IN RE: PETITION FOR SPECIAL HEARING S side St. Lukes Lane, 340 feet E of intersection of c/l Paris Road 2nd Election District 4th Councilmanic District **(2211 St. Lukes Lane)** Rising Sun First Baptist Church *Petitioner*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY **Case No. 08-102-SPH**

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the Rising Sun First Baptist Church, legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to confirm that the proposed addition and site improvements to the existing church are subject to Section 1B01.1.B1.g (4) of the B.C.Z.R.; or, in the alternative, to approve the proposed addition and site improvements as being in compliance with the Residential Transition Area (RTA) to the extent possible pursuant to Section 1B01.1.B.g (6) of the BCZR; and to approve an amendment to the previously approved site plans and orders in Case Nos. 87-308-SPH and 99-443-SPHA. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the requested special hearing was Arnold Jablon acting as attorney-in-fact on behalf of Petitioner Rising Sun First Baptist Church, and as its attorney in this matter, as well as Douglas L. Kennedy with KCW Engineering Technologies, the professional engineer who prepared the site plan, and George Mojzisek, Petitioner's design architect. Also appearing on behalf of the Church were Mrs. Earlean Burns

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and Mr. Emmett Burns. There were no Protestants or other interested persons in attendance at the hearing.

Mr. Jablon proffered the testimony of Petitioner's engineering consultant, Mr. Kennedy, and a copy of Mr. Kennedy's resume was marked and accepted into evidence as Petitioner's Exhibit 1. He was offered and accepted as an expert in the Baltimore County Zoning Regulations, and in particular the areas related to the RTA including Sections 204 and 1B01 of the B.C.Z.R., and the County Code as it relates to compatibility standards. Testimony and evidence offered revealed that the subject property is an irregular-shaped parcel containing 2.76 acres, more or less, with approximately 1.42 acres zoned D.R.3.5 and 1.34 acres zoned D.R.5.5. The property is bordered to the north and west by St. Lukes Lane, to the south by Schissler Avenue, and to the east by Woodlawn Middle School in the Woodlawn area of Baltimore County. The subject site is improved with an existing one-story, 10,400 square foot building used for administration, education and social activities, and an existing one-story 6,000 square foot, 400 seat worship center.

Presently, Petitioner proposes to construct an additional 10,915 square foot one-story building for education, administration and social activities in a Residential Transition Area (RTA) as defined in Section 1B01.1.B.1(a) and (b) of the B.C.Z.R. In so doing, Petitioner seeks a determination as to whether the proposed structure constitutes an "addition to an existing church or other building" under Section 1B01.1.B.1(g)(4) of the B.C.Z.R. such that the RTA restrictions are not applicable; or in the alternative, whether the proposed structure is a "new church or other building for religious worship" under Section 1B01.1.B.1(g)(6) of the B.C.Z.R. such that, although the RTA restrictions are not specifically applicable, a finding must be made by the undersigned, following a public hearing, that the proposed improvement is planned in such a way that compliance, to the extent possible with RTA use requirements, will be

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maintained and that the plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. If special hearing relief is granted under either subsection, Petitioner also desires and amendment to the previously approved site plans to reflect the proposal and improvements depicted on Petitioner's Exhibit 2 site plan.

The subject property has been the subject of two previous zoning hearings, which will provide some historical background on the prior uses of the property. Petitioner acquired the 1.83 acre property shown on the site plan as 2211 St. Lukes Lane in June 1986. The property was split-zoned D.R.3.5 and D.R.5.5 and was improved with a three-story framed dwelling. In 1987, Petitioner sought special hearing relief to convert the existing dwelling to office use and meeting rooms, and to request approval of a site plan for a 60 foot by 100 foot church building with seating capacity for 400 individuals. In Case No. 87-308-SPH, then-Zoning Commissioner Arnold Jablon granted the relief, finding that the proposed improvements would be in compliance to the extent possible with the RTA pursuant to Section 1B01.1.B.1(c)(6) of the B.C.Z.R., and that the proposed use would not be contrary to the spirit and intent of the B.C.Z.R. and would not result in substantial detriment to the public good. Copies of the Findings of Fact and Conclusions of Law and the accompanying site plan in that case were marked and accepted into evidence as Petitioner's Exhibits 3 and 4, respectively.

Thereafter, the property was the subject of a second zoning hearing. In 1993, Petitioner acquired the property shown on the site plan as 6912 Schissler Avenue, a small parcel to the south which was improved with a 1½-story framed dwelling. In 1999, Petitioner sought special hearing relief to request approval for a proposed one-story 10,400 foot addition to the church building in order to provide administrative, educational, and social activity space. Petitioner also sought variance relief for the existing building on 6912 Schissler Avenue. In Case No. 99-443-SPHA, then-Zoning Commissioner Lawrence E. Schmidt granted the relief, finding that the

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proposed improvements would be in compliance to the extent possible with the RTA pursuant to Section 1B01.1.B.1(g)(6) of the B.C.Z.R., and amended the previously approved site plan in Case 87-308-SPH to also include an additional 69 parking spaces on the property. Copies of the Findings of Fact and Conclusions of Law and the accompanying site plan in that case were marked and accepted into evidence as Petitioner's Exhibits 5 and 6, respectively.

In December 2002, Petitioner acquired the property shown on the site plan as 2207 St. Lukes Lane, which immediately abuts the existing church and one-story addition to the west. The property is improved with an existing 1½-story framed dwelling. It is on this parcel that Petitioner seeks to construct the proposed one-story 10,915 square foot building for additional education, administration, and social activities. Petitioner also proposes to utilize the existing 1½-story framed dwelling as an annex building for the new building, and also proposes to raze the existing 1½-story framed dwelling situated on 6912 Schissler Avenue, at the southwest corner of the subject property.

In support of these requests, Mr. Jablon proffered Mr. Kennedy's testimony as follows: he is familiar with the area and the site and would testify that the location is primarily residential, and that the subject property is adjacent to Woodlawn Middle School and is near Woodlawn Elementary School and several other churches. The property is located on St. Lukes Lane, which is a major road running from Windsor Mill Road to Liberty Road, and there are no deficient traffic intersections in the vicinity. There are also apartments located nearby on St. Lukes Lane.

On the one hand, Mr. Jablon argued that the proposed 10,915 square foot building constitutes an "addition" to the church's existing structures, and therefore, under Section 1B01.1.B.1(g)(4) of the B.C.Z.R., the RTA restrictions are not applicable. Alternatively, Mr. Jablon argued that in the event the proposed structure is a "new" building for religious worship, it will comply to the extent possible with RTA use requirements pursuant to Section

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1B01.1.B.1(g)(6) of the B.C.Z.R. Assuming, *arguendo*, that the structure is a "new" structure invoking Section 1B01.1.B.1(g)(6), Mr. Jablon proffered that Mr. Kennedy would testify that the proposed structure and the area depicted on the site plan meets the RTA conditions to the extent possible, and will be compatible with the character and general welfare of the surrounding residential premises.

In determining "compatibility," Mr. Jablon noted that there is no specific guidance on this issue for an RTA use contained within the Zoning Regulations. However, Mr. Jablon noted that Baltimore County Code (B.C.C.) Section 32-4-402 entitled "Compatibility" -- while applicable to development cases -- could provide guidance on determining compatibility under Section 1B01.1.B.1(g)(6) of the B.C.Z.R. He proffered Mr. Kennedy would testify that the proposed structure and the area depicted on the site plan comply with the applicable compatibility objectives contained in subsection (d) of B.C.C. Section 32-4-402. In addition, he indicated there would be sufficient means of ingress and egress, with no changes in traffic patterns, and a minimal impact overall on traffic in the area. As to the proposed building itself, a schematic drawing of the layout and elevations was marked and accepted into evidence as Petitioner's Exhibit 7. The drawing shows administrative offices, a conference/planning room, a computer lab, a multi-purpose center with capacity for 175 persons, and a number of classrooms. It also shows an attractive exterior and roofline which will be proportionate with the existing structures and in keeping with the visual aesthetics of the area. Finally, parking will not present a problem because the existing church and addition will not have simultaneous uses with the new structure. In addition, Mr. Kennedy noted that in the unlikely event of a potential isolated parking shortage, overflow parking could utilize the adjacent Woodlawn Middle School.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The comment received from the Department of Environmental Protection

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and Resource Management dated October 3, 2007 indicates that the property must comply with the Forest Conservation Regulations. The comment received from the Bureau of Development Plans Review dated September 4, 2007 indicates that the property may be in an area of special concern for sewer service, and advises that Petitioner should check with the Bureau of Engineering prior to proceeding beyond the hearing. The bureau has no concerns regarding this requested approval.

Based on the testimony and evidence presented, I am persuaded to grant the special hearing relief and approve the proposed new structure and the site improvements as depicted in Petitioner's Exhibit 2. In particular, I find the proposed structure to be a "new" building for religious worship and not merely an "addition." As such, it must comply to the extent possible with RTA use requirements pursuant to Section 1B01.1.B.1(g)(6) of the B.C.Z.R. In addition, I find, based on the proffered testimony of Petitioner's consultant, Mr. Kennedy, that the proposed improvement is planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that the plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. Moreover, in my judgment, Petitioner's plans are appropriate and will not be detrimental to the health, safety, or general welfare of the surrounding locale. I am also persuaded to approve an amendment to the previously approved site plans to reflect the proposal and improvements depicted on Petitioner's Exhibit 2 site plan.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 6th day of December, 2007, that Petitioner's request for Special Hearing

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relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a finding that the proposed new structure and site improvements as depicted on Petitioner's Exhibit 2 comply to the extent possible with the Residential Transition Area (RTA) use requirements, and that the plan can be expected to be compatible with the character and general welfare of the surrounding residential premises as set forth in Section 1B01.1.B.g (6) of the B.C.Z.R., be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve an amendment to the previously approved site plans and orders in Case Nos. 87-308-SPH and 99-443-SPHA to reflect the proposed new structure and improvements/modifications as depicted on Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE – S/S St. Lukes Lane, 330' E of the c/l of Paris Road (2211 St. Lukes Lane) 2nd Election District 4th Councilmanic District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 99-443-SPHA
Rising Sun First Baptist Church, Inc. Petitioner	*	

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* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Rising Sun First Baptist Church, Inc., by Pastor Emmett C. Burns, President, through their attorney, Emerson L. Dorsey, Jr. The Petitioners request a finding, pursuant to the special hearing request, that the proposed addition to the existing church and site improvements comply to the extent possible with the Residential Transition Area (R.T.A.) use requirements set forth in Section 1B01.1.B.g(16). Moreover, the Petitioners request approval of an amendment to the previously approved site plan and Order issued in prior Case No. 87-308-SPH on January 28, 1987, to reflect the proposed improvements/modifications. In addition to the special hearing relief, the Petitioner requests a variance from Section 1B01.2.C.1a of the B.C.Z.R. to permit a front yard setback of 30 feet in lieu of the minimum required 40 feet, a side yard setback of 6 feet in lieu of the minimum required 20 feet, and a rear yard setback of 6 feet in lieu of the minimum required 30 feet for an existing non-residential building in a D.R.5.5 zone. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 3.

Appearing at the requisite hearing held in this case were Robert Nealy, Trustee, and Odessa Doaty, Lewis H. Cook and Gerald R. Howard, all representatives of the Rising Sun First Baptist Church, Inc., owner of the property. Also appearing and testifying were Douglas L.

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PETITIONER'S EXHIBIT 5

Kennedy, Professional Engineer who prepared the site plan for this property, and Brian Kelly, Architect, who prepared building elevation drawings of the proposed addition. The Petitioner was represented by Emerson L. Dorsey, Jr., Esquire. Appearing as interested persons/Protestants were McCall R. White, John N. Traynham, Doretha E. Haines, Gerald Jackson, Dorothy King, Brenda and Joseph Willis, Ilene and Tommy Miser, and Zollie D. Bagby.

On behalf of the Petitioner, Mr. Kennedy presented the site plan which shows that the property is an irregular shaped lot, containing approximately 1.84 acres, more or less, split zoned D.R.5.5 (.87 acres) and D.R.3.5 (1.42 acres). A portion of the property fronts St. Lukes Lane, not far from Windsor Mill Road. The property also has frontage on Schissler Avenue, a small residential court. To the east, the property shares a common boundary with the campus of the Woodlawn Middle School. In other directions, the property abuts residential uses. Testimony revealed that the property was the subject of prior zoning Case No. 87-308-SPH in which the Petitioners sought approval for the construction of a 6,000 sq.ft. church building with a seating capacity for 400 individuals. The building was subsequently constructed and presently serves as the home of the congregation of the Rising Sun First Baptist Church, Inc. In addition to this church building, the property also features a separate structure which was described at the hearing as "The White House". This building was apparently at one time a dwelling but is now used by the church primarily for office, storage, and meeting space. The White House building is located on that portion of the site zoned D.R.3.5 and lies immediately adjacent to St. Lukes Lane. In addition to these two structures, the church apparently acquired, in a separate transaction, another lot which immediately abuts the church property. For practical purposes, that lot has been incorporated as part of the church property. The lot is taxed separately and contains a small two-story frame building which was also formerly used as a dwelling. It is presently used for meetings and other church activities.

The Petitioners now come before me seeking consideration of a proposed one-story addition to the church building. Substantial testimony was offered by Messrs. Kelly and Kennedy about the proposed structure, its construction, appearance and use. As shown on the site plan, the

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proposed addition will be 10,400 sq.ft. in area and will be designed to provide administrative, educational, and social activity space. It is to be noted that the sanctuary will not be enlarged but will remain at its present 400-seat capacity. The proposed addition is merely to provide space for church activities. It was indicated at the hearing that the two dwellings presently being used for church meetings are ill-suited for such purposes and provide insufficient space.

In addition to the church building addition, Mr. Kennedy indicated that the parking lot would be modified. Under the regulations, 67 spaces are required. The proposed parking lot will provide 83 parking spaces, a slight increase from the 78 presently available. Moreover, all access to the parking lot will be by way of entrances off of St. Lukes Lane; there will be no access from Schissler Avenue. Lastly, two additional lights will be provided to illuminate the parking lot.

Mr. Kelly also testified and presented building elevation drawings of the proposed addition. The addition will be but one-story so as to be consistent with the existing church building. Additionally, the building will be constructed of materials and be of an architectural style so as to be compatible with the existing church structure and the surrounding residential neighborhood. It is also to be noted that the White House building will be demolished, in that the proposed addition will serve the space needs presently accommodated by that building.

In addition to the testimony offered by Messrs. Kennedy and Kelly, Mr. Nealy, also testified on behalf of the church. Mr. Nealy is a Trustee and described the Church's mission and space needs. He indicated that there are approximately 500 members of the church and emphasized that the proposed addition is not for the purpose of increasing the size of the congregation, but rather to provide necessary administrative, educational and social activity space. He indicated that the church serves as a meeting place for members and residents who live in the vicinity, including non-members.

A number of individuals appeared in opposition to the request or as interested persons. They raised issues relating to traffic, notification of the public about the hearing, landscaping, lighting, and other similar concerns. They fear that an increase in the church's size could result in an overcrowding of the property and detrimental impacts on the surrounding neighborhood.

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Upon due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested with restrictions. Turning first to the Petition for Special Hearing, relief shall be granted to permit the proposed addition. In my judgment, the addition fits the proposed building and will not overcrowd the lot or cause inappropriate impacts on the surrounding locale. I am particularly impressed by the fact that the proposed addition is not to provide more seating space. As Mr. Nealy indicated, the church does not anticipate a larger congregation; rather, the requested addition is needed to accommodate the current membership. In my judgment, the proposed building addition and reconfigured parking lot is appropriate.

The variance relief requested relates only to the existing two-story frame building which fronts on Schissler Avenue. The relief requested is necessary under the B.C.Z.R. to legitimize the existing building. That is, this house is very old and does not comply with current setback requirements. Due to the proposed improvements on the property, the requested variance is necessary to bring this building into compliance with current regulations. I shall grant the requested variance; however, in doing so, I shall impose certain restrictions. First, it is to be noted that restrictions were imposed in prior Case No. 87-308-SPH. Those restrictions shall remain valid and are particularly set out on the site plan. Generally, those restrictions regulate the maximum height of the church building (35'), limit and control lighting, require landscaping, and also, restrict parking to the church property and the Woodlawn Middle School parking lot. Those restrictions shall continue in full force and effect. In addition, I shall require that the Petitioner submit a landscape plan for review and approval by the County's Landscape Architect, Avery Harden. The landscape plan shall address a number of issues as follows: First, the landscaping shall be sufficient to adequately screen the church building and parking lot from surrounding residential uses. It is particularly appropriate to require such a screening so as to limit the impact of lights, both from headlights of vehicles and lights from the building, from shining into neighboring residential properties. Additionally, testimony indicated that some church members drive across the curb from Schissler Avenue onto the church property and parking lot. That is, these members use access where there is no curb cut. Thus, landscaping should be installed

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particularly along the Schissler Avenue side of the property to prohibit such a practice. Second, there are particular concerns regarding the most impacted property adjacent to this site, known as 6900 Schissler Avenue and owned by Rudolph and Dorothy King. The church property abuts the King property on two sides. In this regard, the Petitioner should be directed to construct an appropriate fence along the common property line abutting the King property. I will leave it to the discretion of Mr. Harden, with input from the church and the Kings, as to the design of this fence. With adequate landscaping, fencing, and the continuation of the restrictions imposed in the prior case, I am confident that the church can achieve its necessary expansion without detriment to the surrounding locale. Thus, the Petitions shall be granted in accordance with the above.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the special hearing and variance relief shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of July, 1999 that the Petition for Special Hearing to approve a finding that the proposed addition to the existing church and site improvements, in accordance with Petitioner's Exhibit 3, comply to the extent possible with the Residential Transition Area (R.T.A.) use requirements set forth in Section 1B01.1.B.g(16), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve an amendment to the previously approved site plan and Order issued in prior Case No. 87-308-SPH on January 28, 1987, to reflect the proposed improvements/modifications, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1a of the B.C.Z.R. to permit a front yard setback of 30 feet in lieu of the minimum required 40 feet, a side yard setback of 6 feet in lieu of the minimum required 20 feet, and a rear yard setback of 6 feet in lieu of the minimum required 30 feet for an existing non-residential building in a D.R.5.5 zone, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the following restrictions:

RE: PETITION FOR SPECIAL HEARING 2211 St. Lukes Lane; S/S St. Lukes Lane, 340' E intersection of Paris Road 2nd Election & 4th Councilmanic Districts Legal Owners: Rising Sun First Baptist Church Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 08-102-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 13th day of September, 2007, a copy of the foregoing Entry of Appearance was mailed to, Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

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SEP 13 2007
Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

33 DS

Requested: Feb. 29, 2008

APPEAL SIGN POSTING REQUEST

CASE NO.: 08-102-SPH

2211 ST. LUKE'S LANE

2nd ELECTION DISTRICT APPEALED: 12/27/2007

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 08-102-SPH

LEGAL OWNER: **RISING SUN FIRST BAPTIST CHURCH**

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

2211 ST. LUKE'S LANE

S/s St. Luke's Lane, 340' E of intersection of Paris Road

The sign was posted on _____, 2008.

By: _____
(Signature of Sign Poster)

_____
(Print Name)

KCW
ENGINEERING TECHNOLOGIES

DOUGLAS L. KENNEDY, P.E.

CIVIL ENGINEER

SENIOR VICE-PRESIDENT

RESUME

EDUCATION: North Carolina State University, 1971
B.S. Civil Engineering

REGISTRATION: Professional Engineer,
Maryland Registration No. 10748

ENGAGEMENTS:

1971 – 1978	Baltimore County Bureau of Engineering
1978 – 1979	*Consulting Engineer*
1979 – 2007	KCW Engineering Technologies, Inc.

EXPERIENCE: Civil Engineer with 36 years experience responsible for planning, engineering design, plan preparation, coordination, and construction inspection of various municipal, utility company and land development projects. This work involves preparation of topographic and boundary surveys; land planning and zoning analysis; design of roadways, storm drains, water mains, sanitary sewer, septic systems, telephone conduit, electric conduit, sediment control, and stormwater management; coordination with environmental consultants, geotechnical engineers, mechanical engineers, electrical engineers, structural engineers, and architects; processing plans for permits with County, City, State and Federal agencies; quality control; preparation of construction cost estimates, specifications and contract documents.

Douglas Kennedy shall be involved in this project as civil engineering project manager and design engineer. He has 29 years experience on projects of similar scope located within Baltimore County and is familiar with the Baltimore County development process, zoning code and Baltimore County personnel.

Numerous similar projects have been accomplished for new development and redevelopment on existing campuses. This work involves determining existing site conditions such as existing utilities and environmental constraints; working with the Architect on proposed layout; zoning analysis; compliance with the new stormwater management regulations; layout for new utility services; and site grading for ADA compliance.

KCW Engineering Technologies, Inc. • 3106 Lord Baltimore Drive • Suite 110 • Baltimore, MD 21244
Tele 410-281-0033 • Fax 410-281-1065

PETITIONER'S EXHIBIT NO. 1

SIMILAR PROJECTS:

Our Lady of Grace Church and School	Baltimore County, MD
Grace Community Church	Baltimore County, MD
Jemicy School	Baltimore County, MD
St. Stephens Church	Baltimore County, MD
Lifepoint Church	Baltimore County, MD
Rising Sun First Baptist Church	Baltimore County, MD
St. Cecelia Church	Baltimore City, MD
Holy Family Church	Anne Arundel County, MD

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE – S/S St. Lukes Lane, 330' E of the c/l of Paris Road (2211 St. Lukes Lane) 2nd Election District 4th Councilmanic District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 99-443-SPHA
Rising Sun First Baptist Church, Inc. Petitioner	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Rising Sun First Baptist Church, Inc., by Pastor Emmett C. Burns, President, through their attorney, Emerson L. Dorsey, Jr. The Petitioners request a finding, pursuant to the special hearing request, that the proposed addition to the existing church and site improvements comply to the extent possible with the Residential Transition Area (R.T.A.) use requirements set forth in Section 1B01.1.B.g(16). Moreover, the Petitioners request approval of an amendment to the previously approved site plan and Order issued in prior Case No. 87-308-SPH on January 28, 1987, to reflect the proposed improvements/modifications. In addition to the special hearing relief, the Petitioner requests a variance from Section 1B01.2.C.1a of the B.C.Z.R. to permit a front yard setback of 30 feet in lieu of the minimum required 40 feet, a side yard setback of 6 feet in lieu of the minimum required 20 feet, and a rear yard setback of 6 feet in lieu of the minimum required 30 feet for an existing non-residential building in a D.R.5.5 zone. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 3.

