

**IN RE: PETITIONS FOR SPECIAL EXCEPTION
AND SPECIAL HEARING**

SW corner of Liberty Road and
Liberty Ridge Court
2nd Election District
4th Councilmanic District
(11301 Liberty Road)

Liberty Reformed Presbyterian Church;
Oliver Dearden, Chairman, Board of Deacons
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **CASE NO. 08-379-SPHX**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by Howard L. Alderman, Jr., Esquire on behalf of the legal owner of the subject property, Petitioner Liberty Reformed Presbyterian Church, by Oliver Dearden, Chairman of the Board of Deacons. The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an amendment of the site plan and relief granted in Case No. 90-300-X, and to permit an expansion of the special exception uses and area consistent with the Special Exception Petition filed herewith; and to confirm and approve the construction of buildings across interior lot lines of commonly owned property. The Special Exception request was filed pursuant to Sections 1A01.2.C.6 and 1A01.2.C.23 of the B.C.Z.R. for approval of an expanded special exception area for the church, school and other buildings for religious worship, all as shown on the Plan to accompany this Petition; and to approve a period of five years to utilize the special exception relief granted; and a determination that construction, expansion or erection of any special exception building/uses shown on the Plan to accompany this Petition shall be deemed utilization of all relief granted

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herein. 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 1.

Appearing at the requisite public hearing in support of the Special Hearing and Special Exception requests were Oliver Dearden, Chairman of the Board of Deacons, and L.W. Bishop on behalf of Petitioner Liberty Reformed Presbyterian Church, and Howard L. Alderman, Jr., Esquire, attorney for Petitioner. Also appearing in support of the requested relief were Eric C. Hadaway with Daft McCune Walker, Inc., the firm that prepared the site plan, and Mitchell Kellman with Century Engineering, Petitioner's land use and zoning consultant. Appearing as an interested citizen opposed to the requested relief and also as a member of the Holbrook Chapeldale Community Association was Pamela T. Broache, Esquire of 8 Liberty Ridge Court.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped property consisting of approximately 34 acres zoned R.C.2. The property is located on the south side of Liberty Road, west of Wards Chapel Road, in the Owings Mills area of Baltimore County. Ingress and egress to and from the site is by way of a private road known as Blairs Private Road. Opposite that road on the other side of Liberty Road is Liberty Ridge Road. The convergence of these roads make the location appear as an intersection even though, as earlier indicated, Blairs is a private road.

Testifying in support of the requested relief was Mr. Kellman, Petitioner's consultant. A copy of Mr. Kellman's resume was marked and accepted into evidence as Petitioner's Exhibit 2. Mr. Kellman has a Bachelor's Degree and a Master's Degree in Geography and Environmental Planning, with a proficiency in Urban Planning, from Towson University. He was employed in the Baltimore County Zoning Review Office for 12 years and worked for Daft McCune Walker, Inc. for seven years before moving to Century Engineering within the last year. He has extensive

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knowledge of zoning administration and subdivision regulation in the public sector, as well as knowledge of the land use, zoning, and development regulations and policies in Baltimore County. He has testified as an expert in these fields over 100 times and was offered and accepted as an expert in planning, zoning, and the Baltimore County Zoning Regulations.

As shown on the site plan, Mr. Kellman indicated the property is made up of four particular parcels, each with varying sizes, shapes, and improvements. Parcel 114 contains approximately 4.1 acres located on the east side of the subject property -- on the east side of Blairs Private Road -- and is slightly triangular in shape. It is largely unimproved but for a small garage on the property. Parcel 3 contains approximately 8.7 acres located on the north side of the property, rectangular in shape, and running from the westernmost side of the property to Blairs Private Road to the east. It is largely wooded and unimproved. Parcel 38 is the largest parcel on the subject property containing 21.15 acres. It takes up most of the area of the property and contains most of the existing building improvements and parking areas. Parcel 535 is the smallest parcel containing approximately .25 acres. It is not easy to find on the site plan to the naked eye, situated as a diamond-shaped sliver on the eastern side of the property between Parcels 3 and 38. It contains small portions of improvements situated primarily on Parcel 38.

Petitioner currently operates a church and school on the property and it is improved with structures to support these uses, as well as several related accessory structures. The church and school were originally situated on Parcel 38 and the property was the subject of a prior zoning hearing. In Case No. 90-300-X, Petitioner came before this Commission for a hearing on a Petition for Special Exception to permit the use of the property for a church and school. At that time, the property was improved with an existing church and attached building, a storage building, and a one-story school building and accessory trailer. Petitioner indicated at that hearing that the

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school currently enrolled approximately 206 students, but projected that the number would grow to between 400 and 500 students over the next few years. As such, Petitioner requested a special exception to construct an addition to the school building in order to expand the school and meet the needs of the growing school population. In an Order dated February 7, 1990, then-Zoning Commissioner J. Robert Haines granted the relief, finding that the requested special exception met all the applicable criteria enumerated in Section 502.1 of the B.C.Z.R., and specifically finding that the proposed use would not be detrimental to the health, safety, and general welfare of the locality, would not tend to create congestion in roads or streets, would not be inconsistent with the property's zoning classification, and would not be inconsistent with the spirit and intent of the zoning regulations. As indicated in Condition 3 of his Order, Commissioner Haines did restrict the special exception to classroom and study hall facilities for a maximum of 600 students. A copy of the Order was marked and accepted into evidence as Petitioner's Exhibit 3.

During the ensuing years, Petitioner has acquired the remaining Parcels 3, 114, and 535. At this juncture, 18 years after the last case, Petitioner is again taking a longer term view of its property and the future needs of the church and, in particular, the school. In that vein, Petitioner seeks the instant zoning relief in order to expand the special exception uses and area granted in the prior case for the church, school and other buildings for religious worship. The thick gray dashed (---) line on the site plan shows the boundary of the existing special exception from the prior case. In the instant matter, Petitioner seeks to expand the geographic location of the special exception use to Parcels 3 and 114, as highlighted in yellow on the site plan. In addition, Petitioner seeks to expand and update the existing buildings and accessory structures for the church and school. As an important aside, Mr. Kellman pointed out that the original case permitted the special exception uses for up to 600 students. He stressed that even with the proposed expansions to the special

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exception areas and of the structures, there was no change to the 600 student limitation requested or even contemplated by Petitioner.

As depicted on the site plan, the majority of the property has built-in constraints and limitations in the form of a stream and wetlands and forest buffers, as well as significant slopes and contours. As a result, most of the buildings and parking areas are situated on the eastern side of Parcel 38. In addition, most of the expansions and improvements to those structures will be situated in that area as well. In particular, Petitioner proposes a two-story expansion to the existing church and an existing one-story building attached to the school building to be razed and rebuilt as a two-story building. Petitioner also proposes a second story addition to an existing school building and a separate 18,000 square foot two-story multi-purpose building. In the future, to the extent permitted by the environmental constraints on the property, Petitioner also plans to develop Parcel 114 with a proposed 50 foot by 250 foot one-story pavilion and Parcel 3 with proposed multi-use fields. There is no zoning relief (either area, setback, or height variances) requested for the existing or proposed improvements. In addition, the improvements will be performed in phases as the needs of the church and school and financing allow.

Mr. Kellman then discussed the parking issues associated with the property and the proposed expansion and improvements. He indicated that the parking required for the church is one parking space for every four seats in the church. Currently, the church seats 400, but the plan is to ultimately expand the church to seat 500. This will result in a parking allotment from the current 100 to 125 proposed spaces. The parking required for the religious school is not set forth in Section 409.6 of the B.C.Z.R. for this particular type of use, hence the Director of the Department of Permits and Development Management shall determine the basis of the number of spaces to be provided; however, Mr. Kellman noted that there are currently 239 spaces on the

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premises, so if the church does expand to 500 seats, there will still be 114 spaces allotted for the school use.

As to the specific zoning relief, Mr. Kellman indicated the requested uses are permitted by special exception. In particular, Section 1A01.2.C.6 of the B.C.Z.R. permits churches or other buildings for religious worship and Section 1A01.2.C.23 permits schools -- both by special exception. Moreover, because the expansions and improvements are part of the church's overall master plan and will be occurring over a period years, in the event the requested relief is granted, Petitioner requests that the normal two year period within which to utilize the special exception be extended to five years pursuant to Section 502.3 of the B.C.Z.R., and also requests a determination that construction, expansion or erection of any special exception building/uses be deemed utilization of all relief granted herein.

Mr. Kellman then addressed the special exception criteria contained in Section 502.1 of the B.C.Z.R. After reviewing the site plan and after having visited the site on a number of occasions and discussing the church and school operations with representatives of Petitioner, Mr. Kellman offered his opinion that the requested areas of expanded special exception use, and the expansion and updating of structures in the existing area of special exception use, would not have a negative impact on the Section 502.1 criteria. In particular, the uses would not be detrimental to the health, safety or general welfare of the locality involved; would not tend to create congestion in roads, streets or alleys therein; would not create a potential hazard from fire, panic or other danger; would not tend to overcrowd land and cause undue concentration of population; would not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements; would not interfere with adequate light and air; would not be inconsistent with the purposes of the property's zoning classification nor in any

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other way inconsistent with the spirit and intent of the zoning regulations; would not be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2 zone.

Also testifying in support of the requested relief was L.W. Bishop. Mr. Bishop is a Ruling Elder of the church and is Chairman of the Long Range Planning Committee. He indicated that the school has been operating since 1980 and has a current student population of approximately 345 students. He indicated that although the 1990 zoning case authorized up to 600 students, his committee does not foresee ever getting to that number of students. The church is attempting to take a "big picture" view of the needs of the school and the congregation and it foresees some expansion, but also emphasizes that the main goal is to make the existing facilities better and more modern, and ultimately more competitive with other schools, while allowing for some incremental growth in student population.

