CIRCUIT COURT FOR BALTIMORE COUNTY
Richard D. Arnold, Jr.
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

07/07/10

Case Number: 03-C-09-010599 AA OTH
Date Filed: 09/02/2009
Status: Closed/Active
Judge Assigned: To Be Assigned,
Location :
CTS Start : 09/02/09 Target : 03/01/11

In the Matter of Union Bethel A M E Church Of Randallstown Inc

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Administrative Agency	09-093-SPHXA
Case Folder ID	C09010599V01

INVOLVED PARTIES

Type	Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. / Addr Update	Entered
PET	001	Union Bethel A M E Church Of Randallstown Inc Party ID: 1428224		BT DO 07/02/10	09/08/09
		Mail: 8611 Church Lane	09/08/09		09/08/09 RLM
		Attorney: 0012544 Tanczyn, Michael P	Appear: 09/08/2009 Removed:02/22/10		09/08/09
		0006860 Borgerding, Francis X 409 Washington Ave Suite 600 Towson, MD 21204 (410)296-6820	Appear: 02/22/2010		03/16/10
ADA	001	Board Of Appeals Of Baltimore County Party ID: 1428225		BT DO 07/02/10	09/08/09

Mail: 105 West Chesapeake Avenue
Toom 203
Towson, MD 21204

09/08/09

09/08/09 RLM

Type	Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. / Addr Update	Entered
ITP	001	Diagrazia, Michael P	Party ID: 1448362	BT DO 07/02/10	10/29/09
		Attorney: 0010156 Bartlett, Anthony T Mister, Winter & Bartlett, LLC 30 E Padonia Road Suite 404 Padonia Centre Timonium, MD 21093 (410)561-3000	Appear: 10/14/2009		10/29/09
ITP	002	Digrazia, Kathleen J	Party ID: 1448363	BT DO 07/02/10	10/29/09
		Attorney: 0010156 Bartlett, Anthony T Mister, Winter & Bartlett, LLC 30 E Padonia Road Suite 404 Padonia Centre Timonium, MD 21093 (410)561-3000	Appear: 10/14/2009		10/29/09

CALENDAR EVENTS

Date	Time	Fac	Event Description	Text Rec	SA	Jdg	Day	Of Notice	User ID
Result			ResultDt By Result Judge						
03/24/10	09:30A	CR18	Civil Non-Jury Trial	Y		RAJ	01	/01	JMO
Held/Concluded			03/24/10 E R.Jakubowski	Y					

Stenographer(s): Constance Wilson

DISPOSITION HISTORY

Disp Date	Disp Code	Description	Stage Code	Description	User	Activity Date
07/02/10	DO	Decree or Order	BT	BEFORE TRIAL/HEARING	JBJ	07/02/10

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal RSN
TBA To Be Assigned,	J	09/08/09	

DOCUMENT TRACKING

Num/Seq	Description	Filed	Entered	Party	Jdg	Ruling	Closed	User ID
0001000	Petition for Judicial Review	09/02/09	09/08/09	PET001	TBA		07/02/10	RLM JBJ
0001001	Response To Petition For Judicial Review * filed by Michael P Digrazia and Kathleen J Digrazia	10/14/09	10/29/09	000	TBA		07/02/10	KTW JBJ
0002000	Certificate of compliance	09/14/09	09/29/09	ADA001	TBA		09/29/09	EMH
0003000	Attorney Appearance Filed Filed by ITP001-Diagrazia, ITP002-Digrazia	10/14/09	10/30/09	ITP001	TBA		10/30/09	LAC LAC
0004000	Transcript of Record from Adm Agency *	11/02/09	11/02/09	000	TBA		07/02/10	SAP JBJ
0005000	Notice of Transcript of Record Sent	11/02/09	11/02/09	ADA001	TBA		11/02/09	SAP
0006000	Notice of Transcript of Record Sent	11/02/09	11/02/09	ITP001	TBA		11/02/09	SAP
0007000	Notice of Transcript of Record Sent	11/02/09	11/02/09	ITP002	TBA		11/02/09	SAP
0008000	Notice of Transcript of Record Sent	11/02/09	11/02/09	PET001	TBA		11/02/09	SAP
0009000	Scheduling Order	12/04/09	12/04/09	000	TBA		12/04/09	JMO
0010000	Memorandum of the petitioner/appellants	12/01/09	12/23/09	PET001	TBA		12/23/09	SAP
0011000	Stipulation that the time for filing of the Respondents Memorandum is extended to February 1, 2010 Filed by PET001-Union Bethel A M E Church Of Randallstown Inc, ITP001-Diagrazia, ITP002-Digrazia	12/30/09	01/19/10	PET001	TBA		01/19/10	KTW
0012000	Respondent's Memorandum of Law w/exhibits Filed by ITP001-Diagrazia, ITP002-Digrazia	02/01/10	03/03/10	ITP001	TBA		03/03/10	KET
0013000	Notice of Substitution of Counsel * Filed by Attorney: Michael P Tanczyn Esq & Francis X Borgerding Jr	02/22/10	03/16/10	000	TBA		07/02/10	KTW JBJ
0014000	Attorney Appearance Removed Michael P Tanczyn	03/16/10	03/16/10	PET001	TBA		02/22/10	KTW
0015000	Open Court Proceeding	03/24/10	03/24/10	000	RAJ		07/02/10	JMS JBJ

March 24, 2010. Hon Ruth A Jakubowski. Hearing had in re:
Administrative appeal. Opinion to be filed.

Num/Seq	Description	Filed	Entered	Party	Jdg	Ruling	Closed	User ID
0016000	Memorandum Opinion and Oder of Court Affirming the Opinion and Order of the County Board of Appeals as specified	07/02/10	07/02/10	000	RAJ	Affirmed	07/02/10	JBJ
0017000	Order of Court decision of the Baltimore County Board of Appeals be AFFIRMED and any costs be paid by Petitiioner as specified	07/02/10	07/02/10	000	RAJ	Affirmed	07/02/10	JBJ
0018000	DOCKET ENTRIES SENT TO BALTIMORE COUNTY BOARD OF APPEALS	07/07/10	07/07/10	000	TBA			AEF

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
1ANS	1st Answer Tickle	CLOSED	10/14/09	0	no	no	DANS	D	001	001
1YRT	One Year Tickle (Jud	CLOSED	09/02/10	365	no	no	DAAA	D	001	000
EXPU	Exhibit Pickup Notic	CLOSED	08/31/10	30	no	no			000	000
SLIL	Set List - Informati	CANCEL	10/14/09	0	no	no	DAAF	D	003	000
SLTR	Set List For Trial	CANCEL	10/14/09	0	yes	no	1ANS	T	001	001
SLTR	Set List For Trial	Done	11/02/09	0	yes	yes	DTRA	D	004	000

EXHIBITS

Line #	Marked	Code	Description	SpH	Sloc	NoticeDt	Disp Dt	Dis By
Offered By: ADA 001 Board Of Appeals Of Baltimore								
000		B	BOX 675/CBA TRANSC		B			

DIFFERENTIATED CASE MANAGEMENT

TRACKS AND MILESTONES

Track : R1 Description: EXPEDITED APPEAL TRACK Custom: Yes
Assign Date: 12/04/09 Order Date : 12/04/09
Start Date : 12/04/09 Remove Date:

Milestone	Scheduled	Target	Actual	Status
Motions to Dismiss under MD. Rule 2-322(		12/19/09	07/02/10	CLOSED
All Motions (excluding Motions in Limine		02/12/10	07/02/10	CLOSED
TRIAL DATE is	03/24/10	03/04/10	03/24/10	REACHED

ACCOUNTING SUMMARY

NON-INVOICED OBLIGATIONS AND PAYMENTS

Date	Rcpt/Initials	Acct	Desc	Oblig	Payment	Total	MOP	Balance
09/02/09	200900022878/CPW	1102	CF-Civil Fil	.00	80.00	-80.00	CK	-80.00
09/02/09	200900022878/CPW	1500	Appearance F	.00	10.00	-10.00	CK	-90.00
09/02/09	200900022878/CPW	1265	MLSC	.00	25.00	-25.00	CK	-115.00
09/08/09		1500	Appearance F	10.00	.00	10.00		-105.00
09/08/09		1265	MLSC	25.00	.00	25.00		-80.00
09/08/09		1102	CF-Civil Fil	80.00	.00	80.00		.00

6/30/10

IN THE MATTER OF:	*	IN THE
	*	CIRCUIT COURT
UNION BETHEL A M E CHURCH OF RANDALLSTOWN, INC, Petitioner	*	FOR
	*	BALTIMORE COUNTY
	*	CASE NO: 03-C-09-10599

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

MEMORANDUM OPINION

This matter comes before this Court regarding the Union Bethel AME Church of Randallstown, Inc. (Petitioner) petition for judicial review of the decision of the County Board of Appeals, in Case No. 09-093SPHXA. In an Opinion and Order issued August 28, 2009, the County Board of Appeals reversed the decision of the Zoning Commissioner and held that the Petition for Special Hearing was denied, that the Petition for Special Exceptions was denied, and that the Request for Variances was dismissed as moot based on the denial of the Petitions for Special Hearing. and Special Exceptions.

Petitioner filed a Petition for Judicial Review on December 1, 2009 in the Circuit Court for Baltimore County. Respondents Michael P. DiGrazia and Kathleen J. DiGrazia filed a response memorandum on February 1, 2010. A hearing was held before this Court on March 24, 2010, at which time both parties, represented by counsel, presented arguments. For the reasons set forth herein, this Court will **AFFIRM** the findings of the County Board of Appeals.

Background

Union Bethel AMA Church of Randallstown, Inc. is a non-profit corporation conducting non-profit business out of a residential home, located at 8611 Church Lane in

Randallstown, Maryland. Petitioners also own a church, located at 8615 Church Lane. Respondent's own and reside in the residential home at 8613 Church Lane, situated between the church and the subject residential property. Every building surrounding the church is a residential property.

The subject property has been zoned residential since 1951. On October 21, 2002, petitioner bought the subject property, and initially utilized the residential building as offices for the nearby church's staff. In 2004 the church created a non-profit entity registered as "We Are Family Community Development Center" (CDC). The CDC began operating out of the subject property, with services and activities including distribution from a food bank, eviction assistance, utility turn-off assistance, job counseling, mortgage counseling, counseling to first-time home buyers, and mortgage assistance to homeowners in foreclosure situations. These services are aimed not just at the immediate community surrounding the property, but all of northwest Baltimore County. The property is not used as a church, and no religious worship or practice takes place at the subject property. CDC clients come to the subject property to utilize these services, and the hours of operation are Monday through Friday from 8:30 a.m. to 7:00 p.m.

On July 16, 2008, petitioner received a building permit to construct a one-and-a-half story addition to the rear of the subject residential house. The building permit describes the proposed addition as being used for residential purposes and the proposed use as "[Single Family Dwelling] and addition." There is no indication in the building permit of a non-residential use. Regardless, in September 2008, the addition was completed and petitioner sought a permit to change the occupancy from a residence to a community center office. This permit was denied. Petitioner subsequently requested the

special hearing seeking numerous forms of relief, special exceptions and variances to convert the subject property from residential to non-residential use. Although initially approved by the Zoning Commissioner, the petitions were subsequently overturned by the County Board of Appeals. Petitioner then appealed the decision of the Board to the Circuit Court for Baltimore County.

Question Presented

This Court restates the question presented by Petitioner in his petition for judicial review as follows:

I. Whether the decision of the County Board of Appeals in which it denied the Special exceptions, special hearing relief and variances requested and thereby reversed the order of the Zoning Commissioner, was based on substantial evidence?

Standard of Review

The Court's scope of review of a decision of an administrative agency is narrow, recognizing that board members have expertise in a particular area and ordinarily should be free to exercise their discretion as such. *Annapolis v. Annapolis Waterfront Co.*, 284 Md. 383, 395, 396 A.2d 1080 (1979), *citing Finney v. Halle*, 241 Md. 223, 216 A.2d 530 (1966). A Circuit Court's review of an agency decision is governed by the Maryland Administrative Procedure Act (hereinafter "APA"), Md. State Gov't Code Ann. § 10-222, which provides as follows:

"(a) Review of final decision. – (1) . . . a party who is aggrieved by the final decision in a contested case is entitled to judicial review of the decision as provided in this section.

. . .

(h) Decision – In a proceeding under this section, the court may:
(1) remand the case for further proceedings;
(2) affirm the final decision; or
(3) reverse or modify the decision if any substantial right of the petitioner may have been prejudiced because a finding, conclusion, or decision:
(i) is unconstitutional;
(ii) exceeds the statutory authority or jurisdiction of the agency;
(iii) results from an unlawful procedure;
(iv) is affected by any other error of law;
(v) is unsupported by competent, material, and substantial evidence in light of the entire record as submitted; or
(vi) is arbitrary or capricious."

The standard of review of the action of an administrative agency is whether a reasoning mind could have determined the conclusion, which the administrative agency reached. *Nnoli v. Nnoli*, 101 Md. App. 243, 646 A.2d 1021 (1994). An order of an administrative agency must be upheld on judicial review if it is not based upon an erroneous determination of law, and if the agency's conclusions reasonably may be based upon the facts proven; however, a reviewing court is under no constraint in reversing an administrative decision that is premised solely upon an erroneous conclusion of law. *Montgomery County v. Buckman*, 333 Md. 516, 636 A.2d 448 (1994).

A reviewing court may, and should, examine facts found by an agency, to see if there was evidence to support each fact found. This Court's role is "limited to determining if there is substantial evidence in the record as a whole to support the agency's findings and conclusions, and to determine if the administrative decision is premised upon an erroneous conclusion of law." *Juvenile Servs. v. Miley*, 178 Md. App. 99, 105, 940 A.2d 1137, 1140 (2008) (quoting *Maryland-National Capital Park and Planning Comm'n v. Anderson*, 395 Md. 172, 190-81, 909 A.2d 694 (2006)). If there

was evidence of the fact in the record before the agency, no matter how conflicting, or how questionable the credibility of the source of the evidence, the court has no power to substitute its assessment of credibility for that made by the agency, and by doing so, reject the fact. *Comm'r Baltimore City Police Dep't v. Cason*, 34 Md. App. 487, 368 A.2d 1067 (1977), *cert. denied*, 280 Md. 728 (1977).

A reviewing court may, and should, examine any inference, drawn by an agency, of the existence of a fact not shown by direct proof, to see if that inference reasonably follows from other facts which are shown by direct proof. If it does, even though the agency might reasonably have drawn a different inference, the court has no power to disagree with the fact so inferred. *Id.* at 508, 368 A.2d 1067. A reviewing court may, and should, examine any conclusions reached by an agency, to see whether reasoning minds could reasonably reach that conclusion from facts in the record before the agency, by direct proof, or by permissible inference. If the conclusion could be so reached, then it is based upon substantial evidence and the court has no power to reject that conclusion. *Id.* at 508, 368 A.2d 1067.

Discussion

In an Opinion and Order issued August 28, 2009, the Board of Appeals considered all of the testimony, plats, documents and photographs presented to them at a de novo hearing on May 20, 2009. A public deliberation was held on July 23, 2009. The Board took into consideration the nature and intensity of use for the subject property as well as the type, size and location of the proposed buildings and structures. The Board considered parking access and both vehicular and pedestrian traffic through the community, as well as the number of employees working at the subject property, the

hours of operation, and the increased volume of clients who visit the subject property to utilize their services. The Board considered the current and prior zoning history, the current use and previous uses of the property and the nature and character of the surrounding area. The Board had the opportunity to consider conflicting evidence presented at the hearing regarding the effect of the non-residential use of the subject property on surrounding properties. Petitioner's surveyor, Kenneth Wells, testified that the requirements for a special exception were present at the property. After careful consideration of the evidence presented, the Board of Appeals concluded that non-residential uses of the subject property created an adverse impact on the neighborhood. They disagreed with Mr. Well's opinion and in fact found that only three of the nine elements had been proven to support a request for a special exception.

This Court finds that the Opinion and Order of the Board of Appeals was based on substantial evidence sufficient for a finding that such non-residential uses would create adverse effects on the residential neighborhood surrounding the subject property and they were therefore not entitled to a special exception.

The Petitioners also sought as an alternative form of relief a special hearing to allow the proposed non-residential building be permitted by right under D.C.Z.R 1 B01A.3A as a church or other building of religious worship or other religious institution, as an addition to an existing church,; as an existing "community building"; or, as an addition to an existing community building. The Board of Appeals found no merit to petitioners' positions and in fact found that the subject property is not and will not in the future be used as a church or other building of religious worship or as a religious institution. This court considered the testimony and exhibits presented to the Board on

this issue and finds that is supported by substantial evidence and agrees with the Board's analysis of this position. The fact that the subject property is not a "church" is well supported by the record. The Board of Appeals had the opportunity to consider and evaluate the testimony and credibility of the witnesses presented and this court defers to their decision as it was clearly supported by the evidence presented.

Petitioners also sought a number of variances from Baltimore County Zoning Regulations to allow them to make non-residential use of the property. The variances would have to be granted in addition to the Special Exceptions requested by Petitioners to make non-residential use of the property. It was petitioner's position that the property was "unique" due to its width in the front and rear (50 feet wide in front and 100 feet wide in rear), that the existing structure is located on an angle to Church lane and that the original structure sits 30 feet further back from Church Lane than neighboring residences. The Board of Appeals held that the property was in fact not unique relying on the case of North v. St. Mary's County,99 Md.App.502, 514 (1994) This court finds that the Board ,was correct in its application of the principles set out in North v. St. Mary's County, supra. This Court finds that the Board of Appeals was correct in its analysis that since they denied both the request for Special Hearing relief and request for special Exception, the issue of variances is in fact moot. This Court agrees with the Board of Appeals in its finding that the property was not unique and finds that their decision was based on substantial evidence and utilized a correct analysis of the applicable law. This Court further agrees that although the services provided by CDC are certainly commendable, it is not appropriate for this property based on the applicable zoning regulations and case law. This Court must grant substantial deference to the findings of facts and conclusion

of law reached by the Board of Appeals based on the applicable standard of proof. As previously stated, this court cannot substitute its own judgment as it pertains to credibility of witnesses or even the weight to be given to any particular witness' testimony. This court finds that the Board of Appeals considered all the testimony, plats, documents and other exhibits presented to them, conducted a public deliberation and rendered an opinion that was based on substantial evidence and a correct analysis of the applicable law.

Therefore, this court will **AFFIRM** the Opinion and Order of the County Board of Appeals.

CONCLUSION

For the reasons set forth herein, the County Board of Appeal's decision is **AFFIRMED**.

Judge
Ruth A. Jakubowski

Date: 6/30/10

True Copy Test
RICHARD D. ARNOLD JR., Clerk
Per
Assistant Clerk

IN THE MATTER OF:	*	IN THE
	*	CIRCUIT COURT
UNION BETHEL A M E CHURCH OF RANDALLSTOWN, INC, Petitioner	*	FOR
	*	BALTIMORE COUNTY
	*	CASE NO: 03-C-09-10599

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

ORDER

This matter came before the Court on a Petition for Judicial Review from a decision of the Baltimore County Board of Appeals on August 28, 2009. Based upon the Court's review of the record, and for the reasons stated in its memorandum opinion, it is this __th day of June, 2010, by the Circuit Court for Baltimore County, Maryland,

ORDERED that the decision of the Baltimore County Board of Appeals be **AFFIRMED** and any costs be paid by Petitioner.

Judge
Ruth A. Jakubowski

Date: 6/30/10

NOTICE OF CIVIL TRACK ASSIGNMENT AND SCHEDULING ORDER

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MARYLAND 21285-6754

Board Of Appeals Of Baltimore County
105 West Chesapeake Avenu
Toom 203
Towson MD 21204

Assignment Date: 12/04/09

Case Title: In the Matter of Union Bethel A M E Church Of Randallstown Inc
Case No: 03-C-09-010599 AA Bd of App of Balto Co

The above case has been assigned to the EXPEDITED APPEAL TRACK. Should you have any questions concerning your track assignment, please contact: Joy M Keller at (410) 887-3233.
You must notify this Coordinator within 15 days of the receipt of this Order as to any conflicts with the following dates:

SCHEDULING ORDER

1. Motions to Dismiss under MD. Rule 2-322(b) are due by..... 12/19/09
2. All Motions (excluding Motions in Limine) are due by..... 02/12/10
3. TRIAL DATE is..... 03/24/10
   Civil Non-Jury Trial; Start Time: 09:30AM; To Be Assigned: 1/2 HOUR ADMINISTRATIVE APPEAL

Honorable John Grason Turnbull II
Judge

Postponement Policy: No postponements of dates under this order will be approved except for undue hardship or emergency situations. All requests for postponement must be submitted in writing with a copy to all counsel/parties involved. All requests for postponement must be approved by the Judge.

Settlement Conference (Room 507): All counsel and their clients MUST attend the settlement conference in person. All insurance representatives MUST attend this conference in person as well. Failure to attend may result in sanctions by the Court. Settlement hearing dates may be continued by Settlement Judges as long as trial dates are not affected. (Call [410] 887-2920 for more information.)

Special Assistance Needs: If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the Americans with Disabilities Act, please contact the Civil Assignment Office at (410)-887-2660 or use the Court's TDD line, (410) 887-3018, or the Voice/TDD M.D. Relay Service, (800) 735-2258.

Voluntary Dismissal: Per Md. Rule 2-506, after an answer or motion for summary judgment is filed, a plaintiff may dismiss an action without leave of court by filing a stipulation of dismissal signed by all parties who have appeared in the action. The stipulation shall be filed with the Clerk's Office. Also, unless otherwise provided by stipulation or order of court, the dismissing party is responsible for all costs of the action.

Court Costs: All court costs MUST be paid on the date of the settlement conference or trial.

