

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

NE/S Falls Road, 500' NW of *
Stringtown Road *
(15335 Falls Road) *

5th Election District *
3rd Council District *

Falls Road Methodist Church *
Petitioner *

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 08-266-SPHA

* * * * *

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 George V. Palmer, Trustee, on behalf of the Falls Road Methodist Church, legal owner, by and through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioner requests a special hearing for approval to continue the uses of a non-conforming church and associated cemetery on the subject property after approval of a pending lot line adjustment placing the church structure on a separate lot. Variance relief is requested from Section 1A01.3B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing 0.297 acre lot to be reduced in area to 0.10 acres in lieu of a minimum 1.0 acres. Additionally, the Petitioner seeks a variance from Section 1A01.3B.3 to permit side setbacks of 5 feet and 16 feet in lieu of the minimum required 35 feet, to allow a front setback of 46 feet to the centerline of the road in lieu of the required 75 feet, and to approve a rear setback of 7 feet in lieu of the minimum required 35 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Cary Walsh and George Palmer, representatives of the congregation of the Falls Road Methodist Church; James

ORDER RECEIVED FOR FILING
Date 7-19-08
By [signature]

Grammer, with McKee & Associates, Inc., engineering and land consultants who prepared the site plan for the subject property, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioner. Mr. Kenneth Bosley, a longtime resident of the community, appeared as an interested person. There were no Protestants or other interested persons present.

The testimony and evidence offered revealed that the subject property consists of three small lots totaling approximately 0.336 acres located on the east side of Falls Road, north of the intersection with Stringtown Road in the Butler area of northern Baltimore County. All three parcels are owned by the Falls Road Methodist Church and have been zoned R.C.2 since 1975. The first parcel, which has contained the actual church structure since its construction in 1868, is currently comprised of 0.297 acres. The second and third parcels, which are used for the cemetery, are comprised respectively of 0.304 acres and 0.040 acres.

Further testimony revealed that the Trustees of the Falls Road Methodist Church wish to re-configure the property lines of the three existing parcels to allow the Church to transfer the existing cemetery to a perpetual maintenance entity. By reducing the size of the first parcel from 0.297 to 0.107 acres, and in turn increasing the size of the third lot from 0.040 acres to 0.229 acres, the Church would effectively separate the existing church structure from the surrounding cemetery, which would enable the Church to contract with a perpetual maintenance entity to care for the resulting parcel encompassing the cemetery. Additionally, the evidence demonstrated that the proposed reduction in setbacks would permit the church to remain on its own individual parcel, separate from the cemetery, where it has been located since its construction many years ago. If the proposed setbacks were not approved, the Petitioners argued that they would have to seek approval from the State's Attorney for Baltimore County pursuant to Section 10-402 of the Maryland Criminal Law Article to disinter various remains in order to bring the rear and northwest lot lines into compliance with the required 35 foot setbacks.

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Date 2-19-08
By [signature]

The undisputed testimony and evidence offered demonstrated that the proposed continuance of the non-conforming uses of the church structure and associated cemetery would not be detrimental to the health, safety or general welfare of the locale. Indeed, the only practical changes would be on paper, as the evidence demonstrated that the church and cemetery have been in continuous use in their current state since their construction in 1868, almost 100 years prior to the County's zoning regulations and the current R.C.2 designation placed on the property in 1975. I have put this matter to the test of B.C.Z.R. Section 502.1 and find it satisfies the objectives of the regulations. Accordingly, the Petition for Special Hearing shall be granted.

Further undisputed testimony and evidence demonstrated that each of the requested variances are necessary and address issues that are completely interior to the subject property. First, a variance is needed in that B.C.Z.R. Section 1A01.3B.2 requires R.C.2 lots to be a minimum of 1.0 acre, and the first lot, which is currently 0.297 acres, would be reduced to 0.107 acres. Second, a variance is needed from Section 1A01.3B.3 to permit side setbacks of 5 feet and 16 feet in lieu of the minimum 35 feet, to approve a front setback of 46 feet in lieu of the required 75 feet, and to approve a rear setback of 5 feet in lieu of the required 35 feet. The evidence showed that these small lots have existed in their current state since 1868, and most recently transferred ownership in 1956, prior to the property's designation as an R.C.2 agricultural zone in 1975. The Petitioner submitted the deed to the property, which was accepted into evidence and marked as Petitioner's Exhibit 2.

After careful consideration, I am persuaded that all requested variance relief should be granted. The requested relief addresses issues that are completely interior, and there is no evidence that the requested relief will have any adverse impacts on the surrounding locale. Furthermore, the requests meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

COPIES RECEIVED FOR FILES
Date 2-19-08
BY [signature]

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of February 2008 that the Petition for Special Hearing seeking the approval to allow the continued uses of a non-conforming church structure and associated cemetery on the subject property after approval of a pending lot line adjustment placing the church on a separate lot, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A01.3B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing 0.297 acre lot to be reduced in area to 0.10 acres in lieu of a minimum required 1.0 acres; from B.C.Z.R. Section 1A01.3B.3 to permit side setbacks of 5 feet and 16 feet in lieu of the minimum required 35 feet; to approve a front setback of 46 feet to the centerline of the road in lieu of the required 75 feet, and to approve a rear setback of 7 feet in lieu of the minimum required 35, in accordance with Petitioner's Exhibit , be and are hereby GRANTED.