Testifying in opposition to the requested relief was Pamela Broache, Esquire. Ms. Broache is a resident of the area and a member of the Holbrook Chapeldale Community Association. Initially, Ms. Broache submitted a letter dated April 21, 2008 from Joel Margolis, President of the Association, as well as a string of emails dated April 13 – 17, 2008 between Ms. Broache and Principal Steve Kennedy of Liberty Christian School and Pastor Russ Sukhia of Liberty Church. These documents were marked and accepted into evidence collectively as Protestants' Exhibit 1. The letter and emails document a problem that has been ongoing for a number of years -- namely traffic. In particular, Ms. Broache indicated that the steady flow of traffic dropping off children between 7:45 – 8:15 AM at the school presents significant problems for traffic traveling eastbound and westbound on Liberty Road, as well as residents of Liberty Ridge Court across the street from

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the school attempting to turn onto Liberty Road for their morning commute. This problem also arises during the afternoon hours as well. Ms. Broache also recounted her personal experiences where she has attempted to turn onto Liberty Road from her development only to risk colliding with traffic on Liberty Road or with vehicles leaving the school from across the street. In short, Ms. Broache believes it is not appropriate to grant the special exception relief based on the documented traffic issues, or to grant the special hearing relief to amend the prior zoning case.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments were received from the Department of Environmental Protection and Resource Management dated March 5, 2008 which indicate that the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, and must comply with the Forest Conservation Regulations. All plans must be reviewed by DEPRM's Ground Water Management section. There were no affirmative comments offered by the Bureau of Development Plans Review, nor the Office of Planning. The State Highway Administration (SHA) did provide a comment specific to this matter. Their comment is contained within the case file and was also submitted by Petitioner's attorney, Mr. Alderman, as evidence on behalf of Petitioner. The comment was marked and accepted into evidence as Petitioner's Exhibit 4. The SHA comment indicates that they reviewed the site plan to accompany the petition. A field inspection and internal review revealed that the existing entrance onto MD 26 (Liberty Road) is consistent with current State Highway Administration requirements. Therefore, SHA has no objection to approval of the requested relief.

Turning first to the Special Exception, I am persuaded to grant the requested relief and to approve the expanded special exception area for the church, school and other buildings for religious worship, all as shown on the site plan. It is apparent based on the evidence presented

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that the expanded area will allow for development of other geographic areas of the property owned by the church and school, but will not significantly increase the student population or alter the operation of the school and church. I also find that the increased special exception area meets the criteria set forth in Section 502.1 of the B.C.Z.R.

While I acknowledge and share the concern of Ms. Broache and the Holbrook Chapeldale Community Association with regard to traffic challenges near the entrance and exit to the school, I do not believe this issue prevents approval of the special exception use in this instance. It appears, based on the testimony of Ms. Broache and the letter and emails accepted into evidence as Protestants' Exhibit 1, that the ingress and egress problems at this location have been ongoing for sometime. It also appears that the granting of the special exception will not increase traffic or congestion at this location. In my view, the proper and safe routing of traffic, especially during the morning and afternoon school days, is an issue that should be pursued by the community and the school with the County Division of Traffic Engineering. The community has proposed a traffic light at that location during school drop-off and pick-up hours and certainly the Liberty Church and School bears a similar interest in having safe and efficient traffic flow during peak hours. Perhaps the County's traffic officials can work with the community and church to formulate a solution to the problem.

As to the request to approve a period of five years to utilize the special exception relief, I will also grant that request. It is evident that the expanded special exception area is part of Petitioner's long range planning for the site in order to meet the continuing needs of the school and the congregation. Although the amount of time within which to utilize the expanded special exception area is not unlimited, I will allow Petitioner up to five years to utilize the special exception relief granted, rather than the customary two years. In addition, I will also make a

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determination that construction, expansion or erection of any special exception building/uses in any of the expanded special exception areas shown on the site plan shall be deemed utilization of all relief granted herein. I believe this is consistent with the long term nature of the relief requested, and the master plan for the church and school. In sum, I find that Petitioner's special exception relief can be granted in strict harmony with the spirit and intent of the regulations, and in such manner as to grant relief without injury to the public health, safety or general welfare of the locality.

Turning now to the Special Hearing request, I will grant the relief and approve an amendment of the site plan and relief granted in Case No. 90-300-X in order to formalize the granting of the expansion of the special exception uses and area. This is a natural consequence of the granting of the expansion of the special exception areas and will serve to memorialize the changes and modifications to the prior zoning case that have been granted herein. As to the request to confirm and approve the construction of buildings across interior lot lines of commonly owned property, this is also a technical request that shall be granted. As shown on the site plan, the existing block building that is to be razed and replaced with a two-story 18,000 square foot multi-purpose building, and the proposed two-story church expansion will be situated mainly on Parcel 38, but will also straddle the diamond-shaped Parcel 535 -- thus crossing lot lines; however, because the structures will cross interior lot lines with common ownership, and because there is no change in density, this special hearing relief shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered, I find that Petitioner's requests for special exception and special hearing should be granted with conditions.

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THEREFORE, IT IS ORDERED this 17th day of June, 2008 by the Deputy Zoning Commissioner, that Petitioner's Special Exception request filed pursuant to Sections 1A01.2.C.6 and 1A01.2.C.23 of the B.C.Z.R. for approval of an expanded special exception area for the church, school and other buildings for religious worship, all as shown on the Plan to accompany this Petition; and to approve a period of five years to utilize the special exception relief granted; and a determination that construction, expansion or erection of any special exception building/uses shown on the Plan to accompany this Petition shall be deemed utilization of all relief granted herein, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Special Hearing request filed pursuant to Section 500.7 of the B.C.Z.R. to approve an amendment of the site plan and relief granted in Case No. 90-300-X, and to permit an expansion of the Special Exception uses and area consistent with the Special Exception Petition filed herewith; and to confirm and approve the construction of buildings across interior lot lines of commonly owned property, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioner may apply for its building permit 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 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. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
3. 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).
4. All plans must be submitted to and reviewed by Department of Environmental Protection and Resource Management's Rob Powell, Ground Water Management.

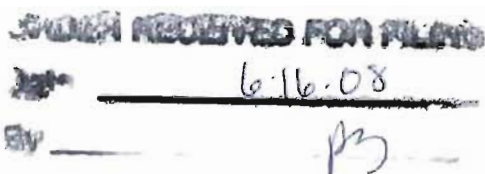
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Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

June 17, 2008

HOWARD ALDERMAN, ESQUIRE
LEVIN & GANN
502 WASHINGTON AVENUE, 8TH FLOOR
TOWSON, MD 21204

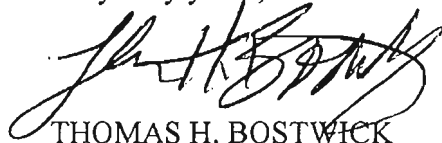
Re: Petition for Special Hearing and Special Exception
Case No. 08-379-SPHX
Property: 11301 Liberty Road

Dear Mr. Alderman:

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: Oliver Dearden, Chairman, Board of Decons, and L.W. Bishop, Liberty Reformed Presbyterian Church, 11301 Liberty Road, Owings Mills MD 21117
Mitch Kellerman, Century Engineering, 10710 Gilroy Road, Hunt Valley MD 21031
Eric Hadaway, DMW-Draft Mccune Walker Inc., 200 East Pennsylvania Avenue, Towson MD 21286
Pamela T. Broache, Esquire, 8 Liberty Ridge Court, Owings Mills MD 21117



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11301 Liberty Road

which is presently zoned RC-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE 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:

NONE

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr., Esquire

Name - Type or Print

Signature

Levin & Gann, PA

Company

502 Washington Avenue, Suite 800

410-321-0600

Address

Telephone No.

Towson

Maryland

21204

City

State

Zip Code

Legal Owner(s):

LIBERTY REFORMED PRESBYTERIAN CHURCH

Name - Type or Print

By:

Signature

Oliver Dearden, Chmn. Board of Deacons

Name - Type or Print

Signature

11301 Liberty Road

410.655.5466

Address

Telephone No.

Owings Mills

MD

21117

State

Zip Code

Representative to be Contacted:

Eric C. Hadaway, VP DMW, Inc.

Name

200 E. Pennsylvania Avenue

410-296-3333

Address

Telephone No.

Towson

MD

21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By CM Date 2-19-08

REV 9/15/98

Case No. 08-379-SP4X

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ATTACHMENT

PETITION FOR SPECIAL HEARING

CASE NO: 08- -SPH

Address: 11301 Liberty Road [Tax Map 65/Parcels 3 & 38; Tax Map 66/Parcels 114 & 535]
Legal Owners: Liberty Reformed Presbyterian Church
Present Zoning: RC-2

REQUESTED RELIEF:

"why the Zoning Commissioner should," [1] approve an amendment of the site plan and relief granted in Case No. 90-300-X, to permit an expansion of the Special Exception uses and area consistent with the Special Exception Petition filed herewith; **and** [2] confirm and approve the construction of buildings across interior lot lines of commonly owned property; **and** [3] such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR to permit the existing and proposed uses.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

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

(410) 321-0600
Fax: (410) 296-2801
halderman@LevinGann.com

08-379-SPHX



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 11301 Liberty Road

which is presently zoned RC-2

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

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 Exception, 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:

NONE

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr., Esquire

Name - Type or Print

Signature

Levin & Gann, PA Nottingham Centre, 8th Floor

Company

502 Washington Avenue 410-321-0600

Address

Telephone No.

Towson, MD 21204

City

State

Zip Code

Legal Owner(s):

LIBERTY REFORMED PRESBYTERIAN CHURCH

Name - Type or Print

By:

Signature Oliver Dearden, Chmn. Board of Deacons

Name - Type or Print

Signature

11301 Liberty Road

410.655.5466

Address

Owings Mills

MD

21117

Telephone No.

State

Zip Code

Representative to be Contacted:

Eric C. Hadaway, VP

DMW, Inc.

