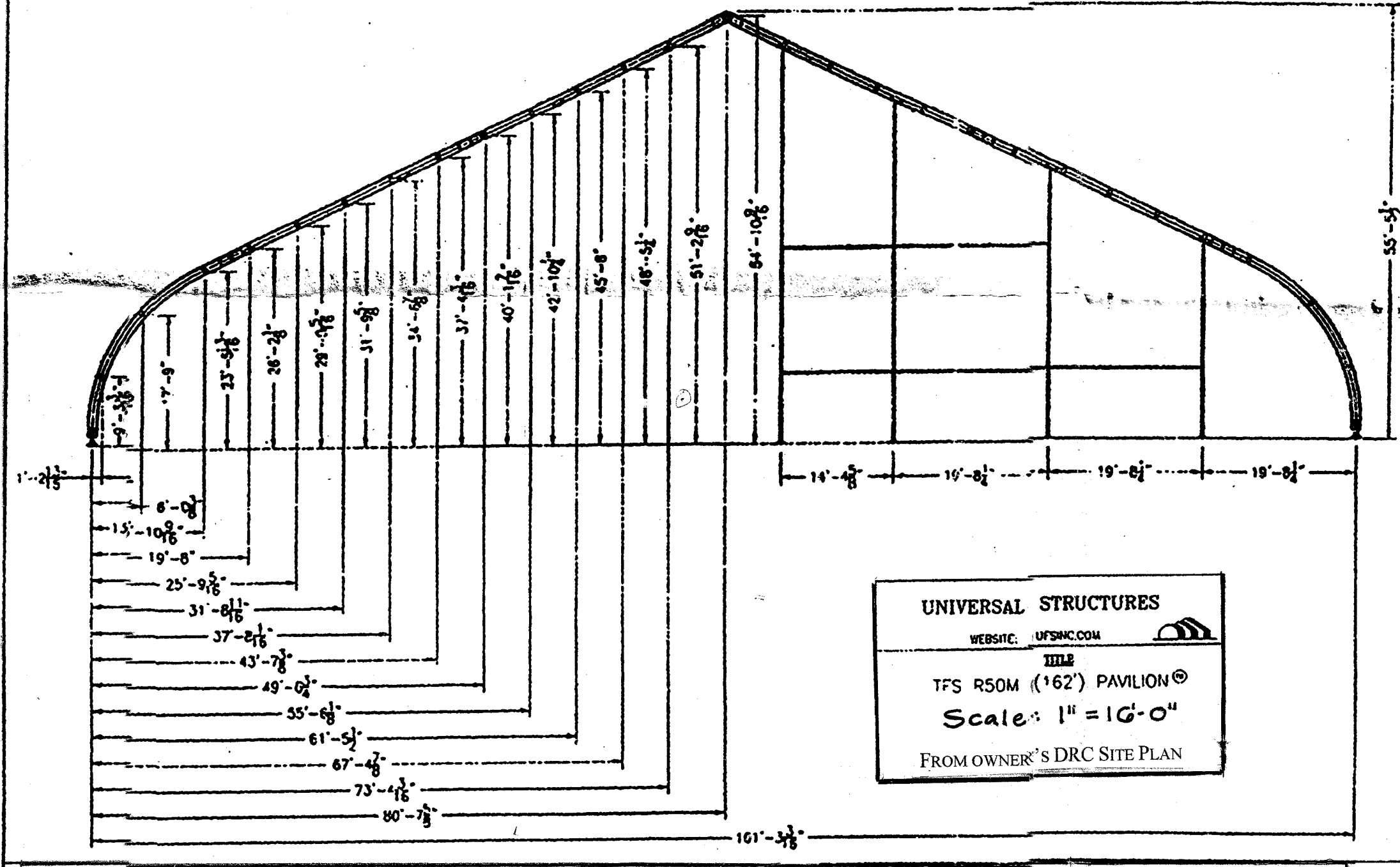
MP

SPECIAL HEARING QUESTIONS

- Whether the Zoning Commissioner/Deputy Zoning Commissioner have the exclusive authority, pursuant to the Baltimore County Charter to interpret the zoning regulations of Baltimore County for defined terms, as well as undefined terms in the zoning regulations?
- Whether the use at the above property of a tent structure as an accessory building is an accessory use or building, under 1B01.1A (14), as a school facility, or under Section 18, an accessory use or building and whether same, as originally petitioned as a cover for a tennis court, is subject to the height and area regulations provided for buildings, as set forth in BCZR, Section 400?
- Whether the tent-like covering at the above property is exempt, under the provisions of Section BCZR 300.1, for exceptions to height, for copolas or domes, where such structure has a horizontal area greater than 25% of the roof area of the building?
- Whether the above tent-like structure constitutes a special exception use for a community building, including a tennis facility, pursuant to BCZR 1B01.1.C, Uses Permitted by Special Exception (for) community buildings, swimming pool, commercial beaches, golf course, country clubs or other similar civic, social, recreational or educational uses, including tennis facilities provided that no tennis facility in a DR1 or DR2 zone shall comprise more than 4 courts?
- Whether the tent-like structure was properly represented by the property owner to Baltimore County, and/or is subject to residential transition area regulations, under 1B01.1.B.1.b, where the subject property lies adjacent to land zoned DR2, which contains a single family detached, semi-detached, or duplex drawing within 150 feet of the tract boundary?
- Whether the tent-like structure use is a permitted use referred to in the RTA uses, under BCZR 1B01.1.B.1.d, to include the tent-like structure, as well as the parking area, under the referenced regulation?
- Whether the tent-like structure in use from the subject property meets the requirements, under the BCZR, as an exception to residential transition, under 1B01.1.B.1.g?
- Whether the tented structure constitutes, as originally applied for, under the BCZR definitions, a building or tennis facility, or accessory building, or accessory use or structure, or commercial recreational facility, as defined under the BCZR, and as interpreted by the Zoning Commissioner/Deputy Zoning Commissioner?
- Whether the owner of the subject property is subject to the BCZR requirements of Section 102.2, General Requirements, that no yard space or minimum area required for a building or use shall be considered as any part of the yard space or minimum area for another building or use?
- Whether the owner of the subject property is subject to the BCZR, Section 102.1, that no land shall be used or occupied and no building or structure shall be erected, altered, located or used, except in conformity with these regulations and this shall include any extension of a lawful non-conforming use?