ADVISORY: The Petitioner shall be required to return to the Development Review Committee (D.R.C.) for its limited exemption under Baltimore County Code (B.C.C.) Section 32-4-106(a)(1)(viii) concerning the request for a lot line adjustment.

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR PLANS
Date 2-19-08
By [signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 19, 2008

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, MD 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
NE/S Falls Road, 500' NW of Stringtown Road
(15335 Falls Road)
5th Election District - 3rd Council District
Falls Road Methodist Church - *Petitioner*
Case No. 08-266-SPHA

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted with an advisory in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Cary Walsh, 179 East Scarborough Fare, Stewartstown, PA 17363
George Palmer, 15321 Falls Road, Sparks, MD 21152
James Grammer, McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, Md. 21030
Kenneth Bosley, Box 585, Sparks, MD 21152
People's Counsel; Development Review Committee; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 15335 Falls Road

which is presently zoned RC-2

Deed Reference: 2972 / 349 Tax Account #05-06-000187, 000185

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

SEE ATTACHED

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

SEE ATTACHED

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Falls Road Methodist Church

Name - Type or Print

Signature George V. Palmer, Trustee

Name - Type or Print

Signature

430 W. Padonia Rd 410-771-4311

Address Telephone No.

Timonium MD 21093

City State Zip Code

Representative to be Contacted:

McKee & Associates, Inc.

Name

5 Shawan Road, Ste. 1 410-527-1555

Address Telephone No.

Cockeysville MD 21030

City State Zip Code

Case No. 08-266 SPHA

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 2-19-08

By DW

Office Use Only

Estimated Length of Hearing 1 hr
Unavailable For Hearing

Reviewed by [Signature] Date 12/14/07

**15335 FALLS ROAD
5TH ELECTION DISTRICT
BALTIMORE COUNTY, MD**

REQUESTED VARIANCE RELIEF:

Requesting a variance from Section 1A01.3B.2 to permit an existing 0.297-acre lot to be reduced in area to 0.10-acres in-lieu of the minimum required 1.0-acres.

Requesting a variance from Section 1A01.3B.3 to permit side setbacks of 5-feet and 16-feet in-lieu of the minimum required 35-feet, a rear setback of 7-feet in-lieu of the minimum required 35-feet, and a front setback of 46-feet to the centerline of the road in-lieu of the minimum required 75-feet.

FACTS UPON WHICH THE VARIANCE RELIEF IS REQUESTED:

The Trustees of the Falls Road Methodist Church wish to re-configure the property lines of the existing parcels to allow for the transfer of the existing cemetery to a perpetual maintenance entity. The reduction in setbacks will permit the existing church to remain on its own individual parcel, separate from the cemetery.



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 15335 Falls Road
which is presently zoned RC-2

(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)

SEE ATTACHED

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:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

Falls Road Methodist Church

Name - Type or Print _____

Signature George V. Palmer
George V. Palmer, Trustee

Name - Type or Print _____

Signature _____

430 W. PADONIA RD 410 771-4311

Address _____ Telephone No. _____

TIMONIUM MD 21093
City _____ State _____ Zip Code _____

Representative to be Contacted:

McKee & Associates, Inc.

Name _____

5 Shawan Rd., Ste. 1 410-527-1555

Address _____ Telephone No. _____

Cockeysville MD 21030
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr.

UNAVAILABLE FOR HEARING X

Case No. 08-266 SPHA

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 2-19-08

By DW

Reviewed By [Signature]

Date 12/14/07

15335 FALLS ROAD
5TH ELECTION DISTRICT
BALTIMORE COUNTY, MD

REQUESTED SPECIAL HEARING:

Requesting approval to continue the use of a non-conforming church and associated cemetery on the subject property, after approval of a pending lot line

adjustment placing the church on a separate lot.

SPECIAL HEARING

FACTS UPON WHICH THE ~~VARIANCE~~ RELIEF IS REQUESTED:

The church and associated cemetery have been in continuous use and existence prior to the effective date of any Baltimore County zoning regulations.

McKEE & ASSOCIATES, INC.

*Engineering • Surveying • Environmental Planning
Real Estate Development*

ZONING DESCRIPTION FOR SPECIAL HEARING AND VARIANCES

**15335 FALLS ROAD
5TH ELECTION DISTRICT
BALTIMORE COUNTY, MD**

BEGINNING at a point on the Northeast side of Falls Road, MD State Route 25, having a variable width, said point being situated 500' northwesterly from the centerline of Stringtown Road, then running on the northeast side of Falls Road N 45° 19' 27" W 119.06', then leaving said Falls Road N 42° 09' 53" E 108.60', then S 45° 43' 01" E 133.56', then S 41° 25' 24" W 110.32' to the beginning. Containing 14,636 square feet or 0.336 acres of land, more or less. Being recorded among the Land Records of Baltimore County in Liber 2972, page 349.

Being known as 15335 Falls Road and lying in the 5th Election District, 3rd Councilmanic District.