Camera Phones Prohibited: Pursuant to Md. Rule 16-109 b.3., cameras and recording equipment are strictly prohibited in courtrooms

and adjacent hallways. This means that camera cell phones should not be brought with you on the day of your hearing to the Courthouse.

cc: Anthony T Bartlett Esq
cc: Michael P Tanczyn Esq
Issue Date 12/04/09

IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY
*
PETITION OF:
UNION BETHEL AME CHURCH OF *
RANDALLSTOWN, INC.
CIVIL ACTION
* NO: **03-C-09-010599**
FOR JUDICIAL REVIEW OF THE OPINION OF
THE COUNTY BOARD OF APPEALS *
OF BALTIMORE COUNTY
JEFFERSON BUILDING – ROOM 203 *
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204 *

IN THE MATTER OF : *
UNION BETHEL AME OF RANDALLSTOWN
INC. – LEGAL OWNERS *
FOR SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCE *
ON PROPERTY LOCATED ON THE SW/SIDE
OF CHURCH LANE, 400' NW OF CENTERLINE *
OF OLD COURT ROAD
(8611 CHURCH LANE) *

2ND ELECTION DISTRICT *
4TH COUNCILMANIC DISTRICT
*
BOARD OF APPEALS
CASE NO.: 09-093-SPHXA *

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

RECEIVED AND FILED
2009 NOV -2 AM 9:32
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

PROCEEDINGS BEFORE THE ZONING COMMISSIONER
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the County Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the original papers on file in the Department of Permits and Development Management and the Board of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

OF BALTIMORE COUNTY

No. 09-093-SPHXA

October 1, 2008 Petition for Special Hearing, Petition for Sepcial Exception and Petition for Variance filed by Michael Tanczyn, Esquire. The Petition for Special Hearing relief to determine:

a. Whether the proposed non-residential building is permitted by right under BCZR as a Church – other buildings for religious worship or other religious institutions; or

b. Whether the proposed non-residential principal building is not subject to RTA requirements under BCZR as an addition to an existing church or other building for religious worship including parking areas and driveways; or

c. Whether the proposed non-residential principal building is not subject to RTA requirements under BCZR as a new church or other building for religious worship, the Site Plan for which has been approved after public hearing with findings the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements will be maintained and said Plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises; or

d. Whether the proposed non-residential principal building is not subject to RTA requirements under BCZR as an addition to an existing community building or other structure devoted to civic, social, recreation, fraternal or educational activity including parking areas and driveways provided all other applicable Zoning Regulations, including setback parking and screening requirements are maintained; or

e. Whether the proposed non-residential principal building is not subject to RTA requirements under BCZR as a new community building or other structure devoted to civic, social, recreational, fraternal or educational activity if the Zoning Commissioner determines during the Special Exception process that the proposed improvements are planned in such a way that compliance to the extent possible with RTA use requirements, will be maintained and that the Special Exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises; or

f. Whether the Zoning Commissioner approves a shared parking adjustment under BCZR where the off-site parking

spaces for the shared use at 8615 Church Lane are located within 500 feet walking distance of a building entrance to the use that such spaces serve.

Petition for Special Exception to use the property for a community building or other similar civic, social, recreational or educational use per BCZR. and

Petition for Variance to permit

a. a non-residential principal building to provide an interior side yard setback of 10.4 feet in lieu of the required 20 feet;
b. to provide a modified RTA for the tract including a 0.8 foot western buffer and an 11.6 foot eastern buffer in lieu of the required 50 foot buffer and a setback from the tract boundary of 0.8 feet western side and 11.6 feet eastern setback in lieu of the required 75 feet setback; and
c. to provide a modified RTA for the tract, for a 0.8 foot buffer in lieu of the required 50 foot buffer and a 0.8 foot setback in lieu of the required 75 feet as otherwise required; and a setback from the tract boundary of 10.4 feet in lieu of the required 75 feet and an RTA buffer of 0.8 feet in lieu of the required 50 foot buffer for a principal non-residential building.

October 21, 2008	Certificate of Posting.
October 28	Entry of Appearance filed by People's Counsel for Baltimore County.
	Certificate of Publication in newspaper (Certificate Not located in file)
October 28	ZAC Comments.
November 5	Hearing held before the Zoning Commissioner
November 26	Findings of Fact and Conclusions of Law issued by the Zoning Commissioner. Petition for Special Hearing was GRANTED with restrictions; Petition for Special Exception was DISMISSED AS MOOT and the Petition for Variance was GRANTED with restrictions.
December 22, 2008	Notice of Appeal filed by Michael and Kathleen J. DiGrazia, William and Hadmut R.I. Wells, Kathryn Blueford, Paul Jackson, Jeffrey Hines , Sharon and Daniel Goodman, Carl and Deborah Hamlin, Evon Cannady, Stanislaus and Barbara Poslusyny, Donald Lester, Vernell and Betty R. Wilson, Howard and Elizabeth Bolling, Jeffrey A. Bolling, Ingo and Lisa

Balinus, Carla Ellsworth, Anne Winslow, Barbara Nelson, Jackie Burnham, Rosalyn E. Burns, Occupant/Legal Owner of 5114 Old Court Road, Occupant/Legal Owner of 3822 Brownhill Road, Occupant/Legal Owner of 112 Ingleside Road, Occupant/Legal Owner of 623 Nanticoke Court, Occupant/Legal Owner of 8602 A Church Lane, Occupant/Legal Owner of 3847 Brownhill Road, Occupant/Legal Owner of 11989 Long Lake Drive, Appellants.

May 20, 2009 Board convened for hearing.

Exhibits submitted at hearing before the Board of Appeals:

Petitioner's Exhibit No.

1 – Zoning of the Subject Site (map)
2a – Original Site Plan
2b – Revised Site Plan
3 – Deed for 8611 Church Lane
4 – Articles of Incorporation and Maryland Assessments and Taxation General Information page for We Are Family Community Development Corporation
5 – Three photographs
6 – Three Photographs
7 – Four Photographs
8 – Four photographs
9 – Three photographs of Church property (Parking and Exit)
10 – Two photographs of Improvements
11 – Five photographs of neighboring properties
12 – Three photographs of neighboring properties
13 – Addition permit dated 9/18/08
14a – Floor plan of Addition
14b – Original Permit dated 7/16/08
15 – Photograph of Kitchen, freezer, pantry in original structure
16 – Photograph of meeting room and administration
17 – Photograph of Mission statement and office
18 – We Are Family brochure

Protestants' Exhibit No.

1 – Letter dated 5/27/05 from Michael Snyder
2 – Statement and photographs provided by Mr. William H. Wells

July 23, 2009	Board convened for Public deliberation.
August 28	Final Opinion and Order issued by the Board in which the Petition for Special Hearing relief was DENIED; the Petition for Special Exception was DENIED; and the Petition for Variance was DISMISSED AS MOOT.
September 2	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Lawrence E. Schmidt, Esquire, on behalf of Howard and Melanie Becker, Petitioners
September 9	Copy of Petition for Judicial Review received from the Circuit Court for Baltimore County by the Board of Appeals.
September 14	Certificate of Compliance sent to all parties and interested persons.
November 2	Transcript of testimony filed.
November 2, 2009	Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Sunny Cannington

Sunny Cannington, Legal Secretary
County Board of Appeals
The Jefferson Building, Suite 203
105 W. Chesapeake Ave.
Towson, Maryland 21204
410-887-3180

c: Michael P. Tanczyn, Esquire
Adrienne A. Jones
Pamela J. Sembly
Deborah H. Cuffie, Asst. Director/We Are Family Development Corp.
Brian Chan/ALCA Professional Choice
Michael and Kathleen J. DiGrazia
Kathryn Blueford
Jeffrey Hines
Carl and Deborah Hamlin
Stanislaus and Barbara Poslusyny
Reverend Charles T. Sembly
Linda E. Mouzon, Assistant Pastor
John S. Madden
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William and Hadmut R.I. Wells
Paul Jackson
Sharon and Daniel Goodman
Evon Cannady
Donald Lester

Vernell and Betty R. Wilson
Jeffrey A. Bolling
Carla Ellsworth
Barbara Nelson
Rosalyn E. Burns
Occupant/Legal Owner of 3822 Brownhill Road
Occupant/Legal Owner of 8602 A Church Lane
Occupant/Legal Owner of 11989 Long Lake Drive
Howard and Elizabeth Bolling
Ingo and Lisa Balinus
Anne Winslow
Jackie Burnham
Occupant/Legal Owner of 5114 Old Court Road
Occupant/Legal Owner of 623 Nanticoke Court
Occupant/Legal Owner of 3847 Brownhill Road
Office of People's Counsel
William J. Wiseman, III, Zoning Commissioner
Arnold F. "Pat" Keller, Director/Office of Planning
Timothy Kotroco, Director/Office of Permits and Development Mgmt
John E. Beverungen, County Attorney
David A. Green, Community Planner, Office of Planning

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

N O T I C E O F R E C O R D

Case Number: 03-C-09-010599 AA
Administrative Agency : 09-093-SPHXA
C I V I L

In the Matter of Union Bethel A M E Church Of Randallstown Inc

Notice

Pursuant to Maryland Rule 7-206(e), you are advised that the Record of Proceedings was filed on the 2nd day of November, 2009.

Suzanne Mensh
Clerk of the Circuit Court, per _____

Date issued: 11/02/09

TO: BOARD OF APPEALS OF BALTIMORE COUNTY
105 West Chesapeake Avenue
Toom 203
Towson, MD 21204

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
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Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-09-010599

TO: BOARD OF APPEALS OF BALTIMORE COUNTY
105 West Chesapeake Avenue
Toom 203
Towson, MD 21204

IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY

*

PETITION OF:
UNION BETHEL AME CHURCH OF *
RANDALLSTOWN, INC.

CIVIL ACTION
* NO: 03-C-09-010599

FOR JUDICIAL REVIEW OF THE OPINION OF
THE COUNTY BOARD OF APPEALS *
OF BALTIMORE COUNTY
JEFFERSON BUILDING – ROOM 203 *
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204 *

IN THE MATTER OF : *
UNION BETHEL AME OF RANDALLSTOWN
INC. – LEGAL OWNERS *
FOR SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCE *
ON PROPERTY LOCATED ON THE SW/SIDE
OF CHURCH LANE, 400' NW OF CENTERLINE *
OF OLD COURT ROAD
(8611 CHURCH LANE) *

2ND ELECTION DISTRICT *
4TH COUNCILMANIC DISTRICT

*

BOARD OF APPEALS
CASE NO.: 09-093-SPHXA *

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

CERTIFICATE OF COMPLIANCE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the County Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

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

Reverend Charles T. Sembly
9727 Marriottsville Road
Randallstown, MD 21133

Adrienne A. Jones
400 Washington Avenue, Ste 124
Towson, MD 21204

Linda E. Mouzon, Assistant Pastor
6945 Scarlet Oak Drive
Elkridge, MD 21075

Pamela J. Sembly
9827 Marriottsville Road
Randallstown, MD 21133

John S. Madden
4619 Chickory Hill Lane
Pikesville, MD 21208

Deborah H. Cuffie, Asst. Director
We Are Family Development Corp.
4028 Cedar Mills Road
Randallstown, MD 21133

Brian Chan
ALCA Professional Choice
P.O. Box 626
Timonium, MD 21093

Kenneth Wells
Kenneth J. Wells, Inc.
2403 New Curt Road
Kingsville, MD 21087

Michael P. DiGrazia
Kathleen J. DiGrazia
8613 Church Lane
Randallstown, MD 21133

William H. Wells
Hadmut R.I. Wells
8607 Church Lane
Randallstown, MD 21133

Kathryn Blueford
8605 Church Lane
Randallstown, MD 21133

Paul Jackson
Jeffrey Hines
8600 Church Lane
Randallstown, MD 21133

Sharon and Daniel Goodman
8606 Church Lane
Randallstown, MD 21133

Carl and Deborah Hamlin
8610 Church Lane
Randallstown, MD 21133

Evon Cannady
8614 Church Lane
Randallstown, MD 21133

Stanislaus and Barbara Poslusyny
8622 Church Lane
Randallstown, MD 21133

Donald Lester
8630 Church Lane
Randallstown, MD 21133

Vernell and Betty R. Wilson
5108 Old Court Road
Randallstown, MD 21133

Howard and Elizabeth Bolling
Jeffrey A. Bolling
5112 Old Court Road
Randallstown, MD 21133

Ingo and Lisa Balinus
5110 Old Court Road
Randallstown, MD 21133

Carla Ellsworth
407 Academy Road
Catonsville, MD 21228

Anne Winslow
3715 Courtleigh Drive
Randallstown, MD 21133

Barbara Nelson
3607 Courtleigh Drive
Randallstown, MD 21133

Jackie Burnham
8611 Wrights Mill Road
Baltimore, MD 21244

Rosalyn E. Burns
4512 Tapscott Road
Pikesville, MD 21208

Occupant/Legal Owner
5114 Old Court Road
Randallstown, MD 21133

Occupant/Legal Owner
3822 Brownhill Road
Randallstown, MD 21133

Occupant/Legal Owner
112 Ingleside Road
Catonsville, MD 21228

Occupant/Legal Owner
623 Nanticoke Court
Abingdon, MD 21009

Occupant/Legal Owner
8602 A Church Lane
Randallstown, MD 21133

Occupant/Legal Owner
3847 Brownhill Road
Randallstown, MD 21133

Occupant/Legal Owner
11989 Long Lake Drive
Reisterstown, MD 21136

Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, MD 21204

William J. Wiseman, III, Zoning Commissioner
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, MD 21204

Arnold F. "Pat" Keller, Director
Office of Planning
The Jefferson Building, Suite 101
105 W. Chesapeake Avenue
Towson, MD 21204

Timothy Kotroco, Director
Office of Permits and Development Mgmt
County Office Building
111 W. Chesapeake Avenue, Suite 105
Towson, MD 21204

John E. Beverungen, County Attorney
Office of Law
400 Washington Avenue
Towson, MD 21204

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

I HEREBY CERTIFY that on this 14th day of September, 2009, a copy of the foregoing Certificate of Compliance has been mailed to the individuals listed above.

Sunny Cannington

Sunny Cannington, Legal Secretary
County Board of Appeals
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
410-887-3180

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 14, 2009

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

Michael P. DiGrazia
8613 Church Lane
Randallstown, MD 21133

RE: Petition for Judicial Review
Circuit Court Case No.: 03-C-09-010599
In the Matter of: Union Bethel AME Church of Randallstown, Inc.
Board of Appeals Case No.: 09-093-SPHXA

Dear Messrs. Tanczyn and DiGrazia:

Notice is hereby given, in accordance with the Maryland Rules that a Petition for Judicial Review was filed on September 2, 2009 by Michael P. Tanczyn, Esquire on behalf of Union Bethel AME Church of Randallstown, Inc. in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response with the Circuit Court for Baltimore County within 30 days after the date of this letter, pursuant to the Maryland Rules.

In accordance with the Maryland Rules, the County Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review filed by Mr. Tanczyn within 60 days. Michael P. Tanczyn, Esquire and Union Bethel AME Church of Randallstown, Inc., having taken the appeal, are responsible for the cost of the transcript of the record and the transcript must be paid for in time to transmit the same to the Circuit Court within the 60 day timeframe as stated in the Maryland Rules.

The Court Reporter that must be contacted to obtain the transcript and make arrangement for payment is as follows:

CAROLYN PEATT
TELEPHONE: 410-837-3027
HEARING DATE: May 20, 2009

This office has also notified Ms. Peatt that a transcript on the above matter is due for filing in the Circuit Court. A copy of the Petition for Judicial Review has been provided to the Court Reporter, which will enable her to contact the responsible parties.

A copy of the Certificate of Notice has been enclosed for your convenience.

Very truly yours,

Sunny Cannington

Sunny Cannington
Legal Secretary

Duplicate Original

Enclosure

cc: Reverend Charles T. Sembly
Linda E. Mouzon, Assistant Pastor
John S. Madden
Deborah H. Cuffie, Asst. Director/We Are Family Development Corp.
Brian Chan/ALCA Professional Choice
Kenneth Wells/Kenneth J. Wells, Inc.
William and Hadmut R.I. Wells
Paul Jackson
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Occupant/Legal Owner-3822 Brownhill Rd
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Office of People's Counsel
William J. Wiseman, III, Zoning Commissioner
Arnold F. "Pat" Keller, Director/Office of Planning
Timothy Kotroco, Director/Office of Permits and Development Mgmt
John E. Beverungen, County Attorney

IN RE:	*	BEFORE THE ZONING
PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING, AND VARIANCE 8611 Church Lane; SW/S Church Lane, 400' NW of c/line Old Court Road 2nd Election & 4th Councilmanic Districts Legal Owner(s): Union Bethel AME Church	*	COMMISSIONER
	*	FOR
	*	BALTIMORE COUNTY
Petitioners	*	C-09-10599
	*	Case 09-093-SPHXA

* * * * * * * * * * *

PETITION FOR JUDICIAL REVIEW

Now comes, ***Union Bethel AME Church of Randallstown, Inc.***, Petitioners, who request Judicial Review of the Order of the Board of Appeals of Baltimore County dated August 28, 2009. The Petitioners were parties before the agency proceeding directly and through Counsel.

MICHAEL P. TANCZYN, Esquire
606 Baltimore Avenue
Suite 106
Towson, Maryland 21204
410-296-8823
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of September, 2009, a copy of the aforegoing Petition for Judicial Review was mailed, first-class mail, postage pre-paid to: Theresa R. Shelton, Administrator, County Board of Appeals of Baltimore County, 105 West Chesapeake Avenue, Room 203, Towson, Maryland 21204, and to Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Jefferson Building, 105 West Chesapeake Avenue, Room 204, Towson, Maryland 21204.

MICHAEL P. TANCZYN, Esquire

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258

Case Number: 03-C-09-010599 AA

Board Of Appeals Of Baltimore County
105 West Chesapeake Avenue
Toom 203
Towson, MD 21204

FOLD HERE

CIRCUIT COURT FOR BALTIMORE COUNTY

Case #:	Folder #:	Date Filed:
03-C-09-010599	01	09/02/2009

Case Type:
Administrative Agency Appeal

In the Matter of Union Bethel A M E Church Of Randallstown Inc

Petitioner: Union Bethel A M E Church Of Randallstown Inc

Petitioner's Attorney:	Phone No.:	Fax No.:
Michael P Tanczyn Esq	(410)296-8823	(410)296-8827

C09010599V01

CIRCUIT COURT FOR BALTIMORE COUNTY

CIVIL / FAMILY

C09 10599

CASE NUMBER

VOLUME

1 pl ___ to ___
2 pl ___ to ___
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13 pl ___ to ___
14 pl ___ to ___
15 pl ___ to ___

ADDITIONAL RECORDS ON MICROFILM YES ☐

8/28/09

IN THE MATTER OF UNION BETHEL A.M.E. CHURCH OF OF RANDALLSTOWN, MD, INC. PETITIONER 8611 Church Lane Randallstown, MD 21133 2nd Election District, 4th Councilmanic District	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
RE: Petition for Special Hearing, Special Exception And Variance	*	Case No. 09-093-SPHXA

* * * * * * * * * * *

OPINION

This case comes to the Board on appeal of the final decision of the Zoning Commissioner of Baltimore County in which the Zoning Commissioner granted the Petition for Special Hearing and the Petition for Variance. The Zoning Commissioner dismissed as moot the Petition for Special Exception.

A public hearing was held before this Board on May 20, 2009. The Petitioner was represented by Michael P. Tanczyn, Esquire. The Protestants, Michael P. and Kathleen J. DiGrazia (the "Protestants") were pro se. Public Deliberation was held on July 23, 2009

Factual Background

The Petitioner, Union Bethel A.M.E. Church of Randallstown, Md., Inc. (the "Petitioner") owns and operates a church at 8615 Church Lane in Randallstown (the "Church"). The properties immediately surrounding the Church on Church Lane are all residences. The zoning along Church Lane is D.R. 5.5 except for the Church which is split zoned D.R. 5.5 and OR-2. The nearest commercial establishment is a convenience store which is on the corner of Church Lane and Old Court Road. The convenience store lies in a B.L. zone. Church Lane itself is a typical residential street measuring approximately 22-24 feet in width.

On October 21, 2002, the Petitioner purchased the property located at 8611 Church Lane (the "Property") which is comprised of a 1½ story residence on 0.543 acres. Prior to the Petitioner's purchase, the Property had been used as a residence since 1951. It is separated from the Church by a residence owned by the Protestants. After purchasing the Property, the Petitioner did not immediately make any improvements to the building on the Property. The Property was initially used as offices for the Church staff.

One year later, the Petitioner established a 501(c) (3) not-for-profit entity called "We Are Family Community Development Corporation (the "CDC"). The CDC was formally incorporated in February of 2004. The CDC provides community outreach services under private and government grants. The Petitioner began to operate the CDC out of the Property. As testified to by its Executive Director, Linda Mouzon, the CDC provides services such as a food distribution; job counseling; funding for mortgages; educational seminars and counseling for First Time Home Buyers and mortgage assistance to homeowners in foreclosure situations. The intended audience for the services of the CDC is the residents of the greater Northwest Baltimore County community. Ms. Mouzon testified that the CDC serves 1200 families per year. Previously, the food distribution was conducted in the Church facility.

The testimony from witnesses for the Petitioner revealed that the Property was no longer used solely as offices for the Church staff but that, clients of the CDC come to the Property and meet with CDC personnel and attend seminars there. The hours of operation of the CDC are proposed to be 8:30 a.m. – 7:00 p.m. Mon-Friday, although clients coming to the Property for food service must do so by appointment only. The food distribution hours are Mon-Friday from 9:00 a.m. to 2:00 p.m. The testimony of Linda Mouzon was that the CDC uses the kitchen in the Property primarily as the food pantry in its distribution services; the dining room is used as a conference room to meet with First Time Home Buyers as well as for file storage, and the bedrooms are used as offices.

The proposed non-residential use would require 9 parking spaces to accommodate the number of expected customers and CDC staff. Because the Property is only a ½ acre and is residential, the Office of Planning objected to the installation of 9 parking spaces. Thus, the Petitioner has proposed a shared parking arrangement with the Church. The testimony was clear that this generates foot traffic from the Church parking lot across the Protestants' property to get to the Property.

As demand for the CDC services increased, the existing 1 ½ story house on the Property became too small to service the needs of the CDC clients and the Church staff. As a result, on July 16, 2008, the Petitioner received a building permit to construct a one story addition onto the house in the rear of the Property (the "addition"). According to the Building Permit (Petitioner's Exhibit No. 14B), the

Department of Permits and Development Management ("DEPRM") described the proposed addition as being used for residential purposes as follows:

(6) Bedrooms, (1) Bathrm, (1) Powder Rm and Family Room.

DEPRM further described the "proposed use" on the permit as a: "(SFD) and addition" which is the abbreviation for "single family dwelling." The permit states that no plans were reviewed. The permit was issued because DEPRM was led to believe that the addition was to be used as part of the family home that had previously existed. There is no indication on the permit that the addition would be used for a non-residential use.

According to the testimony of Ms. Mouzon, Baltimore County assisted and/or provided grant money to construct the addition. By September of 2008, the addition was complete. The Church and the CDC moved into and began using it. When the Petitioner applied for a Use and Occupancy Permit to change the occupancy from a residence to a community center office, the Petitioner was informed that it would have to petition for a conditional/special exception use or file a petition for special hearing.

Because Petitioner's proposed use is non-residential, the Petitioner needs several forms of relief under BCZR. As a result, the Petitioner filed three (3) types of relief which each contain multiple sub-claims for relief. First, the Petitioner requested a Special Hearing to request alternative forms of relief (except for the shared parking request which is needed):

> (1) Whether the proposed non-residential building is permitted by right under B.C.Z.R. 1B01A.3 as a Church or other building of religious worship or other religious institutions.
>
> (2) Whether the proposed non-residential principal building is not subject to RTA requirements under B.C.Z.R. 1B01.1B.1 (g) (4) as an addition to an existing church or other building for religious worship.
>
> (3) Whether the proposed non-residential principal building is not subject to RTA requirements under B.C.Z.R. 1B01.1B.1(g)(6) as a new church or other building for religious worship, the site plan for which has been approved after a public hearing in accordance with Section 500.7. Any such hearing shall include a finding that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.
>
> (4) Whether the proposed non-residential principal building is not subject to RTA requirements under B.C.Z.R. 1B01.1B.1(g)(9) as an addition to an existing community building, or other structure devoted to

civic, social, recreational, fraternal or educational activity, including parking areas and driveways, provided all other applicable zoning regulations, including setback, parking, and screening requirements, are maintained.