Name

200 E. Pennsylvania Ave.

410-296-3333

Address

Towson

MD

21286

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

CM

Date

2-19-00

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ATTACHMENT

PETITION FOR SPECIAL EXCEPTION

CASE NO: 08- -SPHX

Address: 11301 Liberty Road [Tax Map 65/Parcels 3 & 38; Tax Map 66/Parcels 114 & 535]

Legal Owners: Liberty Reformed Presbyterian Church

Present Zoning: RC-2

REQUESTED RELIEF:

Special Exception Uses/Relief Requested:

- per BCZR Sections 1A01.2C. 6 & 23, approval of an expanded special exception area for the church, school and other buildings for religious worship, all as shown on the Plan to accompany this Petition; **and**
- approve, pursuant to BCZR § 502.3, a period of five (5) years to utilize the special exception relief granted, and a determination that construction, expansion or erection of any special exception building/uses shown on the Plan to accompany this Petition shall be deemed utilization of all relief granted hereby; **and**
- such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR to permit the existing and proposed uses.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

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

(410) 321-0600
Fax: (410) 296-2801
halderman@LevinGann.com

08-379-SPHX



Description

To Accompany Petition

For A Special Hearing

Liberty Road

Baltimore County, Maryland

Beginning for the same at the end of the second of the following two courses and distances measured from the point formed by the intersection of the centerline of Liberty Ridge Court with the centerline of said Liberty Road, northwesterly 20 feet, more or less, thence southwesterly 30 feet, more or less, to the point of beginning, thence leaving said point of beginning, (1) South 88 degrees 09 minutes 11 seconds East 25.26 feet, thence (2) South 10 degrees 08 minutes 03 seconds West 244.00 feet, thence (3) South 21 degrees 02 minutes 41 seconds West 558.12 feet, thence (4) North 85 degrees 14 minutes 31 seconds West 1649.00 feet, thence (5) North 04 degrees 28 minutes 59 seconds East 447.03 feet, thence (6) South 89 degrees 42 minutes 48 seconds East 1360.62 feet, thence (7) North 84 degrees 26 minutes 33 seconds East 282.29 feet, thence (8) South 85 degrees 48 minutes 27 seconds East 154.89 feet, thence (9) North 10 degrees 08 minutes 03 seconds East 172.96 feet to the point of beginning; containing 21.15 acres of land, more or less, as described in a deed dated August 11, 1970, and recorded among the Land Records of Baltimore County, Maryland, in Liber 5116, Folio 660.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY
AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

January 30, 2008

Project No. 97060.D (L97060.D-1)





Description
To Accompany Petition
For A Special Hearing
Liberty Road
Baltimore County, Maryland

Beginning for the same at the end of the second of the following two courses and distances measured from the point formed by the intersection of the centerline of Liberty Ridge Court with the centerline of said Liberty Road, 202 feet, more or less, thence leaving said centerline of Liberty Road, southwesterly 30 feet, more or less, to the point of beginning, thence leaving said point of beginning and running, (1) South 02 degrees 59 minutes 39 seconds West 771.46 feet, thence (2) North 86 degrees 21 minutes 05 seconds West 358.16 feet, thence (3) North 21 degrees 02 minutes 41 seconds East 558.12 feet, thence (4) North 10 degrees 08 minutes 03 seconds East 244.00 feet, thence (5) South 85 degrees 00 minutes 46 seconds East 154.97 feet to the point of beginning; containing 4.261 acres of land, more or less, as described in a deed dated January 28, 1989, recorded among the Land Records of Baltimore County, Maryland, in Liber 8112, Folio 250.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY
AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

January 30, 2008

Project No. 97060.D (L97060.D)



Michael David Martin
1/30/08

379

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: 08-374-SPH & SE
Petitioner: LIBERTY REFORMED PRESBYTERIAN CHURCH
Address or Location: 11301 LIBERTY RD, Owings Mills, MD 21117

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. LON BISHOP
Address: 40 LIBERTY REFORMED PRESBYTERIAN CHURCH
11301 LIBERTY RD.
OWINGS MILLS, MD 21117
Telephone Number: 410. 655. 5466

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **1061**

Date: **2-19-08**

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
011		1010		1-150				705.00

Total: **705.00**

Rec

From:

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
 2/19/2008 2/19/2008 10:17:17
 PER 1506 MFLTH JOHN ESN
 RECEIPT # 614677 2/19/2008 OFLA
 5 528 ZONING VERIFICATION
 OR NO. 011061
 Rept lot 1705.00
 1705.00 OK 1.00
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 08-379-SPHX

11301 Liberty Road

S/west corner of Liberty Road and Liberty Ridge Court
2nd Election District — 4th Councilmanic District

Legal Owner(s): Liberty Reformed Presbyterian Church

Special Hearing: to approve an amendment of the site plan and relief granted in Case No. 90-300-X; to permit an expansion of the Special Exception uses and area consistent with the Special Exception Petition filed herewith; confirm & approve construction of buildings across interior lot lines of commonly owned property. **Special Exception:** for an approval of an expanded special exception area for the church, school and other buildings for religious worship, all as shown on the Plan to accompany this Petition and approve a period of five years to utilize the special exception relief granted and a determination that construction, expansion or erection of any special exception buildings/uses shown on the Plan to accompany this Petition shall be deemed utilization of all relief granted hereby.

Hearing: Tuesday, April 22, 2008 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT 4/686 Apr. 8

169536

CERTIFICATE OF PUBLICATION

4/10/2008

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 4/8/2008.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.

08-379-SPHX

Petitioner/Developer

Liberty Reformed
Presbyterian Church

Date of Hearing/Closing

April 22, 2008

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

Ladies and Gentlemen:

This letter is to certify under penalties of perjury that the necessary sign(s) required by
law were posted conspicuously for the property known as _____

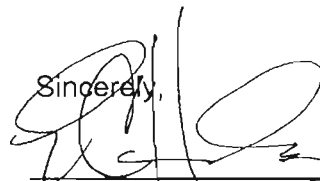
Liberty Reformed Presbyterian Church

The signs were posted on _____

4/1/2008

(Month, Day, Year)

Sincerely,

 4.1.08

(Signature of Sign Poster and Date)

ERIC C. HADAWAY

(Printed Name)

Daft- McCune- Walker, Inc.

200 East Pennsylvania Avenue

Towson, MD 21286

(Address)

410-296-3333

(Telephone Number)

ZONING NOTICE

Case No. 08-379-SPHX

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

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

Date/Time: Tuesday, April 22, 2008 @ 9:00 a.m.

Request:

Special Hearing to approve an amendment of the site plan and relief granted in Case No. 90-300-X; to permit an expansion of the Special Exception uses and area consistent with the Special Exception Petition filed herewith; confirm and approve construction of buildings across interior lot lines of commonly owned property. Special Exception for an approval of an expanded special exception area for the church, school and other buildings for religious worship, all as shown on the Plan to accompany this Petition and approve a period of five years to utilize the special exception relief granted and a determination that construction, expansion or erection of any special exception buildings/uses shown on the Plan to accompany this Petition shall be deemed utilization of all relief granted hereby.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY - TO CONFIRM HEARING CALL 410-887-3301

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

HANDICAPPED ACCESSIBLE



4.1.08 RCH
DMW, Inc.



BALTIMORE COUNTY
MARYLAND

March 3, 2008

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: 08-379-SPHX

11301 Liberty Road
S/west corner of Liberty Road and Liberty Ridge Court
2nd Election District – 4th Councilmanic District
Legal Owners: Liberty Reformed Presbyterian Church

Special Hearing to approve an amendment of the site plan and relief granted in Case No. 90-300-X; to permit an expansion of the Special Exception uses and area consistent with the Special Exception Petition filed herewith; confirm & approve construction of buildings across interior lot lines of commonly owned property. Special Exception for an approval of an expanded special exception area for the church, school and other buildings for religious worship, all as shown on the Plan to accompany this Petition and approve a period of five years to utilize the special exception relief granted and a determination that construction, expansion or erection of any special exception buildings/uses shown on the Plan to accompany this Petition shall be deemed utilization of all relief granted hereby.

Hearing: Tuesday, April 22, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Howard Alderman, Jr., Levin & Gann, 502 Washington Avenue, Ste. 800, Towson 21204
Oliver Dearden, Board of Deacons, 11301 Liberty Road, Owings Mills 21117
Eric Hadaway, DMW, Inc., 200 E. Pennsylvania Avenue, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 7, 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
Tuesday, April 8, 2008 Issue - Jeffersonian

Please forward billing to:

Lon Bishop
Liberty Reformed Presbyterian Church
11301 Liberty Road
Owings Mills, MD 21117

410-655-5466

NOTICE OF ZONING HEARING

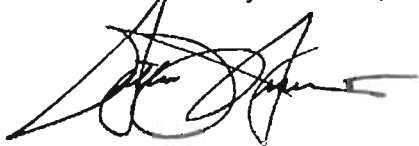
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-379-SPHX

11301 Liberty Road
S/west corner of Liberty Road and Liberty Ridge Court
2nd Election District – 4th Councilmanic District
Legal Owners: Liberty Reformed Presbyterian Church

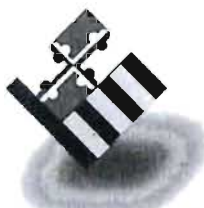
Special Hearing to approve an amendment of the site plan and relief granted in Case No. 90-300-X; to permit an expansion of the Special Exception uses and area consistent with the Special Exception Petition filed herewith; confirm & approve construction of buildings across interior lot lines of commonly owned property. Special Exception for an approval of an expanded special exception area for the church, school and other buildings for religious worship, all as shown on the Plan to accompany this Petition and approve a period of five years to utilize the special exception relief granted and a determination that construction, expansion or erection of any special exception buildings/uses shown on the Plan to accompany this Petition shall be deemed utilization of all relief granted hereby.

Hearing: Tuesday, April 22, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

April 16, 2008

Howard L. Alderman, Esquire
Levin & Gann, PA
502 Washington Avenue, Suite 800
Towson, Maryland 21204

Dear Mr. Alderman:

RE: Case Number: 08-379-SPHX, 11301 Liberty Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 19, 2008. 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
Liberty Reformed Presbyterian Church Oliver Dearden, Chairman Board of Deacons
11301 Liberty Road Owings Mills 21117
Eric C. Hadaway, VP DMW, Inc. 200 E. Pennsylvania Avenue Towson 21286

~~2008-0379-SPHX~~

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 29, 2008

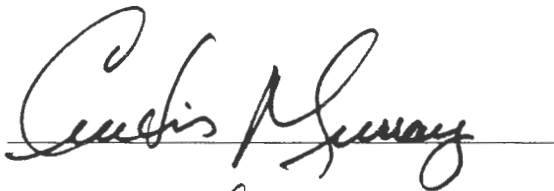
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) ³⁷⁹08-~~354~~- Special Hearing

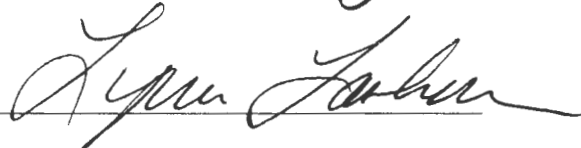
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: March 5, 2008

SUBJECT: Zoning Item # 08-379-SPH
Address Liberty Reformed Presbyterian Church
11301 Liberty Rd

Zoning Advisory Committee Meeting of February 25, 2008

_____ 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:

X 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:

All plans must be submitted to and reviewed by DEPRM's Rob Powell, Ground Water Management. – *M. Epps; Ground Water Mangement*

Reviewer: J. Russo

Date: 2/28/08



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

February 27, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 25, 2008

Item Number: 373,375, **379**

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.