Appearing at the requisite hearing held in this case were Robert Nealy, Trustee, and Odessa Doaty, Lewis H. Cook and Gerald R. Howard, all representatives of the Rising Sun First Baptist Church, Inc., owner of the property. Also appearing and testifying were Douglas L.

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PETITIONER'S EXHIBIT 5

Kennedy, Professional Engineer who prepared the site plan for this property, and Brian Kelly, Architect, who prepared building elevation drawings of the proposed addition. The Petitioner was represented by Emerson L. Dorsey, Jr., Esquire. Appearing as interested persons/Protestants were McCall R. White, John N. Traynham, Doretha E. Haines, Gerald Jackson, Dorothy King, Brenda and Joseph Willis, Ilene and Tommy Miser, and Zollie D. Bagby.

On behalf of the Petitioner, Mr. Kennedy presented the site plan which shows that the property is an irregular shaped lot, containing approximately 1.84 acres, more or less, split zoned D.R.5.5 (.87 acres) and D.R.3.5 (1.42 acres). A portion of the property fronts St. Lukes Lane, not far from Windsor Mill Road. The property also has frontage on Schissler Avenue, a small residential court. To the east, the property shares a common boundary with the campus of the Woodlawn Middle School. In other directions, the property abuts residential uses. Testimony revealed that the property was the subject of prior zoning Case No. 87-308-SPH in which the Petitioners sought approval for the construction of a 6,000 sq.ft. church building with a seating capacity for 400 individuals. The building was subsequently constructed and presently serves as the home of the congregation of the Rising Sun First Baptist Church, Inc. In addition to this church building, the property also features a separate structure which was described at the hearing as "The White House". This building was apparently at one time a dwelling but is now used by the church primarily for office, storage, and meeting space. The White House building is located on that portion of the site zoned D.R.3.5 and lies immediately adjacent to St. Lukes Lane. In addition to these two structures, the church apparently acquired, in a separate transaction, another lot which immediately abuts the church property. For practical purposes, that lot has been incorporated as part of the church property. The lot is taxed separately and contains a small two-story frame building which was also formerly used as a dwelling. It is presently used for meetings and other church activities.

The Petitioners now come before me seeking consideration of a proposed one-story addition to the church building. Substantial testimony was offered by Messrs. Kelly and Kennedy about the proposed structure, its construction, appearance and use. As shown on the site plan, the

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Date
By

proposed addition will be 10,400 sq.ft. in area and will be designed to provide administrative, educational, and social activity space. It is to be noted that the sanctuary will not be enlarged but will remain at its present 400-seat capacity. The proposed addition is merely to provide space for church activities. It was indicated at the hearing that the two dwellings presently being used for church meetings are ill-suited for such purposes and provide insufficient space.

In addition to the church building addition, Mr. Kennedy indicated that the parking lot would be modified. Under the regulations, 67 spaces are required. The proposed parking lot will provide 83 parking spaces, a slight increase from the 78 presently available. Moreover, all access to the parking lot will be by way of entrances off of St. Lukes Lane; there will be no access from Schissler Avenue. Lastly, two additional lights will be provided to illuminate the parking lot.

Mr. Kelly also testified and presented building elevation drawings of the proposed addition. The addition will be but one-story so as to be consistent with the existing church building. Additionally, the building will be constructed of materials and be of an architectural style so as to be compatible with the existing church structure and the surrounding residential neighborhood. It is also to be noted that the White House building will be demolished, in that the proposed addition will serve the space needs presently accommodated by that building.

In addition to the testimony offered by Messrs. Kennedy and Kelly, Mr. Nealy, also testified on behalf of the church. Mr. Nealy is a Trustee and described the Church's mission and space needs. He indicated that there are approximately 500 members of the church and emphasized that the proposed addition is not for the purpose of increasing the size of the congregation, but rather to provide necessary administrative, educational and social activity space. He indicated that the church serves as a meeting place for members and residents who live in the vicinity, including non-members.

A number of individuals appeared in opposition to the request or as interested persons. They raised issues relating to traffic, notification of the public about the hearing, landscaping, lighting, and other similar concerns. They fear that an increase in the church's size could result in an overcrowding of the property and detrimental impacts on the surrounding neighborhood.

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Date

Upon due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested with restrictions. Turning first to the Petition for Special Hearing, relief shall be granted to permit the proposed addition. In my judgment, the addition fits the proposed building and will not overcrowd the lot or cause inappropriate impacts on the surrounding locale. I am particularly impressed by the fact that the proposed addition is not to provide more seating space. As Mr. Nealy indicated, the church does not anticipate a larger congregation; rather, the requested addition is needed to accommodate the current membership. In my judgment, the proposed building addition and reconfigured parking lot is appropriate.

The variance relief requested relates only to the existing two-story frame building which fronts on Schissler Avenue. The relief requested is necessary under the B.C.Z.R. to legitimize the existing building. That is, this house is very old and does not comply with current setback requirements. Due to the proposed improvements on the property, the requested variance is necessary to bring this building into compliance with current regulations. I shall grant the requested variance; however, in doing so, I shall impose certain restrictions. First, it is to be noted that restrictions were imposed in prior Case No. 87-308-SPH. Those restrictions shall remain valid and are particularly set out on the site plan. Generally, those restrictions regulate the maximum height of the church building (35'), limit and control lighting, require landscaping, and also, restrict parking to the church property and the Woodlawn Middle School parking lot. Those restrictions shall continue in full force and effect. In addition, I shall require that the Petitioner submit a landscape plan for review and approval by the County's Landscape Architect, Avery Harden. The landscape plan shall address a number of issues as follows: First, the landscaping shall be sufficient to adequately screen the church building and parking lot from surrounding residential uses. It is particularly appropriate to require such a screening so as to limit the impact of lights, both from headlights of vehicles and lights from the building, from shining into neighboring residential properties. Additionally, testimony indicated that some church members drive across the curb from Schissler Avenue onto the church property and parking lot. That is, these members use access where there is no curb cut. Thus, landscaping should be installed

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By

particularly along the Schissler Avenue side of the property to prohibit such a practice. Second, there are particular concerns regarding the most impacted property adjacent to this site, known as 6900 Schissler Avenue and owned by Rudolph and Dorothy King. The church property abuts the King property on two sides. In this regard, the Petitioner should be directed to construct an appropriate fence along the common property line abutting the King property. I will leave it to the discretion of Mr. Harden, with input from the church and the Kings, as to the design of this fence. With adequate landscaping, fencing, and the continuation of the restrictions imposed in the prior case, I am confident that the church can achieve its necessary expansion without detriment to the surrounding locale. Thus, the Petitions shall be granted in accordance with the above.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the special hearing and variance relief shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of July, 1999 that the Petition for Special Hearing to approve a finding that the proposed addition to the existing church and site improvements, in accordance with Petitioner's Exhibit 3, comply to the extent possible with the Residential Transition Area (R.T.A.) use requirements set forth in Section 1B01.1.B.g(16), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve an amendment to the previously approved site plan and Order issued in prior Case No. 87-308-SPH on January 28, 1987, to reflect the proposed improvements/modifications, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1a of the B.C.Z.R. to permit a front yard setback of 30 feet in lieu of the minimum required 40 feet, a side yard setback of 6 feet in lieu of the minimum required 20 feet, and a rear yard setback of 6 feet in lieu of the minimum required 30 feet for an existing non-residential building in a D.R.5.5 zone, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the following restrictions:

IN RE: PETITION FOR SPECIAL HEARING S side St. Lukes Lane, 340 feet E of intersection of c/l Paris Road 2nd Election District 4th Councilmanic District **(2211 St. Lukes Lane)** Rising Sun First Baptist Church *Petitioner*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY **Case No. 08-102-SPH**

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the Rising Sun First Baptist Church, legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to confirm that the proposed addition and site improvements to the existing church are subject to Section 1B01.1.B1.g (4) of the B.C.Z.R.; or, in the alternative, to approve the proposed addition and site improvements as being in compliance with the Residential Transition Area (RTA) to the extent possible pursuant to Section 1B01.1.B.g (6) of the BCZR; and to approve an amendment to the previously approved site plans and orders in Case Nos. 87-308-SPH and 99-443-SPHA. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the requested special hearing was Arnold Jablon acting as attorney-in-fact on behalf of Petitioner Rising Sun First Baptist Church, and as its attorney in this matter, as well as Douglas L. Kennedy with KCW Engineering Technologies, the professional engineer who prepared the site plan, and George Mojzisek, Petitioner's design architect. Also appearing on behalf of the Church were Mrs. Earlean Burns

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Date 12-6-07
By BZ

and Mr. Emmett Burns. There were no Protestants or other interested persons in attendance at the hearing.

Mr. Jablon proffered the testimony of Petitioner's engineering consultant, Mr. Kennedy, and a copy of Mr. Kennedy's resume was marked and accepted into evidence as Petitioner's Exhibit 1. He was offered and accepted as an expert in the Baltimore County Zoning Regulations, and in particular the areas related to the RTA including Sections 204 and 1B01 of the B.C.Z.R., and the County Code as it relates to compatibility standards. Testimony and evidence offered revealed that the subject property is an irregular-shaped parcel containing 2.76 acres, more or less, with approximately 1.42 acres zoned D.R.3.5 and 1.34 acres zoned D.R.5.5. The property is bordered to the north and west by St. Lukes Lane, to the south by Schissler Avenue, and to the east by Woodlawn Middle School in the Woodlawn area of Baltimore County. The subject site is improved with an existing one-story, 10,400 square foot building used for administration, education and social activities, and an existing one-story 6,000 square foot, 400 seat worship center.

Presently, Petitioner proposes to construct an additional 10,915 square foot one-story building for education, administration and social activities in a Residential Transition Area (RTA) as defined in Section 1B01.1.B.1(a) and (b) of the B.C.Z.R. In so doing, Petitioner seeks a determination as to whether the proposed structure constitutes an "addition to an existing church or other building" under Section 1B01.1.B.1(g)(4) of the B.C.Z.R. such that the RTA restrictions are not applicable; or in the alternative, whether the proposed structure is a "new church or other building for religious worship" under Section 1B01.1.B.1(g)(6) of the B.C.Z.R. such that, although the RTA restrictions are not specifically applicable, a finding must be made by the undersigned, following a public hearing, that the proposed improvement is planned in such a way that compliance, to the extent possible with RTA use requirements, will be

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By PM

proposed improvements would be in compliance to the extent possible with the RTA pursuant to Section 1B01.1.B.1(g)(6) of the B.C.Z.R., and amended the previously approved site plan in Case 87-308-SPH to also include an additional 69 parking spaces on the property. Copies of the Findings of Fact and Conclusions of Law and the accompanying site plan in that case were marked and accepted into evidence as Petitioner's Exhibits 5 and 6, respectively.

In December 2002, Petitioner acquired the property shown on the site plan as 2207 St. Lukes Lane, which immediately abuts the existing church and one-story addition to the west. The property is improved with an existing 1½-story framed dwelling. It is on this parcel that Petitioner seeks to construct the proposed one-story 10,915 square foot building for additional education, administration, and social activities. Petitioner also proposes to utilize the existing 1½-story framed dwelling as an annex building for the new building, and also proposes to raze the existing 1½-story framed dwelling situated on 6912 Schissler Avenue, at the southwest corner of the subject property.

In support of these requests, Mr. Jablon proffered Mr. Kennedy's testimony as follows: he is familiar with the area and the site and would testify that the location is primarily residential, and that the subject property is adjacent to Woodlawn Middle School and is near Woodlawn Elementary School and several other churches. The property is located on St. Lukes Lane, which is a major road running from Windsor Mill Road to Liberty Road, and there are no deficient traffic intersections in the vicinity. There are also apartments located nearby on St. Lukes Lane.

On the one hand, Mr. Jablon argued that the proposed 10,915 square foot building constitutes an "addition" to the church's existing structures, and therefore, under Section 1B01.1.B.1(g)(4) of the B.C.Z.R., the RTA restrictions are not applicable. Alternatively, Mr. Jablon argued that in the event the proposed structure is a "new" building for religious worship, it will comply to the extent possible with RTA use requirements pursuant to Section

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1B01.1.B.1(g)(6) of the B.C.Z.R. Assuming, *arguendo*, that the structure is a "new" structure invoking Section 1B01.1.B.1(g)(6), Mr. Jablon proffered that Mr. Kennedy would testify that the proposed structure and the area depicted on the site plan meets the RTA conditions to the extent possible, and will be compatible with the character and general welfare of the surrounding residential premises.

In determining "compatibility," Mr. Jablon noted that there is no specific guidance on this issue for an RTA use contained within the Zoning Regulations. However, Mr. Jablon noted that Baltimore County Code (B.C.C.) Section 32-4-402 entitled "Compatibility" -- while applicable to development cases -- could provide guidance on determining compatibility under Section 1B01.1.B.1(g)(6) of the B.C.Z.R. He proffered Mr. Kennedy would testify that the proposed structure and the area depicted on the site plan comply with the applicable compatibility objectives contained in subsection (d) of B.C.C. Section 32-4-402. In addition, he indicated there would be sufficient means of ingress and egress, with no changes in traffic patterns, and a minimal impact overall on traffic in the area. As to the proposed building itself, a schematic drawing of the layout and elevations was marked and accepted into evidence as Petitioner's Exhibit 7. The drawing shows administrative offices, a conference/planning room, a computer lab, a multi-purpose center with capacity for 175 persons, and a number of classrooms. It also shows an attractive exterior and roofline which will be proportionate with the existing structures and in keeping with the visual aesthetics of the area. Finally, parking will not present a problem because the existing church and addition will not have simultaneous uses with the new structure. In addition, Mr. Kennedy noted that in the unlikely event of a potential isolated parking shortage, overflow parking could utilize the adjacent Woodlawn Middle School.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The comment received from the Department of Environmental Protection

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By PM

and Resource Management dated October 3, 2007 indicates that the property must comply with the Forest Conservation Regulations. The comment received from the Bureau of Development Plans Review dated September 4, 2007 indicates that the property may be in an area of special concern for sewer service, and advises that Petitioner should check with the Bureau of Engineering prior to proceeding beyond the hearing. The bureau has no concerns regarding this requested approval.

Based on the testimony and evidence presented, I am persuaded to grant the special hearing relief and approve the proposed new structure and the site improvements as depicted in Petitioner's Exhibit 2. In particular, I find the proposed structure to be a "new" building for religious worship and not merely an "addition." As such, it must comply to the extent possible with RTA use requirements pursuant to Section 1B01.1.B.1(g)(6) of the B.C.Z.R. In addition, I find, based on the proffered testimony of Petitioner's consultant, Mr. Kennedy, that the proposed improvement is planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that the plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. Moreover, in my judgment, Petitioner's plans are appropriate and will not be detrimental to the health, safety, or general welfare of the surrounding locale. I am also persuaded to approve an amendment to the previously approved site plans to reflect the proposal and improvements depicted on Petitioner's Exhibit 2 site plan.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 6th day of December, 2007, that Petitioner's request for Special Hearing

ORDER RECEIVED FOR FILING
Date 12-6-07
By PB

relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a finding that the proposed new structure and site improvements as depicted on Petitioner's Exhibit 2 comply to the extent possible with the Residential Transition Area (RTA) use requirements, and that the plan can be expected to be compatible with the character and general welfare of the surrounding residential premises as set forth in Section 1B01.1.B.g (6) of the B.C.Z.R., be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve an amendment to the previously approved site plans and orders in Case Nos. 87-308-SPH and 99-443-SPHA to reflect the proposed new structure and improvements/modifications as depicted on Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING
Date 12-6-07
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 6, 2007

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

Re: Petition for Special Hearing
Case No. 08-1023-SPH
Property: 2211 St. Lukes Lane

Dear Mr. Jablon:

Enclosed please find the decision rendered in the above-captioned case.

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

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Rising Sun First Baptist Church, 2211 St. Lukes Lane, Baltimore MD 21207
Douglas Kennedy, KCW Engineering Technologies, 810 Landmark Drive, Glen Burnie MD 21061
George Mojzisek, KCM Architects, 2508 North Calvert Street, Baltimore MD 21218
Earlean and Emmett Burns, 3600 Oak Avenue, Baltimore MD 21207

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
RISING SUN FIRST BAPTIST CHURCH -	*	COUNTY BOARD OF APPEALS
LEGAL OWNER/PETITIONER FOR VARIANCE		
ON PROPERTY LOCATED ON THE S/S	*	OF
ST. LUKES LN, 340' E OF INTERSECTION		
OF PARIS RD (2211 ST LUKES LANE)	*	BALTIMORE COUNTY
2ND ELECTION DISTRICT		
4TH COUNCILMANIC DISTRICT	*	CASE NO. 08-102-SPH

* * * * * * * * * * *

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, from a decision of the Deputy Zoning Commissioner dated December 6, 2007, in which the requested zoning relief was granted with restrictions.

WHEREAS, the Board is in receipt of a letter of dismissal of appeal filed on March 10, 2008, by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, on behalf of the Office of People's Counsel, Appellant (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of March 10, 2008,

IT IS THEREFORE ORDERED this 17th day of March, 2008 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 08-102-SPH be and the same is hereby **DISMISSED**.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence S. Wescott

Lawrence M. Stahl

Wendell H. Grier

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2211 St. Lukes Lane

which is presently zoned DR 5.5 and DR 3.5

*(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)*

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

(This box to be completed by planner)

1. to confirm that the proposed addition and site improvements to the existing church is subject to section 1B01.1.B1.g (4) of the BCZR; or, in alternative,
2. to approve the proposed addition and site improvements as being in compliance with the RTA to the extent possible pursuant to section 1B01.1.B.g (6) of the BCZR; and

3. to approve an amendment to the previously approved site plans and orders in Case No. 87-308SPH and 99-443SPHA.

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

Legal Owner(s):

Rising Sun First Baptist Church

Name - Type or Print

Signature

Name - Type or Print

Signature

2211 St. Lukes Lane

Address Telephone No.

Baltimore, Maryland 21207

City State Zip Code

Attorney For Petitioner:

Arnold Jablon

Name - Type or Print

Signature

Venable, LLP

Company

210 Allegheny Ave. 410 494-6298

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

Representative to be Contacted:

Arnold Jablon

Name

210 Allegheny Ave. 410-494-6298

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 08-102-SPH

REV 9/15/98

RECEIVED FOR FILING

Date 12-6-07

By PM

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 8/22/07

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2211 St. Lukes Lane

which is presently zoned DR 5.5 and DR 3.5

*(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)*

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

(This box to be completed by planner)

1. to confirm that the proposed addition and site improvements to the existing church is subject to section 1B01.1.B1.g (4) of the BCZR; or, in alternative,
2. to approve the proposed addition and site improvements as being in compliance with the RTA to the extent possible pursuant to section 1B01.1.B.g (6) of the BCZR; and

3. to approve an amendment to the previously approved site plans and orders in Case No. 87-308SPH and 99-443SPHA.

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:

Arnold Jablon

Name - Type or Print

Signature

Venable, LLP

Company

210 Allegheny Ave. 410 494-6298

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

Legal Owner(s):

Rising Sun First Baptist Church

Name - Type or Print

Signature

Name - Type or Print

Signature

2211 St. Lukes Lane

Address Telephone No.

Baltimore, Maryland 21207

City State Zip Code

Representative to be Contacted:

Arnold Jablon

Name

210 Allegheny Ave. 410-494-6298

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 08-102-SPH

REV 9/15/98

Reviewed By D.T. Date 8/22/07

12-6-07

PM

KCW
ENGINEERING
TECHNOLOGIES

ZONING DESCRIPTION

RISING SUN FIRST BAPTIST CHURCH, Inc.
2211 St. Lukes Lane, 2207 St. Lukes Lane
and 6912 Schissler Avenue
2ND Election District
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the south side of St. Lukes Lane, said Point of Beginning being situate 340 feet, more or less, east of the intersection of the centerline of St. Lukes Lane (RW Varies) and Paris Road (50 feet wide), and running thence the following courses and distances:

1. South 07 degrees 05 minutes 45 seconds East a distance of 283.20 feet to a point;
2. North 81 degrees 55 minutes 15 seconds West a distance of 111.52 feet to a point;
3. South 08 degrees 04 minutes 45 seconds West a distance of 65.00 feet to a point on the North Right-of-Way line of Schissler Avenue;
4. North 81 degrees 55 minutes 15 seconds West a distance of 300.00 feet to a point;
5. North 08 degrees 04 minutes 45 seconds East a distance of 65.00 feet to a point;
6. North 81 degrees 55 minutes 15 seconds West a distance of 8.34 feet to a point;
7. North 05 degrees 54 minutes 45 seconds East a distance of 182.50 feet to a point on the South Right-of-Way line of Saint Lukes Lane;
8. For a curve to the right along the South Right-of-Way line of Saint Lukes Lane with a radius of 275.00 feet and arc length of 89.92 feet;
9. North 84 degrees 56 minutes 50 seconds East a distance of 16.38 feet to a point;
10. South 05 degrees 54 minutes 45 seconds West a distance of 4.92 feet to a point;
11. North 86 degrees 13 minutes 44 seconds East a distance of 330.18 feet to the Point of Beginning.