(5) Whether the proposed non-residential principal building is not subject to RTA requirements under B.C.Z.R. 1B01.1B.1(g)(10) as a new community building, or other structures devoted to civic, social, recreational, fraternal or educational activity, if the Zoning Commissioner determines during the special exception process that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential.

(6) For approval of a shared parking adjustment under BCZR 409.6B.3 and 409.7.B. whether the off-site parking spaces for the shared use at the 8615 Church Lane are located within 500 feet walking distance of a building entrance to the use that such spaces serve.

Second, and in the alternative to the Special Hearing forms of relief, Petitioner also filed a Petition for Special Exception under B.C.Z.R. 1B01.1C4 to use the Property as a:

4. Community buildings, swimming pools, commercial beaches, golf courses, country clubs or other similar civic, social, recreational or educational uses, including tennis facilities, provided that no tennis facility in a D.R.I or D.R.2 Zone shall comprise more than four courts and no tennis facility in a D.R.3.5, D.R.5.5, D.R.16 Zone shall comprise more than six courts

Third, in addition to the above relief, Petitioners also needs the following three (3) variances:

1. Relief from B.C.Z.R. 1B01.2.C.1.A for a non-residential principal building to provide an interior side yard setback of 10.4 feet in lieu of the required 20 feet.

2. A modified Residential Transition Area (RTA) for the tract including an 0.8 foot western buffer and an 11.6 foot eastern buffer in lieu of the 50 foot buffer required and a setback from the tract boundary of 0.8 foot western side and an 11.6 foot eastern setback in lieu of the required 75 feet setback.

3. Relief from B.C.Z.R. 1B01.1B1(c)(2) to provide a modified RTA for a tract may be modified as directed by findings pursuant to § 32-4-402 and the hearing officer's hearing under Article 32, Title 4, Subtitle 2 of the Baltimore County Code. However, the hearing officer may not reduce the amount of RTA unless the officer specifically finds and determines that such a reduction will not adversely impact the residential community or development on the land adjacent to the property to be developed.

Testifying for the Petitioner was Kenneth Wells, a licensed property line surveyor who was accepted, without objection, as an expert in the BCZR and property line surveying. Mr. Wells testified that the shared parking arrangement meets BCZR, §409.7B such that the 6 parking spaces available at the Church on its southeast side are 491 feet of the Church entrance to the Property. He opined that this arrangement reduces the effect of having a parking lot on the Property. He testified that the Petitioner agreed that no more than 12 people would be in attendance for the training and seminars held at the Property. Further concessions on the lighting were agreeable to the Petitioner such that residential lighting would be installed. He mentioned that additional vegetation around the Property would be planted.

As to the uniqueness of the Property, Mr. Wells opined that the Property's shape being 50 feet wide at road frontage and 100 foot wide in rear as well as the orientation of the original structure not being perpendicular to Church Lane makes the Property unique. He also testified that the fact that the original structure sits farther back 30 feet than the other houses on Church Lane, makes the Property unique. Mr. Wells further opined that the Property was unique because the elevation of the Property rises from Church Lane to toward the rear of the Property. He also testified that the Petitioners would suffer practical difficulty if the Residential Transition Area regulations were enforced for the proposed non-residential use.

With regard to the Special Exception standards under BCZR, §502.1, Mr. Wells went through the 9 factors required for a Special Exception and opined that a Special Exception as a "Community Building" should be granted in that the proposed non-residential use was not (A) detrimental to the health, safety or welfare of the locality involved; (B) the proposed use did not add congestion to Church Lane; (C) there was no evidence of fire, hazard, panic or other danger; (D) the land would not be overcrowded because the Petitioner has complied with the Zoning Commissioner's conditions; (E) the proposed use has less impact than a single family dwelling on schools, parks, water and sewers; (F) there was no impact on light and air; (G) the proposed use was not inconsistent with the Property's zoning class; (H) impermeable surfaces were not affected as the site drains naturally; and (I) environmental resources are not impacted because the Property is not located in an RC zone.

Sandwiched between the Church and the property is the home of the Protestants who have resided at 8613 Church Lane for 23 years. They testified in opposition to the Petitioners requests for relief. The Protestants did not dispute that the nature of the services provided by the CDC to the community was commendable and beneficial but they object to the operation of a non-residential business next to their home. The Protestants testified that they had personally observed foot traffic from the CDC clients who park at the Church and walk across their lawn to reach the Property. The clients of the CDC are not aware that they should not cross over 8613 to get to 8611. Based on the Petitioner's proposed shared parking arrangement, this foot traffic can hardly be unexpected because there are no sidewalks on the side of Church Lane where the Property, the Protestants' property and the Church are located.

The Protestants further complained that the shared parking arrangement with the Church does not meet the 500 foot rule between the Church entrance and the Property. The Protestants have observed that between 2004 through 2008 the activity level at the Property and the amount of both foot and motor vehicle traffic has increased such that the level of activity has become an intrusion on their home. The Protestants testified that there are at least a 5 to 7 cars parked at the Property everyday even though the Petitioner is proposing only 3 parking spaces at the Property. Further, every week night there are cars parked at the Property past the proposed operating hours.

Notwithstanding the prayer meeting room at the CDC, the Parties do not dispute that the Property is not a Church, is not being used as a house of worship and no religious services are being held there.

Decision

Because the use of the Property is being changed from residential to non-residential, the Petitioner needs relief from the Residential Transition Area ("RTA") requirements of BCZR, §1B01.1.B. As set forth therein, an RTA is a 100 foot area buffer extending from a D.R. zoned tract boundary into the site to be developed. The purpose of the RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screening are provided between dissimilar housing types. There are numerous exceptions to the RTA as listed in BCZR, §1B01.1.B.1.g.

I. The Request for Special Hearing:

(1) As to the Petitioner's request that the proposed non-residential building is permitted by right under B.C.Z.R. 1B01A.3 as a "Church or other building of religious worship or other religious institution", the Board finds that it was undisputed that the Property is not and will not be used as a Church or other building of religious worship or as a religious institution. Therefore, the proposed use is not permitted as of right under Subsection A.3.

(2) As to the Petitioner's request that the proposed non-residential principal building is not subject to RTA requirements under B.C.Z.R. 1B01.1B.1(g)(4) as "an addition to an existing church or other building for religious worship," the Board finds that the Property is not an addition to an existing church or other building for religious worship because the Church and the Property are separated by the Protestants' property located at 8613 Church Lane. Therefore, by definition, 8611 can not be an "addition" connected to the Church.

(3) As to the Petitioner's request that the proposed non-residential principal building is not subject to RTA requirements under B.C.Z.R. 1B01.1B.1(g)(6) as a "new church or other building for religious worship," the site plan for which has been approved after a public hearing in accordance with Section 500.7 and to the extent possible, the proposed use shall comply with RTA use requirements and the plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises, the Board finds that for the same reason set forth under (1) above, the Property does not qualify for a (g)(6) exception.

(4) As to the Petitioner's request that the proposed non-residential principal building is not subject to RTA requirements under B.C.Z.R. 1B01.1B.1(g)(9) as an addition to an existing community building, or other structure devoted to civic, social, recreational, fraternal or educational activity, including parking areas and driveways, provided all other applicable zoning regulations, including setback, parking, and screening requirements, are maintained, the Board finds that the principal building is not an existing "community building" but rather an existing residence which has been used as such since 1951. Moreover, even the building permit which Petitioner received to build the addition to the residence leads any reader to believe that the use will continue to be residential. Petitioner then began

operating the non-residential use out of the residence on the property and constructed an addition without the required zoning approvals or waivers. Petitioner is simultaneously requesting a special exception to have the existing building determined to be a "community building." The Boards finds that based on the evidence presented that the residence has not previously been approved as a "community building," and therefore the addition does not qualify under (g)(9).

(5) As to the Petitioner's request that the proposed non-residential principal building is not subject to RTA requirements under B.C.Z.R. 1B01.1B.1(g)(10) as a "new community building," or "other structures devoted to civic, social, recreational, fraternal or educational activity," if the Zoning Commissioner determines during the special exception process that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residences, the Board finds that, for the reasons set forth below with regard to the request for Special Exception, the Property does not meet the qualifications under (g)(10).

(6) Petitioner's request for approval of a shared parking adjustment under BCZR 409.6B.3 and 409.7.B. such that off-site parking spaces for the shared use are located within 500 feet walking distance of a building entrance of the Church to the Property is hereby denied. Given that the Petitioner does not qualify for any of the exceptions to the RTA requirements above, or the request for Special Exception as set forth below, the Petitioner's request to have 6 parking spaces located on the Church parking lot to meet the required 9 spaces needed on the Property, is the cause of some of the problem with fitting this intense use onto a residential lot that is only a ½ acre. Using a shared parking arrangement with the Church causes foot traffic across the Protestants' property. There are no sidewalks on that side of the road. The evidence produced before this Board was that even though there are only 3 parking spaces on the Property, cars are parking on the lawn of the Property during and beyond the proposed business hours.

II. <u>The Request for Special Exception</u>.

With regard to Petitioner's alternative request to use the Property as a "Community buildings, ... or other similar civic, social, recreational or educational uses,...." under B.C.Z.R. 1B01.1C4.

contrary to the testimony of Mr. Wells, the Board finds that only 3 of the 9 special exception factors enumerated in BCZR 502.1 are not affected by the proposed use (i.e. no evidence of impact on light and air; no evidence of impact on school and public improvements; and no evidence of impact on environmental resources). Otherwise, the proposed use is detrimental to the health, safety and welfare of the residential neighborhood and in particular to the Protestants' use and enjoyment of their Property. The growth of the CDC from its beginning days in the Church is a strong indication that the use will continue to grow more intense in the future. More congestion is caused on Church Lane, a small residential street, by the amount of vehicles which drive to the Property as evidenced by the photos of the vehicles parked on the Property. It was further undisputed that as the demand for CDC services increased, more people are coming to the Property. With more people comes the potential for hazard from fire, panic and other danger on the small lot. The proposed use is very intense and is overcrowding this lot which then burdens the neighborhood. The overcrowding problem is seen by the number and degree of variances that are needed to get the Use and Occupancy permit. The size of the Property is too small and the use is too intense for this residential street.

Moreover, the use as a community building on this particular lot is inconsistent with the purpose of the density residential (D.R.) zone. The types of uses permitted as of right under BCZR §1B01.1A are all compatible with residential life. These uses also indicate the purpose of D.R. zones is not to cram a large, non-residential use in between residences. Likewise the construction of the addition, plus the existing residence, occupies most of the lot thereby increasing the impermeable surface area. Even the additional proposed plantings as shown on the redline plan does not alleviate the problems caused by the proposed use.

Accordingly, the Board finds that the Petitioner has failed to satisfy most of the factors needed for a Special Exception for a community building to be approved and therefore, the request for special exception is hereby denied.

III. Variances.

As to the Petitioner's request for Variances from setback and RTA requirements, based on the Board's decision to deny both the request for Special Hearing relief and request for Special Exception, the

Board found that request for variances is moot. If the Petitioner is not entitled to a waiver of the RTA standards and the property does not qualify as a community building under the special exception standards, the variance waivers are not needed.

However, if the Board had reached the variance issues, the Board would have found that the Petitioner's argument that the Property is unique due to the location of the original residence being set back 30 feet from the road does not make the Property "unique." The Court of Special Appeals in *North v. St. Mary's County*, 99 Md. App. 502, 514 (1994), held that the term "unique" in the zoning context "does not refer to the extent of improvements upon the property, or upon neighboring property." The Court said: "In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls." There was no evidence presented here of any unusual architectural aspects to the building. The location of the original residence being set farther back from Church Lane on the lot does not make the Property unique, it only makes the problem with fitting this large use on a small lot more obvious.

While there is no dispute as to the benefit of the services provided by the CDC, it not appropriate for this Property.

ORDER

THEREFORE, IT IS THIS 28th day of August, 2009, by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing seeking a waiver from the RTA regulations under §§1B01A.3, 1B01.1B.1(g)(4), 1B01.1B.1(g)(6), 1B01.1B.1(g)(9), or 1B01.1B.1(g)(10) and for approval of a shared parking arrangement with the Church under §§409.6B.3 and 409.7.B of the Baltimore County Zoning Regulations be and the same are hereby **DENIED;** and it is further,

ORDERED that the Petitioner's request for Special Exception under §1B01.1C4 of the Baltimore County Zoning Regulations to use the Property as a "Community Building" be and the same is hereby **DENIED**; and it is further,

ORDERED that the Petitioner's request for Variances from setback and RTA regulations be and they are hereby **DISMISSED AS MOOT**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Maureen E. Murphy, Panel Chair

Edward W. Crizer, Jr.

Robert W. Witt

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 28, 2009

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

Michael P. DiGrazia
8613 Church Lane
Randallstown, MD 21133

RE: *In the Matter of: Union Bethel AME Church of Randallstown, Inc - Petitioner*
Case No.: 09-093-SPHXA

Dear Mr. Tanczyn and Mr. DiGrazia:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure

Duplicate Original Cover letter

c: Reverend Charles T. Sembly
Deborah H. Cuffie, Asst. Director/We Are Family Development Corp.
Adrienne A. Jones
Pamela J. Sembly
Brian Chan/ALCA Professional Choice
William H. Wells
Kathryn Blueford
Jeffrey Hines
Carl and Deborah Hamlin
Linda E. Mouzon, Assistant Pastor
John S. Madden
Kenneth Wells
Hadmut R.I. Wells
Paul Jackson
Sharon and Daniel Goodman
Evon Cannady

cc continued:

Stanislaus and Barbara Poslusyny
Vernell and Betty R. Wilson
Jeffrey A. Bolling
Carla Ellsworth
Barbara Nelson
Rosalyn E. Burns
Occupant/Legal Owner of 3822 Brownhill Road
Occupant/Legal Owner of 623 Nanticoke Court
Occupant/Legal Owner of 3847 Brownhill Road
Office of People's Counsel
Arnold F. "Pat" Keller, III, Director/Planning
John E. Beverungen, County Attorney
Donald Lester
Howard and Elizabeth Bolling
Ingo and Lisa Balinus
Anne Winslow
Jackie Burnham
Occupant/Legal Owner of 5114 Old Court Road
Occupant/Legal Owner of 112 Ingleside Road
Occupant/Legal Owner of 8602 A Church Lane
Occupant/Legal Owner of 11989 Long Lake Drive
Timothy Kotroco, Director/PDM
William J. Wiseman, III, Zoning Commissioner

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Union Bethel AME Church of Randallstown — 09-093-SPHXA

DATE: July 23, 2009

BOARD/PANEL: Maureen Murphy, Chairman
Robert Witt
Edward Crizer, Jr.

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Petition for Special Hearing for a determination as to:
   a. Whether the proposed non-residential building is permitted by right under the Baltimore County Zoning Regulations (BCZR) as a church, other buildings for religious worship or other religious institutions;
   b. Whether the proposed non-residential principal building is not subject to the residential transition area (RTA) requirements as an addition to an existing church or other building for religious worship including parking areas and driveways;
   c. Whether the proposed non-residential principal building is not subject to RTA requires as a new church or other building for religious worship, the site plan for which has been approved with findings that the proposed improvements are planned in such a way that compliance to the extent possible with RTA use requirements, will be maintained and said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises;
   d. Whether the proposed non-residential principal building is not subject to RTA requirements as an addition to an existing community building or other structure devoted to civic, social, recreation, fraternal or educational activity, including parking areas and driveways, provided all other applicable zoning regulations, including setback, parking and screening requirements, are maintained;
   e. Whether the proposed non-residential principal building is not subject to RTA requirements as a new community building, or other structures devoted to civic, social, recreational, fraternal, or educational activity, if it is determined during the special exception process that the proposed improvements are planned in such a way that compliance, to the extent possible with the RTA use requirements, will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises;

f. To approve a shared parking adjustment where the off-site parking spaces for the shared use at 8615 Church Lane are located within 500 feet walking distance of a building entrance to the use that such spaces serve.

2. Petition for Special Exception to approve the use of the property for a community building or other similar civic, social, recreational or educational use.

3. Petition for Variance
   a. For a non-residential principal building to provide an interior side yard setback of 10.4 feet in lieu of the required 20 feet;
   b. To provide a modified RTA for the tract including a 0.8 foot western buffer and an 11.6 foot eastern buffer in lieu of the 50 foot buffer required and a setback from the tract boundary of a 0.8 foot western side and 11.6 foot eastern side in lieu of the required 75 feet setback;
   c. To provide a modified RTA for the tract, for a 0.8 foot buffer in lieu of the required 50 foot buffer and a 0.8 foot setback in lieu of the required 75 feet as otherwise required;
   d. To provide a setback from the tract boundary of 10.4 feet in lieu of the required 75 feet and an RTA buffer of 0.8 foot in lieu of the required 50 foot buffer for a principal non-residential building.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board discussed the history of this matter. The Church is located at 8615 Church Lane. There is a residential home belonging to Protestants, Mr. and Mrs. Digrazia located directly next door to the Church at 8613 Church Lane. The Church purchased the parcel of property on the other side of Mr. and Mrs. DiGrazia, at 8611 Church Lane, which is the subject of this appeal. Originally, the church used this non-adjacent lot as offices for the church employees. The Protestants had no problems when the building was used as offices. An off-shoot of the church, a non-profit organization, had been using part of the church for a community outreach program. As the community program expanded, they began using the other parcel. The church received a grant from the County for an addition to the additional building. The addition to the existing building pushed the building right to the edge of the lot with no setback between the outreach building and the DiGrazia's property. The church/outreach program did not, however, procure the appropriate permits prior to opening the community center to the public. The Protestants became concerned when the community building began use regularly and allowed six parking spaces at the church to be utilized by the public. The people, being people, take the shortest route from the parking space to the outreach center, often walking directly through the DiGrazia's yard.
- The Board discussed the zoning of the property and neighborhood. The neighborhood is a DR 5.5 zone. There is a convenience store in the neighborhood, which is zoned

BL/OR-2. The zoning is not a problem for the church as the zoning regulations generally allows leeway for churches in many zones. The question for the Board is whether a community building can be operated in the current zoning. The Board determined that to operate a community outreach program, the building would have to meet the RTA standards with a buffer of setbacks and such between the building and surrounding residential properties. The Board was concerned that if they granted the relief requested for the community building to continue to operate, the number of restrictions they would have to put on the property would be unreasonable and the public would not know about the restrictions so it would be difficult to enforce. The Board also determined that they do not have the authority to order restrictions such as a fence be built or a buffer be put in place.

- The Board feels that the use of the property as a community building is too intense for the area. One requirement for a Special Exception in this instance is that the property be compatible with the surrounding neighborhood and the Board does not feel that it is. The Board feels that in this case, the use of the property is encroaching on the surrounding residents.

DECISION BY BOARD MEMBERS: While the Board applauds the outreach program for their efforts in helping people in the community; they feel that the location, size and use of the program and property are not appropriate and are not compatible with the surrounding residential neighborhood.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the Petition for Special Hearing relief; DENY the Petition for Special Exception relief; and the Petition for Variance is MOOT.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

Sunny Cannington

Sunny Cannington

BALTIMORE COUNTY
MARYLAND

February 6, 2009

JAMES T. SMITH, JR.
County Executive

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

Michael Tanczyn
Law Offices of Michael Tanczyn
606 Baltimore Avenue, Ste. 106
Towson, MD 21204

Dear Mr. Tanczyn:

RE: Case 2009-0093-SPHXA, 8611 Church Lane

Please be advised that an appeal of the above-referenced case was filed in this office on December 22, 2008 from Michael Digrazia and others. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

Kotroco

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Rev. Charles Sembly, 9727 Marriottsville Road, Randallstown 21133
Adrienne Jones, 400 Washington Avenue, Ste. 124, Towson 21204
Linda Mouzon, 6945 Scarlet Oak Dr., Elkridge 21075
Pamela Sembly, 9827 Marriottsville Road, Randallstown 21133
John Madden, 4619 Chickory Hill Lane, Pikesville 21208
Deborah Cuffie, 4028 Cedar Mills Road, Randallstown 21133
Brian Chan, P.O. Box 626, Timonium 21093
Kenneth Wells, 2403 New Cut Road, Kingsville 21087
Mr. & Mrs. Digrazia, 8613 Church Lane, Randallstown 21133
Mr. & Mrs. Wells, 8607 Church Lane, Randallstown 21133
David Green, Planning

APPEAL
Petition for Special Hearing, Special Exception & Variance
8611 Church Lane
S/W s Church Ln., 400' NW c/l Old Court Road
2nd Election District – 4th Councilmanic District
Legal Owners: Union Bethel A.M.E. Church
Case No.: 2009-0093-SPHX

Petition for Special Hearing, Special Exception & Variance (October 1, 2008)

Zoning Description of Property

Notice of Zoning Hearing (October 20, 2008)

Certification of Publication (Not Located in File)

Certificate of Posting (October 21, 2008) by Linda O'Keefe

Entry of Appearance by People's Counsel (October 28, 2008)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Zoning Map
2. (A) Site Plan (B) Revised Site Plan
3. Deed
4. Articles of Incorporation
5. Photographs
6. Photographs (Existing Improvements)
7. Photos (subject property with addition)
8. Photo (fence)
9. Photos (parking and exit way)
10. Photos (existing and new improvements)
11. View of Digrazia Home
12. Rear of Digrazia Home
13. Addition Permit
14. Floor Plan of Addition
15. Photo of Existing Structure (6 Rooms & Bath)
16. Photo (Prayer Meeting Area)
17. Mission Statement – Director's Office
18. Brochure

Protestants' Exhibits:

1. Testimony Extract – Mr. Digrazia
2. Testimony of Mr. Wells
3. Testimony – Kathleen Digrazia

Miscellaneous (Not Marked as Exhibit)

1. Memorandum dated November 18, 2008 from Councilman Ken Oliver w/attachment.

Zoning Commissioner's Order (GRANTED – November 26, 2008)

Notice of Appeal received on December 22, 2008 from Michael DiGrazia & neighbors

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
See Attached Letter

date sent February 6, 2009, klm

December 17, 2008

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

ATTN: James T. Smith, Jr., County Executive
S.G. Samuel Moxley, Councilman, District 1
Kevin Kamenetz, Councilman, District 2
T. Bryan McIntire, Councilman, District 3
Kenneth N. Oliver, Councilman, District 4
Vincent J. Gardina, Councilman, District 5
Joseph Bartenfelder, Councilman, District 6
John Olszewski, Councilman, District 7
William J. Wiseman, III, Zoning Commissioner
Arnold F. Keller, III, Director, Office of Planning
David A. Green, Senior Planner
Peter Max Zimmerman, Esq., People's Counsel

RECEIVED
DEC 22 2008
klm

RE: **CASE NO. 2009-0093-SPHXA**
REQUEST FOR APPEAL

We the undersigned do find ourselves aggrieved after review of the Commissioner's decision in this matter.