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

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 4, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For March 3, 2008
Item Nos. 08-370, 371, 372, 373, 374,
375, 376, 378, 379, 380, 381, 382, and 383

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-02292008.doc



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

State Highway
Administration

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

Maryland Department of Transportation

Date: February 26, 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. 08-379-SPHX
MD 26 (Liberty Road) s/s
11301 Liberty Road
Liberty Reformed Presbyterian
Church
Plan to Accompany Petitions
For Special Exception and/or
Special Hearing

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on February 26, 2008. A field inspection and internal review reveals that the existing entrance onto MD 26 is consistent with current State Highway Administration requirements. Therefore, this office has no objection to Liberty Reformed Presbyterian Church 11301 Liberty Road, Case Number 08-379-SPHX approval.

Should you have any questions regarding this matter feel free to 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



My telephone number/toll-free number is _____

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

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

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND SPECIAL EXCEPTION *
11301 Liberty Road; SW corner of Liberty *
Road & Liberty Ridge Court * ZONING COMMISSIONER
2nd Election & 4th Councilmanic Districts *
Legal Owner(s): Liberty Reformed * FOR
Presbyterian Church by Oliver Dearden *
Petitioner(s) * BALTIMORE COUNTY
* 08-379-SPHX

* * * * *

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 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
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of March, 2008, a copy of the foregoing Entry of Appearance was mailed to Eric Hadaway, VP, 200 E. Pennsylvania Avenue, Towson, MD 21286 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DMW

DAFT McCUNE WALKER INC

TOWSON: 200 EAST PENNSYLVANIA AVENUE, TOWSON, MARYLAND 21286 P: 410 296 3333 F: 410 296 4705

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS, ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

TRANSMITTAL

To: MR. JOHN LEWIS

Date: 2.19.08

BALTO. CO. ZONING

Job No.: 97060.D

Attention:

Reference: LIBERTY PRESBYTERIAN

We are sending you

☐ attached

☐ under separate cover

☒ via Hand Del.

☐ Shop Drawings

☐ Samples

☐ Plans

☐ Specifications

☐

Copies	Date	Number	Description
3 C.		—	PETITION FOR SPECIAL HEARING - ORIGINAL (Signed)
3 C.		—	" " " EXEMPTION - " "
1	2.18.08	—	DMW check #32985 FOR \$705 FILING FEE
5 ea	1.30.08	—	DESCRIPTION TO ACCOMPANY PETITION... (3 AREAS DESCRIBED)
1	—	—	200-SCALE ZONING MAP
12	2.18.08	97060.E	PLAN TO ACCOMPANY PETITION FOR SPECIAL EXEMPTION AND/OR

SPECIAL HEARING.

These are transmitted as checked below:

☐ For approval

☐ Approved as submitted

☐ Resubmit

_____ copies for approval

☒ For your use

☐ Approved as noted

☐ Submit

_____ copies for distribution

☐ As requested

☐ Returned for corrections

☐ Return

_____ corrected for prints

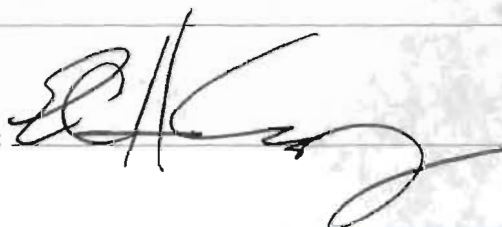
☐ For review and comment

Remarks:

cc: H. Anderson, L. Bishop, M. Korman

FILE

Signed:



Pamela Broache

From: Russ Sukhia [russ_sukhia@libertyreformed.org]
Sent: Thursday, April 17, 2008 12:47 PM
To: Pamela Broache
Subject: Re: Your Letter

Thanks for your letter. I only have a few minutes to reply. I think encouraging our parents to request a light might be a good idea. I've forwarded your letter to our principal to see what he thinks. I don't know if staggering the school hours has ever been considered. I would imagine that, with so many working parents today, that would be hard to pull off.

Meanwhile, the letter to the parents should be going home soon. Please let us know if you notice any improvement in the situation, and we'll continue to see what we can do on this end.

— Original Message —

From: Pamela Broache
To: 'Russ_sukhia@libertyreformed.org'
Sent: Wednesday, April 16, 2008 7:37 PM
Subject: RE: Your Letter

Dear Pastor Sukhia:

Thank you for your response to my recent letter. I hope that speaking with the school parents will assist in resolving this situation. I appreciate your desire to be good neighbors and agree that the traffic situation associated with the school traffic in the morning may be difficult to resolve.

According to your response, the school traffic may add another 250-300 vehicles to the intersection at Liberty Rd and Liberty Ridge Ct., during the rush hour period between approximately 7:30 am and 8:15 am, which is certainly more than that stretch of road can manage. The situation is quite dangerous for all concerned and unless the school can stagger hours or make scheduling changes, the only solution appears to be installation of a traffic light. On days that the school is not in session, such as during the Easter break, there is still rush hour traffic in that area but it is far easier to negotiate and takes only a couple of minutes or so of waiting to enter the intersection when making a left turn onto Liberty Rd. from Liberty Ridge Court.

I appreciate that your facility has requested that a traffic light be installed before and the County has denied the request. Several neighbors in this development have also done so and the requests have been denied because the traffic cresting the hill "might" present a safety hazard. You may recall that before there was a traffic light at Ward's Chapel and Liberty Rds, there was a similar concern, however, that traffic light, since installed, has prevented many accidents from occurring.

Despite the County's concern that a light at our intersection "might" create a hazard, I would submit that the current situation already does present a safety hazard. Additionally, I note that the school's request was made over 7 years ago and certainly the traffic volume has increased overall since that time.

While I am certainly willing to make a request for a traffic light and have other neighbors do so, I believe that if all of your school parents and concerned parish members wrote and/or called the County individually as well as their representatives and made them aware of the current traffic situation and the danger that it poses to their children each day

that would likely force the County to reassess the issue to determine if a light is necessary at least during school hours. Quite frankly, if the school was a public school, I am sure that there would be a traffic light installed with little argument if only a few parents complained. I certainly think that the same consideration should apply to your school.

As I explained in my prior letter, this problem is of concern to our neighborhood association and many of our neighbors in the area, including neighbors who live in Eldersburg and travel eastbound each morning as well as those travelling from Randallstown eastbound.

I would expect that the current traffic problem will be raised in response to the Church's request for a zoning variance. I am hopeful, that with the appropriate input from your school parents and church members, the County and/or our elected representatives will listen and move to resolve this problem, which not only poses an inconvenience to all of us but presents a personal hazard to the school children, parents and all of the neighbors travelling in the area during the morning hours. Again I appreciate your prompt response and your consideration in this matter. Thank you, Pamela Broache, Esquire

From: pambroache@aol.com [mailto:pambroache@aol.com]
Sent: Wednesday, April 16, 2008 6:39 AM
To: Pamela Broache
Subject: Fwd: Your Letter

-----Original Message-----

From: Russ Sukhia <russ_sukhia@libertyreformed.org>
To: pambroache@AOL.com
Sent: Tue, 15 Apr 2008 4:09 pm
Subject: Your Letter

Dear Ms. Broache,

On behalf of the Liberty Church and Christian School families, please accept our sincere apologies for the rude behavior you have experienced from some of those entering our church/school property. You are quite right that inconsiderate driving and obscene gestures are "certainly not reflective of the word of God." In particular, they violate Christ's clear instructions, that "whatever you want men to do to you, do also to them." (Matthew 7:12).

If either of *us* were trying to turn left onto Liberty Road at that time of day, *we would certainly want someone to stop for us*, so we should be willing to *stop for others*. It would add only three or four seconds to a driver's morning commute to permit a vehicle to make a left turn out of Liberty Ridge Court. It must be very frustrating to have to wait 7 to 11 minutes to exit Reservoir Ridge. Furthermore, Liberty Christian School parents should *want* to accomodate our neighbors, who, as you pointed out, have for years patiently accomodated us. It is certainly our desire, as leaders of the church and school, to be good neighbors.

There is *no excuse* for the rudeness and crudeness that you experienced from two drivers. We were sorry to read that other residents told you that they have had similar experiences. But If you and others in Reservoir Ridge have to wait so long to turn left, we would agree that it sounds like the problem extends far beyond *a few rude drivers*.

We suspect that when a westbound parent passes Ward's Chapel and descends Liberty Road toward the school, he or she has one question in mind, "Will the westbound drivers allow me to make the turn into the church/school driveway, or will I be stuck in the turn lane for several minutes?" When an eastbound driver graciously gives a school parent an opening, he or she dashes across, perhaps *without even considering* that there may be a car stuck for several minutes trying to turn east from Liberty Ridge Court (if we're right, and many do it *without considering*, then we would agree that their actions are, by definition, *inconsiderate*).

But of course, as you have noted, the westbound drivers *do have the right of way*, so *some* may be thinking that the best thing they can do to *keep traffic flowing* (and in the process, allow you to turn left at the earliest convenience) is to quickly clear the intersection. A driver may fear that if he pauses to let you turn left, *assuming the role of a traffic cop*, and *waving you on*, he may be setting you up for a collision with an *eastbound driver* who is giving him space to turn. That eastbound driver could decide to *continue east* at any time, unaware that a vehicle may be coming from Liberty Ridge Court. We understand that one of our school parents was seriously injured in an accident at that spot several years ago.