CONTAINING 120,326 square feet, or 2.76 acres, more or less.

STATE OF MARYLAND
DOUGLAS LANE KENNEDY
No. 15748
REGISTERED PROFESSIONAL ENGINEER

7-27-2007
Douglas L. Kennedy

KCW Engineering Technologies, Inc. • 3106 Lord Baltimore Drive • Suite 110 • Baltimore, MD 21244
Tele 410-281-0033 • Fax 410-281-1065

08-102-SPH

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: #08-102-SPH
2211 St. Lukes Lane
S/side of St. Lukes Lane, 340 feet east of intersection of centerline of Paris Road
2nd Election District - 4th Councilmanic District
Legal Owner(s): Rising Sun First Baptist Church

Special Hearing: to approve that the proposed addition and site improvements to the existing church is subject to Section 1B01.1.B1.g(4) of the BCZR; or in alternative to approve the proposed addition and site improvements as being in compliance with the RTA to the extent possible pursuant to Section 1B01.1.B.g(6) of the BCZR; and to approve an amendment to the previously approved site plans and orders in Case No. 87-308-SPH and 99-443-SPHA.

Hearing: Wednesday, October 24, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at *(410) 887-3868.*
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

J/10/653 Oct. 9 151541

CERTIFICATE OF PUBLICATION

10/11, 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 10/9, 2007.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 03814

Date: 8/22/07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				325.00
							Total:	325.00

Rec From: VENABLE, LLP

For: ITEM #102 08-102-SPH
2211 ST. LUKES LANE
DTHOMPSON

DISTRIBUTION:
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
8/23/2007	8/23/2007	08:52:28	1

MOD 001 WALKIN TRIC JHR
>>RECEIPT # 343950 8/23/2007 OFLN
Dept 5 530 ZONING VERIFICATION
003814
Recpt Tot $325.00
$325.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

PEAKE AVE

CERTIFICATE OF POSTING

RE: Case No.: 08-102-SPH

Petitioner/Developer: RISING SUN FIRST BAPTIST CHURCH

Date of Hearing/Closing: 10-24-07

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

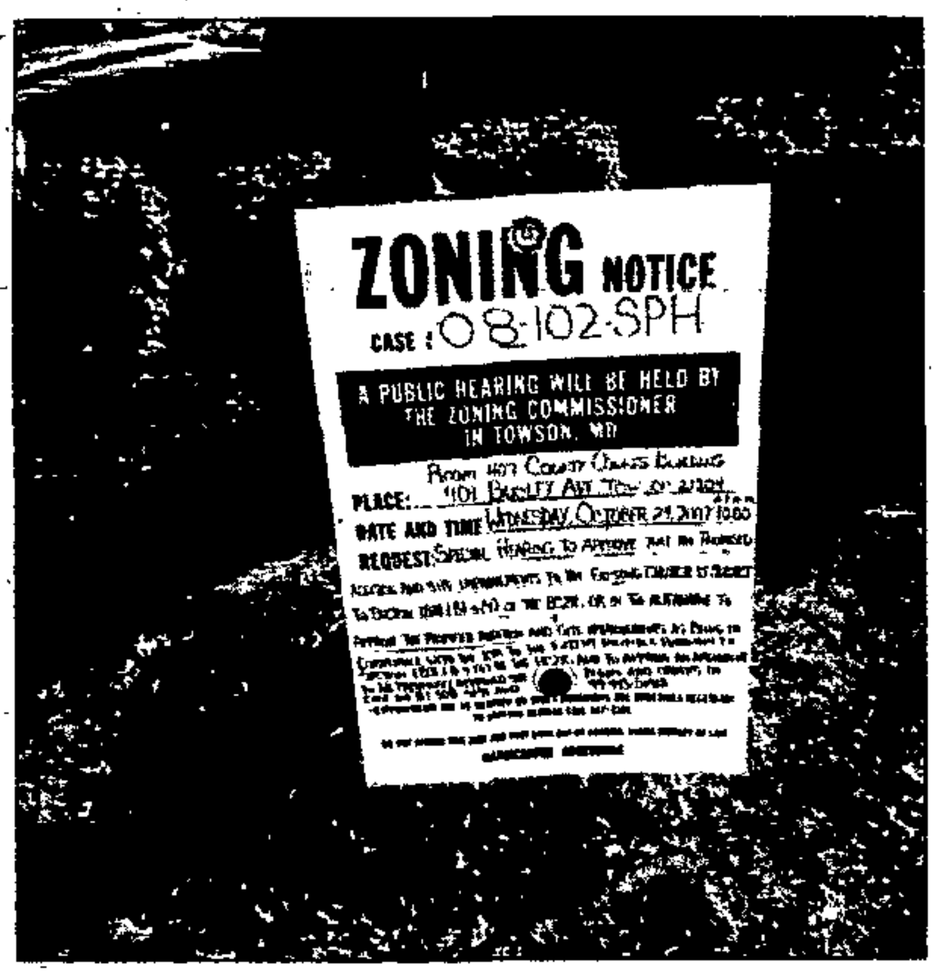
ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 2211 ST. LUKES LANE

The sign(s) were posted on 10-9-07
(Month, Day, Year)

Sincerely,



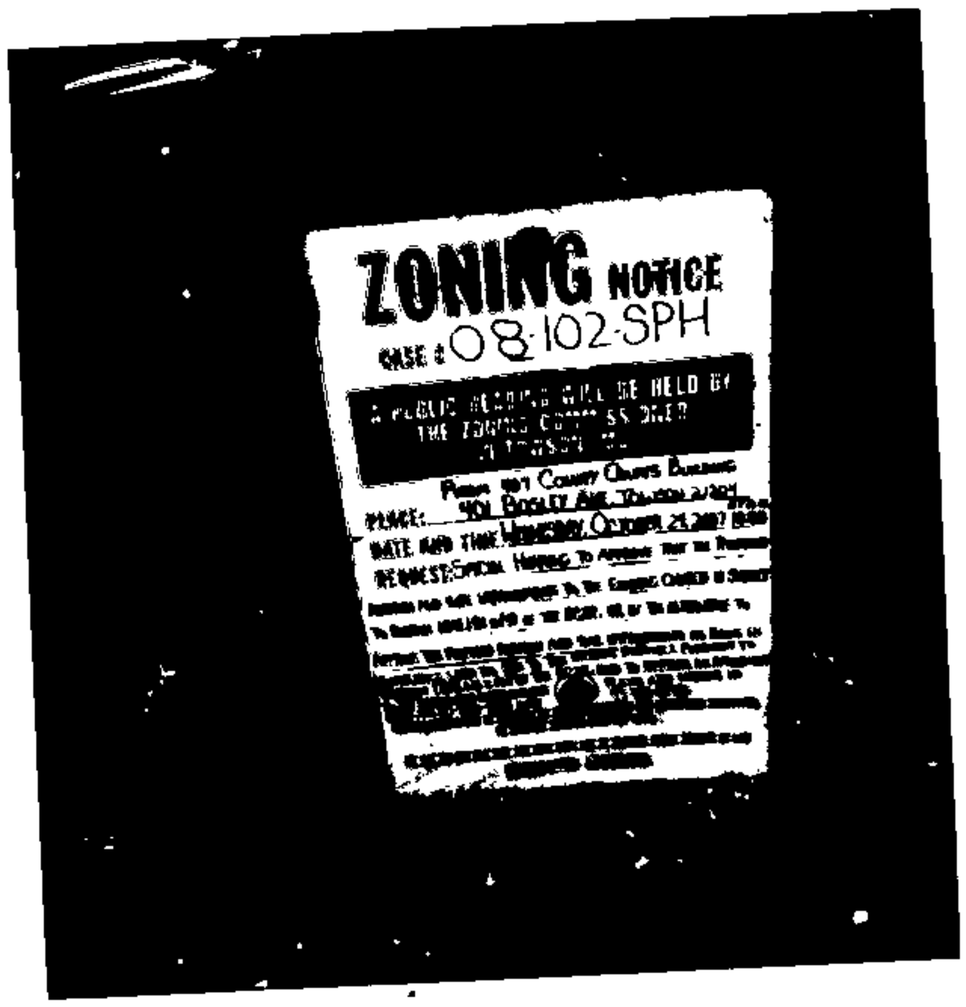
Robert Black 10-12-07
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)


ZONING NOTICE
CASE # 08-102-SPH
PLACE:
DATE AND TIME

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: 08-102-SPH

Petitioner: 2211 ST. LUKES LANE

Address or Location: RISING SUN FIRST BAPTIST CHURCH, INC.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dontell

Address: 210 Allegheny Avenue
Towson, MD. 21204

Telephone Number: (410) 494-6244

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 9, 2007 Issue - Jeffersonian

Please forward billing to:
Amy Dontell
Venable
210 Allegheny Avenue
Towson, MD 21204

410-494-6244

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: 08-102-SPH
2211 St. Lukes Lane
S/side of St. Lukes Lane, 340 feet east of intersection of centerline of Paris Road
2nd Election District – 4th Councilmanic District
Legal Owners: Rising Sun First Baptist Church

Special Hearing to approve that the proposed addition and site improvements to the existing church is subject to Section 1B01.1.B1.g(4) of the BCZR; or in alternative to approve the proposed addition and site improvements as being in compliance with the RTA to the extent possible pursuant to Section 1B01.1.B.g(6) of the BCZR; and to approve an amendment to the previously approved site plans and orders in Case No. 87-308-SPH and 99-443-SPHA.

Hearing: Wednesday, October 24, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY KOTROCO, Director
Department of Permits and Development Management

September 24, 2007

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: 08-102-SPH
2211 St. Lukes Lane
S/side of St. Lukes Lane, 340 feet east of intersection of centerline of Paris Road
2nd Election District – 4th Councilmanic District
Legal Owners: Rising Sun First Baptist Church

Special Hearing to approve that the proposed addition and site improvements to the existing church is subject to Section 1B01.1.B1.g(4) of the BCZR; or in alternative to approve the proposed addition and site improvements as being in compliance with the RTA to the extent possible pursuant to Section 1B01.1.B.g(6) of the BCZR; and to approve an amendment to the previously approved site plans and orders in Case No. 87-308-SPH and 99-443-SPHA.

Hearing: Wednesday, October 24, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, 210 Allegheny Avenue, Towson 21204
Rising Sun First Baptist Church, 2211 St. Lukes Lane, Baltimore 21207

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 9, 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

JAMES T. SMITH, JR.
County Executive

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

October 18, 2007

Arnold Jablon, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

RE: Case Number: 08-102-SPH 2211 St. Lukes Lane

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 22, 2007. This letter is not an approval, but only a **NOTIFICATION.**

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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc
Enclosures
c: Peoples Council
Rising Sun First Baptist Church 2211 St. Lukes Lane Baltimore, Maryland 21207

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

SHA
State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Date: SEPT. 21 2007

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

RE: Baltimore County
Item No. 8-102-SPH
2211 ST. LUKES LANE
RISING SUN FIRST
BAPTIST CHURCH
SPECIAL HEARING

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. 8-102-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,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director **DATE:** September 4, 2007

Department of Permits & Development Management

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 3, 2007
Item No. 08-102

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

This site may be in an "area of special concern" for sewer service. The petitioner should check with the bureau of engineering prior to proceeding beyond this hearing. We have no concerns regarding this requested approval.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 102-08302007.doc

TB 10/24
10Am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
OCT 03 2007
BY:

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: October 3, 2007

SUBJECT: Zoning Item # 08-102-SPH
Address 2211 St. Luke's Lane
(Rising Sun First Baptist Church)

Zoning Advisory Committee Meeting of August 27, 2007

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_X_ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_X_ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: J. Russo Date: 9/27/07

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2008\ZAC 08-102-SPH.doc

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

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

February 15, 2008

Arnold Jablon
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Jablon:

RE: Case: 08-102-SPH, 2211 St. Lukes Lane

Please be advised that an appeal of the above-referenced case was filed in this office on December 27, 2007 by the Office of People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Rising Sun Baptist Church, 2211 St. Lukes Lane, Baltimore 21207
Douglas Kennedy, 810 Landmark Dr., Glen Burnie 21061
George Mojzisek, 2508 North Calvert Street, Baltimore 21219
Earlean & Emmett Burns, 3600 Oak Avenue, Baltimore 21207

TB
10/24
10AM

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 30, 2007

HAND DELIVERED
Thomas H. Bostwick, Deputy Zoning Commissioner
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

RECEIVED
OCT 30 2007
BY:.....

Re: PETITION FOR SPECIAL HEARING
Rising Sun First Baptist Church.- Petitioners
Case No: 08-102-SPH

Dear Mr. Bostwick,

Because this case appeared to involve significant parking issues, we asked Stephen E. Weber, Chief of Traffic Engineering, to review the site plan. As a result, he sent us the enclosed email dated October 30, 2007 and attached aerial photo. I am forwarding it to you for your consideration. We understand that the hearing took place on October 24, 2007, so that this letter comes afterward. Nevertheless, Mr. Weber's comments are important and should not be overlooked. We also understand that Petitioner should have an opportunity to respond so that the issues raised by Mr. Weber can be addressed in a fair way.

His profound and thoughtful review raises significant legal and practical concerns. We concur with his observation that the new use must satisfy current parking standards, and that the proposal does not provide the required minimum number of spaces, under BCZR § 409.6, page 4-37. We also share his concern that, as a practical matter, the proposed significant expansion will cause overflow problems on St. Lukes Lane.

Thank you for your consideration.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

cc: Arnold Jablon, Esquire, Attorney for Petitioner
Stephen Weber, Chief

From: Stephen Weber
To: People's Counsel
Date: 10/29/2007 2:50 PM
Subject: Case No. 08-102-SPH, Rising Sun First Baptist Church
Attachments: Rising Sun First Baptist.jpg

Peter -

In examining this plan, we do not have concerns with traffic generated by the site, as the surrounding road system should be capable of adequately handling it.

However, we do have concerns as to whether the parking on this site is going to be able to adequately accommodate an additional nearly 11,000 sq. ft. of building for "Education, Administration, and Social Activities". This will result in a total space of approximately 21,500 sq. ft. for these type of activities on site in addition to the 400-seat worship center. Because the Special Exception request makes no limitations on the simultaneous use of these 3 spaces, there would clearly be a problem if both accessory structures were being used at the same time that 400 people are in the sanctuary. I am also somewhat mystified by the parking calculations on General Note #9 where it calculates the parking required as 400 seats x 1 p.s./6 seats = 67 p.s. (1988). Apparently they are grandfathering the calculations under older zoning regulations since under Council Bill 144-1997 the calculation is now supposed to be 1 p.s./4 seats. Under current zoning regulations this would then require 400/4 = 100 parking spaces on site, which would mean the site is 20 spaces short of the required minimum number, which would then require a parking variance.

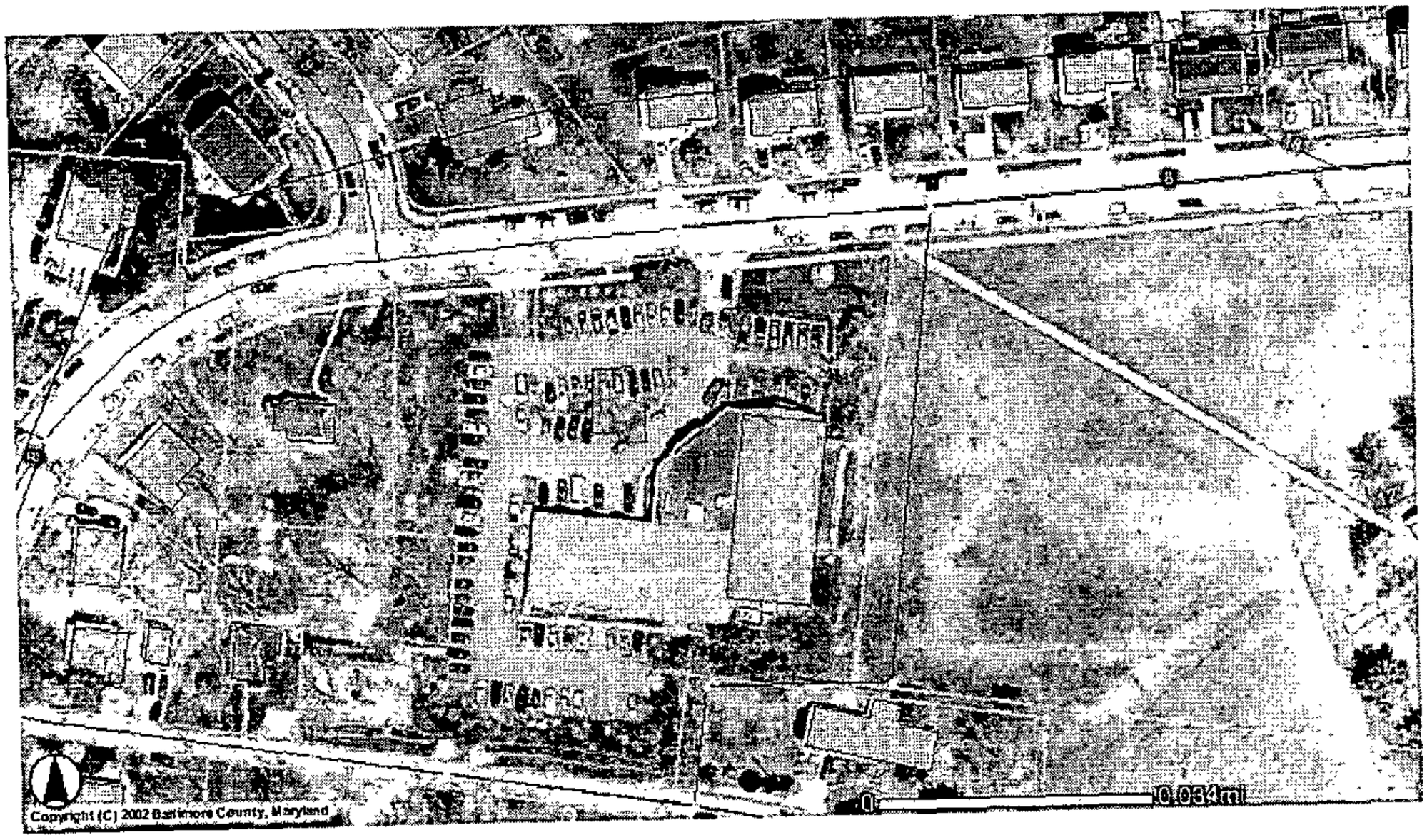
Even if the zoning regulations would allow this site to have the 1988 calculations grandfathered, the spirit and intent of the law appears to be soundly trampled on. When examining the current 1 p.s. for 4 seats regulation, it appears to be short of what should generally be required, particularly for congregations that usually have good attendance and fill their seats. (How many congregations do you know where there are an average of 4 people per car coming to church?) One parking space for 6 seats is grossly under the parking demands usually generated by houses of worship. To then use this old zoning standard and then come in with a new request for a special exception for two accessory structures which are starting to become the majority of the site appears to grossly underestimate the total parking demand for this site.

The 1987 zoning case indicates that church members shall not be allowed to park on the residential streets surrounding the church and that if additional parking is needed for a temporary period, the church shall seek approval from the Woodlawn Middle School to utilize its parking lot. Our office is not aware of any complaints from area residents about church members parking on the streets surrounding the church. However, it is difficult to understand how this nearly 11,000 sq. ft. additional space is going to be placed on this property and not cause it to start having regular parking overflow problems. We also don't know if the church ever obtained any written agreement from the Baltimore County Board of Education allowing any off-site parking on their property. We are assuming there is such a document that the church would provide to the Zoning Commissioner in the current case. The other problem with the current proposal is that constructing the subject building will remove space where additional parking could be provided for this church just to meet the current parking requirements of the zoning regulations to have 100 parking spaces. Therefore, being short of parking spaces already under current County laws and then placing another 11,000 sq. ft. of building on the space where such parking could be accommodated appears to only aggravate the situation and remove potential solutions to parking issues for the future.

Given that the site is required to contain its parking needs either on site or on Woodlawn Middle School property (St. Lukes Lane is a "residential street surrounding the church" and therefore should not be used for parking), that the parking at the middle school is located approximately 1000 feet from the church, that examination of an aerial photo from a few years ago indicates that parking was already overflowing onto St. Lukes Lane (photo attached), and that the proposal would not only increase the parking demand but simultaneously remove the ability to address the existing apparent parking overflow problems, we seriously question the granting of the special exception request.

Should you have any questions, please give me a call at ext. 3554.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554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Joe Fick
410-889-[illegible]25

Martin Philip
410-242-4077

Mark Downs
Scott Gray
410-771-6800

Commercial Electrician
Light & Power Co.
Dave Ditmar
410-431-5088

Commercial Plumber
Bracken & Sons Plumbing
Jim Bracken
410-426-8046

Commercial Insurance
Diversified Insurance
Howard Jachman
410-433-3000

Contact Information

Name: **George Mojzisek, Architect**
Address: **Your Architect**
4005 Pinedale Drive
Baltimore, MD 21236
Phone: **410-256-4968**
Fax: **410-889-4318**
Email: **Click Here**

Send mail to webmaster with questions or comments about this web site.
http://www.yourarchitect.com/references.html -- Last modified: February 15, 2007
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Architect

George Mojzisek is a registered design architect and former partner for 15 years in a prominent Baltimore, Maryland architectural design firm. With more than 40 years experience providing architectural design and conceptual drawing services for new commercial construction projects, additions, as well as, renovations of old buildings, architectural troubleshooting, expert witness appearances and other architectural consulting services from concept to completion.