266

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: #08-266-SPHA

15335 Falls Road

N/east side of Falls Road, 500 feet n/west of Stringtown Road

5th Election District - 3rd Councilmanic District

Legal Owner(s): Falls Road Methodist Church

Special Hearing: to continue the uses of a non-conforming church and associated cemetery on the subject property, after approval of a pending lot line adjustment placing the church on a separate lot. **Variance:** to permit an existing 0.297-acre lot to be reduced in area to 0.10 acres in lieu of the minimum required 1.0 acre and to permit side setbacks of 5 feet and 16 feet in lieu of the minimum required 35 feet, a rear setback of 7 feet in lieu of the minimum required 35 feet and a front setback of 46 feet to the centerline of the road in lieu of the minimum required 75 feet.

Hearing: Friday, February 8, 2008 at 11:00 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) 887-3668.

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

1/408 Jan. 24

161549

CERTIFICATE OF PUBLICATION

1/24/2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/24/2008.

- ☒ 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

266
27

No. 08750

Date:

12/14/07

PAID RECEIPT

BUSINESS ACTUAL TIME DAY

12/17/2007 12/14/2007 10:39:05 4

06 WALTON KICH KCH

>>RECEIPT # 610896 12/14/2007 0614

5 528 ZONING VERIFICATION

008750

Recpt Tot \$450.00

\$450.00 CK \$4.00 CA

Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				650.00

Total: 650.00

Rec

From:

Fells Rd Methodist Church

For:

Unassigned Special Hearing

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning
Real Estate Development

DATE: January 28, 2008

TO: Baltimore County, Zoning

RE : Case No. 08-266-SPH
15335 Falls Road
MAIL Job No. : 06-144

ATTENTION: Mr Timothy Krtroco, Ms. Kristen Matthews

☒ We are submitting ☐ We are returning ☐ We are forwarding
☐ Herewith ☐ Under separate cover

No.	Description
1	Certificate of Posting
2	Photos

☒ For processing ☐ For your use ☒ For your review
☐ Please call when ready ☐ Please return to this office ☐ In accordance with your request

Remarks:

For further information, please contact the writer at this office.

Very truly yours,

McKee & Associates, Inc.

William D. Gulick, Jr.

cc: File



Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

CERTIFICATE OF POSTING

Baltimore County Dept. of Permits &
Development Management
111 W. Chesapeake Avenue, Rm. 111
Towson, MD 21204

Date: January 24, 2008
MAI Job No : 06-014

Attention: Mr. Timothy Kotroco , Ms. Kristen Matthews
RE:Case Number : No. 08-266-SPHA

Petitioner/Developer: Falls Road Methodist Church

Date of Hearing/Closing: February 8, 2008

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at # 15335 Falls Road

The sign(s) were posted on

January 24, 2008

(Month, Day, Year)


(Signature of Sign Poster)

William D. Gulick, Jr.

(Printed Name of Sign Poster)

McKee and Associates, Inc.
5 Shawan Road, Suite 1

(Street Address of Sign Poster)

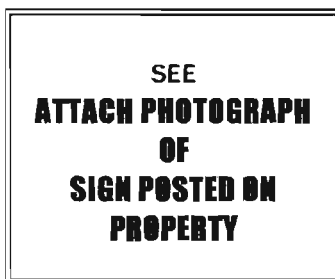
Cockeysville, MD 21030

(City, State, Zip Code of Sign Poster)

(410) 527-1555

(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ



ZONING NOTICE

CASE # 08-266-SPHA

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

COUNTY COURTS BUILDING-ROOM 407
401 BOSLEY AVENUE
PLACE: TOWSON, MD 21204

FRIDAY
DATE AND TIME: FEB., 8, 2008 @ 11:00 AM

REQUEST: SPECIAL HEARING
AND VARIANCE

Special Hearing to continue the uses of a non-conforming church and associated cemetery on the subject property, after approval of a pending lot line adjustment placing the church on a separate lot. Variance to permit an existing 0.297-acre lot to be reduced in area to 0.10 acres in lieu of the minimum required 1.0 acre and to permit side setbacks of 5 feet and 16 feet in lieu of the minimum required 35 feet, a rear setback of 7 feet in lieu of the minimum required 35 feet and a front setback of 46 feet to the centerline of the road in lieu of the minimum required 75 feet.

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

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

HANDICAPPED ACCESSIBLE

01
24
2008
14:55

ZONING NOTICE

CASE # 08-266-SPHA

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

COUNTY COURTS BUILDING-ROOM 407
901 BOSLEY AVENUE
PLACE: TOWSON, MD 21204

DATE AND TIME: FRIDAY
FEB. 8, 2008 @ 11:00 AM

REQUEST: SPECIAL HEARING
AND VARIANCE

Special Hearing to continue the case of a non-conforming church and associated cemetery on the subject property, after approval of a pending lot line adjustment, adding the church lot to the subject lot. The subject lot is currently zoned RS-10 and the church lot is zoned RS-10. The church lot is currently zoned RS-10 and the church lot is currently zoned RS-10. The church lot is currently zoned RS-10 and the church lot is currently zoned RS-10.