The decision demonstrates the Commissioner's inclination to support the desires of the petitioner at the expense not only of established regulations, but also of the rights of neighboring homeowners. Further, we observe that crucial points presented in opposition by those homeowners and acknowledged by the Commissioner at hearing are overlooked without comment in his finding. In effect, the Commissioner's decision allows the petitioner to dictate planning guidelines, and encourages the petitioner to continue on a course that has shown a blatant disregard for said regulations and rights, with no apparent apprehension concerning application, enforcement, or consequence.

We hereby request that you enter an appeal in the aforementioned case.

Michael P. DiGrazia, 8613 Church Lane — 12/17/08

Kathleen J. DiGrazia, 8613 Church Lane — 12/17/08

William H. Wells, 8607 Church Lane — 12/17/08

Hadmut R.I. Wells, 8607 Church Lane — 12/17/08

December 17, 2008

RE: CASE NO. 2009-0093-SPHXA
REQUEST FOR APPEAL

We join in the appeal of the Commissioner's decision in this case.

x Kathryn Bluford — 12/22-2008
8605 Church Lane

x 8600 CHURCH LANE — 12-22-2008
Paul Jachmann

x Jeffrey Hines — 12-22-08
8600A Church LN.

x Sharon Goodman — 12-22-08
8606 Church Lane

x Daniel Goodman — 12-20-08
6606 Church Lane

x Carl + Deborah Hamlin — 12/20/08
8610 Church Lane

x Evon Cannady — 12/21/08
8611 Church Lane

x Stanislaw Podlaszny — 12/21/08
8622 CHURCH LANE

x Barbara S. Podlaszny — 12/21/08
8622 CHURCH LANE

x [illegible] — 12-21-09
8630 Church Lane

December 17, 2008

RE: CASE NO. 2009-0093-SPHXA
REQUEST FOR APPEAL

We join in the appeal of the Commissioner's decision in this case.

x Darnell Wilson — 12-20-08
5108 Old Court Rd

x Betty R. Wilson — 12-20-08
5108 Old Court Rd

x Howard A. Bolling — 12-20-08
5112 Old Court Rd

x Elizabeth S Bolling — 12-20-08
5112 Old Court Rd.

x Jeffrey A Bolling — 12-20-08
5112 Old Court Rd.

x Lisa Ballnus — 12-20-08
5110 Old Court Rd.

x Ingo Ballnus — 12-20-08
5110 Old Court Rd.

x [signature] — 12/20/08
5114 Old Court Rd.

x [signature] — 12/21/08
3832 Brownhill Rd.

x [signature] — 12/21/08
3832 Brownhill Rd.

December 17, 2008

RE: CASE NO. 2009-0093-SPHXA
REQUEST FOR APPEAL

We join in the appeal of the Commissioner's decision in this case.

x _____ 12/20/08

112 INGLESIDE RD CATONSVILLE, MD 21228

x _____ 12/20/2008

623 NANTICOKE CT. ABINGDON, MD 21009

x Carla Ellsworth 12-20-2008

40 Academy Rd Catonsville MD 21228

x _____ 12/21/08

8602D CHURCH LN, RANDALLSTOWN, MD

x J Hang _____

8602 A Church LN, Randallstown, MD 12/21/08

x Annette Winslow 12/21/08

3715 Courtleigh Dr
Randallstown

x Barbara L Nelson 12/21/08

3607 Courtleigh Dr. Randallstown 21133

x Jackie Burnham 12/21/08

8611 Wrights Mill Rd Balto MD 21244

x Rosalyn E. Burns 12/21/08

4512 Topscott Rd

x Pikesville, MD 21208 _____

December 17, 2008

RE: CASE NO. 2009-0093-SPHXA
REQUEST FOR APPEAL

We join in the appeal of the Commissioner's decision in this case.

x _____ 12-21-08

3847 Brownbell Road

x _____ 12-21-08

3847 Brownbell Road

x _____ 12-21-08

3847 Brownhill Rd.

x _____ 12-21-08

3847 Brownhill Rd.

x _____ 12-21-08

11989 Long Lake Dr 21136

x _____

x _____

x _____

x _____

x _____

x _____

11/26/08

IN RE: **PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE** SW/Side Church Lane, 400' NW of c/line of Old Court Road **(8611 Church Lane)** 2nd Election District 4th Council District	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY
Union Bethel A.M.E. Church of Randallstown, Md., Inc. *Petitioner*	*	**CASE NO. 2009-0093-SPHXA**

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by Charles T. Sembly, Pastor of the Union Bethel A.M.E. Church of Randallstown, Md., Inc., the property owner, through attorney, Michael P. Tanczyn, Esquire. The Petitioner seeks a special hearing for a determination as to: **(1)** Whether the proposed non-residential building is permitted by right under Baltimore County Zoning Regulations (B.C.Z.R.) Section 1B01.1A.3 as a Church, other buildings for religious worship or other religious institutions; or **(2)** Whether the proposed non-residential principal building is not subject to the residential transition area (RTA) requirements under B.C.Z.R. Section 1B01.1B.1.g(4) as an addition to an existing church or other building for religious worship including parking areas and driveways; or **(3)** Whether the proposed non-residential principal building is not subject to RTA requirements under B.C.Z.R. Section 1B01.1B.1g(6) as a new church or other building for religious worship, the site plan for which has been approved after a public hearing in accordance with Section 500.7 with findings that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and said plan can otherwise be expected to be compatible with

ORDER RECEIVED FOR FILING
Date 12-2-08
By

the character and general welfare of the surrounding residential premises; or **(4)** Whether the proposed non-residential principal building is not subject to RTA requirements under B.C.Z.R. Section 1B01.1B.1g.(9) as an addition to an existing community building, or other structure devoted to civic, social, recreation, fraternal or educational activity, including parking areas and driveways, provided all other applicable zoning regulations, including setback, parking, and screening requirements, are maintained; or **(5)** Whether the proposed non-residential principal building is not subject to RTA requirements under B.C.Z.R. Section 1B01.1B.1.g.(10) as a new community building, or other structures devoted to civic, social, recreational, fraternal or educational activity, if the Zoning Commissioner determines during the special exception process that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises, and **(6)** Whether the Zoning Commissioner approves a shared parking adjustment under B.C.Z.R. Section 409.6B.3 where the off-site parking spaces for the shared use at 8615 Church Lane are located within 500 feet walking distance of a building entrance to the use that such spaces serve pursuant to B.C.Z.R. Section 409.7B. Special Exception relief is requested to approve the use of the property as a community building … *or other similar civic, social, recreational or educational uses* per B.C.Z.R. Section 1B01.1C.4. Finally, variance relief is requested as follows: **(1)** from B.C.Z.R. Section 1B01.2C.1.a for a non-residential principal building to provide an interior side yard setback of 10.4 feet in lieu of the required 20 feet; **(2)** to provide a modified RTA for the tract including a 0.8 foot western buffer and an 11.6 foot eastern buffer in lieu of the 50 foot buffer required and a setback from the tract boundary of 0.8 foot (western side) and 11.6 foot (eastern side) in lieu of the required 75 feet setback, and **(3)** from

B.C.Z.R. Section 1B01.1B.1.c(2) to provide a modified RTA for the tract, for a 0.8 foot buffer in lieu of the required 50 foot buffer and a 0.8 foot setback in lieu of the required 75 feet as otherwise required under Section 1B01.1B.1.e(5); and a setback from the tract boundary of 10.4 feet in lieu of the required 75 feet and an RTA buffer of 0.8 foot in lieu of the required 50 foot buffer for a principal non-residential building under B.C.Z.R. Section 1B01.1B.1.e(2)&(5). The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 2A and a redlined site plan submitted at the direction of this Commission and marked as Petitioner's Exhibit 2B.

Appearing at the requisite public hearing in support of the requests were Reverend Charles T. Sembly, Adrienne A. Jones, Assistant Pastor Linda E. Mouzon, Pamela J. Sembly, John S. Madden, representative of the Union Bethel A.M.E. Church of Randallstown, Inc. (Church), Deborah H. Cuffie, Assistant Director of the non-profit We Are Family Development Corporation, Brian Chan, a builder with ALCA Professional Choice, Kenneth Wells, a property line surveyor of Kenneth J. Wells, Inc., the consultant who prepared the site plan for this property, and Michael P. Tanczyn, Esquire, attorney for Petitioner. The requested approvals were contested. The opponents are concerned adjacent property owners and residents of the neighborhood residing on Church Lane and included Michael P. and Kathleen J. DiGrazia and William H. and Hadmut R. I. Wells. There were no other interested persons present, however, it should be noted that David A. Green, a community planner with the Office of Planning, appeared and participated at the hearing.

An extensive volume of testimony and evidence was offered in this case. The subject property is an irregular shaped parcel located on the south side of Church Lane, northwest of Old Court Road in Randallstown. The property contains a gross area of 0.543 acres more or less,

zoned D.R.5.5 and is improved with a one-story building to which an attached one and one-half story frame building is presently being constructed. This property and surrounding neighborhood are zoned predominantly D.R.5.5 with a B.L. zoned convenience store located on the corner of Old Court Road and Church Lane. To the west of the site and on the other side of the DiGrazia residence (8613 Church Lane) is the main 3.11 acre property of the Union Bethel A.M.E. Church, which property is split-zoned D.R.5.5 and OR-2, as shown on Petitioner's Exhibit 1, the 200 scale zoning map.

The subject property, originally developed with a 1-½ story single-family dwelling in 1951 was purchased by the Church in October 2002. *See* Petitioner's Deed - Exhibit 3). On October 9, 2004, Petitioner's attorney incorporated a 501(c)(3) not for profit community development corporation named We are Family Community Development Corporation (CDC). *See* Petitioner's Exhibit 4. The not for profit entity provides community outreach services under private and governmental grants as testified to by Pastor Charles T. Sembly, who serves as the Executive Director and the Assistant Director Linda E. Mouzon.

The instant Petitions were filed to seek the necessary zoning relief to sanction the outreach services offered by the Church and CDC through either a conditional/special exception use or by obtaining an affirmative determination by the Zoning Commissioner under the request for special hearing. Due to the narrowness of the lot, and the conversion from single-family residential use to a church outreach and/or community service building, as well as the location of the original building and the proposed improvement on the site, the requested special hearing and variance relief is necessary. In this regard, the site plan shows the location of the existing improvements and the newly constructed 30' x 60' attached addition placed in the rear portion of the site.

Kenneth Wells, who prepared the site plan(s), was accepted as an expert witness familiar with zoning and development regulations in Baltimore County. He testified as to the zoning in the community and the character of the community focusing on what he considered to be the unique aspects of the subject site in contrast to the properties within the immediate community. He identified the neighborhood uses as depicted on the photographs which also illustrate the road networks in the nearby community which were admitted as Petitioner's Exhibits 5 and 6. Pictures showing the privacy fence constructed by the Wells family (8607 Church Lane), as well as the scope and character of the original structure and proposed addition on the site were admitted into evidence as Petitioner's Exhibits 7 and 8. The expansive parking lot at 8615 Church Lane on the main campus of Union Bethel A.M.E. is shown on Petitioner's Exhibit 9 also accepted into evidence.

The addition under construction on the subject property were shown by photographic views taken from the main church property on Petitioner's Exhibit 10 and from the DiGrazia property on Petitioner's Exhibits 11 and 12 as viewed from the subject site and the main church property. Ken Wells pointed out that the site plan evidences the subject property is unusually narrow at its front property line adjacent to Church Lane (59 feet) and that it widens in the middle of the lot (100 feet) and narrows a bit toward the rear property line. He noted that the variances requested for side yard setback (west side) and for variance of RTA standards for a non-residential building adjacent to residential properties were necessary for the Petitioner to use the property for its intended purpose because of the following factors. First, the existing macadam driveway and parking space originally built to serve the single-family residence was located .8 tenths of a foot at its closest point to the adjacent residential property. Additionally, the proposed addition under construction is positioned in the southern most rear corner of the lot

10.4 feet from the adjacent residential property line. The RTA requirements for buffer setbacks cannot be met under any circumstance because of the narrowness of the lot and the existing original improvements all of which predate the adoption of the RTA requirements. As noted above, the presence of an existing 6-foot high privacy fence on the adjacent neighboring property occupied by Mr. and Mrs. Wells and the screening provided by existing mature trees and shrubs which the Petitioner plans to supplement is persuasive. Ken Wells testified that the original modest frame building as well as the one and one-half story frame building under construction are residential in appearance and in keeping with adjacent residential properties.

Mr. Wells further testified that the parking requirements as originally proposed on Petitioner's Exhibit 2A called for nine parking spaces to be located onsite with parking for staff members to be provided from the larger parking field on the Union Bethel main church property which he calculated was less than 500 feet from the subject property and which contained in excess of 170 parking spaces. He testified, however, that the parking spaces could be reduced to 3 spaces onsite thereby reducing the macadam footprint and necessity for a larger paved area for ingress and egress and still be in compliance with the B.C.Z.R. shared parking requirements and to accommodate the comment from the Office of Planning. A shared parking arrangement can be accomplished by increasing the number of spaces utilized from the main church property to serve the parking needs of staff and clients of the subject property. He testified that the requested variance from the RTA, in his opinion, was planned in such a way as to be in compliance, to the extent possible, with RTA use requirements. He expressed his opinion that the proposed non-residential principal building with its addition were compatible with the character of surrounding residential properties and were an appendage to the existing church or other building for religious worship including the parking areas and driveway.

As to the special exception relief requested, based upon his visits to the site, locating the existing and proposed improvements and in viewing the proximity of the subject property to the church property including the large parking lot at 8615 Church Lane, he testified in answer to counsel's questions that the requirements of Section 502.1 of the B.C.Z.R. would be met. Generally, a Petitioner must demonstrate that the proposed use will not be detrimental to the health, safety and general welfare of the locale. *People's Counsel for Baltimore County v. Loyola College* 406 Md. 54 (2008).

Petitioner's next witness, Brian Chan testified that he was the builder who had been hired to build the addition to the existing one-story frame building on the subject site. He identified the application for a building permit (Petitioner's Exhibit 13) under which construction for the improvements began for a proposed change of use from residence to community center offices. He then presented a floor plan for the existing frame building and the addition under construction which was connected by a covered passageway as shown on the plan admitted into evidence as Petitioner's Exhibit 14.

Reverend Charles T. Sembly, the Church's Pastor, testified as to the present uses at the main church property which include an active church community for religious worship, as well as community outreach services to assist not only church members but members in the immediate community and in that region of Randallstown. He testified that the We are Family Community Development Corporation (CDC) was founded in response to requests for the church to provide specialized educational programs for the community at large. He stated that those church sponsored programs through the not for profit CDC provided an extensive range of services more particularly described in a brochure intended to increase social outreach and

opportunities to service in the area. Those programs are funded through government grants and various private foundations as noted in the brochure accepted as Petitioner's Exhibit 18.

Pastor Sembly described in detail the outreach services provided by the CDC noting that those served, or who could be served if they simply asked for help, would include persons in the immediate and larger community, including adjacent property owners. He affirmed that the church would agree to a reduced number of parking spaces onsite to serve clients coming to the subject site by utilizing the existing parking spaces on the main church property. He testified that the hours of operation of the subject site would not conflict with scheduled activities on the main church property as required by B.C.Z.R. Sections 409.6B.3 and 409.7B.1.

Pastor Sembly identified the pictures of the interior of the existing frame building on the subject site which included a food pantry for dry goods and cold storage near the existing kitchen. Within the former single-family residence was a client and staff meeting room and prayer meeting room and client education room, as well as a staff office. Those pictures were admitted into evidence as Petitioner's Exhibits 15 through 17.

Due to the nature of the services provided and the information which was required to be provided by clients of the social outreach programs, the Pastor testified the need for privacy and confidentiality of the client information. A number of these clients may be members of the church as well as from the regional community. For these reasons, the church originally planned to have staff park on the main church parking lot and to reserve the original 9 parking spaces proposed onsite for client use to assure anonymity. He (Sembly) agreed that the Petitioner would utilize the church lot for all but 3 parking spaces if approved under a shared parking arrangement by this Commission under the special hearing relief requested and to accommodate the comments from the Office of Planning concerning this project.

Reverend Linda Mouzon then testified stating that she was the Executive Vice President of We are Family. She testified as to the origin of that community development corporation and that the demand for its services had exceeded the expectations of the Petitioner. She testified that her office was formerly in the subject property to administer the programs but that she had relocated her office to the main church building complex. She testified she was the Assistant Pastor at Union Bethel and provided in great detail how the clients for the food pantry were allowed in on an appointment basis only. She stated that the hours proposed for operations at the subject property to accomplish the social outreach missions would be from Monday through Friday from 8:30 a.m. to 7:00 p.m. She pointed out that the initial outreach services provided educational and civic services which are part of the church's mission and are carried out by the not for profit CDC and have been well received by the community at large.

After Petitioner's case, interested adjacent neighbors then testified[1]. Michael DiGrazia testified that he has resided with his family at 8613 Church Lane since 1986. He testified that he finds the activities at Union Bethel Church to be intolerable specifically mentioning the school, food distribution, and church worship services. He acknowledged that some outreach services were to be expected. He further testified that since the church acquired 8611 Church Lane and began its outreach services through the community development corporation that he believed those services to be commercial in nature and not residential. He believed that the CDC was trading in goods and services and entering into what he called mortgage lending services, all of which he characterizes as commercial uses. He complained of traffic as well as deliveries to the subject property, including from the Maryland Food Bank and expressed his opposition to the use of the subject site for social outreach activities for these reasons. When questioned by

[1] Extracts of their testimony were submitted into evidence and marked as Protestants' Exhibits 1 through 3.

Petitioner's counsel, he acknowledged that the social outreach programs were educational and social and that the conditions on his property were a work in process that had not met his original time schedule for improvements. He claimed that the existing conditions at his property were better than when he moved there in 1986.

Mr. William Wells next testified that he has lived with his wife at their property for over 30 years and raised their family there. He testified that when the church bought the subject property, originally he had no complaints as to the social outreach activities. He expressed his concerns that the property, if the requested relief were granted, would become more intrusive and more business related and could lead to additional unwelcome problems which he characterized as gas and oil runoff, lights shining onto his property due to the larger parking lot as originally proposed. He believed that if the Petitions were granted, that these activities would diminish the value of his property. His wife testified in like accord, although she acknowledged the good done by the social outreach programs but questioned the effect of those programs on the value of her property.

Kathy DiGrazia then testified that she lived next door with her husband and their sons. After noting that she belonged to a Methodist church as well and the principles which she believed were to be followed in the practice of that religion, she acknowledged that Union Bethel A.M.E. Church was doing good with its social outreach programs to the larger community, and that its outreach programs were commendable. However, she agreed with her husband, Michael, that those uses were more commercial in nature rather than residential and requested that the Petitions be denied. Both she and her husband also expressed concern about persons being tempted to shortcut from the church's parking lot across the rear of their property rather than walking up to Church Lane and around their property to access the subject site. Mr. Wells

expressed a concern about what he claimed to be motor vehicles leaving the subject site and crossing over onto his property and driveway when vacating the premises. He acknowledged when asked by the Petitioner's counsel that he had never called the church to complain when that occurred and could give no specific dates when that might have happened.

The Office of Planning within its Zoning Advisory Committee's comment indicated they would recommend a denial of the special exception use for a community building but would support approval of the proposed non-residential principal building "as not being subject to RTA requirements" and "as an addition to an existing church or other building for religious worship" including the requested variances. Their support was conditioned upon certain requirements and restrictions being agreed to by the Petitioner and ordered by the Zoning Commissioner. Briefly, these included requiring all persons able to walk to the site to park on the main church lot and to eliminate all but 3 parking spaces proposed for the subject property and locating them closest to the existing structure. The Director of Planning further suggested that the plan be amended to indicate the shared parking agreement for locating the required parking spaces. This Office further requested that the church not schedule more than ten (10) individuals at any one time for training and seminars. They further requested that all exterior signage be limited and that a six-foot wood privacy fence be installed along the perimeter of the site not to go in front of the front building line of the existing frame building with no commercial lighting on the site. The church had stated through Pastor Sembly in his testimony that no exterior freestanding signage was proposed and that the existing lighting including security lighting was triggered by motion sensors if there was any nighttime activity in relationship to the property.

As is the case with many Petitions involving houses of worship, this case presents difficult issues. It is difficult to question the operation and associated activities of a church and

limit the freedom of the congregation to pursue its programs designed to support and enhance the quality of life in the community. On the other hand, the zoning regulations must deal with the appropriate restrictions upon the use of the land to prohibit adverse impacts on neighboring and surrounding properties.

As to the proposed use and the RTA variance request, new churches are permitted as a right in residential zones. Although the RTA applies to new churches, two (2) provisions are available for churches to obtain waivers or variances. Section 1B01.1B.1.c of the B.C.Z.R. provides variance relief can be granted based on recommendations from County agencies, provided that the hearing officer "specifically finds and determines that such a reduction will not adversely impact the residential community or development on the land adjacent to the property to be developed." In the alternative, Section 1B01.1B.1g(6) provides that following a public hearing, the hearing officer may determine that the RTA is not applicable upon a finding that "the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises."

The standards differ between Section 1B01.1B.1g(6) and Section 1B01.1B.1.c. The former requires a finding that the proposed implements are planned so that compliance with RTA is "to the extent possible ... ". Section 1B01.1B.1.c allows variance relief to be granted, provided that there is no adverse impact by virtue of the variance to the adjoining property or residential community.

I have carefully listened to the concerns expressed by the adjacent property owners. They recognize and acknowledge the educational and civic contributions of the social outreach programs administered by We are Family Community Development Corporation under the

control of the Petitioner at the subject site. They expressed concerns about what they consider commercial activities or the commercialization of the property referred to activities which are part of and inextricably part of the social outreach programs. I believe that the adjacent property owners are sincere in their expressions of the expansion and perceived intrusive nature of the uses concerning the site and I believe that with approval, conditions are appropriate in order to address to the extent possible the concerns expressed by the adjacent property owners.

After due consideration of the testimony and the evidence presented, I am persuaded that the relief requested meets the spirit and intent of Section 307 of the B.C.Z.R. and that the variance relief should be granted from Section 1B01.1B.1(c), as well as Section 1B01.1B.1g(6), (9) and (10). I find that the Church's request to variance the RTA regulations to be appropriate and should be granted because the proposed addition has been planned by locating the addition to the rear of the subject property, as far away from the existing residence of the adjacent neighbors as is possible, given the unique aspects of the lot and the available area for placement of such an improvement. I find that adherence to the extent possible with the RTA use requirements will be maintained and that the plan is compatible with the character and general welfare of the surrounding residential premises. I also find that the non-residential principal building is not subject to RTA requirements under B.C.Z.R. Section 1B01.1B.g(9) as an addition to a structure devoted to what is clearly civic, social and educational activities, including the parking area and driveways. I also find under Section 1B01.B.1.g(10) the structure and proposed improvements have been planned in such a way that compliance to the extent possible with RTA use requirements will be maintained and that the special exception/conditional use can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. I believe that providing adequate parking by utilizing existing parking in

the adjacent facility as is requested by the shared parking plan proposed is more helpful to the adjacent residential neighbors.