George Mojzisek can assist you in obtaining a BUILDING PERMIT, checking your drawings and specifications for BUILDING CODE and LIFE SAFETY CODE compliance; verify that your building meets the HANDICAPPED REQUIREMENTS and is in ADA compliance; knowledgeable reference CADD; investigate ROOF FAILURES & associated waterproofing problems; prepare REPORTS & STUDIES.

Graduated - University of Notre Dame, South Bend, Indiana
School of Architecture 1958

Registered - Maryland / Pennsylvania / New Jersey

Foreign
Language - speaks, reads, and writes Czech fluently - approved
interpreter speaks, reads, and writes basic Italian

Contact Information

Name: **George Mojzisek, Registered Architect Address: Your Architect**
4005 Pinedale Drive
Baltimore, MD 21236
Phone: **410-256-4968**
Fax: **410-889-4318**
Email: **Click Here**

Send mail to webmaster with questions or comments about this web site.
http://www.yourarchitect.com/index.html -- Last modified: February 15, 2007
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PETITIONER'S
EXHIBIT NO. 10

Expert Witness - Architect

Expert witness services with excellent credentials and court-room experience relating to cases involving architectural design, building defects and construction disputes. As an expert witness, we can prepare detailed appraisals of causes of failure with recommendations for remedial works, including cost estimates.

Our clients are typically lawyers, building owners, contractors, local authorities and companies who have experienced losses and have claims for building defects or architectural design team negligence.

Foreign
Language - speaks, reads, and writes Czech fluently - approved interpreter
speaks, reads, and writes basic Italian

Professional References

Clifford L. Hardwick
Law Firm of
Hardwick & Harris LLP[1]
410-727-0828
Baltimore, Maryland

Brian Jablon
Law firm of
Saltzman & Jablon LLC[1]
410-313-8342
Ellicott City, MD

Paul Evelius
Law Firm of
Wright, Constable & Sheen
410-659-1300
Baltimore, Maryland

Doug Morrill
Law Firm of
Wright, Constable & Sheen
410-659-1300
Baltimore, Maryland

Mark Scurti
Law Firm of
Mark F. Scurti
410-244-0772
Baltimore, Maryland

Robert Schwartzman
Law Firm of
Lord & Whip P.A.
410-539-5881
Baltimore, Maryland

Paul Yumkus
Law Firm of
Blum, Yumkus, Millman & Denick
410-578-8354
Baltimore, Maryland

Spencer Stevens
Law Firm of
Spencer Stevens
301-294-7081
Rockville, Maryland

Daniel J. Dregier
Law Firm of
Azrael, Gann & Franz
410-821-6800
Towson, Maryland

Ronald S. Canter
Law Firm of
Wolpoff & Abramson LLP
800-876-1204
Rockville, Maryland

Notes: 1. Law firms for which work was done within the past one year.

Contact Information:

Name: **George Mojzisek, Expert Witness Architect Address: Your Architect**
4005 Pinedale Drive
Baltimore, MD 21236
Phone: **410-256-4968**
Fax: **410-889-4318**
Email: **Click Here**

Send mail to webmaster with questions or comments about this web site.
http://www.yourarchitect.com/witness.html -- Last modified: February 15, 2007
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Home
Expert Witness
References
Contact Us

References

Character

Rev. Msgr. George B. Moeller, Pastor
St. Joseph Catholic Church
8420 Belair Road
Baltimore, MD 21236
410-256-1630

Professional

Accounting Services
Davis Tankersley & Wolfe P.A.
Brian Wolfe C.P.A.
410-747-0789

Commercial Financial Lender
Key Bank
Roger Drechsler
410-256-7272

Commercial Loan Pay Off
M & T Bank
Edwin Shockly
410-632-2122

Financial Adviser
First Financial Group
Michael Spicer
410-832-4260

Commercial Printing
Consolidated Printing Co.
Frank Wilson
410-679-5997

Residential Financial Lender
Key Bank
Robert Reilley
410-256-6677

Mechanical & Electrical Engineers
Henry Adams Consulting Engineers
Don Stiener P. E.
410-944-3700

Structural Engineering Design
Skarda & Associates
Tim Sibol P.E.
410-366-9384

Contactors & Subcontractors

Utilities Services Investigation & Landscaping Design
Site Resourced, Inc.
Mike Fisher P. E.
410-683-3388

General Commercial Contractor
Volz Construction, Inc.
George Volz
410-882-4096

Commercial Developer
Mike Shecter, Inc.
Mike Shecter
443-801-6001

Commercial Roofer (including slate)
Fick Brothers Roofing Co.

Sound Systems & Cabeling
HP Electronics, Inc.

Interior Office Partitions & Systems Furniture

PETITIONER'S EXHIBIT 3

IN RE: PETITION SPECIAL HEARING S/S of St. Lukes Lane, 865' W of Essex Road (2211 St. Lukes Lane) - 2nd Election District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
Rising Sun First Baptist Church, Inc.,	*	Case No. 87-308-SPH
Petitioners	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests approval of a site plan for its church in a residential zone and to confirm that it satisfies the residential transition area (RTA) use requirements to the extent possible, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Emmett C. Burns, its Pastor, appeared and testified and was represented by Counsel. Peggy Thweatt, the adjoining property owner; Ray Frazier, a neighborhood resident; and Ella White Campbell, President of the Liberty Road Community Council, appeared, not necessarily in opposition to the church but to express their concerns about parking and community involvement.

Testimony indicated that the subject property, zoned D.R.3.5 and D.R.5.5 and located on St. Lukes Lane, across from Paris Road and adjacent to Woodlawn Middle School, is presently improved with a three-story frame dwelling. The church proposes to convert the dwelling to office use and meeting rooms and to construct a 60' x 100' church building with 400 seats, which will include a fellowship hall, pastor's study, kitchen facilities, and several meeting rooms. It presently utilizes Powhatan Elementary School and the instant site is appropriate for a permanent location. The church now has 210 members, including children, and hopes to attract another 100 members. Most of the parishioners live in the lower Liberty Road corridor. Primary use would be

RECEIVED FOR FILING
Date
By

Sunday mornings, with intermittent use during the week. The average Sunday service attracts approximately 150 members and 30 cars. The church building will be constructed approximately 33 feet from the east property line, which abuts Woodlawn Middle School's athletic fields. Sixty-seven parking spaces are required, and 69 spaces will be provided.

The community is concerned that if this church is constructed, their residential community will become commercial. In addition, they are concerned about overflow parking onto adjacent residential streets.

Churches, other buildings for religious worship, or other religious institutions are permitted in a residential zone by right. There is no question that the proposed use is compatible with the neighborhood and community; the Baltimore County Council so concluded by permitting such a use as a matter of right. However, the proposed use would be a residential transition use and, as such, would be required to satisfy, to the extent possible, the RTA use requirements to be compatible with the character and general welfare of the surrounding residential premises.

In fact, all of the RTA use requirements can be satisfied except for the 75-foot buffer requirement. With the proposed landscaping, the impact created by the inability to satisfy this requirement would be minimal. A 33-foot dense buffer area is to be provided to the east property line and a 55-foot dense buffer area to the west property line, adjoining Ms. Thweatt's property. The property is approximately 320 feet wide in the rear and approximately 329 feet wide in the front along St. Lukes Lane. It is obvious that the church cannot satisfy the buffer requirements without reducing the needed size of the building and limiting the on-site parking. It appeared from the testimony that the size of the buffer area is not an issue but that the type of buffer used is of concern.

The Petitioner seeks relief from Section 1B01.1.B.1.c.6, pursuant to Section 500.7, BCZR.

It is clear from the testimony and evidence presented that the proposed improvements are planned in such a way that compliance with the RTA use requirements, to the extent possible, will be maintained and that the improvements can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. It is also clear that the proposed use would not be contrary to the spirit and intent of the BCZR and would not result in substantial detriment to the public good.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the approval prayed for should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of January, 1987, that the site plan for a church in a residential zone is approved and satisfies the RTA use requirements to the extent possible and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. Church members shall not be permitted to park on the residential streets surrounding the church. If additional parking is needed for a temporary period, the church shall seek approval from the Woodlawn Middle School to utilize its parking lot.

2. The height of the church building shall not exceed 35 feet.

3. The height of any lighting fixture shall not exceed 16 feet and shall be designed and placed and the intensity limited so as to prevent illumination onto adjoining dwellings or lots.

Date 2/4/87
By

4. A landscape plan shall be submitted to the Current Planning and Development Division, Office of Planning and Zoning, and shall be subject to compliance with the Baltimore County Landscape Manual. Prior to such submission, the Petitioner and Mrs. Thweatt shall agree as to the type of screening to be placed along and adjacent to their joint property line. Such screening shall include both buffer areas and the area adjacent to and running the length of the south property line, parallel to Schissler Avenue

5. A revised site plan, approved by the Current Planning and Development Division, shall be submitted to the Zoning Commissioner.

Zoning Commissioner of
Baltimore County

AJ/srl

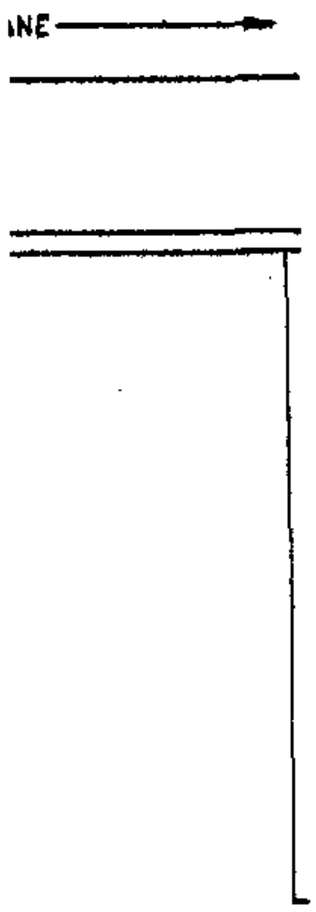
cc: David E. Sloan, Esquire

Ms. Peggy Thweatt

Mr. Ray Frazier

Ms. Ella White Campbell

People's Counsel



PETITIONER'S 8

EXHIBIT NO.

Aerial Photo

9

Architect

George Mojzisek is a registered design architect and former partner for 15 years in a prominent Baltimore, Maryland architectural design firm. With more than 40 years experience providing architectural design and conceptual drawing services for new commercial construction projects, additions, as well as, renovations of old buildings, architectural troubleshooting, expert witness appearances and other architectural consulting services from concept to completion.

George Mojzisek can assist you in obtaining a BUILDING PERMIT, checking your drawings and specifications for BUILDING CODE and LIFE SAFETY CODE compliance; verify that your building meets the HANDICAPPED REQUIREMENTS and is in ADA compliance; knowledgeable reference CADD; investigate ROOF FAILURES & associated waterproofing problems; prepare REPORTS & STUDIES.

Graduated - University of Notre Dame, South Bend, Indiana
School of Architecture 1958

Registered - Maryland / Pennsylvania / New Jersey

Foreign
Language - speaks, reads, and writes Czech fluently - approved
interpreter speaks, reads, and writes basic Italian

Contact Information

Name: **George Mojzisek, Registered Architect Address: Your Architect**
4005 Pinedale Drive
Baltimore, MD 21236
Phone: **410-256-4968**
Fax: **410-889-4318**
Email: **Click Here**

Send mail to webmaster with questions or comments about this web site.
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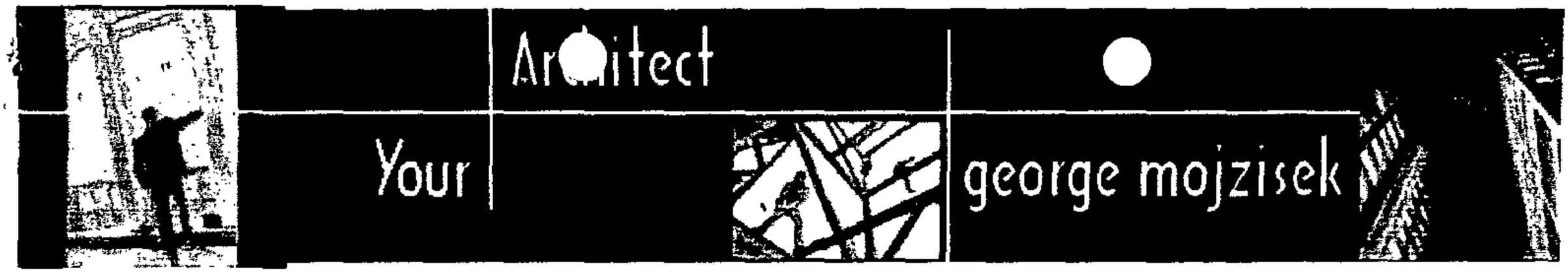
PETITIONER'S
EXHIBIT NO. 10



Expert Witness - Architect

Expert witness services with excellent credentials and court-room experience relating to cases *involving architectural* design, building defects and construction disputes. As an expert witness, we can prepare detailed appraisals of causes of failure with recommendations for remedial works, including cost estimates.

Our clients are typically lawyers, building owners, contractors, local authorities and companies who have experienced losses and have claims for building defects or architectural *design team negligence.*

Foreign
Language - speaks, reads, and writes Czech fluently - approved interpreter
speaks, reads, and writes basic Italian

Professional References

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410-727-0828
Baltimore, Maryland

Brian Jablon
Law firm of
Saltzman & Jablon LLC[1]
410-313-8342
Ellicott City, MD

Paul Evelius
Law Firm of
Wright, Constable & Sheen
410-659-1300
Baltimore, Maryland

Doug Morrill
Law Firm of
Wright, Constable & Sheen
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Baltimore, Maryland

Mark Scurti
Law Firm of
Mark F. Scurti
410-244-0772
Baltimore, Maryland

Robert Schwartzman
Law Firm of
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410-539-5881
Baltimore, Maryland

Paul Yumkus
Law Firm of
Blum, Yumkus, Millman & Denick
410-578-8354
Baltimore, Maryland

Spencer Stevens
Law Firm of
Spencer Stevens
301-294-7081
Rockville, Maryland

Daniel J. Dregier
Law Firm of
Azrael, Gann & Franz
410-821-6800
Towson, Maryland

Ronald S. Canter
Law Firm of
Wolpoff & Abramson LLP
800-876-1204
Rockville, Maryland

Notes: 1. Law firms for which work was done within the past one year.

Contact Information:

Name: **George Mojzisek, Expert Witness Architect Address: Your Architect**
4005 Pinedale Drive
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Phone: 410-256-4968
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Expert Witness
References
Contact Us

References

Character

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St. Joseph Catholic Church
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Baltimore, MD 21236
410-256-1630

Professional

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Brian Wolfe C.P.A.
410-747-0789

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Roger Drechsler
410-256-7272

Commercial Loan Pay Off
M & T Bank
Edwin Shockly
410-632-2122

Financial Adviser
First Financial Group
Michael Spicer
410-832-4260

Commercial Printing
Consolidated Printing Co.
Frank Wilson
410-679-5997

Residential Financial Lender
Key Bank
Robert Reilley
410-256-6677

Mechanical & Electrical Engineers
Henry Adams Consulting Engineers
Don Stiener P. E.
410-944-3700

Structural Engineering Design
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Tim Sibol P.E.
410-366-9384

Contactors & Subcontractors

Utilities Services Investigation & Landscaping Design
Site Resourced, Inc.
Mike Fisher P. E.
410-683-3388

General Commercial Contractor
Volz Construction, Inc.
George Volz
410-882-4096

Commercial Developer
Mike Shecter, Inc.
Mike Shecter
443-801-6001

Commercial Roofer (including slate)
Fick Brothers Roofing Co.

Sound Systems & Cabeling
HP Electronics, Inc.

Interior Office Partitions & Systems Furniture

Joe Fick
410-889 ..025

Martin Philip
410-242-4077

Mark Downs
Scott Gray
410-771-6800

Commercial Electrician
Light & Power Co.
Dave Ditmar
410-431-5088

Commercial Plumber
Bracken & Sons Plumbing
Jim Bracken
410-426-8046

Commercial Insurance
Diversified Insurance
Howard Jachman
410-433-3000

Contact Information

Name: **George Mojzisek, Architect**
Address: **Your Architect**
4005 Pinedale Drive
Baltimore, MD 21236
Phone: **410-256-4968**
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Email: **Click Here**

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10AM

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 30, 2007

HAND DELIVERED
Thomas H. Bostwick, Deputy Zoning Commissioner
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

RECEIVED
OCT 30 2007
BY:

Re: PETITION FOR SPECIAL HEARING
Rising Sun First Baptist Church.- Petitioners
Case No: 08-102-SPH

Dear Mr. Bostwick,

Because this case appeared to involve significant parking issues, we asked Stephen E. Weber, Chief of Traffic Engineering, to review the site plan. As a result, he sent us the enclosed email dated October 30, 2007 and attached aerial photo. I am forwarding it to you for your consideration. We understand that the hearing took place on October 24, 2007, so that this letter comes afterward. Nevertheless, Mr. Weber's comments are important and should not be overlooked. We also understand that Petitioner should have an opportunity to respond so that the issues raised by Mr. Weber can be addressed in a fair way.

His profound and thoughtful review raises significant legal and practical concerns. We concur with his observation that the new use must satisfy current parking standards, and that the proposal does not provide the required minimum number of spaces, under BCZR § 409.6, page 4-37. We also share his concern that, as a practical matter, the proposed significant expansion will cause overflow problems on St. Lukes Lane.

Thank you for your consideration.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

cc: Arnold Jablon, Esquire, Attorney for Petitioner
Stephen Weber, Chief

From: Stephen Weber
To: People's Counsel
Date: 10/29/2007 2:50 PM
Subject: Case No. 08-102-SPH, Rising Sun First Baptist Church
Attachments: Rising Sun First Baptist.jpg

Peter -

In examining this plan, we do not have concerns with traffic generated by the site, as the surrounding road system should be capable of adequately handling it.

However, we do have concerns as to whether the parking on this site is going to be able to adequately accommodate an additional nearly 11,000 sq. ft. of building for "Education, Administration, and Social Activities". This will result in a total space of approximately 21,500 sq. ft. for these type of activities on site in addition to the 400-seat worship center. Because the Special Exception request makes no limitations on the simultaneous use of these 3 spaces, there would clearly be a problem if both accessory structures were being used at the same time that 400 people are in the sanctuary. I am also somewhat mystified by the parking calculations on General Note #9 where it calculates the parking required as 400 seats x 1 p.s./6 seats = 67 p.s. (1988). Apparently they are grandfathering the calculations under older zoning regulations since under Council Bill 144-1997 the calculation is now supposed to be 1 p.s./4 seats. Under current zoning regulations this would then require 400/4 = 100 parking spaces on site, which would mean the site is 20 spaces short of the required minimum number, which would then require a parking variance.

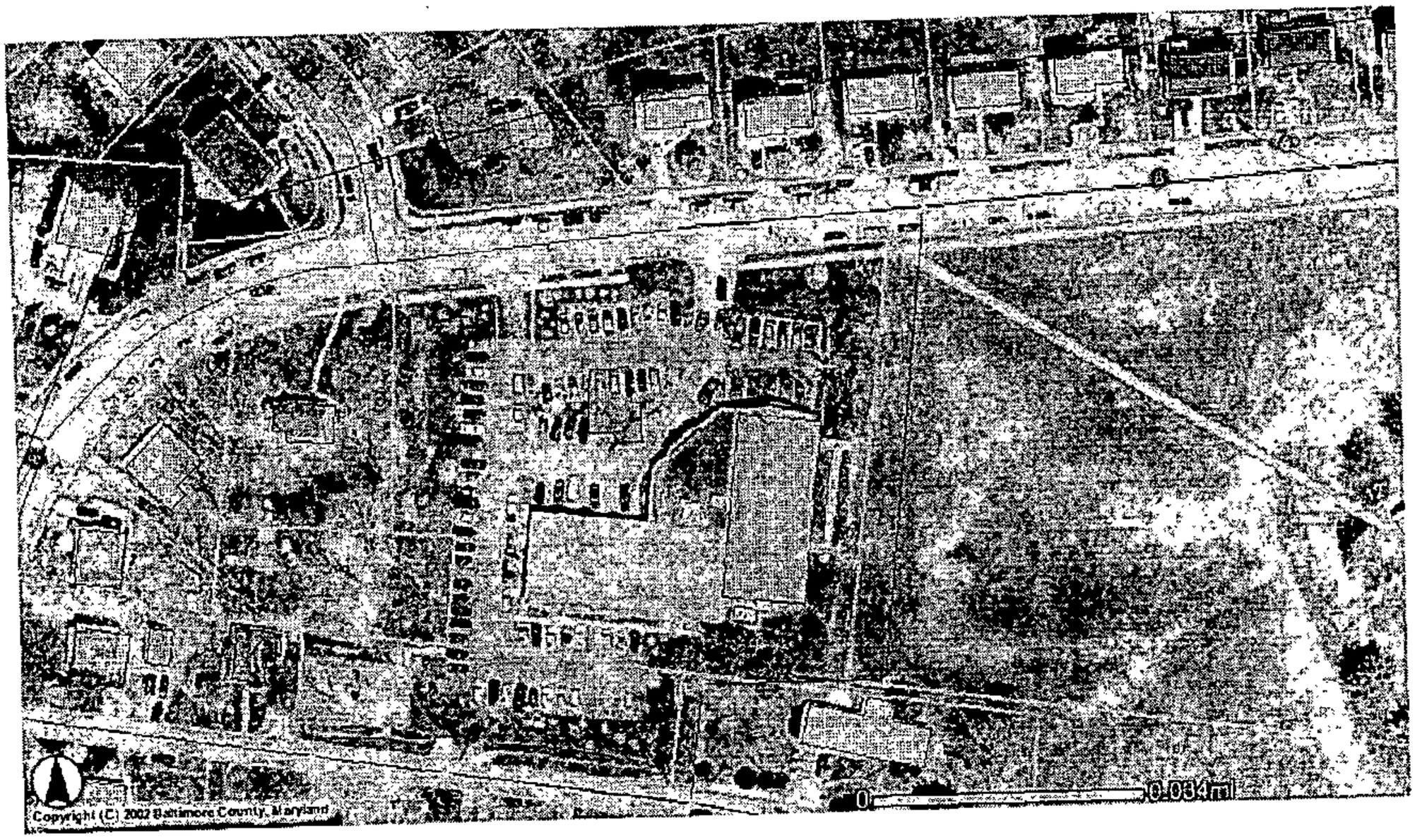
Even if the zoning regulations would allow this site to have the 1988 calculations grandfathered, the spirit and intent of the law appears to be soundly trampled on. When examining the current 1 p.s. for 4 seats regulation, it appears to be short of what should generally be required, particularly for congregations that usually have good attendance and fill their seats. (How many congregations do you know where there are an average of 4 people per car coming to church?) One parking space for 6 seats is grossly under the parking demands usually generated by houses of worship. To then use this old zoning standard and then come in with a new request for a special exception for two accessory structures which are starting to become the majority of the site appears to grossly underestimate the total parking demand for this site.