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

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

HANDICAPPED ACCESSIBLE

01.24.2008 14:54

**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/neighbor property owners relative to property that is the subject of an upcoming zoning hearing. For those petitions that 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: 08-266-SPHA

Petitioner: FALLS ROAD METHODIST CHURCH

Address or Location: 15335 FALLS ROAD

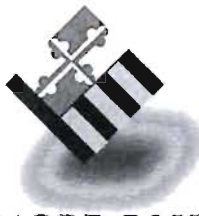
Please Forward Advertising Bill to:

Name: GEORGE V. PALMER, TRUSTEE

Address: 430 W. PADOMIA RD

TIMONIUM, MD 21093

Telephone: 410 - 771 - 4311



BALTIMORE COUNTY
M A R Y L A N D

December 31, 2007

JAMES T. SMITH, JR.
County Executive

NOTICE OF ZONING HEARING

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

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: 08-266-SPHA

15335 Falls Road

N/east side of Falls Road, 500 feet n/west of Stringtown Road

5th Election District – 3rd Councilmanic District

Legal Owners: Falls Road Methodist Church

Special Hearing to continue the uses of a non-conforming church and associated cemetery on the subject property, after approval of a pending lot line adjustment placing the church on a separate lot. Variance to permit an existing 0.297-acre lot to be reduced in area to 0.10 acres in lieu of the minimum required 1.0 acre and to permit side setbacks of 5 feet and 16 feet in lieu of the minimum required 35 feet, a rear setback of 7 feet in lieu of the minimum required 35 feet and a front setback of 46 feet to the centerline of the road in lieu of the minimum required 75 feet.

Hearing: Friday, February 8, 2008 at 11:00 a.m. in Room 407, County Courts Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: McKee & Associates, 5 Shawan Road, Ste. 1, Cockeysville 21030
George Palmer, 430 W. Padonia Road, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JANUARY 24, 2008**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 24, 2008 Issue - Jeffersonian

Please forward billing to:
George Palmer, Trustee
430 W. Padonia Road
Timonium, MD 21093

410-771-4311

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: 08-266-SPHA

15335 Falls Road

N/east side of Falls Road, 500 feet n/west of Stringtown Road

5th Election District – 3rd Councilmanic District

Legal Owners: Falls Road Methodist Church

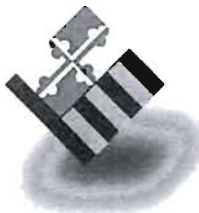
Special Hearing to continue the uses of a non-conforming church and associated cemetery on the subject property, after approval of a pending lot line adjustment placing the church on a separate lot. Variance to permit an existing 0.297-acre lot to be reduced in area to 0.10 acres in lieu of the minimum required 1.0 acre and to permit side setbacks of 5 feet and 16 feet in lieu of the minimum required 35 feet, a rear setback of 7 feet in lieu of the minimum required 35 feet and a front setback of 46 feet to the centerline of the road in lieu of the minimum required 75 feet.

Hearing: Friday, February 8, 2008 at 11:00 a.m. in Room 407, County Courts Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

January 30, 2008

Falls Road Methodist Church
George V. Palmer, Trustee
430 W. Padonia Road
Timonium, Maryland 21093

Dear Mr. Palmer:

RE: Case Number: 08-266-SPHA, 15335 Falls Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 14, 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:amf

Enclosures

c: People's Counsel
McKee & Associates, Inc. 5 Shawan Road, Suite 1 Cockeysville 21030

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



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

January 4, 2008

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

RE: Baltimore County
Item No. 8-266-SPHA
MD 25 (Falls Road)
15335 Falls Road
Falls Road United Methodist Church
Special Hearing & Variance

Dear Ms. Matthews:

Thank you for the opportunity to review the ZAC Agenda Case Number 8-266-SPHA for the above captioned, which was received on January 3, 2008. We have completed a review of the plat to accompany petition for Zoning Variance. The results of the review reveals that adequate access exist and a permit is not required by SHA for MD 25 (15335 Falls Road) Property. Therefore, this office has **no objection** to Falls Road United Methodist Church, Case No. 08-266-SPHA approval. Please include our comments in staff report to the Zoning Hearing officer.

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

Very truly yours,


For [^]Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA



Baltimore County
Fire Department

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

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

December 28, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 17, 2007

Item Number: 257,259,260,265,266,267,268,269,270,271,272,273,274

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

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



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 3, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For December 24, 2007
Item Nos. 08-257, 259, 260, 261, 262, 263,
265, 266, 267, 268, 269, 270, 271, 272, and 274

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS- 01032008.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
JAN 18 2008

BY:

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: January 17, 2008

SUBJECT: Zoning Item # 08-266-SPHA
Address 15335 Falls Road
(Falls Road Methodist Church)

Zoning Advisory Committee Meeting of December 17, 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).

_____ 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:

A water supply must be provided for the church prior to approval of a lot line adjustment.
– S. Farinetti; *Ground Water Management*

If the DRC considers the pending lot line adjustment a subdivision, Forest Conservation Regulations must be met prior to approval of the subdivision. – Jonathan Bowman;
Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 7, 2008

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

RECEIVED
JAN 10 2008

BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-266- Special Hearing and Variance**

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

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

Prepared By:

Curtis Murray

Division Chief:

Pat Keller

CM/LL

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
15335 Falls Road; NE/S Falls Road, * ZONING COMMISSIONER
500' NW Stringtown Road *
5th Election & 3rd Councilmanic Districts * FOR
Legal Owner(s): Falls Road Methodist Church *
Petitioner(s) * BALTIMORE COUNTY
* 08-266-SPHA

* * * * *

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/ 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 2nd day of January, 2008, a copy of the foregoing Entry of Appearance was mailed McKee & Associates, 5 Shawan Road, Suite 1, Cockeysville, MD 21030, Representative for Petitioner(s).