Addressing the request for shared parking, I further find that the shared parking request to utilize the main church parking lot within 500 feet walking distance of a building entrance would be proper and would address the Office of Planning's concern, as well as some of the concerns expressed by the adjacent property owners to reduce and minimize the macadam and parking spaces onsite, as well as the vehicular traffic on the subject site. This will assure the residential appearance of the non-residential building.

I directed at the conclusion of the hearing on November 5, 2008 that a revised redlined plan be submitted with parking spaces shown adjacent to the original one-story frame building and including additional plantings to shield the adjacent properties from the activities on this site. I particularly requested that additional shrubbery be proposed adjacent to the Wells' property at 8607 Church Lane to be planted on the Petitioner's property to prevent vehicular access to the Wells' property from the subject property. That revised plan with restrictions stated on it in red with proposed hours of operation of Monday through Friday from 8:30 A.M. to 7:00 P.M. has been received and reviewed and accepted by me as Petitioner's Exhibit 2B. That plan also contains restrictions which the representatives of the Petitioner agreed to comply with at the hearing that they would not schedule more than a reasonable number of individuals at any one time as clients, excluding staff, to be at the subject property to receive the outreach services. I will impose a condition as stated here in my Order that no more than 12 individuals at a time as clients, excluding staff, shall be scheduled for training, educational seminars, that any client groups larger than that must meet in the main church located at 8615 Church Lane.

As to the Office of Planning's request for an additional condition requiring a 6-foot high wooden fence on the side and rear of the subject property, I am not persuaded that that would be helpful for the following reasons. A review of the site plan (Petitioner's Exhibit 2B) shows that the Wells' rear property line is essentially co-extensive or the same distance or space with the location of the original frame building on the subject site. The remainder of the southern side property line on the subject property is in excess of 154 feet from the two-story frame dwelling which faces Old Court Road and a similar or greater distance from the Schisler property improvements which also face Old Court Road. To the rear of the subject property is an open area and I believe that the requirement of a 6-foot high wooden fence would inhibit any chance of the church being able to reach an accommodation either with Mr. and Mrs. DiGrazia or whoever owns the Schisler property in the future to attempt to acquire an easement for pedestrian use between the rear property line of the subject property and the main church property which is approximately 100 feet, more or less, to the main church parking lot.

The Variance request arises from the long-term existing location of the parking space which was utilized by the single-family residence occupants since the 1950's. Utilization of that space will in fact allow less macadam to be required to provide the minimal 3 spaces on the subject site with the remainder of the staff and client parking to be provided for those individuals on the main church parking lot at 8615 Church Lane.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of November 2008 that the Petition for Special Hearing be and the same

is hereby granted approving the proposed structure as a non-residential building permitted by right under B.C.Z.R. Section 1B01.1A.3 as a church or other building for religious worship or other religious institutions and under B.C.Z.R. Section 1B01.1B.1.g(4) as an addition to an existing church or other building for religious worship and the non-residential building is not subject to RTA requirements under B.C.Z.R. Section 1B01.B.1g(9) and (10) as an addition to an existing community building or other structure devoted to civic, social, recreational, fraternal or educational activity, including parking areas and driveways, provided all other applicable zoning regulations are met after public hearing; subject to the following conditions:

1. The Special Hearing relief granted is personal to Union Bethel A.M.E. Church of Randallstown, Md., Inc. and is contingent upon the subject property and the Church's main campus at 8615 Church Lane remaining in common ownership. In the event this relationship ceases, then the Special Hearing relief granted hereunder shall be void and have no further force and effect unless the new owner/operator petitions for special hearing relief to amend this restriction.

2. Any additions to buildings (including storage or utility buildings) shall be considered a material change to the approved plan (Petitioner's Exhibit 2B) and require a public hearing before the Zoning Commissioner.

IT IS THEREFORE ORDERED that the Petition for Special Exception to permit a community building ... or other similar civic, social, recreational or educational uses filed pursuant to Section 1B01.1C.4 of the B.C.Z.R., be and is hereby DISMISSED AS MOOT.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: **(1)** from Section 1B01.2C.1.a for a non-residential principal building to provide an interior side yard setback of 10.4 feet in lieu of the required 20 feet; **(2)** to provide a modified RTA for the tract including a 0.8 foot western buffer and an 11.6 foot eastern buffer in lieu of the 50 foot buffer required and a setback from the tract boundary of 0.8 foot (western side) and 11.6 foot (eastern side) in lieu of the required 75 feet setback, and **(3)** from Section

1B01.1B.1.c(2) to provide a modified RTA for the tract, for a 0.8 foot buffer in lieu of the required 50 foot buffer and a 0.8 foot setback in lieu of the required 75 feet as otherwise required under Section 1B01.1B.1.e(5); and a setback from the tract boundary of 10.4 feet in lieu of the required 75 feet and an RTA buffer of 0.8 foot in lieu of the required 50 foot buffer for a principal non-residential building under Section 1B01.1B.1.e(2)&(5), in accordance with Petitioner's Exhibit 2B, be and are hereby GRANTED subject to the following restrictions:

1. The Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, the 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. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, the Petitioner shall incorporate the plantings shown on Petitioner's Exhibit 2B.

3. The church facility located on the subject property as shown hereon shall not schedule more than 12 individuals at any one time for training and/or seminars, groups, etc. Groups larger than 12, excluding staff, must meet in the main church located at 8615 Church Lane.

4. All outdoor lighting located on the subject property shall be consistent with the lighting that is normally used in a residential setting. Lighting fixtures shall be aimed or shielded in a manner that shall not direct the illumination area into adjoining properties. Fixtures shall be of a type or adequately shielded so as to prevent glare from normal viewing angels. Fixtures shall not be greater than 15 feet above grade.

5. When applying for any permits, the redlined site plan (Petitioner's Exhibit 2B) filed must reference this case and set forth and address the restrictions of this Order.

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

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

November 26, 2008

WILLIAM J. WISEMAN III
Zoning Commissioner

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

RE: **PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE**
SW/Side Church Lane, 400' NW of c/line of Old Court Road
(8611 Church Lane)
2nd Election District - 4th Council District
Union Bethel A.M.E. Church of Randallstown, Md., Inc. - *Petitioner*
CASE NO. 2009-0093-SPHXA

Dear Mr. Tanczyn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted with restrictions/conditions and the Special Exception is dismissed as moot, in accordance with the attached Order.

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Reverend Charles T. Sembly, 9727 Marriottsville Road, Randallstown, MD 21133
Adrienne A. Jones, 400 Washington Avenue, Suite 124, Towson, MD 21204
Linda E. Mouzon, 6945 Scarlet Oak Drive, Elkridge, MD 21075
Pamela J. Sembly, 9827 Marriottsville Road, Randallstown, MD 21133

Memorandum

To: Timothy M. Kotroco, Director
Permits and Development Management

Fr: Councilman Ken Oliver

Re: Zoning Case 04-155-SPHA

Date: November 18, 2008

RECEIVED
NOV 18 2008
BY:_____

Attached, please find a copy of the communication that I received from Union Bethel AME Church regarding the above mentioned zoning case and their request for an extension. I would greatly appreciate it if you will keep me posted on their extension request.

Please feel free to contact my office at (410) 887-3389, should you have any additional questions or concerns.

Thank you, as always, for your attention and cooperation.

KNO:clp

Attachments

cc: William Wiseman, III
Zoning Commissioner

Union Bethel African Methodist Episcopal Church
8615 Church Lane
Randallstown, Maryland 21133
Rev. Charles T. Sembly, Pastor
"We Are Family"
Serving the World Parish Since 1826

OK
File
Keeping posted

November 12, 2008

Mr. William J. Wiseman III
Zoning Commissioner- Baltimore County Maryland
County Courts Building
401 Bosley Avenue Suite 405
Towson, Maryland 21204

Re: Zoning Case: 04-155-SPHA

Dear Mr. Wiseman:

Union Bethel AME Church, Inc. was granted, by decision of then Zoning Commissioner Lawrence Schmidt on December 30, 2003, approval of variances and Special Hearing Relief which became a Final Order. The variances dealt with an addition to the property of a free-standing Community Resource Center, which was located across the existing driveway from the Church. The variances requested had to do solely with that proposed new construction in the existing setback lines from the property line.

A stipulation of that Final Order was that, the petitioner (Union Bethel AME Church, Inc.),was given five (5) years from the date of the Order to commence construction of the proposed building. As evidenced by the several follow-up letters sent to your office in the past year, the church is fully intent on constructing this Resource Center. Just as with the national economy has suffered, the Church has encountered difficulty in raising the needed funds. It is requested that the start construction date be extended eighteen (18) to twenty-four (24) months to allow the Church to raise the necessary resources to complete the construction without interruption.

It requested that after review your office advise whether this extension change is acceptable. If you have any questions of me, please don not hesitate to call.

Very truly yours,

Rev. Charles T. Sembly, Pastor

cc. K. Oliver - Baltimore County Council
J. Madden - UBAMEC
W. Davis - UBAMEC

Union Bethel A.M.E. Church 09-093-SPHXA Addresses

Petitioners:

Reverend Charles T. Sembly
9727 Marriottsville Road
Randallstown, MD 21133

Adrienne A. Jones
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Linda E. Mouzon, Assistant Pastor
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Pamela J. Sembly
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John S. Madden
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Pikesville, MD 21208

Deborah H. Cuffie, Assistant Director
We Are Family Development Corp.
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Randallstown, MD 21133

Brian Chan
ALCA Professional Choice
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Timonium, MD 21093

Kenneth Wells
Kenneth J. Wells, Inc.
2403 New Curt Road
Kingsville, MD 21087

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

Appellants/Protestants:

Michael P. DiGrazia
Kathleen J. DiGrazia
8613 Church Lane
Randallstown, MD 21133

William H. Wells
Hadmut R.I. Wells
8607 Church Lane
Randallstown, MD 21133

Kathryn Blueford
8605 Church Lane
Randallstown, MD 21133

Paul Jackson
Jeffrey Hines
8600 Church Lane
Randallstown, MD 21133

Sharon and Daniel Goodman
8606 Church Lane
Randallstown, MD 21133

Carl and Deborah Hamlin
8610 Church Lane
Randallstown, MD 21133

Evon Cannady
8614 Church Lane
Randallstown, MD 21133

Stanislaus and Barbara Poslusyny
8622 Church Lane
Randallstown, MD 21133

Donald Lester
8630 Church Lane
Randallstown, MD 21133

Vernell and Betty R. Wilson
5108 Old Court Road
Randallstown, MD 21133

Appellants/Protestants Con't

Howard and Elizabeth Bolling
Jeffrey A. Bolling
5112 Old Court Road
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Ingo and Lisa Balinus
5110 Old Court Road
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Occupant/Legal Owner
5114 Old Court Road
Randallstown, MD 21133

Occupant/Legal Owner
3822 Brownhill Road
Randallstown, MD 21133

Occupant/Legal Owner
112 Ingleside Road
Catonsville, MD 21228

Occupant/Legal Owner
623 Nanticoke Court
Abingdon, MD 21009

Carla Ellsworth
407 Academy Road
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8602 A Church Lane
Randallstown, MD 21133

Anne Winslow
3715 Courtleigh Drive
Randallstown, MD 21133

Barbara Nelson
3607 Courtleigh Drive
Randallstown, MD 21133

Jackie Burnham
8611 Wrights Mill Road
Baltimore, MD 21244

Rosalyn E. Burns
4512 Tapscott Road
Pikesville, MD 21208

Occupant/Legal Owner
3847 Brownhill Road
Randallstown, MD 21133

Occupant/Legal Owner
11989 Long Lake Drive
Reisterstown, MD 21136

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8611 Church Lane, Randallstown, MD 21133
which is presently zoned D.R. 5.5

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

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

(This box to be completed by planner)

See attached

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

MICHAEL P. TANCZYN
Name - Type or Print

Michael P. Tanczyn
Signature

Michael P. Tanczyn, P.A.
Company

606 Baltimore Ave. 410-296-8823
Address Telephone No.

Suite 106

Towson, MD 21204
City State Zip Code

Legal Owner(s): UNION BETHEL A.M.E. CHURCH OF RANDALLSTOWN, MD, INC.

Name - Type or Print

Charles T. Sembly
Signature CHARLES T. SEMBLY, Pastor

Name - Type or Print

Signature

8615 Church Lane 410-521-7485
Address Telephone No.

Randallstown, MD 21133
City State Zip Code

Representative to be Contacted:

Name

Addre

City p Code

Kenneth J. Wells, Inc.
7403 New Cut Road
Kingsville, MD 21087
410-592-8800

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 2009-0093-SPHXA

UNAVAILABLE FOR HEARING

REV 9/15/98 ...ed By BH Date 10/1/08

RECEIVED FOR FILING
Date 11-26-08
By DO

PETITION FOR SPECIAL HEARING

1. Whether the proposed non-residential building is permitted by right under B.C.Z.R. 1B01.1A.3 as a Church - other buildings for religious worship or other religious institutions; or

1B01.1

2. Whether the proposed non-residential principal building is not subject to RTA requirements under B.C.Z.R. Section 1B01.B.1(g)4 as an addition to an existing church or other building for religious worship including parking areas and driveways; or

1B01.1

3. Whether the proposed non-residential principal building is not subject to RTA requirements under B.C.Z.R. Section 1B01.B.1g6 as a new church or other building for religious worship, the Site Plan for which has been approved after public hearing in accordance with Section 500.7 with findings the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements will be maintained and said Plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises; or

1B01.1

4. Whether the proposed non-residential principal building is not subject to RTA requirements under B.C.Z.R. Section 1B01.B.1(g)9 as an addition to an existing community building or other structure devoted to civic, social, recreation, fraternal or educational activity including parking areas and driveways provided all other applicable Zoning Regulations, including setback parking and screening requirements are maintained; or

1B01.1

5. Whether the proposed non-residential principal building is not subject to RTA requirements under B.C.Z.R. Section 1.B01.B.1g10 as a new community building or other structure devoted to civic, social, recreational, fraternal or educational activity if the Zoning Commissioner determines during the Special Exception process that the proposed improvements are planned in such a way that compliance to the extent possible with RTA use requirements, will be maintained and that the Special Exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

6. Whether the Zoning Commissioner approves a shared parking adjustment under B.C.Z.R. 409.6B.3 where the off-site parking spaces for the shared use at 8615 Church Lane are located within 500 feet walking distance of a building entrance to the use that such spaces serve pursuant to B.C.Z.R. 409.7E.

#0093

Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property located at 8611 Church Lane, Randallstown, MD 21133

which is presently zoned D.R. 5.5

Deed Reference: 17049 / 72 Tax Account # 02-00013698

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

Community Building ... or other similar civic social, recreational or educational uses per B.C.Z.R. Section 1B01.1C.4.

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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

MICHAEL P. TANCZYN
Name - Type or Print

Signature

Michael P. Tanczyn, P.A.
Company

606 Baltimore Ave. Suite 106 410-296-8823
Address Telephone No.

Towson, MD 21204
City State Zip Code

Legal Owner(s): UNION BETHEL A.M.E. CHURCH OF RANDALLSTOWN, MD, INC.

Name - Type or Print

Signature CHARLES T. SEMBLY, PASTOR

Name - Type or Print

Signature

8615 Church Lane 410-521-7485
Address Telephone No.

Randallstown, MD 21133
City State Zip Code

Representative to be Contacted:

Kenneth J. Wells, Inc.
7403 New Cut Road
Kingsville, MD 21087
410-592-8800

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Case No. 2009-0093-SPHXA

Reviewed By _____ Date 10/1/08

REV 07/27/2007

ORDER RECEIVED FOR FILING
Date 11-26-08
By _____

Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 8611 Church Lane, Randallstown, MD 21133

which is presently zoned D.R. 5.5

Deed Reference: 17049/72 Tax Account # 02-00013698

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

see attached

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

MICHAEL P. TANCZYN
Name - Type or Print

Signature

Michael P. Tanczyn, P.A.
Company

606 Baltimore Ave.
Suite 106 410-296-8823
Address Telephone No.

Towson, MD 21204
City State Zip Code

Legal Owner(s): UNION BETHEL A.M.E. CHURCH OF RANDALLSTOWN, MD, INC.

Name - Type or Print

Signature CHARLES T. SEMBLY, Pastor

Name - Type or Print

Signature

8615 Church Lane 410-521-7485
Address Telephone No.

Randallstown, MD 21133
City State Zip Code

Representative to be Contacted:

Kenneth J. Wells, Inc.
7403 New Cut Road
Kingsville, MD 21087
410-592-8800

Case No. 2009-0093-SPHXA

Office Use Only

Estimated Length of Hearing

Unavailable For Hearing

REV 8/20/07

Reviewed by BK Date 10/1/08

ORDER RECEIVED FOR FILING
Date 11-22-08
By DW

PETITION FOR VARIANCE

1. B.C.Z.R. Section 1B01.2.C.1.A for a non-residential principal building to provide (a) an interior side yard setback of 10.4 feet in lieu of the required 20 feet.

2. To provide a modified RTA for the tract including a 0.8 foot western buffer and an 11.6 foot eastern buffer in lieu of the 50 foot buffer required and a setback from the tract boundary of 0.8 foot western side and an 11.6 foot eastern setback in lieu of the required 75 feet setback.

3. From B.C.Z.R. 1B01.1.B1(c)2 to provide a modified RTA for the tract, for a 0.8 foot buffer in lieu of the required 50 foot buffer and a 0.8 tenths foot setback in lieu of the required 75 feet as otherwise required under 1B01.B.1(e)5; and a setback from the tract boundary of 10.4 feet in lieu of the required 75 feet and an RTA buffer of 0.8 foot in lieu of the required 50 foot buffer for a principal non-residential building under B.C.Z.R. 1B01.1B.1(e)2, 5.

#0093

kjWellsInc

Land Surveying and Site Planning

Telephone: (410) 592-8800
Fax: (410) 817-4055
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

September 18, 2008

Zoning Description
8611 Church Lane
Baltimore County
Maryland
2nd Election District
4th Councilmanic District

Beginning at a point on the southwest side of Church Lane whose Right-of-Way varies at a distance of 400 feet more or less northwest from the centerline of Old Court Road whose Right-of-Way also varies. Thence with the following courses and distances:

1) South 22 degrees 39 minutes 17 seconds West 283.84 feet;
2) North 55 degrees 00 minutes 21 seconds West 100.46 feet;
3) North 21 degrees 48 minutes 22 seconds East 114.83 feet;
4) North 45 degrees 29 minutes 53 seconds East 74.92 feet;
5) North 30 degrees 41 minutes 45 seconds East 87.52 feet;
6) South 59 degrees 23 minutes 31 seconds East 59.08 feet

to the place of beginning as described a Deed recorded in Liber 17049 folio 072. Containing 0.543 acres or 23,653 square feet of land more or less as surveyed by LGB Surveys, LLC.

#0093

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: 2009-0093-SPHXA

Petitioner: UNION BETHEL AME CHURCH OF RANDALLSTOWN INC

Address or Location: 8611 CHURCH LANE RANDALLSTOWN MD 21133

PLEASE FORWARD ADVERTISING BILL TO:

Name: Michael Tanczyn

Address: STE 106 606 BALTIMORE AVE
TOWSON MD 21204

Telephone Number: 410 296 8823

Revised 7/11/05 - SCJ

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 23966

Date: 10/1/08

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				$ 800.00

Total: $ 800.00

Rec From: Michael Tanczyn

For: Special Hearing, Special Exception, Variance

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

Item # 0093

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
/06/2008 10/03/2008 10:02:57 5
REG WS03 WALKIN KRIS LRB
RECEIPT # 371085 10/03/2008 OFLN
5 528 ZONING VERIFICATION
CK NO. 023906
Recpt Tot $800.00
$800.00 CK $.00 CA
Baltimore County, Maryland

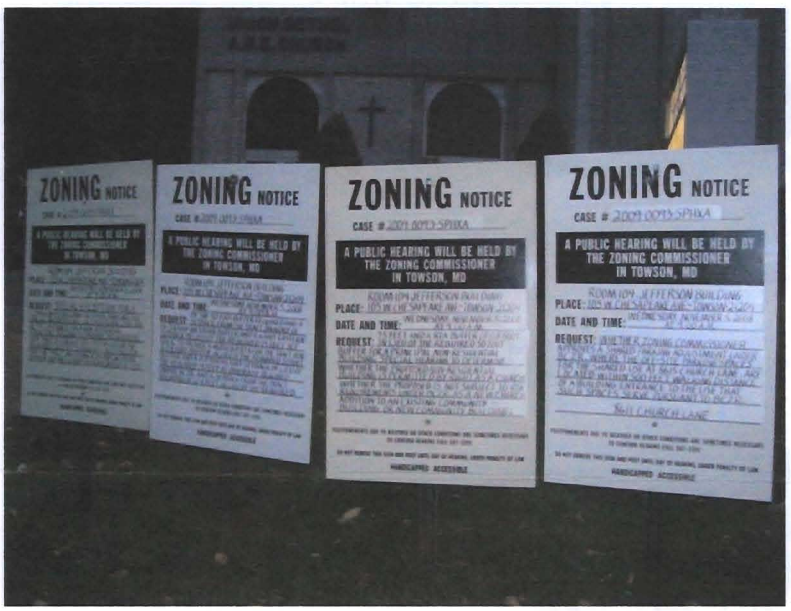
CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS
DATE: 10/21/08
Case Number: 2009-0093-SPHXA
Petitioner / Developer: MICHAEL TANCZYN, ESQ.~KENNETH WELLS~ UNION BETHEL A.M.E. CHURCH
Date of Hearing (Closing): NOVEMBER 5, 2008

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
8611 CHURCH LANE

The sign(s) were posted on: OCTOBER 21, 2008



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 – 666 – 5366
(Telephone Number of Sign Poster)

RECEIVED
APR 15 2009
BALTIMORE COUNTY
BOARD OF APPEALS

Requested: March 31, 2009

APPEAL SIGN POSTING REQUEST

CASE NO.: 09-093-SPHXA

8611 Church Lane

2nd ELECTION DISTRICT APPEALED: 12/22/08

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

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

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
The Jefferson Building, Suite 203
102 W. Chesapeake Avenue
Towson, MD 21204

Attention: Theresa Shelton
Administrator

CASE NO.: 09-093-SPHXA

LEGAL OWNER: **Union Bethel A.M.E. Church**

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

8611 CHURCH LANE
S/W S CHURCH LANE, 400' NW C/L OLD COURT ROAD

The sign was posted on 4.15.09, 200____.