The bottom line is, we agree with you that it seems that the best solution would be a traffic light. We have requested one, but we have repeatedly been turned down. Let me quote from Lon Bishop, the chairman of our church's *Long Range Planning Committee*.

We've approached the county on a number of occasions about a traffic light. The most recent being 2000-or 2001, if memory serves me correctly. [The] County replied that a light would be a safety hazard due to traffic cresting the hill at Ward's Chapel and having a second light to navigate at such a short distance.

You may have already done so, but if you and your neighbors could *request a traffic light*, explaining the difficulty you have exiting Reservoir Ridge, the County might reconsider.

Your letter also addressed the eastbound driveway entering our property, as well as concern about possible expansion here. These issues were both discussed at an *informational meeting* held in February of last year. Our *Long Range Planning Committee* invited those living near our church/school property to hear about our plans before we approached Baltimore County regarding possible expansion here. Lon Bishop, quoted above, reports that seven neighbors attended the meeting, including the president of your homeowners association. Lon addressed several issues there, including the church entryway and the number of students at the school. He writes:

Regarding the view that the entryway into the church is poorly designed: [We] pointed out to the association that the design was prepared by State or County Roads Commission and paid for in part, at least, by Liberty Church.

To allay any fears that school traffic may increase, Lon informed our neighbors that *no*

additional student load is being requested in the variance. We have already been approved for 400 students. He reported that the maximum number of students we have *ever had* was 354 (1997-1998). Liberty Christian School expects to continue with a student population in its present 340-360 range. The request for additional square feet of new construction is primarily to accomodate church growth, and to supply the needs of the present school population. Much of the current problem is related, not to increased *school traffic* per se, but simply to *increased traffic* on Liberty Road.

Once again, we are very sorry that you have had negative experiences with the parents or caretakers of Liberty Christian School students. We think, if your schedule would permit you to visit the school one day (and if the traffic would permit you to cross Liberty Road) you would be impressed with the staff and the student body.

In response to your legitimate concerns, a letter will be going to each Liberty Christian School family informing them of the difficulty that Reservoir Ridge residents have experienced with school-bound traffic, urging them to be courteous drivers, and reminding them of the importance of being good representatives of Christ and of our school. As I'm sure you're aware, not every person who enrolls a child at a Christian school is necessarily a Christian; and unfortunately, even those who *are* Christians (that is, those who are trusting in Jesus Christ as their Lord and Savior) do not always act in ways that please the Lord. It is our hope that the letter to the parents will go a long way toward remedying the situation, but once again, we agree that a *traffic light*, perhaps one which operated only at school opening and closing hours, would be the best solution.

If you continue to have problems after you have given us a few days to communicate with the parents, please inform us right away. If the problem persists, we would be happy to schedule a meeting with you at your earliest convenience to attempt to resolve it.

Sincerely,

Pastor Russ Sukhia
Liberty Church, PCA
(410) 655-5466

Principal Steve Kennedy
Liberty Christian School
(410) 655-5527

PS. In order to get this reply to you ASAP, we are sending it by Email. We would be happy to send you a paper copy, if you so desire. We would be grateful if you would let us know that this correspondence has been received.

Pamela Broache

From: Pamela Broache
Sent: Monday, April 21, 2008 11:53 AM
To: Pamela Broache
Subject: FW: School Traffic and Consideration for Neighbors

-----Original Message-----

From: pambroache@aol.com
To: kennedy@libertychristian.us; admin@libertychristian.us; russ.sukia@libertyreformed.org; pbroache@msm.com
Sent: Sun, 13 Apr 2008 10:30 am
Subject: School Traffic and Consideration for Neighbors

Gentlemen: I am a neighbor of your Church and School who lives in Reservoir Ridge on Liberty Ridge Court across Liberty Road. I am writing to you regarding 2 experiences that I had this week while trying to exit Liberty Ridge Court on two school days, during the morning between the hours of 7:50 am and 8:15 am.

Your school and church are Christian facilities, which you indicate on your website are "grounded in the word of God." However, the rude behavior displayed by some of the parents bringing their children to school in the morning is certainly not reflective of the word of God.

The traffic situation between 7:30am and 8:20 am each school day created by the school traffic entering and exiting the Liberty Christian School over the past few years is, to say the least, both dangerous and unacceptable. The neighbors in this development and I have put up with this situation for some time by changing the hours that we go to work and/or politely tolerating the situation. However, we do expect some consideration from your Christian members in this regard. Twice this week, at 7:50 am and 8:10 am, I attempted to make a left hand turn out of Liberty Ridge Court. Note that turning left during this period of time during the school year takes between 7-11 minutes on average. On both occasions, drivers coming from the Eldersburg area proceeding east courteously stopped to allow me to proceed with my left turn, after I waited approximately 7 minutes to turn. The westbound roadway was clear enough to make this turn until, on each occasion, one of your school parents rudely increased their speed travelling west bound so as to make a left turn and to take advantage of the brief opening in traffic that the other more courteous drivers had provided to me to make my left turn. On both occasions, these drivers from your school cut off my vehicle and nearly collided with me. On one occasion, I was treated to a most unchristian like hand gesture by a female driver in a gold vehicle whom traveled so fast that I could not write down the license number. My vehicle was then left in the intersection and I had to travel in reverse to get back onto Liberty Ridge Ct, out of the way of oncoming traffic. While technically these drivers would have had the right of way and no doubt would have filed a lawsuit against me if they collided with me, their behavior certainly was appallingly rude and in no way reflects

the "word of God." It is also very dangerous for the children riding in their vehicles as well as other drivers in the vicinity.

Unfortunately, these incidents are not isolated nor infrequent. Again, I have tried to accomodate the situation by going to work earlier or later but as you can understand this is not always possible.

I have spoken with several neighbors in this development this weekend, the Holbrook Community Association and other neighbors who live in Eldersburg that must drive on Liberty Road during these hours, as well as neighbors who live behind the school.

This rude and non-Christian behavior displayed by many of the parents bringing their children to your school occurs frequently. While I realize that the children must attend school during these hours and there are going to be some traffic problems as a result, the behavior displayed by the drivers entering and exiting your school can no longer be tolerated by your neighbors. After these two experiences, I was advised by the Holbrook Association that your facility is applying for a Zoning variance to expand school facilities. While I have no objection to such an expansion, the traffic patterns in this area cannot accomodate the additional traffic which can be expected as a result, without some changes. Additionally, I do not think that the driveway systems that your school currently has leading in and out of the facilities are in compliance with the amount of traffic that occurs each morning and afternoon. Most importantly, however, this is a dangerous situation that could lead to personal injury to the very children who are attending your school, not to mention your neighbors.

I would ask that you immediately speak with your school parents and request that they begin showing some consideration and display Christian behavior to their neighbors when driving their children into the school.

I would also request that you contact the State/County to consider installing a traffic light at the intersection that works only during school hours. As an alternative, you may wish to consider changing school hours to stagger the traffic flow.(ie- having lower school hours which are different from upper school hours). In any event, I respectfully request that you take immediate action to assist in resolving this issue. Otherwise, it will be necessary for me and my neighbors, as well as those people affected traveling from both Eldersburg and Randallstown during these hours on a regular basis, to take action to remedy this situation. Additionally, please know that I have considered the Church and School to be a good neighbor for many years

and I wish to continue this relationship, but I cannot ignore this situation any longer, particularly as a result of the rude behavior I experienced this past week from the two drivers entering the school. These rude behaviors, quite frankly, are what led to my investigation into the upcoming Zoning hearing and concern about the additional traffic that may result from the granting of such a variance. However, it is my hope that we can all reach some resolution to this situation so that we can all continue to work together as neighbors.

I would ask that you also forward this email to Commissioner Jeffrey Herwig, whom I understand is a member

of your School Board and your Legal Adviser, for his review. Thank you, Pamela T. Broache, Esquire
cc: Hard copy to Joel Margolies, President of Holbrook Community Association.

LIBERTY CHRISTIAN
CASE NAME Church School
CASE NUMBER 08-379-SPHX
DATE 4/22/08

[illegible]

Case No.:

08-379-SPHX

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Amended / Redlined site plan	Letter from Com. Assn.
No. 2	Curriculum Vitae of Mitch Kellman	
No. 3	Prin. Zoning Case # 90-300-X	
No. 4	SHA ZAC Comment	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

TB
4-22-08

PROTESTANT' S

EXHIBIT NO. 1

Joel Margolis
President of Holbrook Chapeldale
Community Association
410-655-9494

April 21, 2008

VIA FACSIMILE - 410-887-3468

Mr. Thomas Bostwick
Deputy Zoning Commissioner
Baltimore County
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Special Exception - Zoning Variance
Case No. 8-379-SPHX
Liberty Christian Church/Liberty Christian Church
Liberty Reformed Church
Hearing Date: April 22, 2008

Dear Mr. Bostwick:

I am writing on behalf of the membership of the Holbrook Chapeldale Community Association. Our Members are located in the Second Election District, Fourth Councilmanic District. As you might recall, we recently had a conversation regarding a Special Exception/Variance that the Liberty Christian School is seeking.

For many years, the drivers traveling both eastbound and westbound on Liberty Road, as well as from Liberty Ridge Court, have experienced difficulties in the flow of traffic on Liberty Road as a result of the increased traffic caused by parents bringing children to school at Liberty Christian School. During the morning hours between 7:40 a.m. and 8:20 a.m., as well as during the afternoon hours, this School's traffic adds approximately 250 to 300 vehicles to the stretch of Liberty Road located between Wards Chapel Road and Liberty Reservoir Bridge. The situation is very dangerous for all concerned and has resulted, previously, in several accidents at the intersection of Liberty Ridge Court and the School's driveway. The School traffic that is present during these rush hour periods has created a number of problems for both the Members of the Holbrook Community Association, as well as neighbors who live and work in both the Eldersburg and Randallstown areas, who must travel in this vicinity Monday through Friday.