RECEIVED

JAN 02 2008

Per _____

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 15 335 FALLS ROAD
CASE NUMBER 08-266-SPHA
DATE 02-08-2008

[illegible]

PLEASE PRINT CLEARLY

CASE NAME FALLS-GRAVE CHURCH
CASE NUMBER _____
DATE _____

CITIZEN'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

KENNETH BOSLEY BOX 585, SPARKS, MD - 21152

Md. Code Business Regulation
Article Title 5 Cemeteries
Subtitle 6 - Perpetual Care

- (i) a county;
- (ii) a municipal corporation;
- (iii) a church;
- (iv) a synagogue;
- (v) a religious organization;
- (vi) a not for profit organization created before 1900 by an act of the General Assembly; or
- (vii) a State veterans agency.

(b) *Below-ground earth-covered chambers excluded.* — This subtitle does not apply to the sale of a below-ground earth-covered chamber.

(c) *Effect on preexisting trust agreements.* — This subtitle does not amend a trust agreement covering a perpetual care fund that existed on or before July 1, 1973, except as to:

- (1) the appointment of a successor trustee or cotrustee;
- (2) deposits into the fund after July 1, 1973; and
- (3) the withdrawal from the fund of income on deposits made after July 1, 1973. (An. Code 1957, art. 23, § 165A; 1992, ch. 4, § 2; 1997, ch. 675, § 1; 2001, ch. 186, § 1.)

§ 5-602. Trust fund required; composition; use.

(a) *"Developed land area" defined.* — In this section, "developed land area" means land in a cemetery:

- (1) that is available for burial;
- (2) where roads, paths, or buildings have been laid out or built; or
- (3) where burial lots have been outlined on a plat or in a record or sales brochure.

(b) *Trust fund required.* — (1) Each sole proprietor registered cemeterian or permit holder who sells or offers to sell to the public a burial lot or burial right in a cemetery as to which perpetual care is stated or implied shall have a perpetual care trust fund.

(2) A separate perpetual care trust fund shall be established for each cemetery to which this section applies.

(3) On the general price list, contract of sale of burial space, and any conveyance documents, all cemeteries subject to the provisions of this subtitle shall state in writing the following using 12 point or larger type font:

- (i) "the cemetery is a perpetual care cemetery."; or
- (ii) "the cemetery is not a perpetual care cemetery."

(4) A cemetery created in the State after October 1, 2001, that is not exempt under § 5-601 of this subtitle shall be required to establish a perpetual care trust fund.

(c) *Initial deposit.* — Each sole proprietor registered cemeterian or permit holder initially shall deposit in the perpetual care trust fund at least:

- (1) \$10,000, if the developed land area of the cemetery is 10 acres or less and the cemetery is a nonprofit cemetery which does not sell burial goods;
- (2) \$25,000, if the developed land area of the cemetery is more than 10 acres and the cemetery is a nonprofit cemetery which does not sell burial goods;

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Case No.: 08-266-SPHA 15335 Falls RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	DEED - 1956	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

P157

LIBER 2972 PAGE 349

THIS DEED, Made this 18th day of July, 1956, by ELMER P. COLE, ALBERT W. NAYLOR, WILLIAM A. FOWBLE, SR., LAWRENCE L. CURTIS, IRVING E. NAYLOR, H. GORDON TURNBAUGH, W. ALBERT PALMER, T. RAY BOONE and GEORGE F. CURTIS, Trustees as hereinafter set forth, parties of the first part, Grantors, and FALLS ROAD METHODIST CHURCH, a body corporate, party of the second part, Grantee, all of Baltimore County, State of Maryland.

WHEREAS the first parties are now the duly constituted Trustees of Falls Road Methodist Church, unincorporated, and as such hold title to and dominion over the property of said Church; and

WHEREAS the said Church has recently been incorporated under the Laws of Maryland, by the name of Falls Road Methodist Church, and it is now the desire of the first parties to convey to said corporate body all the real estate heretofore acquired by them and their predecessors for the use and benefit of said Church.

NOW, THEREFORE, THIS DEED WITNESSETH that in consideration of the premises and the sum of One Dollar the said first parties do hereby grant and convey unto the said second party, its successors and assigns, in fee simple, all those three contiguous parcels of land and premises situate near Butler, in the Fifth Election District of Baltimore County, Maryland, described as follows:

FIRST: A parcel of land containing one-fourth of an acre and two square perches, more or less, being the same land which by deed dated July 31, 1885 and recorded among the Land Records of Baltimore County in Liber WMI No. 147 folio 298 was conveyed by Isaac Lovell and wife to Joshua L. Benson et al, the then trustees of said Church.

SECOND: A parcel of land containing 0-302/1000 of an acre, more or less, being the same land which by deed dated November 30, 1948 and recorded among the Land Records of Baltimore County in

PETITIONER'S

EXHIBIT NO.

2

Liber TBS No. 1716 folio 446 was conveyed by Aaron L. Curtis, widower, to the Trustees of the Falls Road Methodist Church, their successors and assigns, together with the use of the roadways mentioned in said deed.