- Whether the subject property enjoys a valid non-conforming use status for the tented structure or for its parking area?
- Whether the property owners' lease of its facilities as a proprietary function for remuneration makes the property subject, beginning with the lease of the property, to not qualify as a school related recreational facility, but rather subject to the special exception requirements for a community recreational facility?
- Whether the subject owner, by applying for this tented structure solely as a covering for its tennis courts misrepresented the application, based on its change in use of the tented structure in its non-compliance with the BCZR generally, under BCZR 102.6, 102.7, 103.1?
- Whether the Petitioner's use of a tented structure at the subject property is grandfathered under the provisions of the BCZR generally or Section 103.1, where the property owners have represented of Baltimore County that there have been no prior zoning hearings with regard to the subject property?
- Whether the Petitioner's use of the tented structure on the subject property complies with the requirements of Section 500.1 of the BCZR, all applications to the building engineer for building permits shall be submitted to the Zoning Commissioner for approval by the Commissioner as to zoning, before any permits shall be issued. Before approving any such application, Zoning Commissioner shall be satisfied that the application is in proper form and contains all necessary information, and that the proposed building or use of land, building or structure complies in all respects with the regulations then in effect with respect to zoning, based on the apparent misrepresentation of the proposed use of the tented structure by the subject property owner to Baltimore County, upon application for a building permit?

NOTES:

- OWNER:
BALTIMORE LUTHERAN HIGH SCHOOL, ASSOCIATION, INC.
1145 CONCORDIA DRIVE
BALTIMORE, MD 21204
PARCEL 35, TAX MAP 70, GRID 11
ACCOUNT #0902004252
- EXISTING ZONING: DR-2
- ZONING HISTORY: NONE, ACCORDING TO THE DRC
SITE PLAN SUBMITTED BY THE OWNER.
- AREA OF PROPERTY: 23.5 ACRES +/-
- THE PROPERTY OUTLINE SHOWN IS BASED ON THE REMAINDER OF THE
CONVEYANCE FROM PROVIDENCE REALTY, INC TO BALTIMORE LUTHERAN HIGH
SCHOOL ASSOCIATION, INC. BY DEED DATED 7 JULY 1958
RECORDED IN LIBER 3379, FOLIO 139.
- THE EXISTING BUILDINGS AND PARKING AREAS SHOWN ARE
FROM THE BALTIMORE COUNTY AERIAL PHOTOGRAPH TAKEN IN 2005.



PLAT TO ACCOMPANY PETITION
FOR A SPECIAL HEARING FOR
1145 CONCORDIA DRIVE
9TH ELECTION DISTRICT
COUNCILMANIC DISTRICT No. 3
BALTIMORE COUNTY, MARYLAND
SCALE: AS SHOWN
OCTOBER 29, 2006

Prepared by:
H. Malmud & Associates, Inc.
12018 Ridge Valley Drive
Owings Mills, Maryland 21117
Telephone 410 308-0442

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