The Zoning Variance requested appears to be a continuation of a prior variance granted when the School and Church decided to expand their facilities. Granting another Zoning Variance would allow the Church/School basically an open-ended opportunity to add whatever

Holbrook Chapeldale Community Association
6 Liberty Ridge Court
Owings Mills, Maryland 21117

Page 2

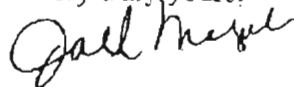
students and facilities they wish to add for the next five years. While the School has indicated that they do not intend to enlarge their enrollment, this problem, which is directly related to the granting of the prior Variance, is currently creating a extremely dangerous situation from Monday through Friday during the school year. It is also impeding the even flow of traffic on Liberty Road and at the intersection of Liberty Ridge Court for all drivers proceeding through this area during the hours specified. While the School may not intend to expand, granting of the prior variance has clearly resulted in the current situation and can only lead to more traffic in this area. Accordingly, the Members of this Association, as well as numerous drivers and neighbors who live in both Randallstown and Eldersburg, cannot tolerate this traffic situation any longer. As noted, the existing problem has become much worse over the years and now needs to be addressed as part of the consideration for any request for expansion by Liberty Christian Church and/or Liberty Christian School.

As a result of this situation, the Members of this Association must currently oppose the granting of another variance to Liberty Christian Church and/or Liberty Christian School, until appropriate action is taken to resolve this traffic situation. I am enclosing e-mail correspondence between Pastor Russ Sukia, a Member of the Holbrook Chapeldale Association, regarding resolution of this traffic issue. You will see from reviewing this correspondence, the Church and its neighbors agree that a traffic light needs to be placed at the intersection of the Church's driveway, Liberty Ridge Court and Liberty Road. Since traffic flow is generally good during other periods of time, we would suggest that the light be timed to work during the morning and afternoon hours when the 250 to 300 additional vehicles from the School are entering and exiting the facilities. The School, Church and the neighbors and residents of Liberty Ridge Court are very concerned about the dangerous situation which exists in this area during these periods of time. There is a very definite safety hazard posed to the school children, the parents and the drivers traveling eastbound and westbound on Liberty Road, as well as those trying to enter or exit the School and Liberty Ridge Court.

This situation between 7:30 a.m. and 8:20 a.m. each school day created by the School traffic entering and existing the Liberty Christian School over the past few years is simply unacceptable. Prior to the granting of a Special Exception/Variance to these facilities, we request that a traffic study be undertaken and that strong consideration for the placement of a traffic light which operates during school hours be undertaken by the appropriate Baltimore County officials.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Joel Margolis
President of Holbrook Chapeldale
Community Association

cc: P. Broache, Esquire

Holbrook Chapeldale Community Association
6 Liberty Ridge Court
Owings Mills, Maryland 21117

Mitchell J. Kellman
MANAGER OF ZONING SERVICES

01/2008

YEARS OF PLANNING/ZONING EXPERIENCE: 20

YEARS WITH CENTURY: .5

YEARS WITH OTHER FIRMS: 19.5

EDUCATION

B.A. Geography & Environmental Planning, Urban Planning, Towson University
M.A. Geography & Environmental Planning, Urban Planning, Towson University

WORK EXPERIENCE

2007-Present	Century Engineering
2000-2007	Daft Mc-Cune Walker, Inc.
1988-2000	Baltimore County Office of Permits and Development Management- Development Control

PROFESSIONAL AFFILIATIONS:

AMERICAN PLANNING ASSOCIATION, National and Maryland
BALTIMORE ECONOMIC FORUM, Baltimore County, MD



EXPERIENCE

Mr. Kellman has over 11 years of experience working in zoning administration and subdivision regulation for the public sector; 9 of those years were with Baltimore County Office of Planning and Zoning (now Permits and Development Management). His responsibilities include review, approval and signatory powers on behalf of the Director for Final Development Plans and Record Plats. He represented the Zoning Review Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and public on development project matters, and made determinations regarding developments and their compliance with county regulations. In working in the private sector, he has extensive experience in testifying before the Baltimore County Planning Board, Zoning Commissioner, Hearing Officer, and Board of Appeals for Zoning Variances, Special Exceptions, Special Hearings, Development Hearings, and Zoning Reclassifications. He also regularly represents the company at the Baltimore County Development Review Committee meetings.

As Employed within Private Sector- Review all Plans and Plats for Zoning and Development Regulations, Testify at Hearings before The Zoning Commissioner and Baltimore County Board of Appeals. Present proposals to the Baltimore County Development Review Committee (DRC). File Zoning Petitions with Baltimore County.

PARTIAL LIST OF PROJECTS

ANNE ARUNDEL COUNTY:

PRESTON GATEWAY AT PINEY RUN, Anne Arundel County, Maryland – Review Plans to Accompany Building Permit Application for compliance with the Zoning Regulations, including but not limited to the use and bulk requirements. Review proposed lot line adjustments to assure new lots (lines) comply with the zoning regulations with respect to the existing on site buildings. Advise the client accordingly.

BALTIMORE COUNTY:

CHARLESTOWN RETIREMENT COMMUNITY, Baltimore County, MD As Employed by Baltimore County – Review building permits, Final Development Plans, Record Plats, Sign for the Director of Permits and Development Management Final, Development Plans and Record Plats. Review and Accept, on behalf of Baltimore County, Zoning Variance Petitions. Testify at Baltimore County Planning Board on Amendments to Final Development Plan.

LOYOLA COLLEGE RETREAT CENTER, Baltimore County Maryland – Review New Retreat Proposal for Zoning and Development Regulations Compliance. Testify before the Baltimore County Zoning Commissioner and Baltimore County Board of Appeals. File Zoning Petition Application with Baltimore County.

HUNT VALLEY TOWN CENTER RESIDENTIAL and COMMERCIAL – Review both the Residential and Commercial for Zoning and Development Regulation Compliance. Testify before the Zoning Commissioner for the Commercial Component and before the Zoning Commissioner and Baltimore County Board of Appeals for Residential Component. Present proposals before the DRC and coordinate with Baltimore County Agency Representatives for project phase approvals

GBMC, Baltimore County, MD

GOUCHER COLLEGE, Baltimore County, MD

HOPEWELL POINT, Baltimore County, MD

NORTHWEST HOSPITAL, Baltimore County, MD

NOTRE DAME PREPARATORY SCHOOL, Baltimore County, MD

OAKCREST VILLAGE RETIREMENT COMMUNITY, Baltimore County, MD

SAINT JOSEPH HOSPITAL, Baltimore County, MD

SHEPPARD AND ENOCH PRATT HOSPITAL, Baltimore County, MD

T ROWE PRICE, Baltimore County, MD

TOWSON TOWN CENTER, Baltimore County, MD

WATERVIEW, Baltimore County, MD

WHITE MARSH MALL, Baltimore County, MD

WIRELESS TRANSMITTING and RECEIVING STRUCTURES – T MOBILE, ATT, and SPRINT

Baltimore County
Zoning Department
Office of Planning & Zoning
Towson, Maryland 21204
(301) 387-3393

J. Robert Haines
Zoning Commissioner

February 7, 1990



Dennis F. Hannon
County Executive

#90-300-X

S. Eric DiMenna, Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
S/S Liberty Road, 1584' W of Wards Chapel Road
(11301 Liberty Road)
2nd Election District - 3rd Councilmanic District
Liberty Reform Presbyterian Church - Petitioners
Case No. 90-300-X

Dear Mr. DiMenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

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

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File



IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
S/S Liberty Road, 1584' W of * ZONING COMMISSIONER
Wards Chapel Road *
(11301 Liberty Road) * OF BALTIMORE COUNTY
2nd Election District *
3rd Councilmanic District * Case No. 90-300-X
Liberty Reform Presbyterian *
Church - Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception, pursuant to Section 502.1, for a church and school in accordance with Petitioner's Exhibit 1.

The Petitioner, by Claire L. Foster, Chairman, Banking Committee, and Dr. David H. Bryson, Pastor, appeared, testified, and was represented by S. Eric DiMeana, Esquire. Also appearing on behalf of the Petition were Charles W. Garriott, Elder, Raymond Bitter, Builder, and Mark L. Robel, Surveyor. There were no Protestants.

Testimony indicated that the subject property, known as 11301 Liberty Road, consists of 21.15 acres more or less zoned R.C. 2 and is improved with an existing church and attached building, a storage building and a one story building and accessory trailer used for a school. Petitioner proposes to construct an addition to the existing school building to provide classroom and study hall facilities for its growing student population. Testimony indicated that currently there are 206 students enrolled at the school and it is projected the number will grow to between 400 and 500 students over the next few years. The proffered testimony indicated that while the building proposed will handle a student capacity of 800, a maximum of 450 students is anticipated. Petitioner testified as to the requirements of Section 502.1 of the Baltimore County Zoning Regula-

ORDER RECEIVED FOR FILING

Date

By

tions (B.C.Z.R.) and indicated the conditions contained therein will be met by this project. In support of their request, Petitioners introduced two letters from area residents indicating their approval.

It is clear that the B.C.Z.R. permits the use proposed in a R.C. 2 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

ORDER RECEIVED FOR FILING

Date

By

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of February, 1990 that the Petition for Special Exception, pursuant to Section 502.1, for a church and school, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any permits, Petitioner shall submit a new site plan incorporating the requirements set forth in the evaluation comments submitted by the Zoning Plans Advisory Committee which have been adopted in their entirety and made a part of this Order.
- 3) The special exception granted herein is limited to classroom and study hall facilities for a maximum of 600 students.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ORDER RECEIVED FOR FILING

Date

By

JRH:bjs

J. Robert Hines
J. Robert Hines
Zoning Commissioner
for Baltimore County

ZONING CASES:

88-74-A - GRANTED AUGUST 10, 1987, VARIANCE TO PERMIT A DOUBLE-FACED FREESTANDING SIGN OF 112 SQUARE FEET SUBJECT TO THE FOLLOWING: EACH FACE OF SIGN MAY NOT EXCEED 25 SQUARE FEET AND EACH BASE MAY NOT EXCEED 8.5 SQUARE FEET AND MASONRY SIDE SUPPORTS SHALL BE RED BRICK AND SHALL NOT EXCEED 45 SQUARE FEET TOTAL. ALSO, A REVISED PLAN SHOWING ALL PARCELS OWNED BY THE CHURCH SHALL BE SUBMITTED TO THE ZONING OFFICE WITHIN 90 DAYS. THE PLAN MUST ALSO INCLUDE A NOTE THAT THERE WILL BE NO OTHER FREESTANDING SIGNS ON THE PROPERTY.