THIRD: A parcel of land containing 1735.6 square feet, more or less, being the same land which by deed dated March 7, 1953 and recorded among the Land Records of Baltimore County in Liber GLB No. 2265 folio 365 was conveyed by Bessie M. Gill, widow, to the Trustees of the Falls Road Methodist Church, their successors and assigns.

TOGETHER with the buildings and improvements thereon and all the rights and appurtenances thereunto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the above described lands and premises unto the second party, its successors and assigns, forever in fee simple, IN TRUST that said premises shall be used, kept and maintained as a place of Divine Worship of the Methodist ministry and members of the Methodist Church; and subject to the Discipline, usage and ministerial appointment of said Church as from time to time authorized and declared by the General Conference and the Annual Conference within whose bounds the said premises are situated.

AS WITNESS the hands and seals of the first parties:

WITNESS:

Grace A. Fowble

Elmer P. Cole (SEAL)
Elmer P. Cole

Grace A. Fowble

Albert W. Naylor (SEAL)
Albert W. Naylor

Grace A. Fowble

William A. Fowble, Sr (SEAL)
William A. Fowble, Sr

Grace A. Fowble

Lawrence L. Curtis (SEAL)
Lawrence L. Curtis

Grace A. Fowble

Irving E. Naylor (SEAL)
Irving E. Naylor

Grace A. Fowble.

H. Gordon Turnbaugh (SEAL)
H. Gordon Turnbaugh

Grace A. Fowble

W. Albert Palmer (SEAL)
W. Albert Palmer

Grace A. Fowble

T. Ray Boone (SEAL)
T. Ray Boone

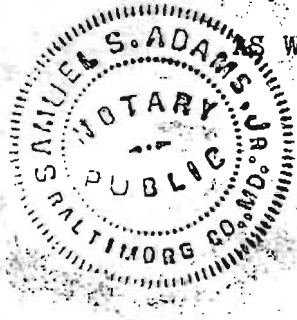
Grace A. Fowble.

George F. Curtis (SEAL)
George F. Curtis
Trustees of Falls Road Methodist Church

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY, that on this 18th day July, 1956, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Elmer P. Cole, Albert W. Naylor, William A. Fowble, Sr., Lawrence L. Curtis, Irving E. Naylor, H. Gordon Turnbaugh, W. Albert Palmer, T. Ray Boone and George F. Curtis, Trustees of Falls Road Methodist Church, and severally acknowledged the foregoing Deed to be their act.

WITNESS my hand and Notarial Seal:



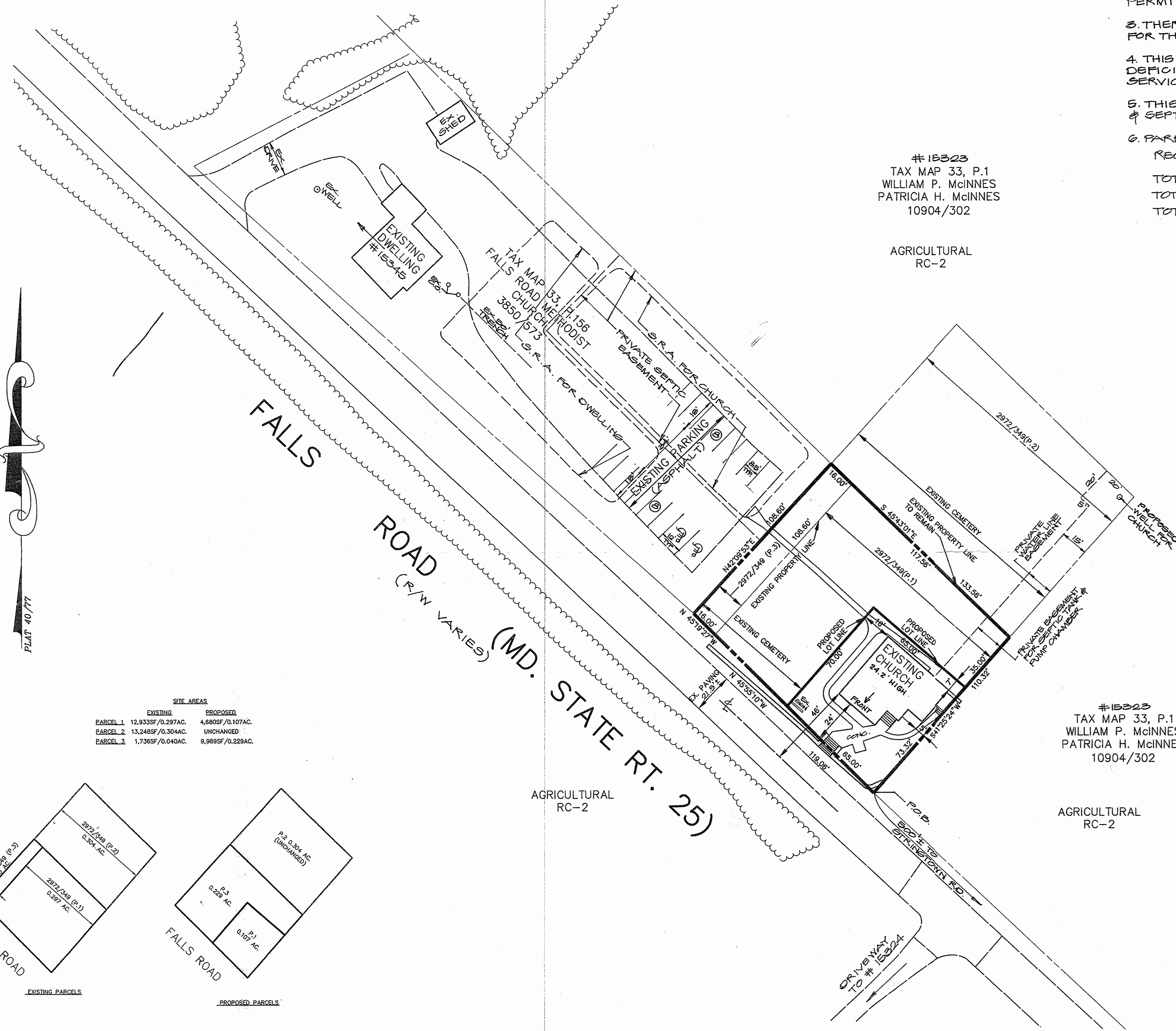
Samuel S. Adams, Jr.
Samuel S. Adams, Jr. Notary Public