By: M Stuart Kelly
(Signature of Sign Poster)

M Stuart Kelly
(Print Name)


ZONING APPEAL
PUBLIC HEARING
CASE NUMBER:
09-093-SPHXA
FOR INFORMATION CALL
410-887-3180
DO NOT REM E
UNDER PENA OF LAW
BALTIMORE COUNTY BOARD APPEALS

PHOTOGRAPHIC RECORD

Citation/Case No.: 09-093 SPHXA 8611 Church Ln

Date of Photographs: 4-15-09

I HEREBY CERTIFY that I took the 2 (number of photos) photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

M Stewart Kelly

Enforcement Officer

11/14/00

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, Second Floor
Jefferson Building, 105 W. Chesapeake Avenue

May 26, 2009

NOTICE OF DELIBERATION

CASE #: 09-093-SPHXA **IN THE MATTER OF: Union Bethel A.M.E Church of Randallstown, MD, Inc. / LO /Petitioner**
8611 Church Lane
2nd Election District; 4th Councilmanic District

This matter having been heard and concluded on May 20, 2009; public deliberation has been scheduled for the following date /time:

DATE AND TIME : **THURSDAY, JULY 23, 2009 at 9:00 a.m.**

LOCATION : Hearing Room #2, Jefferson Building
105 W. Chesapeake Avenue, Second Floor
(adjacent to Suite 203)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Theresa R. Shelton
Administrator

---

c: Appellants/Protestants : Michael P. DiGrazia, et al

Counsel for Petitioner/Legal Owner : Michael P. Tanczyn, Esquire
Petitioner/Legal Owner : Union Bethel A.M.E /Church of Randallstown, MD, Inc.

Reverend Charles T. Sembly
Adrienne A. Jones
Linda E. Mouzon, Assistant Pastor
Pamela J. Sembly
John S. Madden
Deborah H. Cuffie
Brian Chan
Kenneth Wells
Tony Baysmore

People's Counsel for Baltimore County
William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
David A. Green, Community Planner, Office of Planning

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 28, 2008 Issue - Jeffersonian

Please forward billing to:
Michael Tanczyn 410-296-8823
606 Baltimore Avenue, Ste. 106
Towson, MD 21204

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: 2009-0093-SPHXA
8611 Church Lane
S/west side of Church Lane, 400 feet n/west of centerline of Old Court Road
2nd Election District – 4th Councilmanic District
Legal Owners: Union Bethel A.M.E. Church of Randallstown, Charles Sembly, Pastor

Special Exception for a community building or other similar civic social, recreational or educational uses per BCZR. Variance for a non-residential principal building to provide (a) interior side yard setback of 10.4 feet in lieu of the required 20 feet. To provide a modified RTA for the tract including a 0.8 foot western buffer and an 11.6 foot eastern buffer in lieu of the 50 foot buffer required and a setback from the tract boundary of 0.8 foot western buffer and 11.6 foot eastern setback in lieu of the required 75 feet setback. To provide a modified RTA for the tract, for a 0.8 foot buffer in lieu of the required 50 foot buffer and a 0.8 tenths foot setback in lieu of the required 75 feet as otherwise required under BCZR, and a setback from the tract boundary of 10.4 feet in lieu of the required 75 feet and a RTA buffer of 0.8 foot in lieu of the required 50 foot buffer for a principal non-residential building. Special Hearing to determine whether the proposed non-residential building is permitted by right as a Church; whether the proposed is not subject to RTA requirements under BCZR, as a new Church, addition to an existing community building, or new community building; whether Zoning Commissioner approves a shared parking adjustment under BCZR, where the off-site parking spaces for the shared use at 8615 Church Lane, are located within 500 feet walking distance of a building entrance to the use that such spaces serve pursuant to BCZR.

Hearing: Wednesday, November 5, 2008 at 9:00 a.m. in Room 104, Jefferson Building, 105 W. Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

BALTIMORE COUNTY
MARYLAND

October 20, 2008

JAMES T. SMITH, JR.
County Executive

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

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: 2009-0093-SPHXA
8611 Church Lane
S/west side of Church Lane, 400 feet n/west of centerline of Old Court Road
2nd Election District – 4th Councilmanic District
Legal Owners: Union Bethel A.M.E. Church of Randallstown, Charles Sembly, Pastor

Special Exception for a community building or other similar civic social, recreational or educational uses per BCZR. Variance for a non-residential principal building to provide (a) interior side yard setback of 10.4 feet in lieu of the required 20 feet. To provide a modified RTA for the tract including a 0.8 foot western buffer and an 11.6 foot eastern buffer in lieu of the 50 foot buffer required and a setback from the tract boundary of 0.8 foot western buffer and 11.6 foot eastern setback in lieu of the required 75 feet setback. To provide a modified RTA for the tract, for a 0.8 foot buffer in lieu of the required 50 foot buffer and a 0.8 tenths foot setback in lieu of the required 75 feet as otherwise required under BCZR, and a setback from the tract boundary of 10.4 feet in lieu of the required 75 feet and a RTA buffer of 0.8 foot in lieu of the required 50 foot buffer for a principal non-residential building. Special Hearing to determine whether the proposed non-residential building is permitted by right as a Church; whether the proposed is not subject to RTA requirements under BCZR, as a new Church, addition to an existing community building, or new community building; whether Zoning Commissioner approves a shared parking adjustment under BCZR, where the off-site parking spaces for the shared use at 8615 Church Lane, are located within 500 feet walking distance of a building entrance to the use that such spaces serve pursuant to BCZR.

Hearing: Wednesday, November 5, 2008 at 9:00 a.m. in Room 104, Jefferson Building, 105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Michael Tanczyn
Kenneth Wells
Union Bethel A.M.E. Church

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 21, 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.

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, Second Floor
Jefferson Building, 105 W. Chesapeake Avenue

February 26, 2009

NOTICE OF ASSIGNMENT

CASE #: 09-093-SPHXA **IN THE MATTER OF: Union Bethel A.M.E Church of Randallstown, MD, Inc. / LO /Petitioner**
8611 Church Lane
2nd Election District; 4th Councilmanic District

11/26/08 –ZC decision that Petition for Special Hearing is GRANTED with conditions approving the proposed structure as a non-residential building under BCZR Section 1B01.1A.3 as a church; Petition for Special Exception dismissed as MOOT; and Petition for Variances – GRANTED with restrictions.

ASSIGNED FOR: WEDNESDAY, MAY 20, 2009, AT 10:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

---

c: Appellants/Protestants : See attached

Counsel for Petitioner/Legal Owner : Michael P. Tanczyn, Esquire
Petitioner/Legal Owner : Union Bethel A.M.E /Church of Randallstown, MD, Inc.

Reverend Charles T. Sembly
Adrienne A. Jones
Linda E. Mouzon, Assistant Pastor
Pamela J. Sembly
John S. Madden
Deborah H. Cuffie
Brian Chan
Kenneth Wells
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William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
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Appellants/Protestants:

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8613 Church Lane
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Vernell and Betty R. Wilson
5108 Old Court Road
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Appellants/Protestants Con't

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5112 Old Court Road
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Pikesville, MD 21208

Occupant/Legal Owner
3847 Brownhill Road
Randallstown, MD 21133

Occupant/Legal Owner
11989 Long Lake Drive
Reisterstown, MD 21136

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 28, 2008

Michael P. Tanczyn
Michael P. Tanczyn, P.A.
606 Baltimore Ave.
Towson, MD 21204

Dear: Michael P. Tanczyn

RE: Case Number 2009-0093-SPHXA, 8611 Church Ln.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 01, 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:lnw

Enclosures

c: People's Counsel
Union Bethel A.M.E. Church of Randallstown, 8615 Church Ln., Randallstown, MD 21133
Kenneth J. Wells, INC., 7403 New Cut Rd., Kingsville, MD 21087

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 22, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For October 27, 2008
Item Nos. 09-047, 080, 091, 092, 093
094, 095, 096, 097, 098 & 099

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

DAK:CEN:cab
cc: File
ZAC-10272008-NO COMMENTS

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

SHA State Highway Administration

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

Maryland Department of Transportation

Date: Oct. 20, 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. 2009-0093-A
8611 Church Lane
Union Bethel A.M.E Church
Variance

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0093-A.

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

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BW
11-5-08

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
NOV 0 7 2008
BY:.....

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: November 6, 2008

SUBJECT: Zoning Item # 09-093-A
Address 8611 Church Lane
(Union Bethel A.M.E. Church)

Zoning Advisory Committee Meeting of October 20, 2008

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

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

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

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

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

Additional Comments:

Reviewer: JWL Date: 11/6/08

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2009\ZAC 09-093-A 8611 Church Lane.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 30, 2008

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

SUBJECT: 8611 Church Lane

INFORMATION:

Item Number: 9-093

Petitioner: Union Bethel AME Church

Zoning: DR 5.5

Requested Action: Special Exception/Special Hearing/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends that the permit for a community building or other similar civic social recreational or educational use per BCZR Section 1B01.1C4 portion of the petitioner's requests for Special Exception be denied.

The Office of Planning supports approval of the proposed non-residential principal building not subject to RTA requirements under the B.C.Z.R. Section 1BO1.1 as an addition to an existing church or other building for religious worship including parking areas and driveways portion of the Special Hearing; which includes the petitions for the variances:

- A non-residential principal building to provide an interior side yard setback of 10.4 feet in lieu of the required 20 feet per B.C.Z.R. Section 1B01.2.C.1.A,
- A modified RTA for the tract including a .8 foot western buffer and an interior 11.6 foot eastern buffer in lieu of the 50 foot buffer required,
- A setback from the tract boundary of .8 foot western side and 11.6 foot eastern setback in lieu of the required 75 feet setback.
- A modified RTA for the tract, for a 0.8 foot buffer in lieu of the required 50 foot buffer per BC.Z.R. 1B01.1B01.1(c)2,
- A 0.8 tenth foot setback in lieu of required 75 feet as otherwise required per 1B01.1 B 1(e);
- and a setback from the tract boundary of 10.4 feet in lieu of the required 75 feet and an RTA buffer of .8 foot in lieu of the required 50-foot buffer for a principal non-residential building per B.C.Z.R. 1B01.1B.1(e)2, 5

provided the petitioner accomplish the following requirements and restrictions:

- Require all persons able to walk to the site to park on the main church (8615 Church Lane) parking lot.
- Eliminate all but 3 parking spaces on the proposed lot, keeping 3 spaces closest to the existing structure.
- Provide notes on the plan indicating the shared parking agreement indicating 8615 Church Lane as the location of 6 of the required 9 spaces on proposed site plan.
- Do not schedule more than 10 individuals at one time for training and seminars in the proposed addition to the church. Groups larger than 10 must meet in the main church (8615 Church Lane)
- Limit all exterior signage to a 1-square foot. "Church Office "
- Install a 6-foot wood privacy fence along the perimeter of the site to assure privacy in the rear yards on adjacent properties. Fencing should not exceed the front building line of existing 1 story frame building.
- No commercial lighting on site.

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

Prepared by: _____

Division Chief: _____

AFK/LL:CM

RE:	PETITION FOR VARIANCE 8611 Church Lane; SW/S Church Lane, 400' NW of c/line Old Court Road 2nd Election & 4th Councilmanic Districts Legal Owner(s): Union Bethel AME Church Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 09-093-SPHXA

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

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
OCT 28 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of October, 2008, a copy of the foregoing Entry of Appearance was mailed to Kenneth Wells, 7403 New Cut Road, Kingsville, MD 21087 and Michael Tancyzn, Esquire, 606 Baltimore Avenue, St. 106, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

May 1, 2009

8613 Church Lane
Randallstown, MD 21133

TO: Baltimore County Board of Appeals
Theresa R. Shelton, Administrator

RE: **CASE NO. 2009-0093-SPHXA**
REQUEST FOR POSTPONEMENT OF HEARING DATE

We hereby request that the hearing date scheduled for the appeal in the above-referenced case be postponed, for the reasons set forth below.

On December 22, 2008, we filed an appeal in this case on behalf of ourselves and our neighbors. At issue are several zoning variances requested by Union Bethel AME Church (8615 Church Lane) to allow the non-residential use of a large building (erected July-August, 2008 as an "addition" to the existing structure) on the zoned residential property located at 8611 Church Lane in Randallstown.

It was revealed at the Zoning Commissioner's hearing that the construction of this building was financed by a public grant. While we have been able to identify the office responsible for the administration of that grant (Baltimore County Community Conservation), our efforts to obtain specific information related to the funding (e.g., procedures followed, plans approved, oversight undertaken, etc.) have yielded no result to date. Despite repeated verbal and written requests, the responsible office has not provided us with any of the documentation we have requested.

Because Union Bethel AME seeks relief from established regulations for a publicly funded project, the information we have requested is certainly relevant to our case. Further, it is probable that, once obtained, said information will raise further questions and/or larger issues warranting the Board's consideration. Due to the fact that the scheduled hearing date is now less than three weeks away, and that it is becoming apparent that we will have to secure the information we need under the auspices of the Public Information Act, we respectfully request that the hearing date be postponed.

Our understanding is that the process we face will require a minimum of ninety (90) days. We therefore request that a new hearing date be set no sooner than one hundred twenty (120) days beyond the existing (May 20) date, in order to provide us the opportunity to proceed with the necessary steps, and to allow some time for review.

Thank you.

Michael P. DiGrazia 5/1/2009

Kathleen J. DiGrazia 5/1/09

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 5, 2009

Michael P. DiGrazia
Kathleen J. DiGrazia
8613 Church Lane
Randallstown, MD 21133

RE: *In the Matter of: Union Bethel A.M.E. Church of Randallstown*
Case No. 09-093-SPHXA /Request for Postponement

Dear Mr. and Mrs. DiGrazia:

This letter will acknowledge receipt of your Hand Delivered letter dated May 4, 2009, in which you requested a postponement of the hearing in the subject matter scheduled for Wednesday, May 20, 2009. Rule 2b and 2c of the *Board's Rules of Practice and Procedure* states as follows:

Rule 2. Notice.

b. Postponements and continuances will be granted at the discretion of the board only upon request in writing by an attorney of record or a party of record (if not represented by counsel), addressed to the board and with a copy to every other attorney of record or party of record (if not represented by counsel) entitled to receive notice, in accordance with section 500.11 of the Baltimore County Zoning Regulations, setting forth good and sufficient reasons for the requested postponement.

c. No postponement shall be granted within fifteen (15) days next prior to the hearing date except in extraordinary circumstances and for a reason satisfactory to the board, given by the party requesting such postponement indicating that the circumstances requiring the postponement are of any unusual and extraordinary nature.

Your request for postponement does not indicate that copies were provided to all parties of record, allowing for a response to your request in accordance with Rule 2b. Aside from that, Rule 2c only provides for the granting of a postponement in circumstances "of an unusual and extraordinary nature".

The Board reviewed your request in accordance with Rule 2 of the *Board's Rules of Practice and Procedure* (copy attached) and the request for postponement is herewith denied. The Board will convene as scheduled on May 20, 2009 at 10:00 a.m. to begin hearing this case. Any issues you may have regarding this matter will be addressed by the Board when it convenes for the hearing on May 20, 2009.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Theresa R. Shelton
Administrator

Encl: *Board's Rules of Practice and Procedure*

c(w/o Encl.): Appellants/Protestants : See attached;
Michael P. DiGrazia, et al

Counsel for Petitioner/Legal Owner : Michael P. Tanczyn, Esquire
Petitioner/Legal Owner : Union Bethel A.M.E /Church of
Randallstown, MD, Inc.

Reverend Charles T. Sembly
Adrienne A. Jones
Linda E. Mouzon, Assistant Pastor
Pamela J. Sembly
John S. Madden
Deborah H. Cuffie
Brian Chan
Kenneth Wells
Tony Baysmore

People's Counsel for Baltimore County
William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
David A. Green, Community Planner, Office of Planning

Attached: List of Appellants/Protestants

Post-it Super Sticky

message

For Theresa
From Mr. DiGrazia
Time 1:30 Date 5/1
Phone 410-965-8765
☐ URGENT!

Has concerns about the denial of this request for postponement.

Please call.

Appellants/Protestants:

Michael P. DiGrazia
Kathleen J. DiGrazia
8613 Church Lane
Randallstown, MD 21133

William H. Wells
Hadmut R.I. Wells
8607 Church Lane
Randallstown, MD 21133

Kathryn Blueford
8605 Church Lane
Randallstown, MD 21133

Paul Jackson
Jeffrey Hines
8600 Church Lane
Randallstown, MD 21133

Sharon and Daniel Goodman
8606 Church Lane
Randallstown, MD 21133

Carl and Deborah Hamlin
8610 Church Lane
Randallstown, MD 21133

Evon Cannady
8614 Church Lane
Randallstown, MD 21133

Stanislaus and Barbara Poslusyny
8622 Church Lane
Randallstown, MD 21133

Donald Lester
8630 Church Lane
Randallstown, MD 21133

Vernell and Betty R. Wilson
5108 Old Court Road
Randallstown, MD 21133

Appellants/Protestants Con't

Howard and Elizabeth Bolling
Jeffrey A. Bolling
5112 Old Court Road
Randallstown, MD 21133

Michael P. DiGrazia, et al
8613 Church Lane
Randallstown, MD 21133

Ingo and Lisa Ba[illegible]s
5110 Old Court Road
Randallstown, MD 21133

Occupant/Legal Owner
5114 Old Court Road
Randallstown, MD 21133

Occupant/Legal Owner
3822 Brownhill Road
Randallstown, MD 21133

Occupant/Legal Owner
112 Ingleside Road
Catonsville, MD 21228

Occupant/Legal Owner
623 Nanticoke Court
Abingdon, MD 21009

Carla Ellsworth
407 Academy Road
Catonsville, MD 21228

Occupant/Legal Owner
8602 A Church Lane
Randallstown, MD 21133

Anne Winslow
3715 Courtleigh Drive
Randallstown, MD 21133

Barbara Nelson
3607 Courtleigh Drive
Randallstown, MD 21133

Jackie Burnham
8611 Wrights Mill Road
Baltimore, MD 21244

Rosalyn E. Burns
4512 Tapscott Road
Pikesville, MD 21208

Occupant/Legal Owner
3847 Brownhill Road
Randallstown, MD 21133

Occupant/Legal Owner
11989 Long Lake Drive
Reisterstown, MD 21136

From: Theresa Shelton
To: Baysmore, Duane
Date: 2/17/2009 5:17 PM
Subject: 8611 Church Lane

Good Afternoon:

I had a note to email you when I received the file. I now have it on my desk to be scheduled. Currently, I am scheduling in late April and May. I will be sure to send you notification of the assignment. Please do not hesitate to call me if you have any questions or concerns. Thank you.

Theresa

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
410-887-3182 (FAX)
tshelton@baltimorecountymd.gov

Vernell and Betty K. Wilson
5108 Old Court Road
Randallstown MD
21133

Jefferson Building
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, Maryland, 21204

To Whom it may Concern:
Vernell and Betty K. Wilson will not be able to attend the Meeting Concerning Case # 09-093-SPHXA because Betty is ast Invalid and confined to a Wheel Chair. I have to take Betty to Dialysis three time a week, Monday, Wednesday and Friday. Therefore we will not be able to attend.

Thank You
Vernell Wilson
Betty Ruth Wilson

PLEASE PRINT CLEARLY

CASE NAME 2009-0093-SPHXA
CASE NUMBER Union Bethel A.M.E
DATE 11/05/2008 Church of Randallstown Area, Inc.

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
KENNETH WELLS	7403 HEWCUT RD.	KINGSVILLE, MD. 21087	KWELLS@KJWELLSINC.COM
MICHAEL JANCZYN	STE 106 6006 BALTIMORE AVE	TOWSON MD 21204	
Charles T. Sembly	9827 MARRIOTTSVILLE RD	RANDALLSTOWN MD 21133	
Linda E. Mouzon	6945 Scarlet Oak Dr	Elkridge MD 21075	Lmouzon-wafede@comcast.net
PAMELA J. Sembly	9827 MARRIOTTSVILLE RD	RANDALLSTOWN, MD 21133	
JOHN MADDEN	4619 Chicory Hill Ln.	PERSONVILLE MD. 21208	
Deborah Cuffie	4028 Cedar Mills Rd	Randallstown MD 21133	hearstcuffie@hotmail.com
Brian Chan AICP	Professional Choice Po Box 626	Timonium md 21093	

Dave Green
Adrienne Jones

PLEASE PRINT CLEARLY

CASE NAME 2009-0093-SPHX/A
CASE NUMBER Union Baptist
DATE 11/5/18 A.M.E. of Randallstown, Md., Inc.

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Michael DiGrazia	8613 Church Lane	Randallstown MD 21133	
Kathleen DiGrazia	8613 Church Lane	Randallstown MD 21133	Kdigraz@gmail.com
William Wells	8607 Church Lane	Randallstown MD 21133	wells@evols.com
Hadlint Wells	8607 Church Lane	Randallstown MD 21133	"

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw6.3)

Go Back
View Map
New Search

Account Identifier: **District -** 02 **Account Number -** 1700013697

Owner Information

Owner Name:	WELLS WILLIAM HARRY WELLS HADMUT RUTH INGRID	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	8607 CHURCH LN RANDALLSTOWN MD 21133-4632	**Deed Reference:**	1) / 8269/ 113 2)

Location & Structure Information

Premises Address
8607 CHURCH LN

Legal Description
.446 AC
SS CHURCH LN
325 NW OLD COURT RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
77	9	355						1	Plat Ref:

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1751	2,736 SF	19,471.00 SF	04

Stories	Basement	Type	Exterior
2 1/2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2007	Phase-in Assessments As Of 07/01/2008	As Of 07/01/2009
Land	46,860	76,860		
Improvements:	75,780	152,580		
Total:	122,640	229,440	193,840	229,440
Preferential Land:	0	0	0	0

Transfer Information

Seller:	WELLS WILLIAM HARRY	**Date:**	09/08/1989	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 8269/ 113	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *

Exhibits

Case No.: 2009-0093-SPHXA 8611 CHURCH LANE

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	ZONING MAP	Testimony Extract of Michael DiGrazia
No. 2 A- 2B-	Site Plan Revised site plan.	Testimony of Tite Wells - Testimony Excerpt.
No. 3	DEED FOR 8611 CHURCH LANE	Testimony Extract of Kathleen DiGrazia
No. 4	Articles of Incorporation	
No. 5	Photographs Road Network Surrounding SUBJECT PROPERTY	
No. 6	Photographs - Existing Improvements - Subject Property and Sourounding Properties	
No. 7	Photo's SUBJECT PROPERTY WITH ADDITION & Existing Parking	
No. 8	Photo OF FENCE AND Screen on E/S Boundry	
No. 9	Photo's OF CHURCH PARKING AND Exit WAY	
No. 10 Photo's	EXISTING AND NEW IMPROVEMENT - SUBJECT PROPERTY - relates to CHURCH	
No. 11	VIEW of DIGRAZIA HOME FROM VARIANCE ANGLES	
No. 12	REAR OF DIGRAZIA HOME AND REAR YARD THAT FACES EXISTING CHURCH	

Case No.: _____

Exhibit Sheet - Continued

Petitioner/Developer | Protestant

No. 13	Addition Permit	
No. 14	Floor Plan of Addition - 6 Rooms & Bath	
No. 15	Photo of Existing Structure Frames - For Flood to be distributed	
No. 16	Photo - Existing Improv (Prayer Meeting Area - Intake Area)	
No. 17	Mission Statement Director's Office	
No. 18	Brochure - We are Family	
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		

192

DEED

File No. 024571
Tax Account No. 02/17-00-013698

THIS DEED, Made this 21 day of October, 2002, by and between Robert Adam Rhoades and Jillian Rhoades, parties of the first part, and Union Bethel A.M.E. Church of Randallstown, MD, Inc., party of the second part.