The 1987 zoning case indicates that church members shall not be allowed to park on the residential streets surrounding the church and that if additional parking is needed for a temporary period, the church shall seek approval from the Woodlawn Middle School to utilize its parking lot. Our office is not aware of any complaints from area residents about church members parking on the streets surrounding the church. However, it is difficult to understand how this nearly 11,000 sq. ft. additional space is going to be placed on this property and not cause it to start having regular parking overflow problems. We also don't know if the church ever obtained any written agreement from the Baltimore County Board of Education allowing any off-site parking on their property. We are assuming there is such a document that the church would provide to the Zoning Commissioner in the current case. The other problem with the current proposal is that constructing the subject building will remove space where additional parking could be provided for this church just to meet the current parking requirements of the zoning regulations to have 100 parking spaces. Therefore, being short of parking spaces already under current County laws and then placing another 11,000 sq. ft. of building on the space where such parking could be accommodated appears to only aggravate the situation and remove potential solutions to parking issues for the future.

Given that the site is required to contain its parking needs either on site or on Woodlawn Middle School property (St. Lukes Lane is a "residential street surrounding the church" and therefore should not be used for parking), that the parking at the middle school is located approximately 1000 feet from the church, that examination of an aerial photo from a few years ago indicates that parking was already overflowing onto St. Lukes Lane (photo attached), and that the proposal would not only increase the parking demand but simultaneously remove the ability to address the existing apparent parking overflow problems, we seriously question the granting of the special exception request.

Should you have any questions, please give me a call at ext. 3554.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 6, 2007

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

Re: Petition for Special Hearing
Case No. 08-1023-SPH
Property: 2211 St. Lukes Lane

Dear Mr. Jablon:

Enclosed please find the decision rendered in the above-captioned case.

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

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Rising Sun First Baptist Church, 2211 St. Lukes Lane, Baltimore MD 21207
Douglas Kennedy, KCW Engineering Technologies, 810 Landmark Drive, Glen Burnie MD 21061
George Mojzisek, KCM Architects, 2508 North Calvert Street, Baltimore MD 21218
Earlean and Emmett Burns, 3600 Oak Avenue, Baltimore MD 21207

PETITIONER'S
EXHIBIT NO. 7

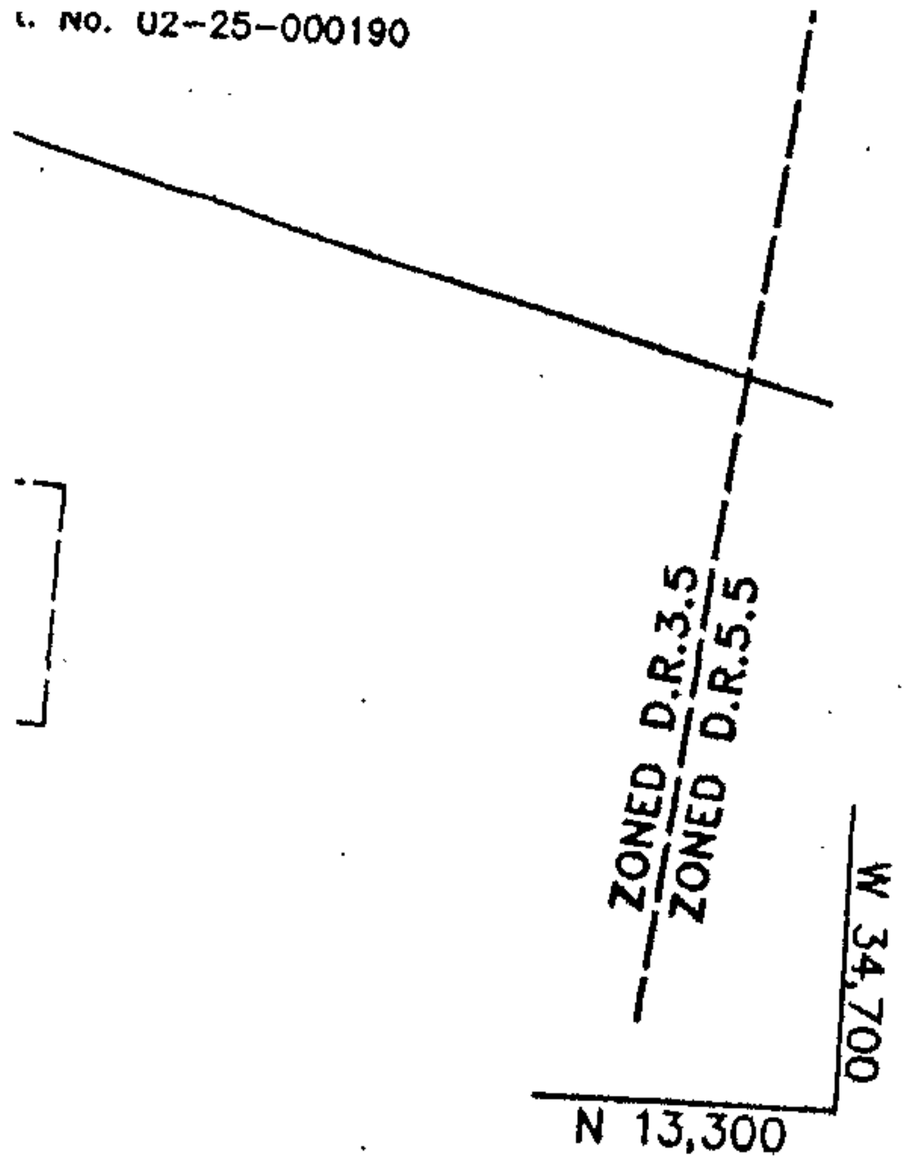
ale

200'

400
Feet

1

Data Sources:
Planametric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004



PETITION FOR ZONING SPECIAL HEARING:

The Owners petition for a Special Hearing under Section 500.7 of th Regulations of Baltimore County to determine whether or not the Zo Commissioner should approve the proposed addition to the existing c and site improvements as shown on this "Plan to Accompany Petitio Petitioner seeks relief from B.C.Z.R. Section 1B01.1.B.g.(6) in that the addition is planned to comply to the extents possible with the Reside Transition Area (R.T.A.) use requirements and will be maintained and compatible with the character and general welfare of the surrounding premises. Petitioner also seeks to amend the Order of the Zoning C issued in Special Hearing Case No. 87-308-SPH on January 28, 1987

PETITION FOR ZONING VARIANCE:

The Owners petition for a Variance from Section 1B01.2C.1.a. of the Zo Regulations of Baltimore County for a non-residential principal building D.R.5.5 Zone for the existing 2-story, frame building at 6912 Schissler

1. Existing front yard setback of 30 ft. in lieu of the minimum requirec
2. Existing side yard setback of 6 ft. in lieu of the minimum required
3. Existing rear yard setback of 6 ft. in lieu of the minimum required

This building, formerly a residential dwelling, was existing at the time t acquired the property.

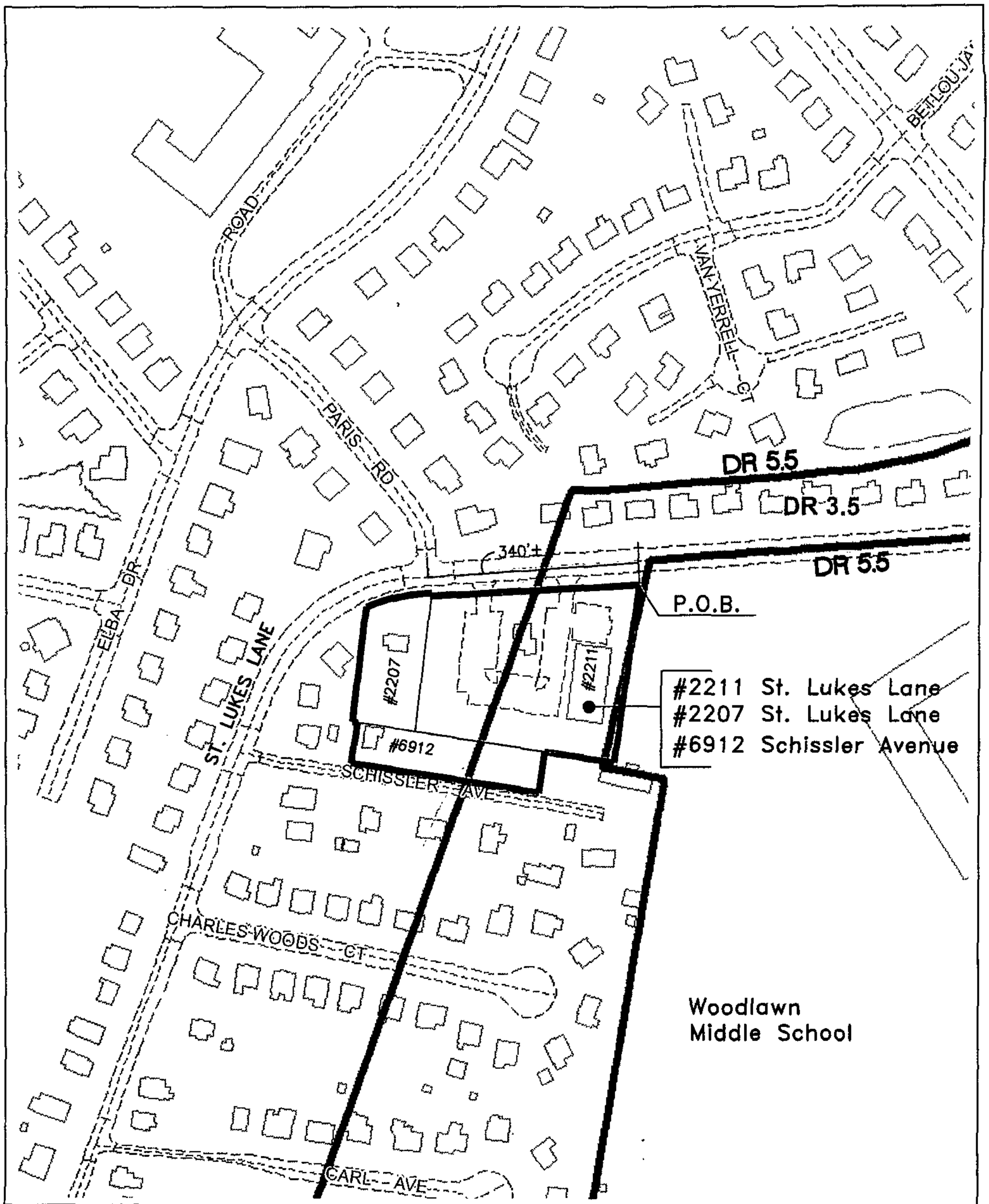
PETITIONER'S

EXHIBIT NO. 6

REVISIONS

DATE	DESCRIPTION
5-6-99	SUBMIT PETITION and PLAN for SPECIAL HEARING and VARIANCES.

KCW J.O.	98638
SCALE:	1"= 40'
DATE:	Feb. 19, 1999
DESIGNED:	RD/ DLK
DRAWN:	Cadd
CHECKED:	DLK
DRAWING NO.:	C-100



ZONING MAP SCALE: 1"=200'

ZONING PLAN SHEET 088A2 (2004) JULY 26, 2007

08-102-SPH

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
ARNOLD JAMON	210 ALLEGHENY AVE	TOWSON 21204	
DOUGLAS L. KENNEDY	KCW ENGR. TECH.		
	810 LANDMARK DRIVE	GLEN BURNIE, MD 21061	DKennedy@KCW-ET.com
GEORGE MOJZISEK	KCM ARCHITECTS	BALTIMORE, MD 21218	
	2508 N. CALVERT ST		gMojzisek@webtv[redacted]t
Earlean Burns	3600 Oak Ave	Baltimore, Md. 21207	
Emmett C. BURNS	3600 OAK AVE.	BALTO. MD. 21207	INFO@RisingSun-Baptist.ORG

KCW
ENGINEERING TECHNOLOGIES

DOUGLAS L. KENNEDY, P.E.

CIVIL ENGINEER

SENIOR VICE-PRESIDENT

RESUME

EDUCATION: North Carolina State University, 1971
B.S. Civil Engineering

REGISTRATION: Professional Engineer,
Maryland Registration No. 10748

ENGAGEMENTS:

1971 – 1978	Baltimore County Bureau of Engineering
1978 – 1979	Consulting Engineer
1979 – 2007	KCW Engineering Technologies, Inc.

EXPERIENCE: *Civil Engineer with 36 years experience responsible for* planning, engineering design, plan preparation, coordination, and construction inspection of various municipal, utility company and land development projects. This work involves preparation of topographic and boundary surveys; land planning and zoning analysis; design of roadways, storm drains, water mains, sanitary sewer, septic systems, telephone conduit, electric conduit, sediment control, and stormwater management; *coordination with environmental consultants*, geotechnical engineers, mechanical engineers, electrical engineers, structural engineers, and architects; processing plans for permits with County, City, State and Federal agencies; quality control; preparation of construction cost estimates, specifications and contract documents.

Douglas Kennedy shall be involved in this project as civil engineering project manager and design engineer. He has 29 years experience on projects of similar scope located within Baltimore County and is familiar with the Baltimore County development process, zoning code and Baltimore County personnel.

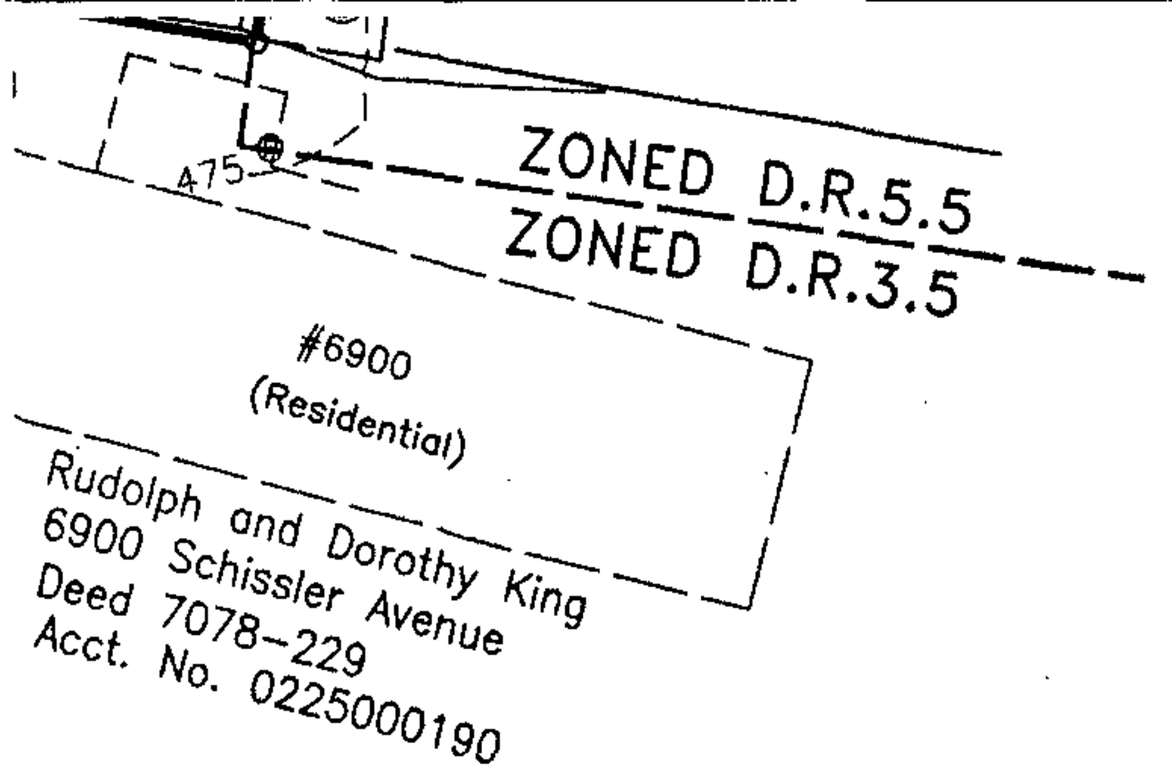
Numerous similar projects have been accomplished for new development and redevelopment on existing campuses. This work involves determining existing site conditions such as existing utilities and environmental constraints; working with the Architect on proposed layout; zoning analysis; compliance with the new stormwater management regulations; layout for new utility services; and site grading for ADA compliance.

KCW Engineering Technologies, Inc. • 3106 Lord Baltimore Drive • Suite 110 • Baltimore, MD 21244
Tele 410-281-0033 • Fax 410-281-1065

PETITIONER'S EXHIBIT NO. 1

SIMILAR PROJECTS:

Our Lady of Grace Church and School	Baltimore County, MD
Grace Community Church	Baltimore County, MD
Jemicy School	Baltimore County, MD
St. Stephens Church	Baltimore County, MD
Lifepoint Church	Baltimore County, MD
Rising Sun First Baptist Church	Baltimore County, MD
St. Cecelia Church	Baltimore City, MD
Holy Family Church	Anne Arundel County, MD



discretion of Mr. Harden, with input from the church as to the design of this fence.

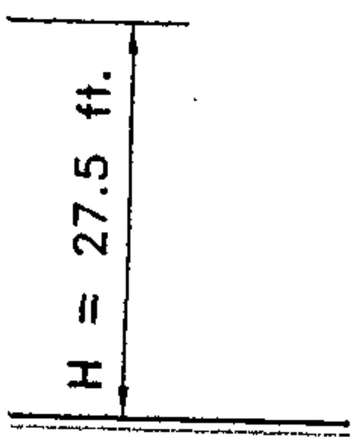
3. When applying for a building permit, the site plan an filed must reference this case and set forth and adc restrictions of this Order.

IT IS FURTHER ORDERED that all terms and conditions of the January 28, 1987 shall remain in full force and effect.

Zoning Commissioner for Bal

PETITIONER'S

EXHIBIT NO. 2



PETITION FOR ZONING SPECIAL HEARING:

The Owners petition for a Special Hearing under Section 500.: Zoning Regulations of Baltimore County

1. to confirm that the proposed addition and site improvemen existing church is subject to Section 1B01.1.B1.g.(4), of the B

OR

2. in the alternative, to approve the proposed addition and sit improvements as being in compliance with the RTA to the ext possible pursuant to Section 1B01.1.B.1.g.(6),

AND

3. to approve an amendment to the previously approved site p orders in Case No. 87-308-SPH and 99-443-SPHA.

REVISIONS

DATE	DESCRIPTION

KCW J.O.:
SCALE:
DESIGNED:
DRAWN:
CHECKED:
DATE:
DWG. NO.:

PETITIONER'S EXHIBIT 3

IN RE: PETITION SPECIAL HEARING S/S of St. Lukes Lane, 865' W of Essex Road (2211 St. Lukes Lane) - 2nd Election District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
Rising Sun First Baptist Church, Inc.,	*	Case No. 87-308-SPH
Petitioners	*	

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests approval of a site plan for its church in a residential zone and to confirm that it satisfies the residential transition area (RTA) use requirements to the extent possible, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Emmett C. Burns, its Pastor, appeared and testified and was represented by Counsel. Peggy Thweatt, the adjoining property owner; Ray Frazier, a neighborhood resident; and Ella White Campbell, President of the Liberty Road Community Council, appeared, not necessarily in opposition to the church but to express their concerns about parking and community involvement.

Testimony indicated that the subject property, zoned D.R.3.5 and D.R.5.5 and located on St. Lukes Lane, across from Paris Road and adjacent to Woodlawn Middle School, is presently improved with a three-story frame dwelling. The church proposes to convert the dwelling to office use and meeting rooms and to construct a 60' x 100' church building with 400 seats, which will include a fellowship hall, pastor's study, kitchen facilities, and several meeting rooms. It presently utilizes Powhatan Elementary School and the instant site is appropriate for a permanent location. The church now has 210 members, including children, and hopes to attract another 100 members. Most of the parishioners live in the lower Liberty Road corridor. Primary use would be

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By

Sunday mornings, with intermittent use during the week. The average Sunday service attracts approximately 150 members and 30 cars. The church building will be constructed approximately 33 feet from the east property line, which abuts Woodlawn Middle School's athletic fields. Sixty-seven parking spaces are required, and 69 spaces will be provided.

The community is concerned that if this church is constructed, their residential community will become commercial. In addition, they are concerned about overflow parking onto adjacent residential streets.

Churches, other buildings for religious worship, or other religious institutions are permitted in a residential zone by right. There is no question that the proposed use is compatible with the neighborhood and community; the Baltimore County Council so concluded by permitting such a use as a matter of right. However, the proposed use would be a residential transition use and, as such, would be required to satisfy, to the extent possible, the RTA use requirements to be compatible with the character and general welfare of the surrounding residential premises.