90-300-X - GRANTED FEBRUARY 7, 1990, SPECIAL EXCEPTION GRANTED FOR A CHURCH AND SCHOOL WITH THE FOLLOWING RESTRICTIONS: APPLY FOR PERMIT-30 DAY APPEAL PERIOD, LIMITED TO CLASSROOM AND STUDY HALL WITH A MAXIMUM OF 600 STUDENTS, AND MUST SUBMIT NEW SITE PLAN INCORPORATING THE REQUIREMENTS SET FORTH IN THE EVALUATION COMMENTS BY THE ZONING ADVISORY COMMITTEE.

98-29-A - GRANTED NOVEMBER 10, 1997, PERMITS A CHURCH BULLETIN BOARD SIGN OF 155 S.F. IN LIEU OF THE REQUIRED 30 S.F.

GENERAL NOTES:

OWNER/APPLICANT & PROPERTY ADDRESS: LIBERTY REFORMED PRESBYTERIAN CHURCH
11301 LIBERTY ROAD
OWINGS MILLS, MARYLAND 21117

TAX ACCOUNT NUMBERS: 0402021770030, 04021900002263
04021600001245, 04021700007839

COUNCILMANIC DISTRICT: 4TH
ELECTION DISTRICT: 2ND
ZONING: RC-2 (65C2, 66A2)
TAX MAP: 65 & 66
PARCEL: 3, 38, 114, & 535

1. PROPOSED ADDITIONS AND BUILDINGS WILL NOT EXCEED A HEIGHT OF 35'.

2. TOTAL PROJECT AREA = $\pm 1,480,040$ ± 34 ACRES
 $\pm 1,035,280$ SF = ± 23.8 ACRES

3. PARKING REQUIREMENTS:
EXISTING SPACES: 203
REQUIRED SPACES (@ 1 SPACE / 4 CHURCH SEATS):
400 SEATS = 100 SPACES REQUIRED
ADDITIONAL SPACES: ~~333~~
TOTAL NUMBER OF SPACES: ~~203~~ 234

4. ALL EXISTING UTILITIES SHOWN ON SITE ARE PRIVATE.

5. THE SITE IS NOT WITHIN A 100-YEAR FLOODPLAIN OR CHESAPEAKE BAY CRITICAL AREA.

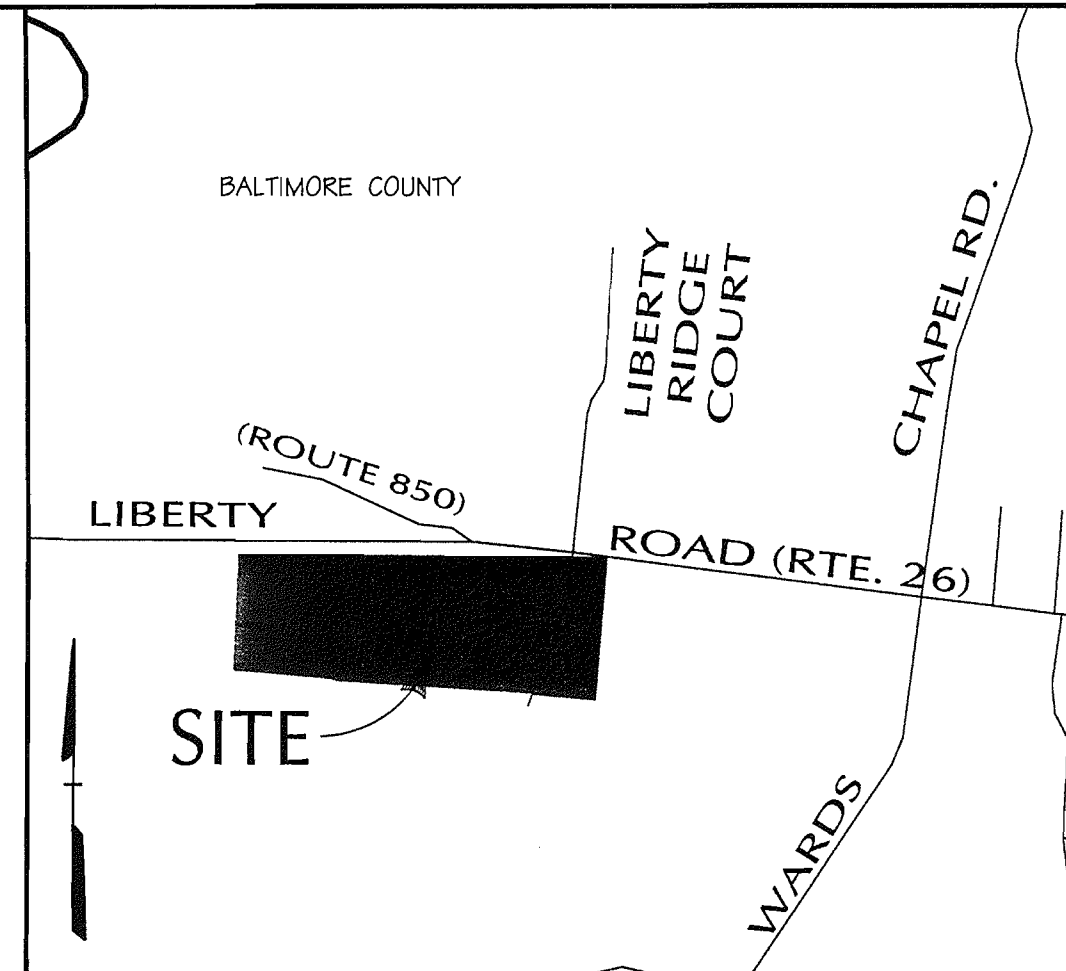
6. THE SITE IS NOT HISTORIC AND IS NOT WITHIN A HISTORIC DISTRICT.

7. THE SITE IS NOT WITHIN ANY MORATORIUM AREAS AS DESIGNATED ON THE LATEST COUNTY BASIS SERVICES MAPS.

8. THE SITE IS NOT SUBJECT TO ANY AMENITY OPEN SPACE AND OR FLOOR AREA RATIO.

9. THE SITE IS NOT SUBJECT TO RTA REQUIREMENTS.

10. THE PROPERTY OUTLINE SHOWN HEREON IS BASED ON THE CURRENT DEEDS AS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY MARYLAND. THE BEARINGS SHOWN HEREON ARE BASED ON THE DATUM ESTABLISHED BY PARCEL 38 DEED OF RECORD.



VICINITY MAP

SCALE: 1"=1000'

LEGEND

	PROPERTY LINE
	ZONING LINE
	EXISTING CONTOURS
	SPOT ELEVATION
	EDGE OF PAVEMENT
	CENTERLINE OF ROAD
	EXISTING TREE LINE
	SOILS LINE
	APPROXIMATE CENTERLINE OF STREAM
	APPROXIMATE WETLAND BOUNDARY
	PRELIMINARY FOREST BUFFER
	25' PRINCIPLE STRUCTURE SETBACK
	EXISTING WELL
	EXISTING NATURAL GAS LINE
	EXISTING STORM DRAIN LINES
	EXISTING STORM DRAIN INLET
	EXISTING SEPTIC CLEANOUT
	EXISTING DRY WELL
	EXISTING PUMPOUT CHAMBER
	EXISTING SEPTIC TANK
	EXISTING GREASE TRAP
	APPROXIMATE LOCATION / SIZE SEPTIC RESERVE
	APPROXIMATE SEPTIC LINE
	LIMIT OF EXISTING SPECIAL EXCEPTION AND CHURCH USE

DMW

DAFT MCCUNE WALKER INC.

200 EAST PENNSYLVANIA AVENUE • TOWSON, MD 21286

P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,

ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

PLAN TO ACCOMPANY PETITION FOR

SPECIAL EXCEPTION AND/OR SPECIAL HEARING

LIBERTY REFORMED

PRESBYTERIAN CHURCH

11301 LIBERTY ROAD

OWINGS MILLS, MARYLAND 21117

BALTIMORE COUNTY, MD

2ND ELECTION DISTRICT

4TH COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MD

BALTIMORE COUNTY, MD

BALTIMORE COUNTY, MD

BALTIMORE COUNTY, MD

BALTIMORE COUNTY, MD

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BALTIMORE COUNTY, MD

DATA SOURCES:

TOPOGRAPHY FROM 1996 AERIAL PHOTOGRAPHY AND BALTIMORE COUNTY PHOTOGRAMMETRY BASED ON MARYLAND STATE GRID (NAD83) AND DATUM (NAD83).

ZONING BOUNDARIES SHOWN HEREON FROM 2004 BALTIMORE COUNTY 200 SCALE ZONING MAPS 65C2 & 66A2.

NOTE:

- ALL UTILITY LOCATIONS SHOWN HEREON ARE APPROXIMATE BASED ON FIELD INSPECTION AND DO NOT REPRESENT ACTUAL SURVEYED LOCATION.
- BASED UPON THE BEST OF OUR KNOWLEDGE THERE HAVE BEEN NO COMMERCIAL PERMITS ISSUED ON THE PROPERTY WITHIN THE LAST 5 YEARS.
- TO THE BEST OF OUR KNOWLEDGE AND OUR REVIEW OF BALTIMORE COUNTY RECORDS THERE HAVE BEEN NO BUILDING PERMITS ISSUED WITHIN THE LAST 5 YEARS ON THE PROPERTY EXCEPT FOR THE FOLLOWING: 8622535 - INTERIOR ALTERATIONS AND HANDICAPPED RAMP.