WITNESSETH, that in consideration of the sum of One Hundred Fifteen Thousand and 00/100 ($115,000.00) DOLLARS; and other good and valuable considerations, the receipt of which is hereby acknowledged, the said parties of the first part, do grant and convey unto the party of the second part, its successors and assigns, in fee simple, all that property situate in Baltimore County, State of Maryland, described as follows, that is to say:

BEGINNING FOR THE SAME at a point in the center of Church Lane, and at the beginning of a parcel of land which by a Deed dated August 3, 1936 and recorded among the Land Records of Baltimore County, Maryland in Liber C.W.B., Jr. No. 982 folio 225, was conveyed by Mary Deichmiller Widow to James Perry Wade adn wife and running thence with and binding on a part of the first line of said parcel of land and binding within the right of way lines of Church Lane, north 57 degrees 52 minutes West the right of way lines of Church Lane, north 57 degrees 52 minutes West 59 feet, thence leaving said lane and running for lines of division the three following courses and distances, viz: South 27 degrees 08 minutes West 87.54 feet, South 41 degrees 50 minutes West 75 feet and South 18 degrees 20 minutes West 115 feet to intersect the fourth line of the aforesaid parcel of land which was conveyed by Deichmiller to Wade and thence running with and binding on a part of said fourth line and on the last line of said parcel of land the two following courses and distances, viz: South 55 degrees 44 minutes East 100 feet and north 18 degrees 15 minutes East 283.83 feet ot the place of beginning. Containing 0.55 of an acre of land more or less. The improvements thereon being known as NO8611 Church Lane.

BEING the same property which by Deed dated July 25, 2001, and recorded among the Land Records of Baltimore County, Maryland in Liber 15529 folio 703, was granted and conveyed by Robert Adam Rhoades and Jillian Anderson, now known as Jillian Rhoades unto Robert Adam Rhoades and Jillian Rhoades, his wife, in fee simple.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD said described lot of ground and premises to the said party of the second part, its successors and assigns, in fee simple.

PETITIONER'S C&A
EXHIBIT NO. 3

Maryland Department of Assessments and Taxation

Taxpayer Services Division
301 West Preston Street Baltimore, MD 21201 (2007 vw4.3)

Taxpayer Services Division

Entity Name: WE ARE FAMILY COMMUNITY DEVELOPMENT CORPORATION
Dept ID #: D07784028

General Information **Amendments** **Personal Property** **Certificate of Status**

Principal Office (Current):	8611 CHURCH LANE RANDALLSTOWN, MD 21133
Resident Agent (Current):	MICHAEL A. JETER 2122 MARYLAND AVE. BALTIMORE, MD 21218
Status:	INCORPORATED
Good Standing:	Yes
Business Code:	Ordinary Business - Non-stock
Date of Formation or Registration:	02/09/2004
State of Formation:	MD
Stock/Nonstock:	Non-Stock
Close/Not Close:	Not Close

Link Definition

General Information	General information about this entity
Amendments	Original and subsequent documents filed
Personal Property	Personal Property Return Filing Information and Property Assessments
Certificate of Status	Get a Certificate of Good Standing for this entity

PETITIONER'S CBA

EXHIBIT NO. 4

PETITIONER'S CBA

EXHIBIT NO. 5

10/29/08

10/29/2008

PETITIONER'S CBA

EXHIBIT NO. 6

PETITIONER'S

EXHIBIT NO. 7

10/29/2008

PETITIONER'S CBA

EXHIBIT NO. 8

10/29/2008

10/29/2008

PETITIONER'S CBA

EXHIBIT NO. 9

PETITIONER'S CBA

EXHIBIT NO. 10

10/29/2008

PETITIONER'S CBA

EXHIBIT NO. 11

10/29/2008

10/29/2008

PETITIONER'S CBA

EXHIBIT NO. 12

KITCHEN

FOOD PANTRY

10/29/2008

PETITIONER'S CBA

EXHIBIT NO. 15

CLIENT MEETING ROOM
STAFF MEETING ROOM
PRAYER MEETING ROOM

CLIENT EDUCATION ROOM

10/29/2008

PETITIONER'S C&A

EXHIBIT NO. 16

10/29/2008

PETITIONER'S CBA

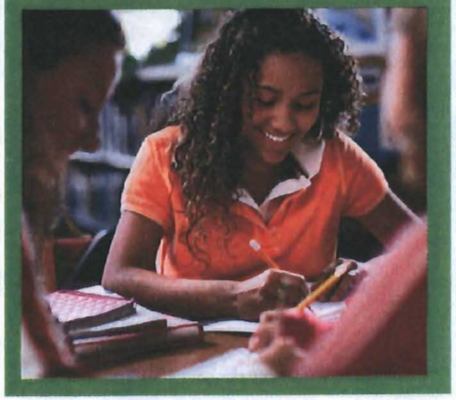
EXHIBIT NO. 17

Vision

We Are Family Development Corporation envisions a powerful and unified Randallstown community where residents are able to achieve a quality education, own businesses, identify and participate in programs that will provide training and support to enhance the quality of life for all Randallstown/ Liberty Road corridor residents.

Mission

The Mission of the ***We Are Family Development Corporation*** is to provide leadership, employment and training development; home ownership opportunities, and social/educational programs for area residents

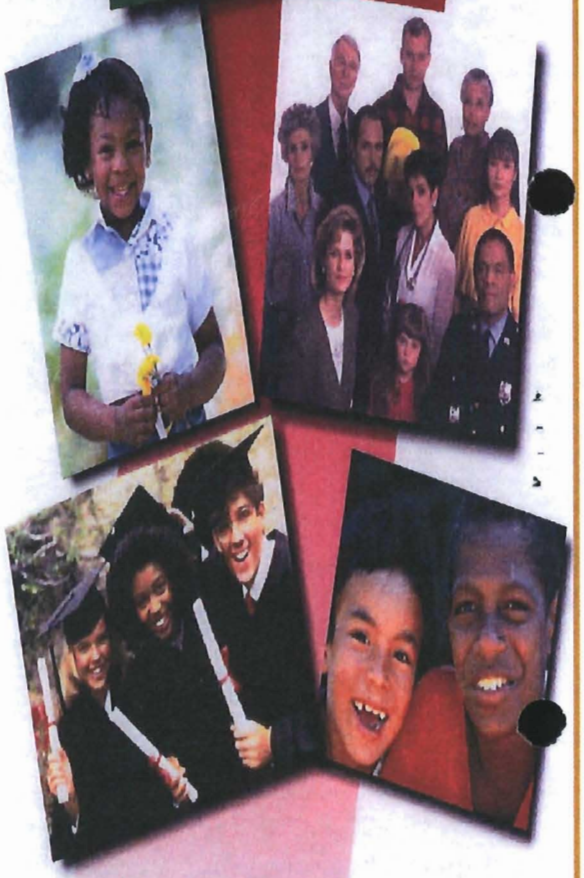


PETITIONER'S EXHIBIT NO. 18 CBA

We Are Family Community Development Corporation

8611 Church Lane
Randallstown, Maryland21133
Phone: 410-922-9623
Fax: 410-922-9622
E-mail: unionbethelamec.org

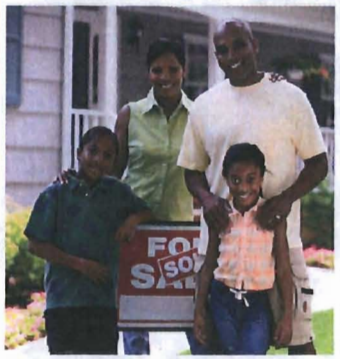
"We Are Family" Community Development Corporation



"Empowering People & the Randallstown Renaissance"

"We Are Family" Community Development Corporation
8611 Church Lane
Randallstown, Maryland 21133
Phone: 410-922-9623 Fax: 410-922-0662
Reverend Charles T. Semblv. Chairman of the Board

The First Time Home Buyers Program



The first time homebuyers program, funded through the Baltimore County Office of Community Conservation is specifically designed to assist low and moderate income individuals in purchasing a home in Northwest Baltimore County. Participants attend educational seminars, receive one-on-one counseling and financial assistance with the cost of down payment. Closing cost up to a maximum of $10,000.00 are funded through the Settlement Expense Loan Fund. Expanded partnerships with BB& T Bank, and Freddie Mac resulted in having access to tri-merge credit reports, and being a loan originator for mortgage loans. **Foreclosure Assistance:** The program has been expanded to include one-on-one counseling sessions for members of the community who are in danger of losing their home due to foreclosure.

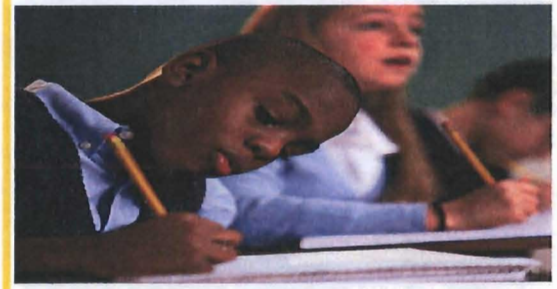
The First Time Homebuyers program is certified by the United States Department of Housing and Urban Development.

Homeless Prevention Program

The Homeless Prevention Program partners with the Good Samaritan Emergency Assistance Program to provide individual and family's in crisis support. This support is given through the emergency food pantry or in the form of monetary grants to prevent eviction and/or utility turn off. The program receives grants from the Maryland Food Bank, the United States Department of Agriculture, FEMA, United Way, the Baltimore County Office of Community Conservation and Union Bethel A.M.E. Church.

Project RICHES

Project Remarkable Improvement in Children's Education Success is a 21st Century Community Learning Center that partners with local schools to provide after school reading and cultural activities and homework assistance to students in grades 3-10. Operating three days a week, the program assists over 200 students attending Winands, Church Lane, and Scotts Level Elementary, Old Court Middle and Milford Mill Academy Schools. The program is funded by the Maryland State Department of Education.



We Are Family Community Development Corporation

In November, 2003 the Church established the We Are Family Community Development Corporation to increase its social outreach and opportunities for service to the greater Northwest Baltimore County community. Since its inception, the corporation has opened several programs: a Child Learning Center, a Summer Camp, a before and after school program, and a Kindergarten-2nd Educational Academy. In addition the Corporation has received grants from various foundations including Associated Black Charities, United Way, and Verizon.

Our Values

Local Ownership: Invest in and organize residents to help our communities build assets

Responsiveness: Communicate with residents and partners regularly

Professionalism: Provide expert, qualified, skilled staff to ensure special attention to quality, cost, need, accessibility and ease of delivery in every service area

Flexibility: Solutions tailored to the community's specific needs

Competitiveness: Innovation, best practice, research-based, evaluative and creative programming

Integrity: We honor our commitment to stewardship

Case No.: 2009-0093-SPHXA 8611 CHURCH LANE

Exhibit Sheet

Petitioner/Developer | Protestant

No. 1	ZONING MAP	TESTIMONY EXTRACT OF MICHAEL DIGRAZIA
No. 2 A-2B	SITE PLAN Revised site plan.	TESTIMONY OF THE WELLS - Testimony Excerpt.
No. 3	DEED FOR 8611 CHURCH LANE	TESTIMONY EXTRACT OF KATHLEEN DIGRAZIA
No. 4	Articles of Incorporation	
No. 5	PHOTOGRAPHS ROAD NETWORK SURROUNDING SUBJECT PROPERTY	
No. 6	PHOTOGRAPHS - EXISTING IMPROVEMENTS - SUBJECT PROPERTY AND SOURROUNDING PROPERTIES	
No. 7	PHOTO'S SUBJECT PROPERTY WITH ADDITION & EXISTING PARKING	
No. 8	PHOTO OF FENCE AND SCREENING ON E/S BOUNDRY	
No. 9	PHOTO'S OF CHURCH PARKING AND EXIT WAY	
No. 10 PHOTO'S	EXISTING AND NEW IMPROVEMENT - SUBJECT PROPERTY - RELATED TO CHURCH	
No. 11	VIEW OF DIGRAZIA HOME FROM VARIANCE ANGLES	
No. 12	REAR OF DIGRAZIA HOME AND REAR YARD THAT FACES EXISTING CHURCH	

Good morning, my name is Mike DiGrazia. My wife, Kathy, and I have lived at 8613 Church Lane for over 22 years. We've made it our home, and raised our family there. The 8600 BCL is our neighborhood, and our friends and neighbors in the greater surrounding area are our community.

Our home is situated between UB AME (8615) and the property in question (8611). The location of my home uniquely qualifies me to convey some information you need to hear. Due to this proximity, I live in a place, and with a situation, that has become intolerable.

Please understand that I also speak for many who could not be here today. Most, simply, cannot afford the luxury of the time off work, at least one needs to stay home to care for a loved one. My neighbors have urged me to come before you and make our voice heard.

We, the residents and homeowners of the 8600 BCL, unanimously oppose all petitions and proposed variances brought before you today by UB AME.

Nassawadox VA

8611 2002 church purchased
501 c3 not for profit (we are family) charitable corp.
part of church outreach program.

PROTESTANT'S

EXHIBIT NO. 1

The 8600 BCL is a residential area. All properties there are zoned residential, and all street addresses, save one, have historically been residences. The lone exception, of course, is 8615. The residents of the 8600 BCL have observed, and at times have been held to, the various regulations associated with the residential designation as long as our houses have been there. We have always been led to believe that the residential designation, and associated regulations, exist to protect our rights; the right to privacy, the right to the peaceful enjoyment of our homes, and to a quality of life that comes with living in a neighborhood free of commercial activity and\or the non-residential use of property within the neighborhood.

We also know that existing regulations allow UB AME to operate a church in this residential area. But, what is a church, in the context of these regulations?

Now, the first definition of the word "church", in any dictionary, is "house of worship", so, existing regulations allow UB AME to operate a house of worship at 8615 Church Lane.

Most residents of the 8600 BCL, myself included, are glad to see UB AME have their house of worship at 8615 Church Lane. Further, we recognize that, to the extent that any church provides support for the spiritual needs of its congregation beyond worship services, certain other activities (social events, celebrations, etc.) are to be expected, and are acceptable in a neighborhood setting.

The matter becomes complicated, however, when we consider that UB AME is, in reality, more than a church. Much more. UB AME engages in (for lack of a better term) side activities that go far beyond those things you would reasonably expect a house of worship, located in a residential area, to conduct.

These include, but are by no means limited to:

- the acquisition of 8611 Church Lane, formerly a family residence
- the operation of a full blown CDC out of 8611 Church Lane, which is, by zoning, supposed to be a residence
- various economic initiatives (for example, a program to "assist first time homebuyers with closing costs, down payments, etc,") being run out of 8611 Church Lane, zoned as a residence
- Mortgage/lending/refinance services, being offered from 8611 Church Lane, zoned as a residence

To UB AME's credit, all of these are commendable initiatives. They do not, however, qualify as an acceptable use for a residential property in our neighborhood. Perhaps they would better be run out of the ample, appropriately zoned leased space available not far away. Also worth noting, the availability of these goods and services at 8611 is no secret; I found all of these, and more, advertised on the Internet.

This activity (trading in goods and services) is commerce, and we observe that it is already taking place at 8611 Church Lane. Please allow me to make sure this point is clear: 8611 Church Lane is an existing residential property. It is not a development site. It is intended to house a family. UB AME has acquired 8611 Church Lane, and is using it to conduct commerce in a residential area. It seems clear that this is a zoning violation.

Speaking for myself and my neighbors, obviously, the situation is unacceptable.

Already, we suffer a considerable and constant traffic of strangers in and out of 8611, a residential property. Deliveries, pickups, transactions, just what you'd expect from a commercial operation. In my case, it is not unusual for this traffic to traverse my property. Most unsettling, some of this activity continues late into the night, and often into the small hours of the morning.

All of this is no less harmful than the operation of, say, a fast food restaurant, or a gas station, in our neighborhood. We suffer from the same degree of traffic, noise, lack of privacy, litter, bright lights, etc. All of this is just as uncomfortable as the same conditions imposed by a fast food restaurant or gas station. We fear the same reduced potential marketability of our properties.

The most recent insult is the construction of a large building, which looks to be a warehouse of some sort, whose footprint covers most of what used to be the back yard of 8611 Church Lane, a residential property. It would appear, based on the petitions and issues I've seen posted, that this was done without regard for specific regulations (such as setback).

Now, UB AME has, in effect, petitioned you to sanction the commercial use of 8611, a residential property in our neighborhood. If you were to deliver a finding supporting the commercial use of this residential property, you would cause real and irreversible damage to our community and to the homeowners in that community. We fear that such a finding would deny us our right to seek relief from the very real adverse effects of the commerce taking place at 8611 that we are already experiencing. Our rights, to privacy, to the peaceful enjoyment of our properties in a residential setting, to realize the benefit of the financial investment we've made in our homes, would all be severely compromised.

UB AME may argue that it is entitled, by right, to this. Every middle school student learns in civics class that a right is guaranteed only to the extent that, in practice, the exercise of that right in no way infringes upon the rights of others. This concept is fundamental to our society.

We, the residents of the 8600 BCL, strongly and adamantly disagree with the notion that UB AME can somehow be permitted "by right" to conduct commerce at a residential property in our neighborhood without infringing upon our rights: the rights of their neighbors, the homeowners.

UB AME must not be allowed to conduct commerce, in any form, on a residential property in our neighborhood. UB AME may argue that it has the right, but to do so infringes upon the rights of the residents and homeowners of our community. No perceived right can be exercised at the expense of the rights of others.

This forms the basis of our opposition to the proposals before you today.

Two concluding points;

Whatever you decide, UB AME will be fine. The same is not true for the homeowners of 8600 BCL. A finding supporting or allowing commerce at 8611 is a potential neighborhood killer.

Too often theses days, we see policy decisions made according to the influence of those who have power, as opposed to what is simply right. The current state of our nation's economy speaks to this. We implore you to look at this situation from our point of view, and do the right thing.

When the Church bought a residence in our neighborhood, we didn't mind because it was being used as a residence for visiting preachers or dignitaries. But as time went its use has been more and more business re3lated with a side of Church parking on Sundays. That wouldn't be so bad except that the church patrons sometimes choose to drive across the properties grass and across mine into my driveway to exit after service occasionally inspiring me to stack branches fallen from their trees into a makeshift barricade to block these exits across my lawn.

I never received notice of a new building being built on the property next door, but when I saw it go up suddenly while away on vacation, I assumed that whatever was being built was being done within the guidelines and laws governing what is allowed in a residential neighborhood and might in fact be a replacement of the existing residence which could eventually bring property values in the neighborhood up.

When I saw the extent of the variances being asked for with a side of declare us a Church so that our business we are running won't have to pay taxes and eventually we will be able to pave the whole thing over as a result of these variances and claim Church exemptions, my heart fell.

No one wants to live in the middle of a shopping center or business park for a reason. We like to look around at the neighbors and see the kids playing, not a parking lot. We like grow vegetables in our vegetable gardens, not collect oil and gas runoff in our gardens and flower beds from parked cars. Nor do we want oil and gas from parking lots seeping into our well water as some of the close neighbors still are not connected to public water and rely on their wells for drinking water. Has anyone considered this.

PROTESTANT'S

EXHIBIT NO. 2

In a neighborhood, when the sun goes down, the lights go out and you can look up and see the stars. Our neighbor Church business has chosen instead to place Bright mercury spotlights around the property reminiscent of a Jail yard, keeping us up at night if we choose a bedroom on the business side.

I don't ask that they be forced to tear down the building that they built, But I feel that they must be made to abide within the laws they chose when they bought the property in a residential neighborhood, as a residence. If they want to run a business and have all the business luxuries they seem to want, they should have to buy one of the many business site4s just as close to the Church as this property is, and leave our neighborhood alone, and zoned as the historic residential neighborhood it is.

GOOD MORNING, MY NAME IS KATHLEEN DIGRAZIA. I AM THE NEIGHBOR IN BETWEEN UNION BETHEL AME CHURCH AND THE RESIDENTIAL PROPERTY AT 8611 CHURCH LANE

UNION BETHEL AME CHURCH IS AN AFRICAN METHODIST EPISCOPAL CHURCH. I TOO BELONG TO A METHODIST CHURCH. I AM A LAY LEADER, TRUSTEE, SUNDAY SCHOOL TEACHER AND PRESCHOOL DIRECTOR AT MY CHURCH..

JOHN WESLEY, THE FOUNDER OF METHODISM, HAD 3 SIMPLE RULES TO LIVE BY. THEY WERE DO NO HARM, DO GOOD, AND STAY IN LOVE WITH GOD.

WHILE UNION BETHEL MAY BE DOING GOOD FOR THE LARGER COMMUNITY WITH THE PROGRAMS THEY ARE RUNNING FROM 8611 CHURCH LANE, THEY ARE DOING DEFINITE HARM TO THEIR IMMEDIATE NEIGHBORS. AS Mr DiGrazia has previously explained

I IMPLORE THEM TO SEARCH THEIR HEARTS, THEIR SOULS, AND THE SPIRIT OF THE FOUNDATIONS OF THEIR CHURCH BEFORE CONTINUING THEIR OUTREACH PROGRAMS IN OUR RESIDENTIAL NEIGHBORHOOD. THERE ARE MANY COMMERCIAL SITES JUST AROUND THE CORNER ON LIBERTY ROAD THAT WOULD BE MORE THAN ADEQUATE FOR THEIR PURPOSES. – THANK YOU.

which are very commendable

food

you tell that next person-to, go around the corner to a commercial site for for

Protestants 3

COADY & FARLEY
ATTORNEYS AND COUNSELLORS AT LAW
400 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 337-0200
FACSIMILE (410) 337-0164
EMAIL: general@coadyandfarley.com

MICHAEL L. SNYDER
PATRICIA O'C.B. FARLEY
THOMAS J. RYAN

JOHN A. FARLEY, JR., OF COUNSEL
JOHN T. COADY, EMERITUS

CHARLES P. COADY (1868-1934)
JOHN A. FARLEY (1893-1958)
CHARLES P. COADY, JR. (1901-1983)

THOMAS J. CARACUZZO (1914-1994)

May 27, 2005

Union Bethel AME Church
of Randallstown MD, Inc.
8615 Church Lane
Randallstown, MD 21133

TO WHOM IT MAY CONCERN:

I represent Mr. Jeffrey S. Bolling. Mr. Bolling is the owner of the property known as 5112 Old Court Road, Randallstown, MD 21133, where he resides.

Your church property, located at 8615 Church Lane, Randallstown, Maryland, is separated from Mr. Bolling's property by a 25 foot wide road as shown on the "Map of Red Barn Farm", dated June 12, 1936, a copy of which is enclosed herewith for your reference. The Deed and title to Mr. Bolling's property includes his right to the use of this 25 foot wide road, as well as the 15 foot wide road shown on the said Map.