In fact, all of the RTA use requirements can be satisfied except for the 75-foot buffer requirement. With the proposed landscaping, the impact created by the inability to satisfy this requirement would be minimal. A 33-foot dense buffer area is to be provided to the east property line and a 55-foot dense buffer area to the west property line, adjoining Ms. Thweatt's property. The property is approximately 320 feet wide in the rear and approximately 329 feet wide in the front along St. Lukes Lane. It is obvious that the church cannot satisfy the buffer requirements without reducing the needed size of the building and limiting the on-site parking. It appeared from the testimony that the size of the buffer area is not an issue but that the type of buffer used is of concern.

The Petitioner seeks relief from Section 1B01.1.B.1.c.6, pursuant to Section 500.7, BCZR.

It is clear from the testimony and evidence presented that the proposed improvements are planned in such a way that compliance with the RTA use requirements, to the extent possible, will be maintained and that the improvements can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. It is also clear that the proposed use would not be contrary to the spirit and intent of the BCZR and would not result in substantial detriment to the public good.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the approval prayed for should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of January, 1987, that the site plan for a church in a residential zone is approved and satisfies the RTA use requirements to the extent possible and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. Church members shall not be permitted to park on the residential streets surrounding the church. If additional parking is needed for a temporary period, the church shall seek approval from the Woodlawn Middle School to utilize its parking lot.

2. The height of the church building shall not exceed 35 feet.

3. The height of any lighting fixture shall not exceed 16 feet and shall be designed and placed and the intensity limited so as to prevent illumination onto adjoining dwellings or lots.

4. A landscape plan shall be submitted to the Current Planning and Development Division, Office of Planning and Zoning, and shall be subject to compliance with the Baltimore County Landscape Manual. Prior to such submission, the Petitioner and Mrs. Thweatt shall agree as to the type of screening to be placed along and adjacent to their joint property line. Such screening shall include both buffer areas and the area adjacent to and running the length of the south property line, parallel to Schissler Avenue

5. A revised site plan, approved by the Current Planning and Development Division, shall be submitted to the Zoning Commissioner.

Zoning Commissioner of
Baltimore County

AJ/srl

cc: David E. Sloan, Esquire

Ms. Peggy Thweatt

Mr. Ray Frazier

Ms. Ella White Campbell

People's Counsel

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

PETITIONER'S EXHIBIT NO. 1

TO ACCOMPANY PETITION FOR
SPECIAL HEARING
ST. LUKES LANE
ST. 2 BALTIMORE COUNTY, MD
1" = 40' MAY 28, 1986

PETITIONER'S
EXHIBIT NO. 1

ENGINEER
PAUL LEE ENGINEERING, INC.

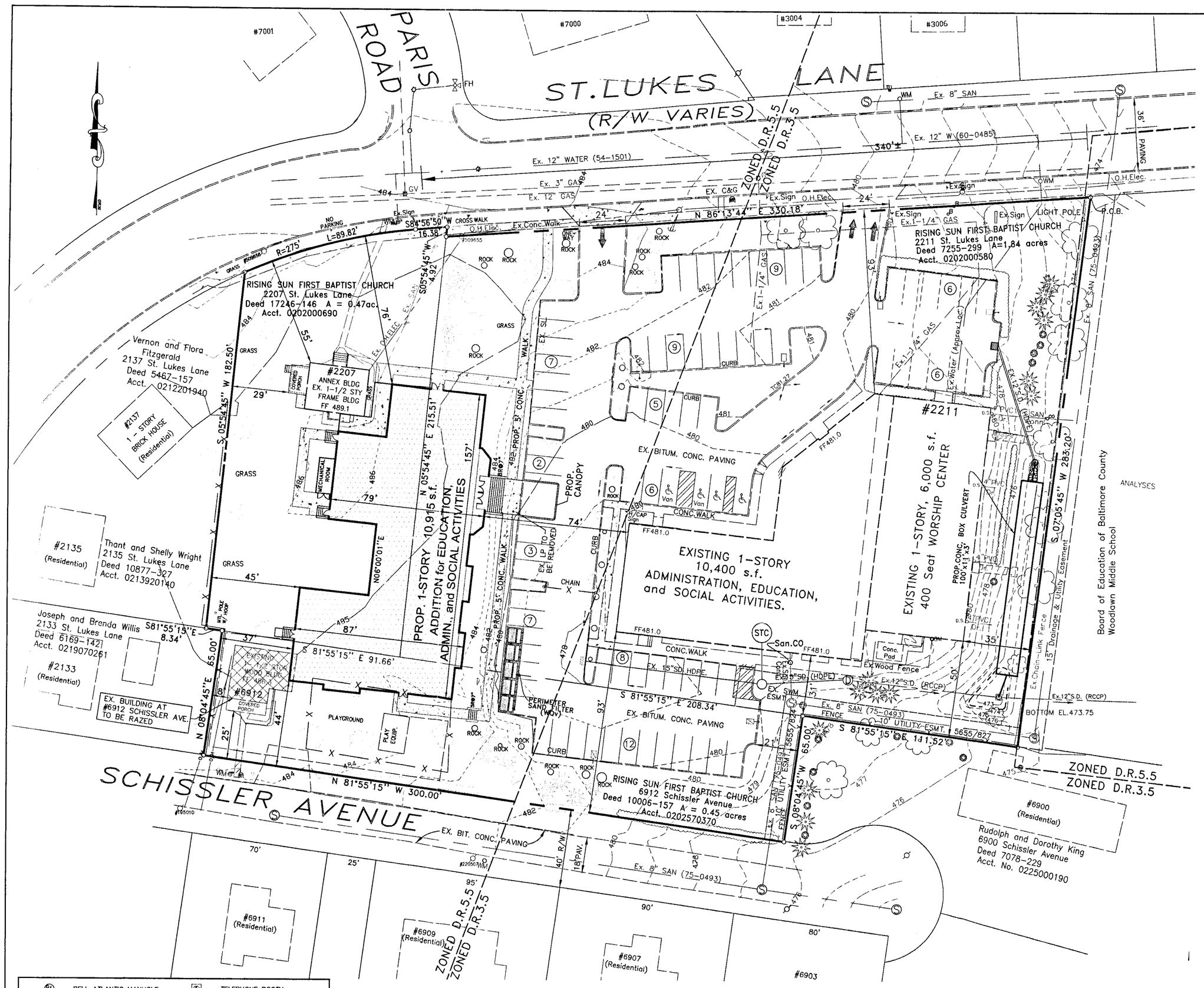
STATE OF MARYLAND

OFFICE COPY

HLS 86-395-SPH

* 186

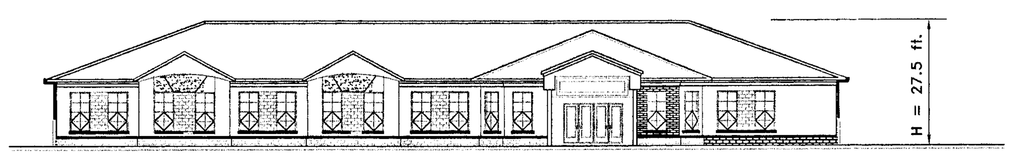
Zoning Review | County Office Building
111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov



PLAN Scale: 1"=30'

BELL ATLANTIC MANHOLE		TELEPHONE BOOTH	
PIPE BOLLARD		SANITARY CLEAN OUT	
CONIFER TREE		SIGN	
DECIDUOUS TREE		SINGLE DOOR	
DOUBLE INLET		SINGLE INLET	
STORM DRAIN MANHOLE		SANITARY SEWER MANHOLE	
PUBLIC WORKS MANHOLE		TRAFFIC POLE	
ELECTRIC JUNCTION BOX		TELEPHONE MANHOLE	
ELECTRIC MANHOLE		UNKNOWN MANHOLE	
FIRE HYDRANT		UTILITY POLE	
FUEL CAP		WATER/MONITORING WELL	
GUY WIRE		WATER METER	
GAS VALVE		WATER VALVE	
LIGHT POLE		HAND BOX	

LEGEND



EASTERN ELEVATION - PROPOSED BUILDING
NOT TO SCALE

HORIZONTAL & VERTICAL CONTROLS:

Baltimore County Benchmarks:

No. X-9266	N 13786.36	W 34953.30	ELEV. 482.868
No. X-9267	N 13764.22	W 35268.74	ELEV. 481.954

ZONING CASE No. 87-308-SPH

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of January, 1987, that the site plan for a church in a residential zone is approved and satisfies the RTA use requirements to the extent possible and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject however, to the following restrictions which are conditions precedent to the relief granted herein:

1. Church members shall not be allowed to park on the residential streets surrounding the church. If additional parking is needed for a temporary period, the church shall seek approval from the Woodlawn Middle School to utilize its parking lot.

2. The height of the church shall not exceed 35 feet.

3. The height of any lighting fixture shall not exceed 16 feet and shall be designed and placed and the intensity limited so as to prevent illumination onto adjacent dwellings or lots.

4. A landscape plan shall be submitted to the Current Planning and Development Division, Office of Planning and Zoning, and shall be subject to compliance with the Baltimore County Landscape Manual. Prior to submission, the Petitioner and Mrs. Thweatt shall agree as to the type of screening to be placed along and adjacent to their joint property line. Such screening shall include both buffer areas and the area adjacent to and running the length of the south property line, parallel to Schissler Avenue.

5. A revised site plan, approved by the Current Planning and Development Division, shall be submitted to the Zoning Commissioner.

Zoning Commissioner of Baltimore County

ZONING CASE No. 99-443-SPHA

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of July, 1999 that the Petition for Special Hearing to approve a finding that the proposed addition to the existing church and site improvements, in accordance with Petitioner's Exhibit 3, comply to the extent possible with the Residential transition Area (R.T.A.) use requirements set forth in Section 1B01.1.B.g(16), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve an ammendment to the previously approved site plan and Order issued in prior Case No.87-308-SPH on January 28, 1987, to reflect proposed improvements/ modifications, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1a of the B.C.Z.R. to permit a front yard setback of 30 feet in lieu of the minimum required 40 feet, a side yard setback of 6 feet in lieu of the minimum required 30 feet for an existing non-residential building in a D.R. 5.5 zone, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the following restrictions:

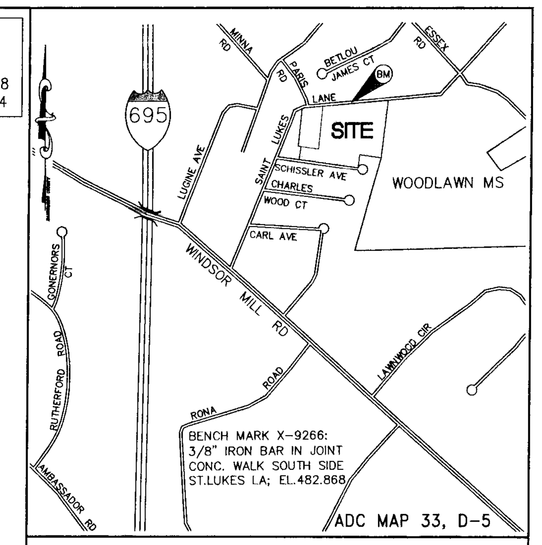
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order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

2. Prior to the issuance of any building permits, The Petitioner shall submit a landscape plan for review and approval by the Count/s Landscape Architect, Mr. Avery Harden. Said landscape plan shall be sufficient to adequately screen the church building and parking lot from surrounding residential uses. In addition, landscaping shall be provided along Schissler Avenue to prevent church goers from driving across the curb onto the church property and parking iot. Lastly, appropriate fencing should be installed along the common property line abutting the King property. I will leave it to the discretion of Mr. Harden, with input from the church and the Kings, as to the design of this fence.

3. When applying for a building permit, the site plan and landscape plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that all terms and conditions of the Order issued January 28, 1987 shall remain in full force and effect.

Zoning Commissioner for Baltimore County



VICINITY MAP
SCALE: 1"=500'

GENERAL NOTES

1. OWNER: Rising Sun First Baptist Church, Inc.
   2211 St. Lukes Lane
   Baltimore, Maryland 21207
   Attn: Pastor Emmett C. Burns
   Tele: (410) 944-4470
2. LOCATION: 2211 St. Lukes Lane
   Acct.No. 0202000580, Tax Map 88, Parcel 100
   6912 Schissler Avenue
   Acct.No. 0202570370, Tax Map 88, Parcel 104
   2207 St. Lukes Lane
   Acct.No. 0202000690, Tax Map 88, Parcel 99
3. DEED: 7255-299 Area = 1.84 ac.
   10006-157 Area = 0.45 ac.
   17246-146 Area = 0.47 ac.
   Total Area = 2.76 ac.
4. ELECTION DISTRICT: 02 REGIONAL PLANNING:
   COUNCILMATIC DIST.: 4 WATERSHED:
   CENSUS DISTRICT: 4024.04 SUBSEWERSHED:
5. ZONING: D.R.5.5 (1.34ac±) per Zoning Map 088A2 dated October 2004
   D.R.3.5 (1.42ac±)
6. LAND USE: Existing Worship Center with 400 seats (1988). Building Addition for administrative, educational, and social activities. (1999)
   Proposed Building Addition for administrative, educational, and social activities. (2007)
7. BUILDING AREA:
   Existing Worship Center with 400 seats = 6,000 s.f.
   Existing Building (Admin.,educational, social act.) = 10,100 s.f.
   Existing Annex Building = 725 s.f.
   Proposed Building Addition (Admin., educational, soc.)= 10,915 s.f.
   Total Building Area = 28,040 s.f.
   BUILDING HEIGHT: 27.5 ft. - Existing, 30 ft. - Proposed
8. HOURS OF OPERATION: Religious services in Worship Center will not be concurrent with educational, administrative and social activities in the new Addition.
9. PARKING: Required 400 seats x 1 p.s./6 seats = 67 p.s. (1988)
   Existing Parking Spaces = 80 p.s. (Incl. 4 handicapped)
   Parking surfaces are paved with bituminous concrete, 9' x 18', permanently striped, and comply with BCZR Section 409.
10. BUILDING SETBACKS:

	Min. DR5.5	/ DR3.5	Existing	Proposed
Front:	25ft	/ 30ft	93 ft.	76 ft.
Side:	10ft	/ 10ft	33ft.	37 ft.
Rear:	30ft	/ 30ft	31 ft.	44 ft.

11. SIGNS: All existing and proposed signs shall comply with BCZR Section 450 and all zoning policies for D.R. zones.
12. LIGHTING: Lighting shall be building or pole mounted and directed away and downward from adjacent residential properties and public R/W.
13. UTILITIES: Public utilities presently serve this property.
14. There are no known historic buildings, archaeological sites, endangered species habitats, or hazardous material sites located on this property. There are no streams, floodplains or wetlands on this property. There are no significant views or site features that the development proposal will negatively effect. There are no significant regulated plant or wildlife communities based upon DEPRM and DNR data.
15. LANDSCAPE PLAN: Landscape Plan in accordance with the current Landscape Manual shall be approved by PDM prior to issuance of Permits.
16. FOREST CONSERVATION ACT: Variance requested
17. STORMWATER MANAGEMENT / WATER QUALITY MANAGEMENT: to be provided in accordance with SWM Regulations.
18. ZONING CASE 87-308-SPH: Approved January 28, 1987.
    ZONING CASE 99-443-SPHA: Approved July 28, 1999.
    See Zoning Commissioner's Orders on this plan.
19. PREVIOUS COMMERCIAL PERMITS No. 103136, C-1252-88, for construction of the 6000 s.f. Worship Center in 1988 - Building Permit for 1999 improvements.
20. WAIVER OF STANDARDS: None.
21. LIMITED EXEMPTION: D.R.C. 02089B granted A(7) Aug. 23, 1999 for Construction of Building and Parking Addition.
22. BASIC SERVICE MAPS: This property is not located within a deficient area for water, sanitary sewer, or traffic..

PETITION FOR ZONING SPECIAL HEARING:

The Owners petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County

1. to confirm that the proposed addition and site improvements to the existing church is subject to Section 1B01.1.B1.g.(4), of the BCZR;

OR

2. in the alternative, to approve the proposed addition and site improvements as being in compliance with the RTA to the extent possible pursuant to Section 1B01.1.B.1.g.(6),

AND

3. to approve an amendment to the previously approved site plans and orders in Case No. 87-308-SPH and 99-443-SPHA.

PLAT TO ACCOMPANY PETITION FOR ZONING SPECIAL HEARING

KCW ENGINEERING TECHNOLOGIES
KCW Engineering Technologies, Inc.
3106 Lord Baltimore Drive, Suite 110
Baltimore, Maryland 21244
Tele 410-281-0033
Fax 410-281-1065
www.KCW-ET.com

STATE OF MARYLAND — DOUGLAS LANE KENNEDY — No. 10749 — REGISTERED PROFESSIONAL ENGINEER

Douglas L. Kennedy

OWNER/DEVELOPER:
RISING SUN FIRST BAPTIST CHURCH
#2211 St. Lukes Lane
Baltimore, Maryland 21207
Attn: Pastor Emmett C. Burns
Tele: 410-944-4470

REVISIONS

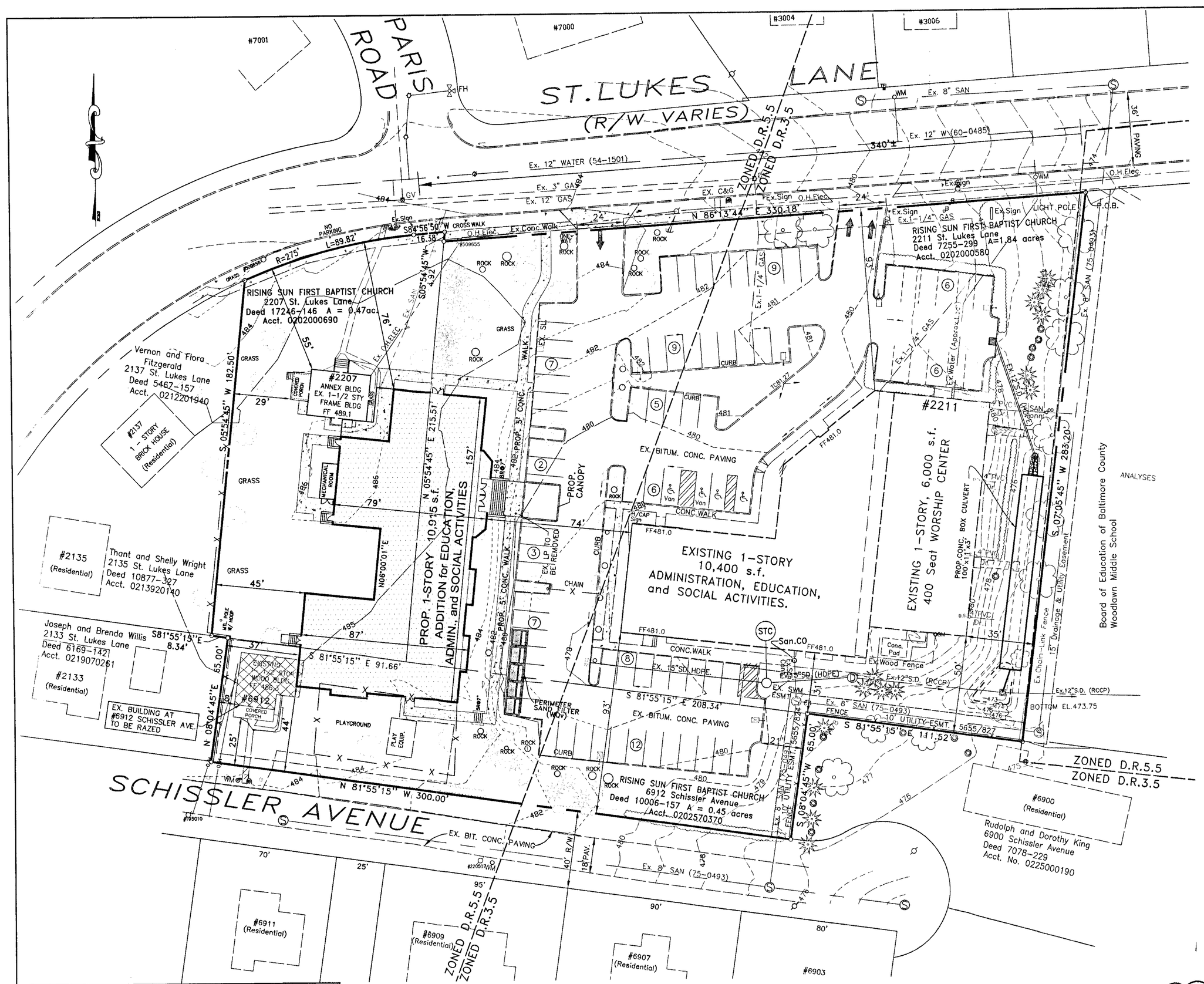
DATE	DESCRIPTION

KCW J.O.:	98638
SCALE:	1"=30'
DESIGNED:	DLK
DRAWN:	YN
CHECKED:	DLK
DATE:	JULY 26, 2007
DWG. NO.:	Z-100

BUILDING ADDITION TO
RISING SUN FIRST BAPTIST CHURCH
#2211 ST. LUKES LANE

BALTIMORE COUNTY, MARYLAND 2nd ELECTION DISTRICT, C4

08-109-SPH



PLAN Scale: 1"=30'

BELL ATLANTIC MANHOLE	TELEPHONE BOOTH
PIPE BOLLARD	SANITARY CLEAN OUT
CONIFER TREE	SIGN
DECIDUOUS TREE	SINGLE DOOR
DOUBLE INLET	SINGLE INLET
STORM DRAIN MANHOLE	SANITARY SEWER MANHOLE
PUBLIC WORKS MANHOLE	TRAFFIC POLE
ELECTRIC JUNCTION BOX	TELEPHONE MANHOLE
ELECTRIC MANHOLE	UNKNOWN MANHOLE
FIRE HYDRANT	UTILITY POLE
FUEL CAP	WATER/MONITORING WELL
GUY WIRE	WATER METER
GAS VALVE	WATER VALVE
LIGHT POLE	HAND BOX

LEGEND

EASTERN ELEVATION - PROPOSED BUILDING
NOT TO SCALE

HORIZONTAL & VERTICAL CONTROLS:

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No. X-9266	N 13786.36	W 34953.30	ELEV. 482.868
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1. Church members shall not be allowed to park on the residential streets surrounding the church. If additional parking is needed for a temporary period, the church shall seek approval from the Woodlawn Middle School to utilize its parking lot.