Rec'd for Record JUL 18 1956

at 11²⁰

Per George L. Byerly, Clerk,

Mailed to Elmer R. Haile



#15323
TAX MAP 33, P.1
WILLIAM P. McINNES
PATRICIA H. McINNES
10904/302

AGRICULTURAL
RC-2

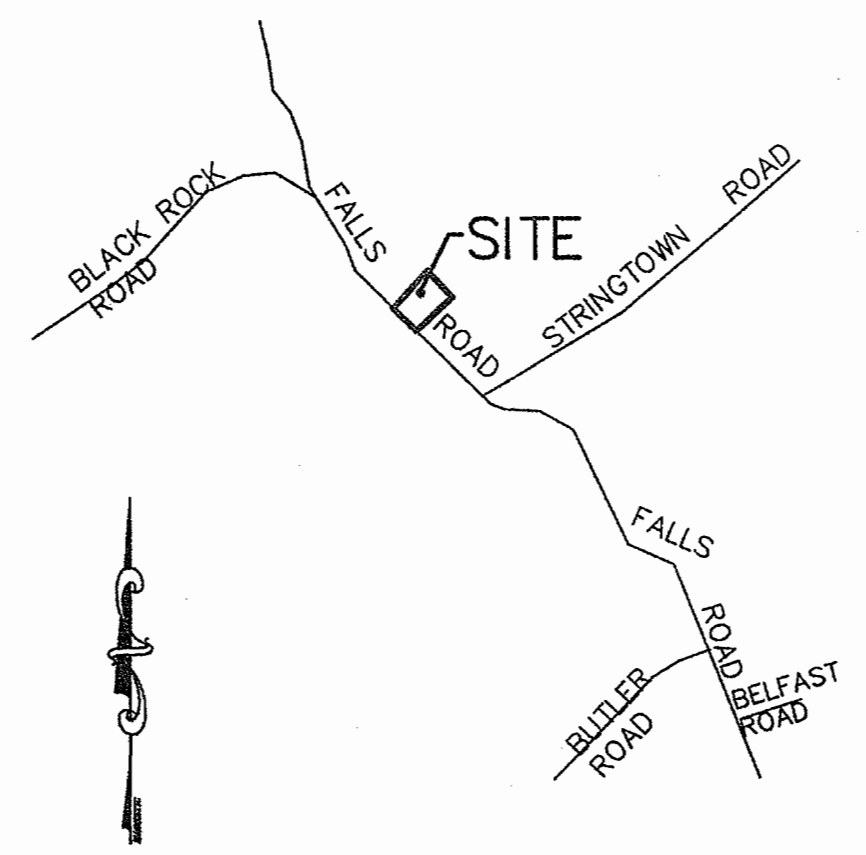
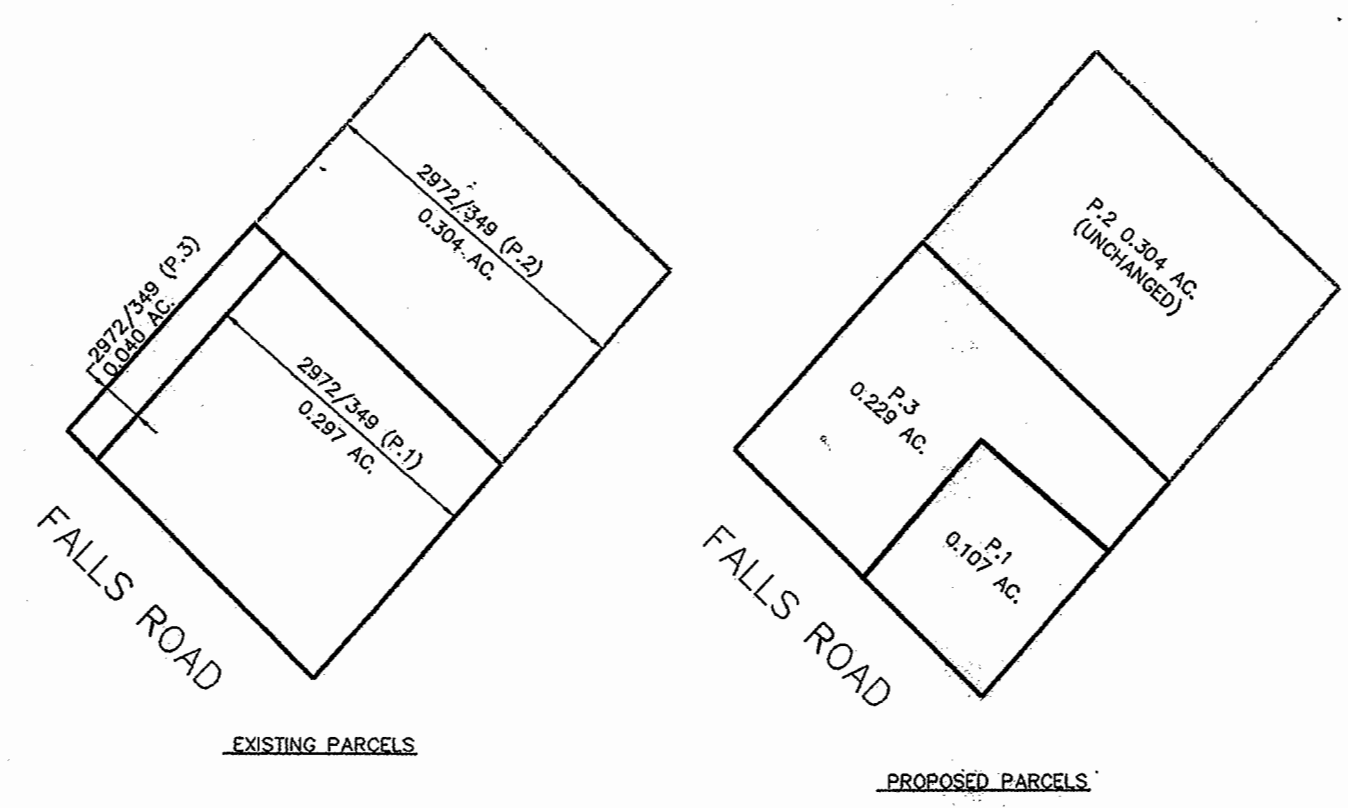
- NOTES**
1. THE OUTLINES SHOWN HEREON ARE TAKEN FROM A BOUNDARY SURVEY PERFORMED BY MCKEE & ASSOCIATES, INC.
 2. THERE ARE NO PRIOR COMMERCIAL PERMITS FOR THIS SITE.
 3. THERE ARE NO PRIOR ZONING HEARINGS FOR THIS SITE.
 4. THIS SITE DOES NOT LIE WITHIN A DEFICIENT AREA INDICATED ON THE BASIC SERVICES MAP.
 5. THIS SITE IS SERVED BY PRIVATE WELL & SEPTIC SYSTEMS.
 6. PARKING CALCULATIONS:
REQUIRED SPACES FOR CHURCH:
1 SPACE PER 4 SEATS
TOTAL SEATS : 50
TOTAL SPACES REQUIRED: 13
TOTAL SPACES PROVIDED : 16 (INCL. 2 HO)