SEAL

DATE: 2/18/08
SCALE: 1"=100'
DRAWN: SFM/CRH
DESIGNED:
CHECKED BY:
PROJECT #: 97060.C
DRAWING: 1 of 1

ZONING CASES:

88-74-A - GRANTED AUGUST 10, 1987, VARIANCE TO PERMIT A DOUBLE-FACED FREESTANDING SIGN OF 112 SQUARE FEET SUBJECT TO THE FOLLOWING: EACH FACE OF SIGN MAY NOT EXCEED 25 SQUARE FEET AND EACH BASE MAY NOT EXCEED 8.5 SQUARE FEET AND MASONRY SIDE SUPPORTS SHALL BE RED BRICK AND SHALL NOT EXCEED 46 SQUARE FEET TOTAL. ALSO, A REVISED PLAN SHOWING ALL PARCELS OWNED BY THE CHURCH SHALL BE SUBMITTED TO THE ZONING OFFICE WITHIN 90 DAYS. THE PLAN MUST ALSO INCLUDE A NOTE THAT THERE WILL BE NO OTHER FREESTANDING SIGNS ON THE PROPERTY.

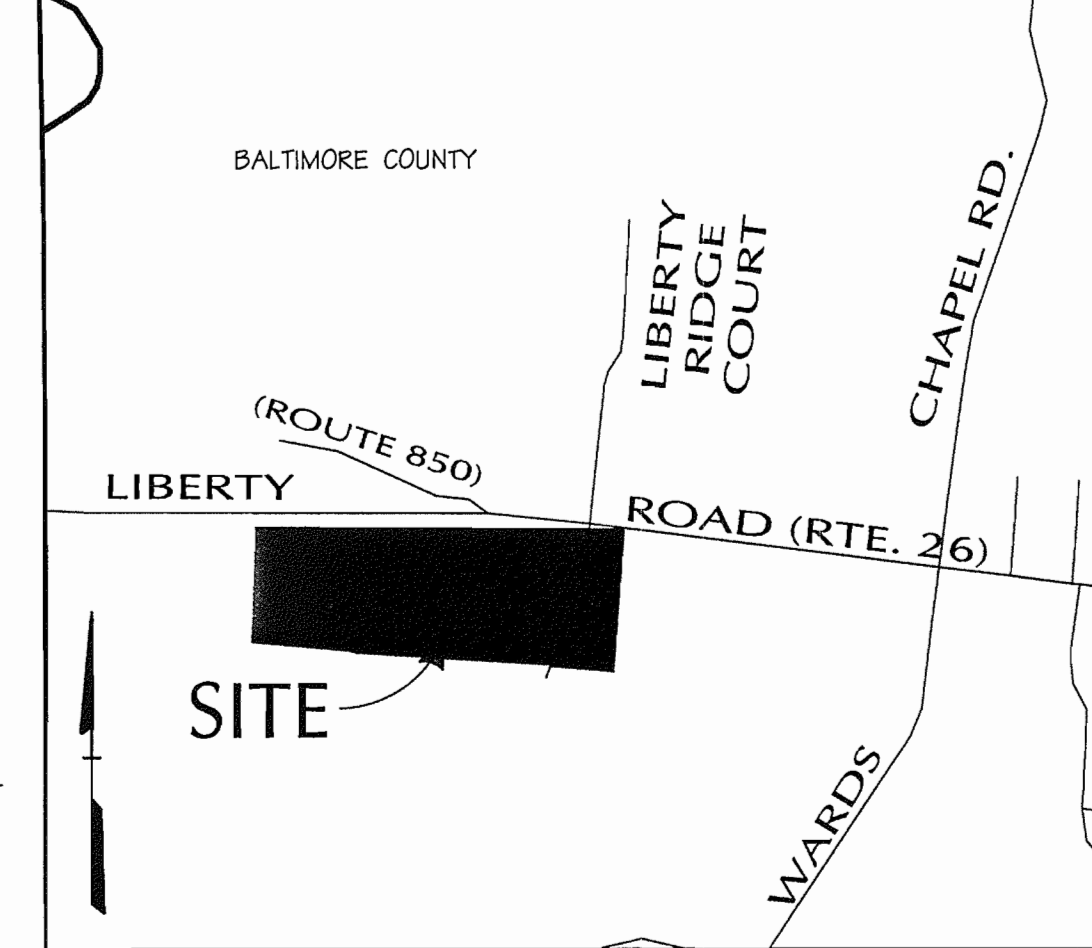
90-300-X - GRANTED FEBRUARY 7, 1990, SPECIAL EXCEPTION GRANTED FOR A CHURCH AND SCHOOL WITH THE FOLLOWING RESTRICTIONS: APPLY FOR PERMIT-30 DAY APPEAL PERIOD, LIMITED TO CLASSROOM AND STUDY HALL WITH A MAXIMUM OF 600 STUDENTS, AND MUST SUBMIT NEW SITE PLAN INCORPORATING THE REQUIREMENTS SET FORTH IN THE EVALUATION COMMENTS BY THE ZONING ADVISORY COMMITTEE.

98-29-A - GRANTED NOVEMBER 10, 1997, PERMITS A CHURCH BULLETIN BOARD SIGN OF 155 S.F. IN LIEU OF THE REQUIRED 30 S.F.

GENERAL NOTES:

OWNER/APPLICANT & PROPERTY ADDRESS: LIBERTY REFORMED PRESBYTERIAN CHURCH 11301 LIBERTY ROAD OWINGS MILLS, MARYLAND 21117
TAX ACCOUNT NUMBERS: 04020211770030, 04021900002263, 04021600001245, 04021700007839
COUNCILMANIC DISTRICT: 4TH
ELECTION DISTRICT: 2ND
ZONING: RC-2 (65C2, 66A2)
TAX MAP: 65 & 66
PARCEL: 3, 35, 114, & 535

1. PROPOSED ADDITIONS AND BUILDINGS WILL NOT EXCEED A HEIGHT OF 35'.
2. TOTAL PROJECT AREA = ±1,655,280 SF. = ±38 ACRES
3. PARKING REQUIREMENTS:
EXISTING SPACES: 203
REQUIRED SPACES (@ 1 SPACE / 4 CHURCH SEATS):
400 SEATS = 100 SPACES REQUIRED
ADDITIONAL SPACES: 37
TOTAL NUMBER OF SPACES: 280
4. ALL EXISTING UTILITIES SHOWN ON SITE ARE PRIVATE.
5. THE SITE IS NOT WITHIN A 100-YEAR FLOODPLAIN OR CHESAPEAKE BAY CRITICAL AREA.
6. THE SITE IS NOT HISTORIC AND IS NOT WITHIN A HISTORIC DISTRICT.
7. THE SITE IS NOT WITHIN ANY MORATORIUM AREAS AS DESIGNATED ON THE LATEST COUNTY BASIS SERVICES MAPS.
8. THE SITE IS NOT SUBJECT TO ANY AMENITY OPEN SPACE AND OR FLOOR AREA RATIO.
9. THE SITE IS NOT SUBJECT TO RTA REQUIREMENTS.
10. THE PROPERTY OUTLINE SHOWN HEREON IS BASED ON THE CURRENT DEEDS AS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY MARYLAND. THE BEARINGS SHOWN HEREON ARE BASED ON THE DATUM ESTABLISHED BY PARCEL 35 DEED OF RECORD.



VICINITY MAP

SCALE: 1"=1000'

LEGEND

- PROPERTY LINE
- ZONING LINE
- EXISTING CONTOURS
- SPOT ELEVATION
- EDGE OF PAVEMENT
- CENTERLINE OF ROAD
- EXISTING TREE LINE
- SOILS LINE
- APPROXIMATE CENTERLINE OF STREAM
- APPROXIMATE WETLAND BOUNDARY
- PRELIMINARY FOREST BUFFER
- 25' PRINCIPLE STRUCTURE SETBACK
- EXISTING WELL
- EXISTING NATURAL GAS LINE
- EXISTING STORM DRAIN LINES
- EXISTING STORM DRAIN INLET
- EXISTING SEPTIC CLEANOUT
- EXISTING DRY WELL
- EXISTING PUMPOUT CHAMBER
- EXISTING SEPTIC TANK
- EXISTING GREASE TRAP
- APPROXIMATE LOCATION / SIZE SEPTIC RESERVE
- APPROXIMATE SEPTIC LINE
- LIMIT OF EXISTING SPECIAL EXCEPTION AND CHURCH USE

DMW

DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA AVENUE • TOWSON, MD 21286
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

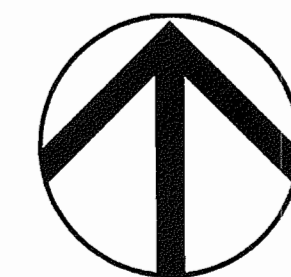
A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

PLAN TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION AND/OR SPECIAL HEARING

LIBERTY REFORMED
PRESBYTERIAN CHURCH

11301 LIBERTY ROAD
OWINGS MILLS, MARYLAND 21117

2ND ELECTION DISTRICT BALTIMORE COUNTY, MD
4TH COUNCILMANIC DISTRICT



DATE	BY	REVISIONS

SEAL	DATE: 2/18/08
SCALE: 1"=100'	
DRAWN: SFW/ICRH	
DESIGNED:	
CHECKED BY:	
PROJECT #: 97060.C	
DRAWING: 1 of 1	

NOTE:

1. ALL UTILITY LOCATIONS SHOWN HEREON ARE APPROXIMATE, BASED ON FIELD INSPECTION, AND DO NOT REPRESENT ACTUAL SURVEYED LOCATION.
2. BASED UPON THE BEST OF OUR KNOWLEDGE, THERE HAVE BEEN NO COMMERCIAL PERMITS ISSUED ON THE PROPERTY WITHIN THE LAST 5 YEARS.
3. TO THE BEST OF OUR KNOWLEDGE AND OUR REVIEW OF BALTIMORE COUNTY RECORDS, THERE HAVE BEEN NO BUILDING PERMITS ISSUED WITHIN THE LAST 3 YEARS ON THE PROPERTY EXCEPT FOR THE FOLLOWING: B62-535 - INTERIOR ALTERATIONS AND HANDICAPPED RAMP.

DATA SOURCES:

TOPOGRAPHY FROM 1996 AERIAL PHOTOGRAPHY AND BALTIMORE COUNTY PHOTOGRAMMETRY BASED ON MARYLAND STATE GRID (NAD83) AND DATUM (NAD83).

ZONING BOUNDARIES SHOWN HEREON FROM 2004 BALTIMORE COUNTY 200' SCALE ZONING MAPS 65C2 & 66A2.