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4. A landscape plan shall be submitted to the Current Planning and Development Division, Office of Planning and Zoning, and shall be subject to compliance with the Baltimore County Landscape Manual. Prior to submission, the Petitioner and Mrs. Thweatt shall agree as to the type of screening to be placed along and adjacent to their joint property line. Such screening shall include both buffer areas and the area adjacent to and running the length of the south property line, parallel to Schissler Avenue.

5. A revised site plan, approved by the Current Planning and Development Division, shall be submitted to the Zoning Commissioner.

Zoning Commissioner of Baltimore County

ZONING CASE No. 99-443-SPHA

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of July, 1999 that the Petition for Special Hearing to approve a finding that the proposed addition to the existing church and site improvements, in accordance with Petitioner's Exhibit 3, comply to the extent possible with the Residential transition Area (R.T.A.) use requirements set forth in Section 1B01.1.B.g.(6), be and is hereby GRANTED; and,

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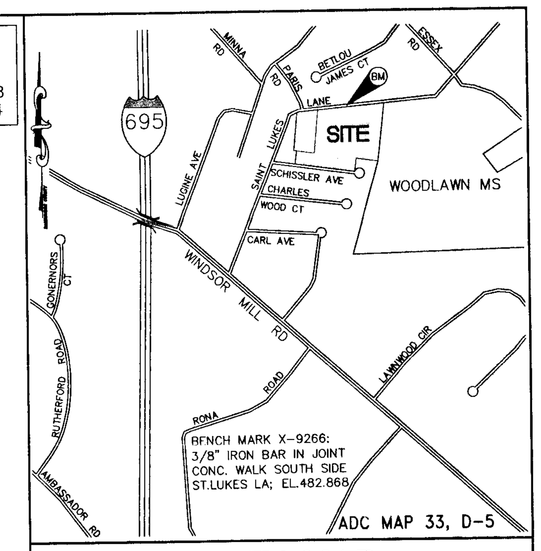
Zoning Commissioner for Baltimore County



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PLAT TO ACCOMPANY PETITION FOR ZONING SPECIAL HEARING

BUILDING ADDITION TO
RISING SUN FIRST BAPTIST CHURCH
#2211 ST. LUKES LANE

BALTIMORE COUNTY, MARYLAND 2nd ELECTION DISTRICT, C4

KCW ENGINEERING TECHNOLOGIES
KCW Engineering Technologies, Inc.
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Baltimore, Maryland 21244
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STATE OF MARYLAND — DOUGLAS LANE KENNEDY — No. 10138 — REGISTERED PROFESSIONAL ENGINEER

Douglas L. Kennedy

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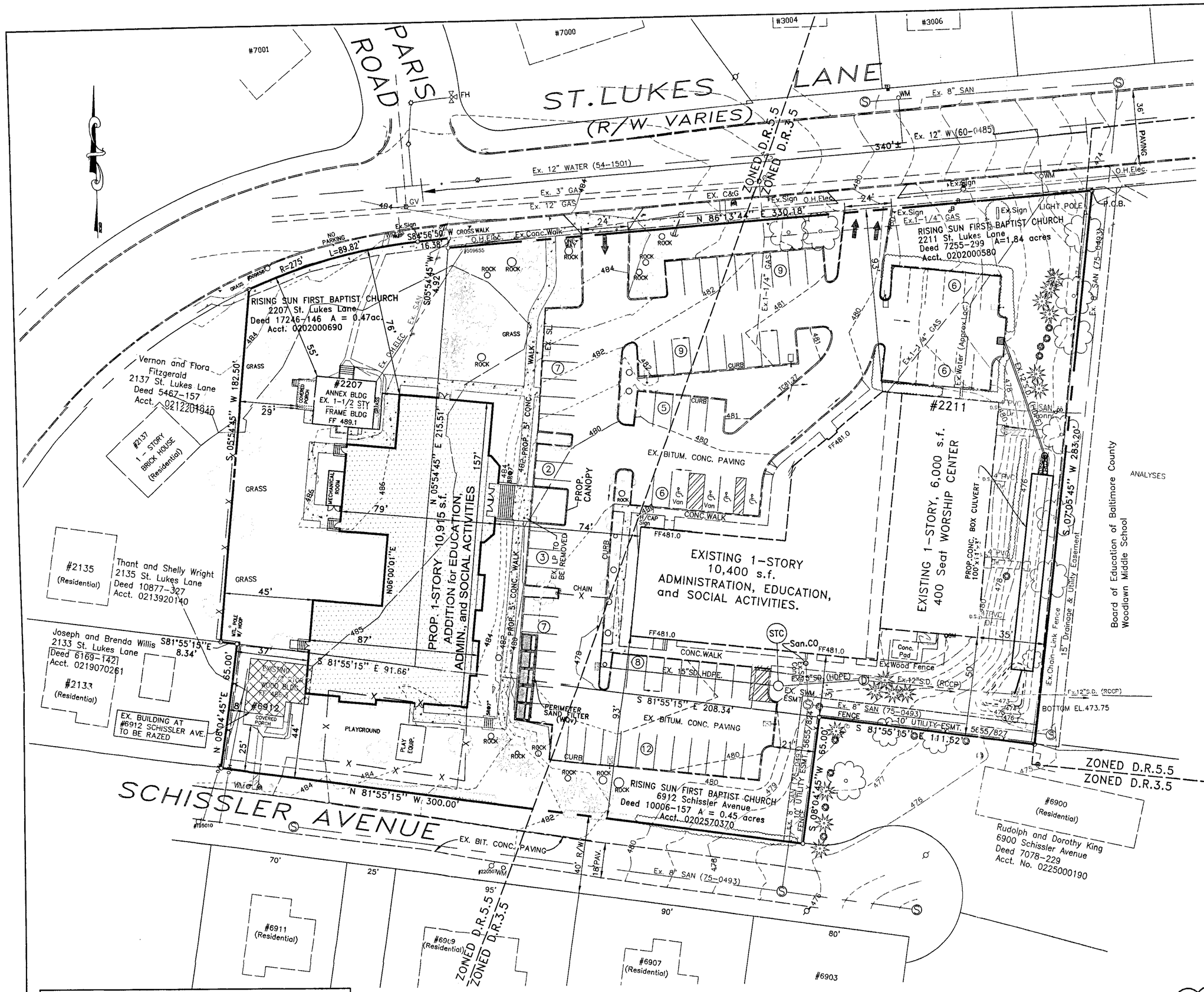
#2211 St. Lukes Lane
Baltimore, Maryland 21207
Attn: Pastor Emmett C. Burns
Tele: 410-944-4470

REVISIONS

DATE	DESCRIPTION

KCW J.O.:	98638
SCALE:	1"=30'
DESIGNED:	DLK
DRAWN:	YN
CHECKED:	DLK
DATE:	JULY 26, 2007
DWG. NO.:	Z-100

08-102-SPH



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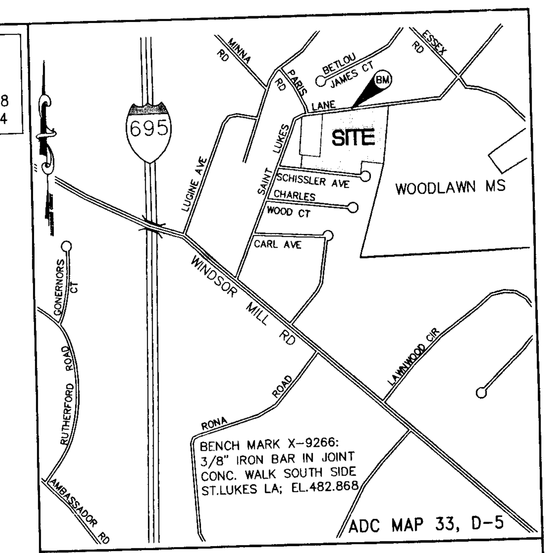

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Zoning Commissioner of Baltimore County

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PETITIONER'S EXHIBIT NO. 2

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11. SIGNS: All existing and proposed signs shall comply with BCZR Section 450 and all zoning policies for D.R. zones.
12. LIGHTING: Lighting shall be building or pole mounted and directed away and downward from adjacent residential properties and public R/W.
13. UTILITIES: Public utilities presently serve this property.
14. There are no known historic buildings, archaeological sites, endangered species habitats, or hazardous material sites located on this property. There are no streams, floodplains or wetlands on this property. There are no significant views or site features that the development proposal will negatively effect. There are no significant regulated plant or wildlife communities based upon DEPRM and DNR data.
15. LANDSCAPE PLAN: Landscape Plan in accordance with the current Landscape Manual shall be approved by PDM prior to issuance of Permits.
16. FOREST CONSERVATION ACT: Variance requested
17. STORMWATER MANAGEMENT / WATER QUALITY MANAGEMENT: to be provided in accordance with SWM Regulations.
18. ZONING CASE 87-308-SPH: Approved January 28, 1987.
    ZONING CASE 99-443-SPHA: Approved July 28, 1999.
    See Zoning Commissioner's Orders on this plan.
19. PREVIOUS COMMERCIAL PERMITS No. 103136, C-1252-88, for construction of the 6000 s.f. Worship Center in 1988 – Building Permit for 1999 improvements.
20. WAIVER OF STANDARDS: None.
21. LIMITED EXEMPTION: D.R.C. 02089B granted A(7) Aug. 23, 1999 for Construction of Building and Parking Addition.
22. BASIC SERVICE MAPS: This property is not located within a deficient area for water, sanitary sewer, or traffic..

PETITION FOR ZONING SPECIAL HEARING:

The Owners petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County

1. to confirm that the proposed addition and site improvements to the existing church is subject to Section 1B01.1.B1.g.(4), of the BCZR;

OR

2. in the alternative, to approve the proposed addition and site improvements as being in compliance with the RTA to the extent possible pursuant to Section 1B01.1.B.1.g.(6),

AND

3. to approve an amendment to the previously approved site plans and orders in Case No. 87-308-SPH and 99-443-SPHA.

EASTERN ELEVATION - PROPOSED BUILDING
NOT TO SCALE

LEGEND

BELL ATLANTIC MANHOLE	TELEPHONE BOOTH
PIPE BOLLARD	SANITARY CLEAN OUT
CONIFER TREE	SIGN
DECIDUOUS TREE	SINGLE DOOR
DOUBLE INLET	SINGLE INLET
STORM DRAIN MANHOLE	SANITARY SEWER MANHOLE
PUBLIC WORKS MANHOLE	TRAFFIC POLE
ELECTRIC JUNCTION BOX	TELEPHONE MANHOLE
ELECTRIC MANHOLE	UNKNOWN MANHOLE
FIRE HYDRANT	UTILITY POLE
FUEL CAP	WATER/MONITORING WELL
GUY WIRE	WATER METER
GAS VALVE	WATER VALVE
LIGHT POLE	HAND BOX

KCW ENGINEERING TECHNOLOGIES
KCW Engineering Technologies, Inc.
3106 Lord Baltimore Drive, Suite 110
Baltimore, Maryland 21244
Tele 410-281-0033
Fax 410-281-1065
www.KCW-ET.com

file on 4-07-07

OWNER/DEVELOPER:
RISING SUN FIRST BAPTIST CHURCH
#2211 St. Lukes Lane
Baltimore, Maryland 21207
Attn: Pastor Emmett C. Burns
Tele: 410-944-4470

REVISIONS	
DATE	DESCRIPTION

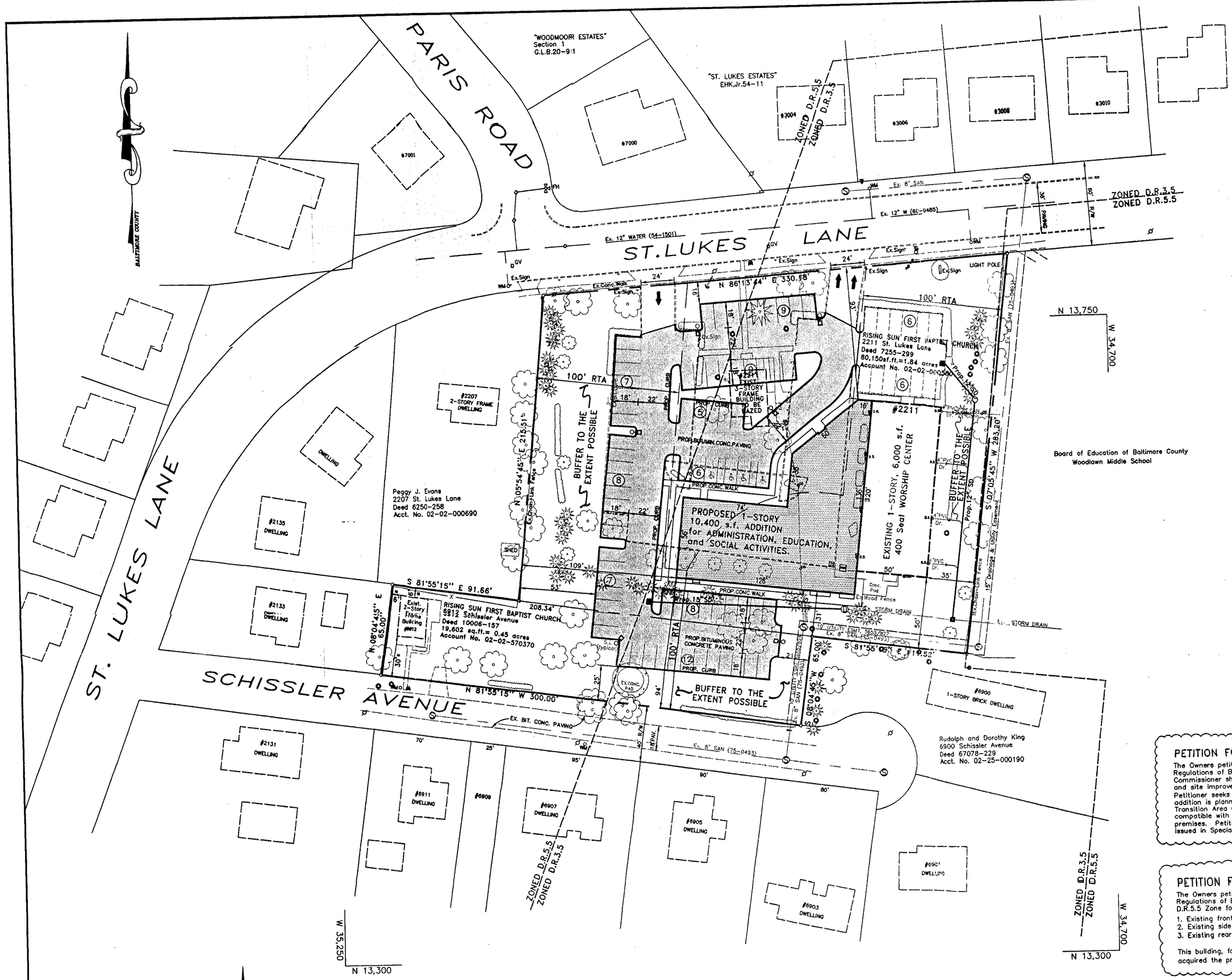
KCW J.O.:	98638
SCALE:	1"=30'
DESIGNED:	DLK
DRAWN:	YN
CHECKED:	DLK
DATE:	JULY 26, 2007
DWG. NO.:	Z-100

PLAT TO ACCOMPANY PETITION FOR ZONING SPECIAL HEARING

BUILDING ADDITION to
RISING SUN FIRST BAPTIST CHURCH
#2211 ST. LUKES LANE

BALTIMORE COUNTY, MARYLAND 2nd ELECTION DISTRICT, C4

7/27/07

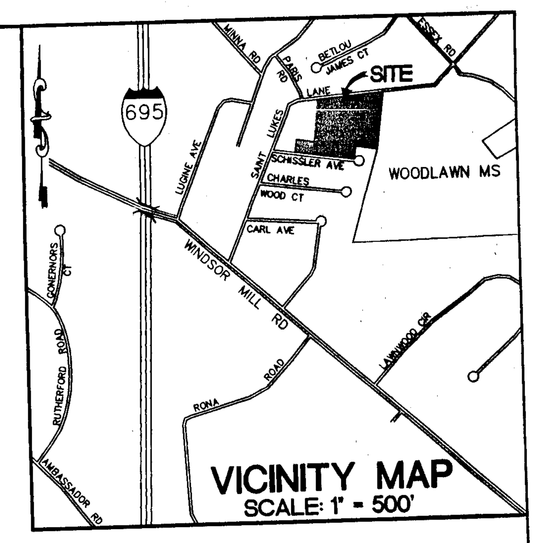


PREVIOUS ZONING CASE No. 87-308-SPH

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of January, 1987, that the site plan for a church in a residential zone is approved and satisfies the RTA use requirements to the extent possible and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject however, to the following restrictions which are conditions precedent to the relief granted herein:

1. Church members shall not be allowed to park on the residential streets surrounding the church. If additional parking is needed for a temporary period, the church shall seek approval from the Woodlawn Middle School to utilize its parking lot.
2. The height of the church shall not exceed 35 feet.
3. The height of any lighting fixture shall not exceed 16 feet and shall be designed and placed and the inensity limited so as to prevent illumination onto adjacent dwellings or lots.
4. A landscape plan shall be submitted to the Current Planning and Development Division, Office of Planning and Zoning, and shall be subject to compliance with the Baltimore County Landscape Manual. Prior to submission, the Petitioner and Mrs. Thweatt shall agree as to the type of screening to be placed along and adjacent to their joint property line. Such screening shall include both buffer areas and the area adjacent to and running the length of the south property line, parallel to Schissler Avenue.
5. A revised site plan, approved by the Current Planning and Development Division, shall be submitted to the Zoning Commissioner.

Zoning Commissioner of Baltimore County



GENERAL NOTES

1. OWNER: Rising Sun First Baptist Church, Inc.
   2211 St. Lukes Lane
   Baltimore, Maryland 21207
   Attn: Pastor Emmett C. Burns
   Tele: (410) 944-4470
2. LOCATION: 2211 St. Lukes Lane
   Acct.No. 0202000580
   6912 Schissler Avenue
   Acct.No. 0202570370
3. DEED: 7255-299 Area = 1.84 ac.
   10006-157 Area = 0.45 ac.
   Total Area = 2.29 ac.
4. ELECTION DISTRICT: 02 REGIONAL PLANNING: *
   COUNCILMATIC DIST.: 2 WATERSHED: *
   CENSUS DISTRICT: 4024.04 SUBSEWERSHED: *
5. ZONING: D.R.5.5 (0.87ac±)
   D.R.3.5 (1.42ac±)
   Zoning Map N.W.4-F
6. LAND USE: Existing Worship Center with 400 seats (No new seats are proposed).
   Proposed Building Addition for administrative, educational and social activities.
   Existing 2-story, frame building at 6912 Schissler Avenue to remain.
   Existing 3-story, frame building at 2211 St. Lukes Lane to be demolished.
7. BUILDING AREA:
   Existing Worship Center with 400 seats = 6,000 s.f.
   Proposed Building Addition = 10,400 s.f.
   Existing Building on Schissler Avenue = 1,100 s.f.
   Total Building Area = 17,500 s.f.
8. HOURS OF OPERATION: Religious services in Worship Center will not be concurrent with educational, administrative and social activities in the new Addition or Schissler Avenue building.
9. PARKING: Required for Worship Center: 400 seats x 1 per 6 seats = 67 p.s.
   Existing Parking Spaces = 78 p.s.
   Proposed Total Parking Spaces = 83 p.s. (Incl. 4 handicapped)
   Parking surfaces will be paved with bituminous concrete, 9' x 18', permanently striped, and comply with BCZR Section 409.
10. BUILDING SETBACKS:

	Minimum DR5.5/DR3.5	Proposed	Existing Bldg.
Front:	40ft/50ft	93 ft.	30ft. *
Side:	20ft/20ft	35ft./109ft.	6ft. *
Rear:	30ft/30ft	31 ft.	6ft. *

    * VARIANCE REQUESTED FROM BCZR Sect. 1B01.2C.1.a.
11. SIGNS: All existing and proposed signs shall comply with BCZR Section 413 and all zoning policies for D.R. zones.
12. LIGHTING: Lighting shall be building or pole mounted and directed away and downward from adjacent residential properties and public R/W.
13. UTILITIES: Public utilities presently serve this property.
14. There are no known historic buildings, archaeological sites, endangered species habitats, or hazardous material sites located on this property. There are no streams, floodplains or wetlands on this property. There are no significant views or site features that the development proposal will negatively effect. There are no significant regulated plant or wildlife communities based upon DEPRM and DNR data.
15. LANDSCAPE PLAN: Landscape Plan in accordance with the current Landscape Manual shall be approved by PDM prior to issuance of Permits.
16. FOREST CONSERVATION ACT: Exempt from the requirements of F.C.A.
17. STORMWATER MANAGEMENT / WATER QUALITY MANAGEMENT: Request to continue previously granted waiver.
18. PREVIOUS ZONING CASE 87-308-SPH: Approved January 28, 1987. See Zoning Commissioner's Order on this plan.
19. PREVIOUS COMMERCIAL PERMITS No. 103136, C-1252-88, for construction of the 6000 s.f. Worship Center in 1988.
20. WAIVER OF STANDARDS: None.