#15323
TAX MAP 33, P.1
WILLIAM P. McINNES
PATRICIA H. McINNES
10904/302

AGRICULTURAL
RC-2

SITE AREAS

	EXISTING	PROPOSED
PARCEL 1	12,933SF/0.297AC.	4,680SF/0.107AC.
PARCEL 2	13,248SF/0.304AC.	UNCHANGED
PARCEL 3	1,736SF/0.040AC.	9,989SF/0.229AC.



VICINITY MAP
SCALE: 1"= 1000'

LOCATION INFORMATION

ELECTION DISTRICT: 5TH
COUNCILMANIC DISTRICT: 3RD
1" = 200' SCALE MAP No.: 033A1
PRESENT ZONING: RC-2

LOT SIZE: 0.336 AC. ±
14,636.16 SF. ±

	PUBLIC	PRIVATE	YES	NO
WATER	☐	☒		
SEWER	☐	☒		
CHESAPEAKE BAY CRITICAL AREA:			☐	☒
100-YEAR FLOOD PLAIN:			☐	☒
HISTORIC PROPERTY/ BUILDING:			☐	☒
PRIOR ZONING HEARINGS:			☐	☒

OWNER INFORMATION: NAME: FALLS ROAD METHODIST CHURCH
C/O GEORGE V. PALMER

ADDRESS: 430 W. PADONIA ROAD
TIMONIUM, MD 21083

PHONE No.: 410-771-4311

DEED REFERENCE: 2872/348

PROPERTY TAX ACCT. No.: 05-06-000187 (P.1)
05-06-000185 (P.3)

PLAT TO ACCOMPANY PETITION FOR
ZONING VARIANCE
AND SPECIAL HEARING

#15335 FALLS ROAD

5TH ELECTION DISTRICT
SCALE: 1"= 30'

BALTIMORE COUNTY, MARYLAND
DATE: SEPTEMBER 20, 2007



GCS
GEOFFREY P. SCHULTZ
MARYLAND REG. No. 21154

DATE
10/23/07

MCKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying

Natural Resource Planning - Real Estate Development
5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563



COMPUTED BY:	DRAWN BY: WDG	CHECKED BY: JDG	JOB No.: 06-014
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