PETITION FOR ZONING SPECIAL HEARING:

The Owners 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 the proposed addition to the existing church and site improvements as shown on this "Plan to Accompany Petition".

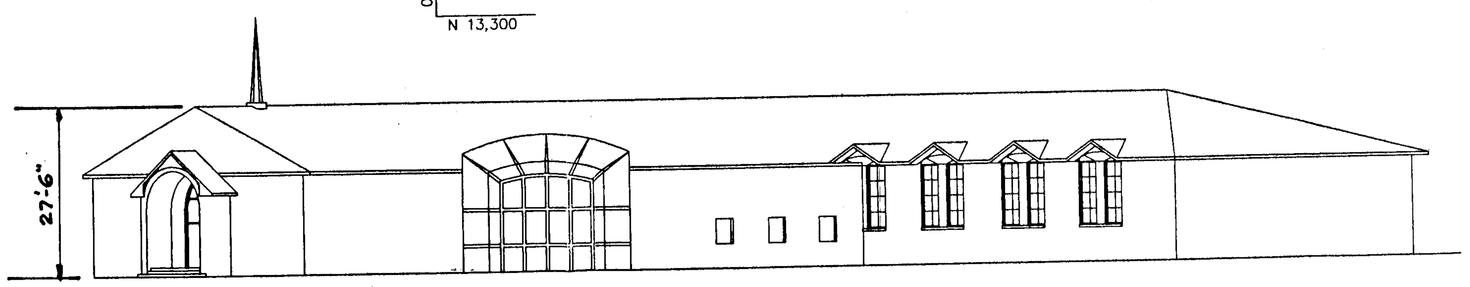
Petitioner seeks relief from B.C.Z.R. Section 1B01.1.B.g.(6) in that the proposed addition is planned to comply to the extents possible with the Residential Transition Area (R.T.A.) use requirements and will be maintained and will be compatible with the character and general welfare of the surrounding residential premises. Petitioner also seeks to amend the Order of the Zoning Commissioner issued in Special Hearing Case No. 87-308-SPH on January 28, 1987.

PETITION FOR ZONING VARIANCE:

The Owners petition for a Variance from Section 1B01.2C.1.a. of the Zoning Regulations of Baltimore County for a non-residential principal building in a D.R.5.5 Zone for the existing 2-story, frame building at 6912 Schissler Ave. for:

1. Existing front yard setback of 30 ft. in lieu of the minimum required 40 ft.
2. Existing side yard setback of 6 ft. in lieu of the minimum required 20 ft.
3. Existing rear yard setback of 6 ft. in lieu of the minimum required 30 ft.

This building, formerly a residential dwelling, was existing at the time the church acquired the property.



NORTHWEST ELEVATION
NOT TO SCALE

PETITIONER'S EXHIBIT NO. 6

PLAN TO ACCOMPANY PETITIONS FOR ZONING SPECIAL HEARING AND VARIANCES

BUILDING and PARKING ADDITIONS to RISING SUN FIRST BAPTIST CHUR

#2211 ST. LUKES LANE
2nd ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

KCW ENGINEERING TECHNOLOGIES
KCW Engineering Technologies, Inc.
3104 Timanus Lane, Suite 101
Baltimore, MD 21244
(410) 281-0033
Fax (410) 281-1065
www.KCW-ET.com

STATE OF MARYLAND — DOUGLAS LANE KENNEDY — No. 10748 — REGISTERED PROFESSIONAL ENGINEER
5-6-99
Douglas L. Kennedy

OWNER:
RISING SUN FIRST BAPTIST CHURCH
#2211 St. Lukes Lane
Baltimore, Maryland 21207
Attn: Pastor Emmett C. Burns
Tele: 410-944-4470

REVISIONS

DATE	DESCRIPTION
5-6-99	SUBMIT PETITION and PLAN for SPECIAL HEARING and VARIANCES.

KCW J.O.	98638
SCALE:	1"= 40'
DATE:	Feb. 19, 1999
DESIGNED:	RD/ DLK
DRAWN:	Cadd
CHECKED:	DLK
DRAWING NO.:	C-100

\DEPT60\98638\98638ZON.dwg Fri May 07 09:15:34 1999

PETITIONER'S EXHIBIT NO. 7

Plan Sheet: *088A2*

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application

Legend

Zoning — Streams — Vegetation
Buildings — Roads — Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

087B1	087C1	088A1	088B1	
087B2	087C2	088A2	088B2	
087B3	087C3	088A3	088B3	

Scale

1" = 200'

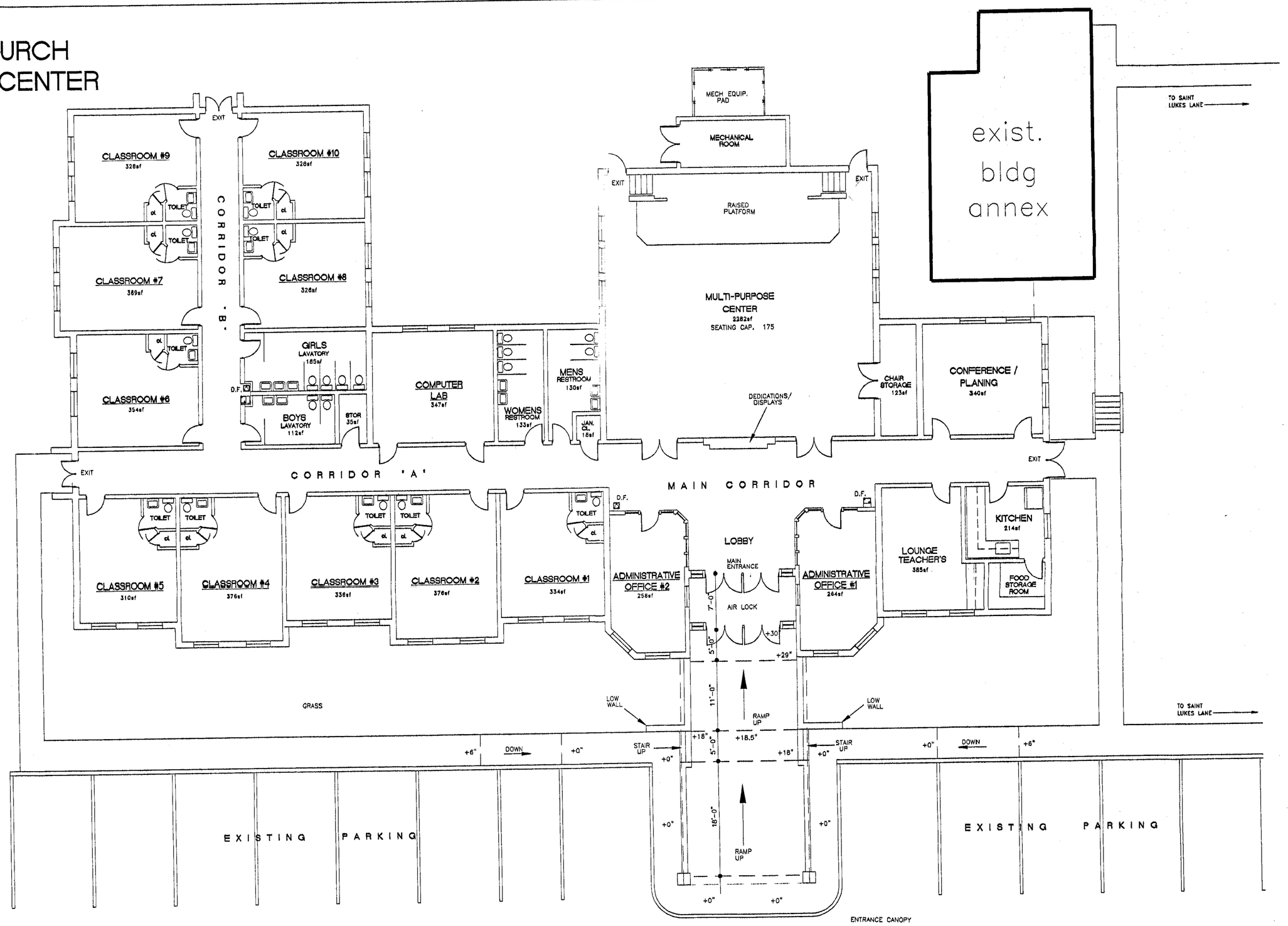
0 100 200 400 Feet

1

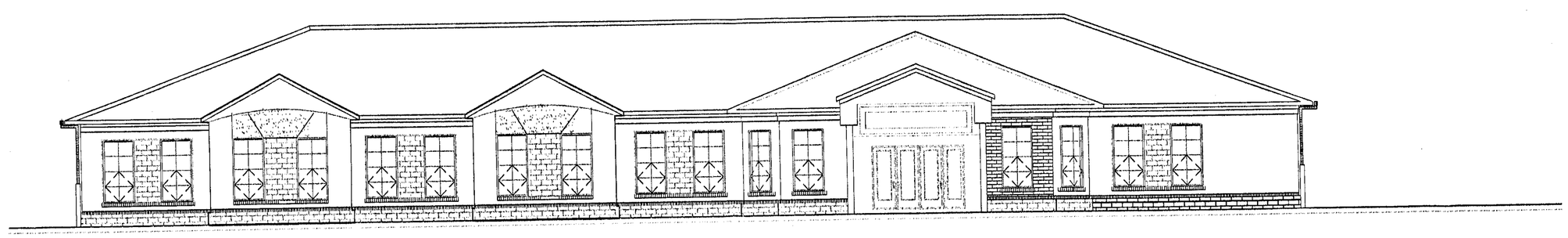
Data Sources:
Planametric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

RISING SUN BAPTIST CHURCH
NEW EARLY LEARNING CENTER

N

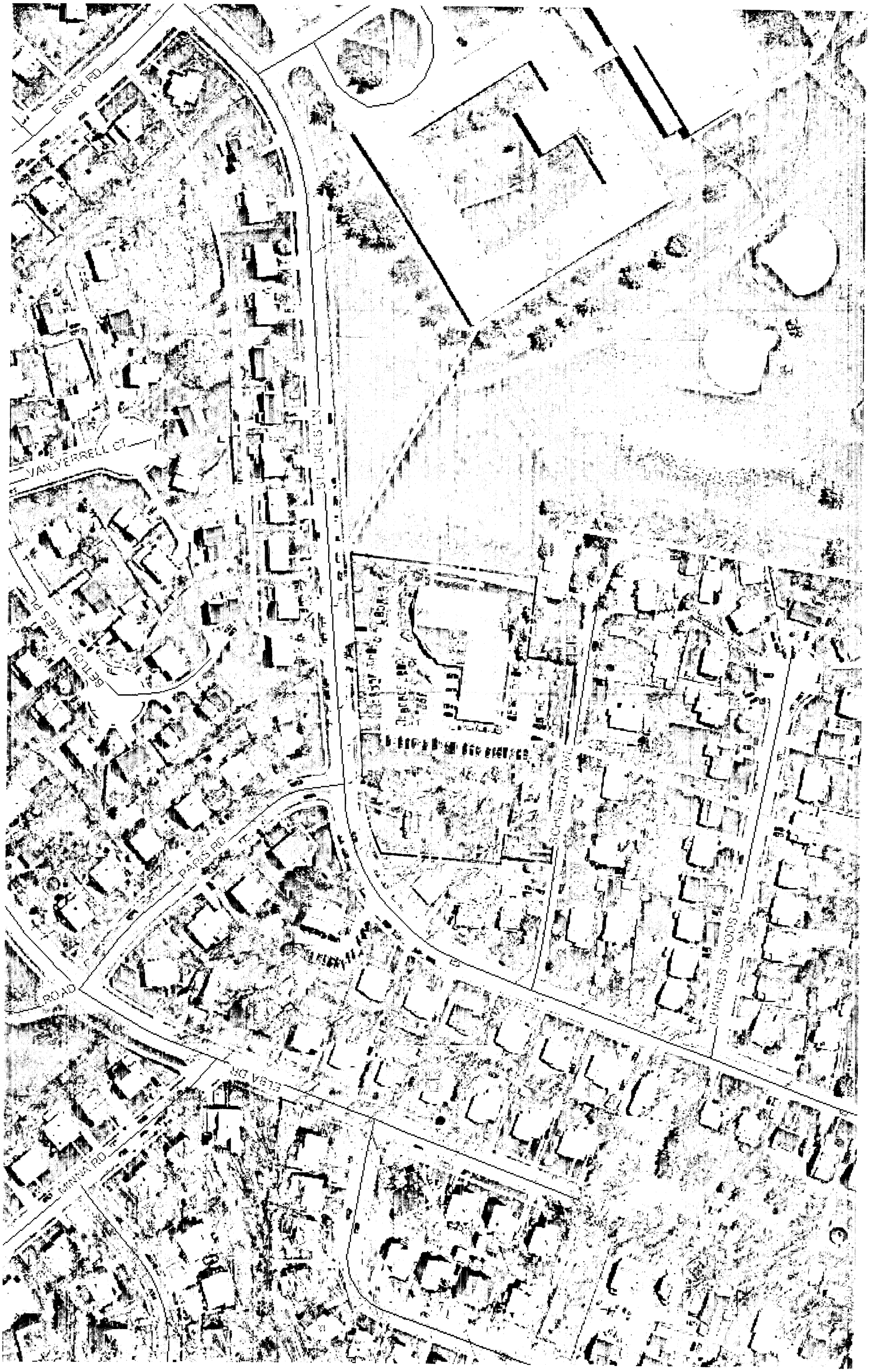


FLOOR PLAN
SCALE 1"= 8'-0"

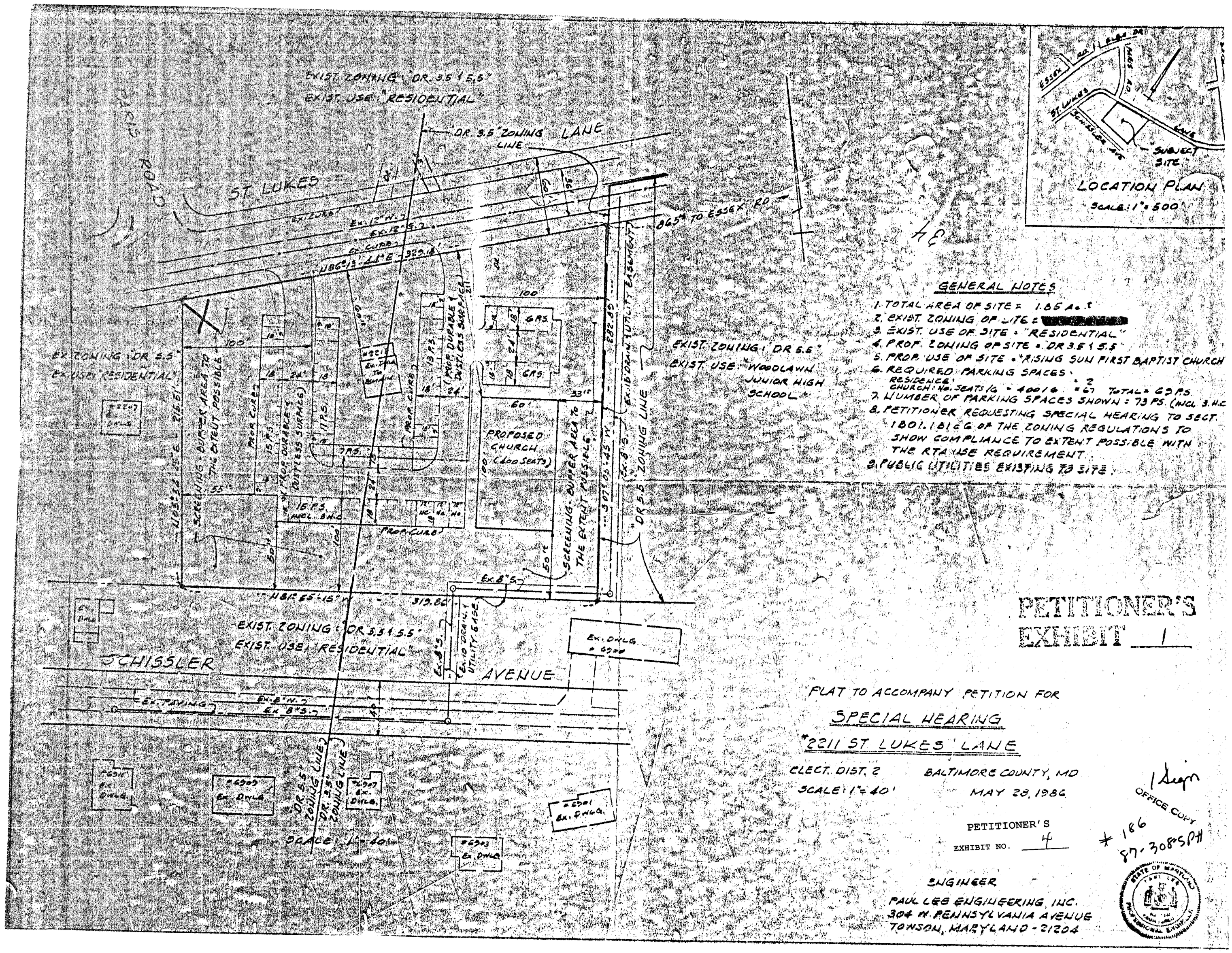


EASTERN
ELEVATION
SCALE 1"= 8'-0"

PETITIONER'S EXHIBIT NO. 8



PEH HOWE'S EXHIBIT 9


EXIST. ZONING: "DR 3.5 & 5.5"
EXIST. USE: "RESIDENTIAL"
DR. 3.5 ZONING LINE
LANE
ST. LUKES
ROAD
EX. ZONING: "DR 5.5"
EX. USE: "RESIDENTIAL"
EXIST. ZONING: DR 5.5"
EXIST. USE: "WOODLAWN JUNIOR HIGH SCHOOL"
PROPOSED CHURCH (100 & 600 SEATS)
SCREENING BUFFER AREA TO THE EXTENT POSSIBLE
PROP. CURB
15 P.S. INCL. 3 H.C.
73 P.S.
6 P.S.
EX. 10' DRAIN & UTILITY EASEMENT
ZONING LINE
EXIST. ZONING: DR 3.5 & 5.5"
EXIST. USE: "RESIDENTIAL"
SCHISSLER
AVENUE
EX. PAVING
SCALE: 1" = 40'
LOCATION PLAN
SCALE: 1" = 500'
SUBJECT SITE
ESSEX
ST. LUKES
SCHISSLER AVE.
LEGEND
GENERAL NOTES
1. TOTAL AREA OF SITE = 1.86 A.±
2. EXIST. ZONING OF SITE = [redacted]
3. EXIST. USE OF SITE = "RESIDENTIAL"
4. PROP. ZONING OF SITE = DR 3.5 & 5.5
5. PROP. USE OF SITE = "RISING SUN FIRST BAPTIST CHURCH
6. REQUIRED PARKING SPACES:
RESIDENCE: 2
CHURCH: No. SEATS/6 = 400/6 = 67 TOTAL = 69 P.S.
7. NUMBER OF PARKING SPACES SHOWN: 73 PS. (INCL. 3 H.C.
8. PETITIONER REQUESTING SPECIAL HEARING TO SECT. 1B01.1B1.G OF THE ZONING REGULATIONS TO SHOW COMPLIANCE TO EXTENT POSSIBLE WITH THE RTA USE REQUIREMENT.
9. PUBLIC UTILITIES EXISTING TO SITE.
PETITIONER'S EXHIBIT 1
FLAT TO ACCOMPANY PETITION FOR
SPECIAL HEARING
"2211 ST LUKES LANE
ELECT. DIST. 2
BALTIMORE COUNTY, MD
SCALE: 1" = 40'
MAY 28, 1986
PETITIONER'S
EXHIBIT NO. 4
ENGINEER
PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND - 21204
OFFICE COPY
* 186
87-308-SPH

maintained and that the plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. If special hearing relief is granted under either subsection, Petitioner also desires and amendment to the previously approved site plans to reflect the proposal and improvements depicted on Petitioner's Exhibit 2 site plan.

The subject property has been the subject of two previous zoning hearings, which will provide some historical background on the prior uses of the property. Petitioner acquired the 1.83 acre property shown on the site plan as 2211 St. Lukes Lane in June 1986. The property was split-zoned D.R.3.5 and D.R.5.5 and was improved with a three-story framed dwelling. In 1987, Petitioner sought special hearing relief to convert the existing dwelling to office use and meeting rooms, and to request approval of a site plan for a 60 foot by 100 foot church building with seating capacity for 400 individuals. In Case No. 87-308-SPH, then-Zoning Commissioner Arnold Jablon granted the relief, finding that the proposed improvements would be in compliance to the extent possible with the RTA pursuant to Section 1B01.1.B.1(c)(6) of the B.C.Z.R., and that the proposed use would not be contrary to the spirit and intent of the B.C.Z.R. and would not result in substantial detriment to the public good. Copies of the Findings of Fact and Conclusions of Law and the accompanying site plan in that case were marked and accepted into evidence as Petitioner's Exhibits 3 and 4, respectively.

Thereafter, the property was the subject of a second zoning hearing. In 1993, Petitioner acquired the property shown on the site plan as 6912 Schissler Avenue, a small parcel to the south which was improved with a 1½-story framed dwelling. In 1999, Petitioner sought special hearing relief to request approval for a proposed one-story 10,400 foot addition to the church building in order to provide administrative, educational, and social activity space. Petitioner also sought variance relief for the existing building on 6912 Schissler Avenue. In Case No. 99-443-SPHA, then-Zoning Commissioner Lawrence E. Schmidt granted the relief, finding that the

ORDER RECEIVED FOR FILING
Date 12-6-07
By PM