According to Mr. Bolling, guests and invitees using your property have been using the 15 foot wide road for access to Old Court Road. Your contractors, or persons on your behalf, have placed materials in the roadbed at the intersection of the 25 foot wide road and the 15 foot wide road, that has caused the roadbed to be elevated. This intersection is also the point of the natural drainage of water in a southerly direction. The placing of these materials in, and elevating the roadbed, has caused the natural flow of water drainage to "dam up" on the north side of this intersection, resulting in a pooling of water on the rear of the properties known as 5116, 5114, and 5112 Old Court Road during periods of heavy rains. Your actions are also interfering with our access to the 15 foot wide road at the intersection.

CBA PRO. EX. NO. 1

The purpose of this letter is to demand that you immediately cease the placing of materials in the 15 foot wide road, and that you immediately cease the elevating of the roadbed so as not to interfere with our right of access and the natural flow of water. We also demand that you not interfere with our right to the use of the 25 foot road as access to Church Lane from the rear of our property.

My client also states that his neighbors who also own the right to the use of these two roads join in these requests. They include the owners of the properties known as 5114 and 5108 Old Court Road, and 8613 Church Lane.

We request that you respond in writing to this letter with your intentions within the next ten (10) days. It is my client's hope that this matter may be resolved in an amicable manner. If you do not comply with these requests, my client intends to make formal complaints to the appropriate Baltimore County agencies.

Very truly yours,

Michael L. Snyder

MLS:lm

cc: Mr. Jeffrey S. Bolling

Statement from William and Hadmut Wells of 8607 Church Lane, Randallstown, MD 21133

At the last zoning hearing, 8611 Church Lane representatives stated that no more than 4 or 5 cars would be parked on this property at any given time. There are regularly more than 4 or 5 cars on this property for the original building. We have submitted as evidence recent photographs showing up to seven vehicles parked on the property and we have observed even more cars at other times.

It was also stated that due to the hours of operation for the facility, there would be no nighttime activity. As photographs show, we have observed the front yard parked to capacity on several evenings.

At the last zoning meeting, 8611 representatives stated that people would be parking at the Church (8615 Church Lane) and walking to the facility (8611) if there were more than 4 cars. We have not observed anyone walking to the facility from the Church lot. We do have photographic evidence that when the facility's lot was full, a patron chose to park in our driveway and walk across the lawn. We confronted the passenger who was left in the car, while another woman was conducting business in the building. When told that the car could not be parked in our driveway because it was private property, the response was that they had no choice since there was no room in the designated driveway. We have no way of knowing how frequently this occurs since, due to the constant traffic flow in and out of the driveway at 8611, we have become accustomed to the sounds of car doors and such and do not usually bother to look outside, when and if we are at home.

We plead that you reject 8611's request for deviations and require them to live within established community zoning guidelines for a residential neighborhood. They chose to buy a residence in our community and should have to live by the same rules as such. We don't want our community to turn into a parking lot. We have also always appreciated the amount of distance between that of our house and our next door neighbor's and suddenly find ourselves with another house, called an "addition" built against our property line. Our intention had been to continue to enjoy our home and beautiful (and once peaceful) backyard (pictures attached) for many more years to come.

5/20/09 5/20/09

William H. Wells 5/20/2009 Hadmut R. Wells 5/20/2009

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 9/18/08
OEA: MRC

HISTORIC DISTRICT/BLDG ☐ YES ☒ NO ☐ DO NOT KNOW

PERMIT #: B 903937
RECEIPT #: A08A7177
CONTROL #: 1201
XREF #:

FEE: 40.00
PAID: 40.00
PAID BY: C.C.
INSPECTOR:

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

PROPERTY ADDRESS 8611 Church Ln
SUITE/SPACE/FLOOR
SUBDIV: 325' northwest of Church Ln
TAX ACCOUNT #: 1700013698 DISTRICT/PRECINCT 2 1

OWNER'S INFORMATION (LAST,FIRST)
NAME: Union Bethel AME Church
ADDR: 8615 Church Ln
Randallstown - 21133

DOES THIS BLDG. HAVE SPRINKLERS YES — NO —

APPLICANT INFORMATION
NAME: Union Bethel AME Church
COMPANY: Professional Church
STREET 8615 Church Ln
CITY,ST,ZIP Randallstown Md 21133
PHONE #: 443 205 8773 MHIC # MHBR# 2014
APPLICANT SIGNATURE: DRC#

PLANS: CONST 2 PLOT 1 PLAT DATA 3 EL 2 PL 2
TENANT
CONTR: Professional Church
ENGNR:
SELLR:

TYPE OF IMPROVEMENT
1.___ NEW BLDG CONST
2.___ ADDITION
3.___ ALTERATION
4.___ REPAIR
5.___ WRECKING
6.___ MOVING
7. X OTHER Change of occupancy

DESCRIBE PROPOSED WORK:
Change of occupancy from residence to community center offices
Add interior wall to create two offices

TYPE OF USE

RESIDENTIAL
01.___ ONE FAMILY
02.___ TWO FAMILY
03.___ THREE AND FOUR FAMILY
04.___ FIVE OR MORE FAMILY (ENTER NO UNITS)_____
05.___ SWIMMING POOL
06.___ GARAGE
07.___ OTHER

NON-RESIDENTIAL
08.___ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. X CHURCH, OTHER RELIGIOUS BUILDING
10.___ FENCE (LENGTH HEIGHT)
11.___ INDUSTRIAL, STORAGE BUILDING
12.___ PARKING GARAGE
13.___ SERVICE STATION, REPAIR GARAGE
14.___ HOSPITAL, INSTITUTIONAL, NURSING HOME
15.___ OFFICE, BANK, PROFESSIONAL
16.___ PUBLIC UTILITY
17.___ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18.___ SIGN
19.___ STORE MERCANTILE ___ RESTAURANT SPECIFY TYPE
20.___ SWIMMING POOL SPECIFY TYPE
21.___ TANK, TOWER
22.___ TRANSIENT HOTEL, MOTEL (NO. UNITS_____)
23.___ OTHER

TYPE FOUNDATION: 1._ SLAB 2._ BLOCK 3._ CONCRETE
BASEMENT: 1._ FULL 2._ PARTIAL 3._ NONE

TYPE OF CONSTRUCTION
1.___ MASONRY
2.___ WOOD FRAME
3.___ STRUCTURE STEEL
4.___ REINF. CONCRETE

TYPE OF HEATING FUEL
1.___ GAS 3.___ ELECTRICITY
2.___ OIL 4.___ COAL

TYPE OF SEWAGE DISPOSAL
1. X PUBLIC SEWER X EXISTS ___PROPOSED
2.___ PRIVATE SYSTEM
___ SEPTIC ___EXISTS ___PROPOSED
___ PRIVY ___EXISTS ___PROPOSED

TYPE OF WATER SUPPLY
1. X PUBLIC SYSTEM X EXISTS ___PROPOSED
2.___ PRIVATE SYSTEM ___EXISTS ___PROPOSED

CENTRAL AIR: 1.___ 2.___
ESTIMATED COST OF MATERIALS AND LABOR: $ 23,000
PROPOSED USE: Church/Community Center Office
EXISTING USE: SFD

OWNERSHIP
1. X PRIVATELY OWNED 2.___PUBLICLY OWNED 3.___SALE 4.___RENTAL

RESIDENTIAL CATEGORY: 1.___DETACHED 2.___SEMI-DET. 3.___GROUP 4.___TOWNHSE 5.___MIDRISE 6.___HIRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS
1 FAMILY BEDROOMS
GARBAGE DISPOSAL 1._YES 2._NO BATHROOMS CLASS 04
POWDER ROOMS KITCHENS LIBER FOLIO

BUILDING SIZE 1800 SF
FLOOR
WIDTH
DEPTH
HEIGHT
STORIES

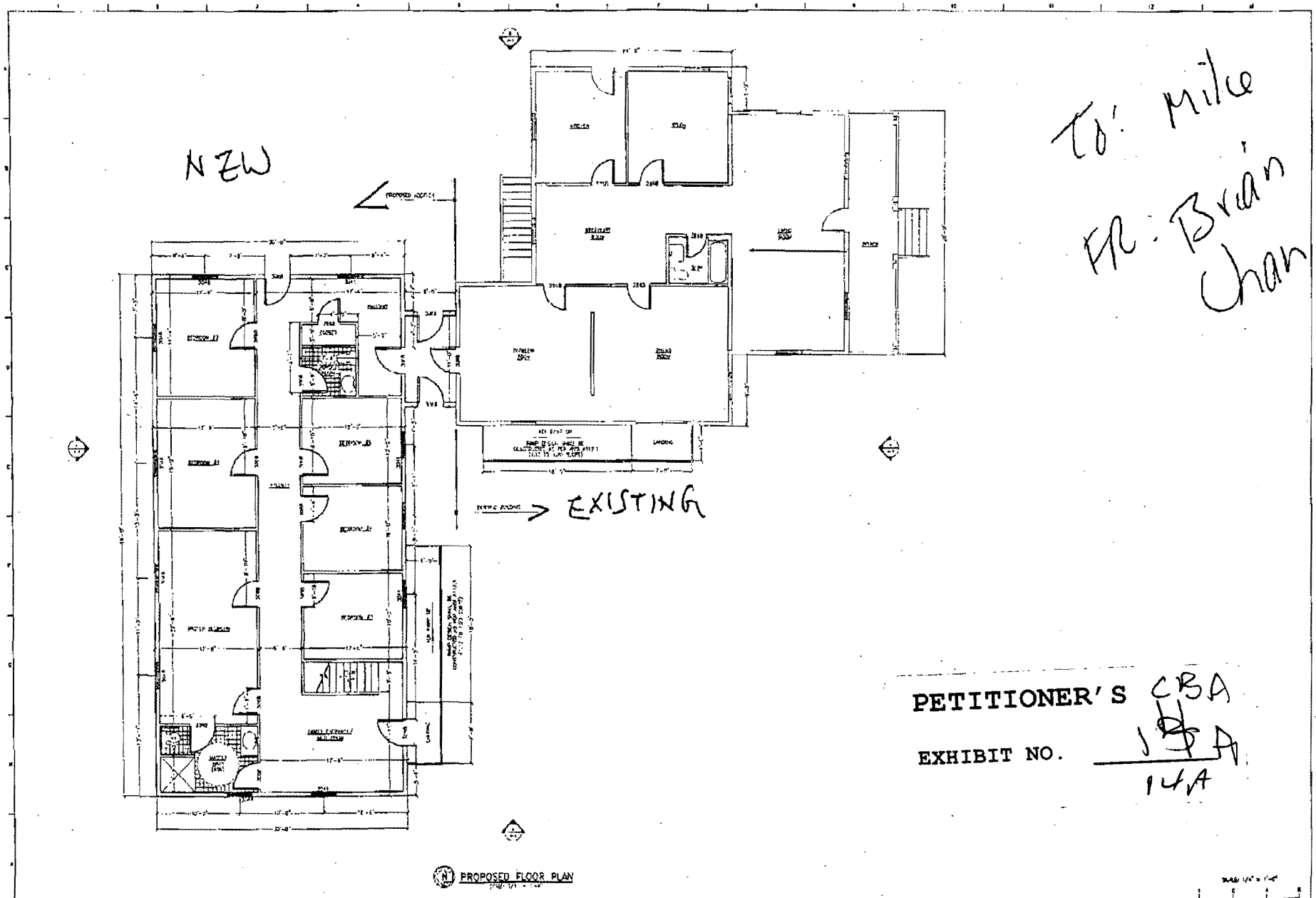
LOT SIZE AND SETBACKS 59X SF
SIZE 23158
FRONT STREET
SIDE STREET
FRONT SETBK
SIDE SETBK
REAR SETBK

APPROVAL SIGNATURES DATE

BLD INSP	:	:
BLD PLAN	: OK TO Fire Dept	:
FIRE	:	:
SEDI CTL	:	:
ZONING	: ORF ok to sign	: 9/19/08
PUB SERV	:	:
ENVRMNT	: Flush Mtg Request	: 9/15/08
PLANNING	:	:
PERMITS	:	:

BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

PETITIONER'S CBA EXHIBIT NO. 13



To: Mike
Fr: Brian Chan

PETITIONER'S CBA
EXHIBIT NO. 14A

PROPOSED FLOOR PLAN

CUFFIE RESIDENCE
8611 CHURCH LANE

A-2

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

Timothy Kotroco
TIMOTHY M. KOTROCO, Director

Donald E. Brand
DONALD E. BRAND, Buildings Engineer

BUILDING PERMIT

PERMIT #: B699126 CONTROL #: MR DIST: 02 PREC: 01
DATE ISSUED: 07/16/2008 TAX ACCOUNT #: 1700013698 CLASS: 04

PLANS: CONST 00 PLOT 2 R PLAT 0 DATA 0 ELEC YES PLUM YES
LOCATION: 8611 CHURCH LANE
SUBDIVISION: 325 FT W OF OLD COURT RD

OWNERS INFORMATION
NAME: UNION BETHEL AME CHURCH OF RANDALLSTOWN MD INC
ADDR: 8615 CHURCH LANE, RANDALLSTOWN, MD 21133

TENANT:
CONTR: PROFESSIONAL CHOICE
ENGNR:
SELLR:
WORK: CONSTRUCT ONE STY W/SLAB ADDN ON REAR OF
SFD T/B USED AS:(6) BEDROOMS, (1) BATHRM,
(1) POWDER RM AND FAMILY ROOM.
60'X30'X24'=1904SF ARCH SEALED DWGS-NO REVIEW
WAIVE PLANS-PER MS.

BLDG. CODE:
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD AND ADDITION
EXISTING USE: SFD

TYPE OF IMPRV: ADDITION
USE: ONE FAMILY
FOUNDATION: SLAB BASEMENT: NONE
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 0059.00 X 0000.00
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: 20'/NC
SIDE STR SETB:
REAR SETB: 35'

Pet CBA & Lx 14B

14B

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

IN THE MATTER OF:	* BEFORE THE
Union Bethel A.M.E. Church	* COUNTY BOARD OF APPEALS
of Randallstown, MD., Inc./	* OF
LO/Petitioner	* BALTIMORE COUNTY
8611 Church Lane	* Case No. 09-093-SPHXA
2nd Election District	* May 20, 2009
4th Councilmanic District	*

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County, Hearing Room #2, Jefferson Building, 105 W. Chesapeake Avenue, Towson, Maryland 21204, at 11 o'clock, May 20, 2009.

* * * * *

ORIGINAL

Reported by: Carolyn E. Peatt

8611 Church Lane

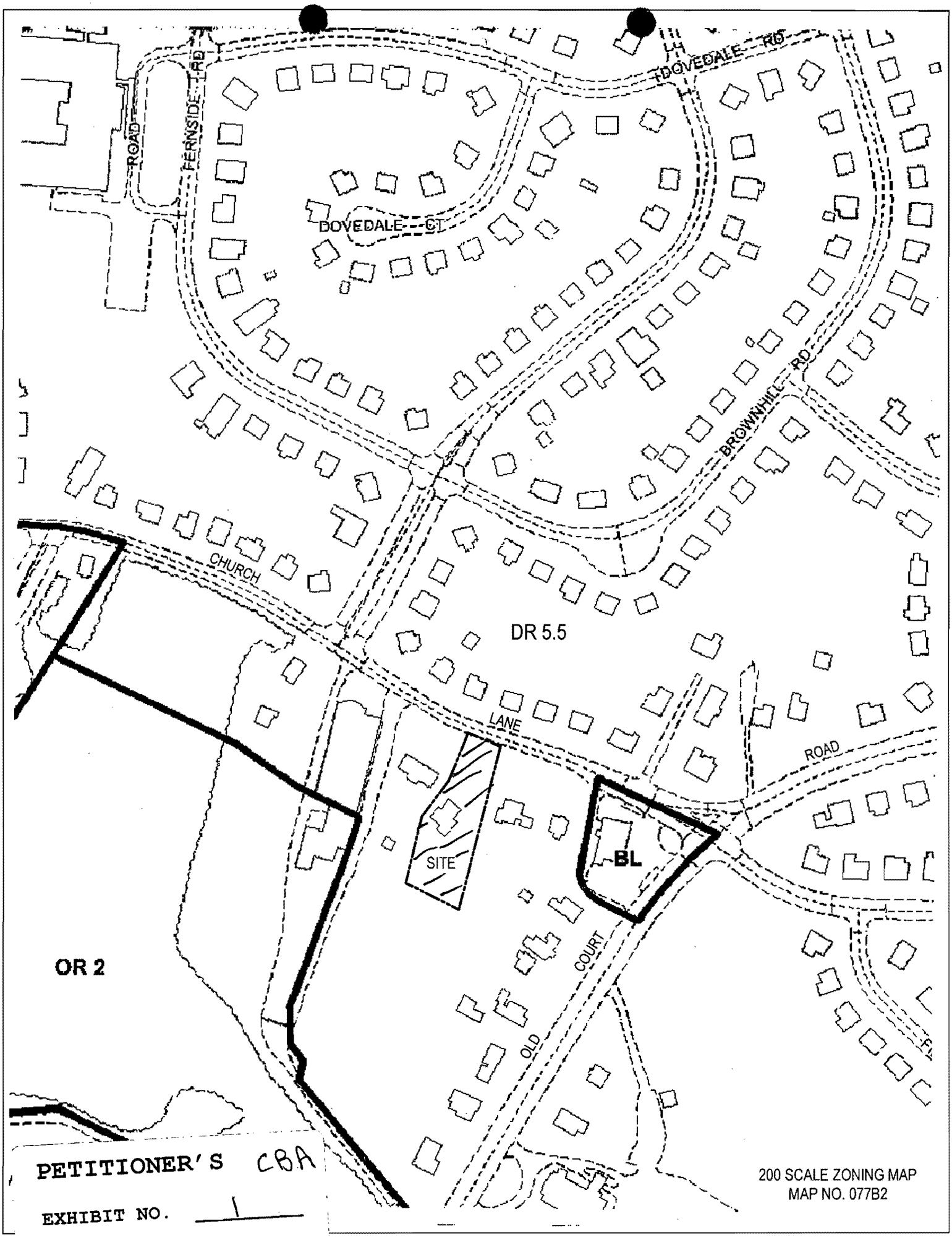
8607/09 Church lane

8607 Church lane

8607 Church Lane

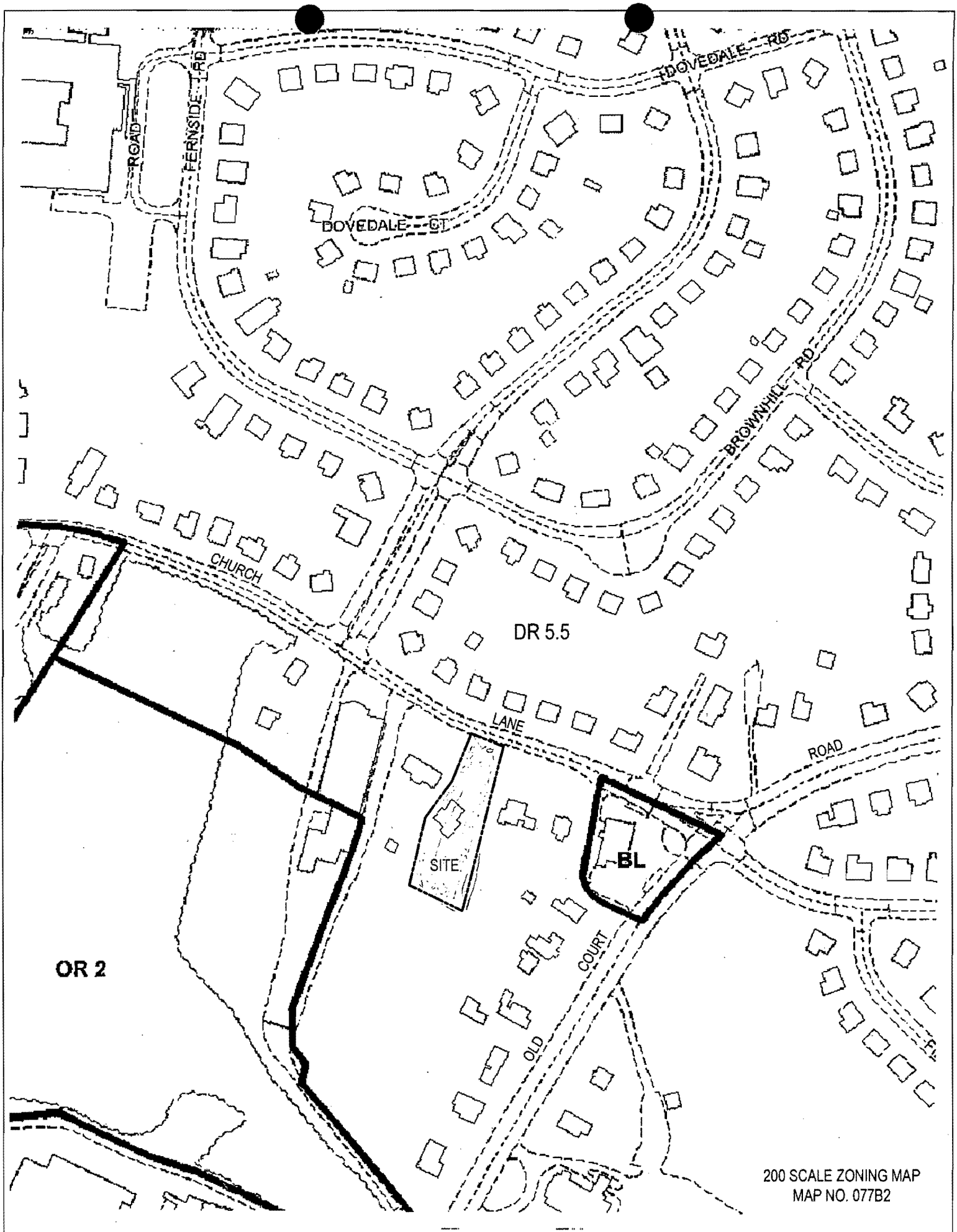
March 09

8611 patron using 8607 Driveway



PETITIONER'S CBA

EXHIBIT NO. 1


DOVEDALE RD
FERNSIDE RD
ROAD
DOVEDALE CT
BROWNHILL RD
CHURCH
DR 5.5
LANE
ROAD
SITE
BL
OR 2
COURT
OLD
200 SCALE ZONING MAP
MAP NO. 077B2

Z-0093

REQUESTS:

SPECIAL HEARING:

1. WHETHER THE PROPOSED NON-RESIDENTIAL BUILDING IS PERMITTED BY RIGHT UNDER B.C.Z.R. 1B01.1A.3 AS A CHURCH - OTHER BUILDINGS FOR RELIGIOUS WORSHIP OR OTHER RELIGIOUS INSTITUTIONS; OR

2. WHETHER THE PROPOSED NON-RESIDENTIAL PRINCIPAL BUILDING IS NOT SUBJECT TO RTA REQUIREMENTS UNDER B.C.Z.R. SECTION 1B01.B.1(G)4 AS AN ADDITION TO AN EXISTING CHURCH OR OTHER BUILDING FOR RELIGIOUS WORSHIP INCLUDING PARKING AREAS AND DRIVEWAYS; OR

3. WHETHER THE PROPOSED NON-RESIDENTIAL PRINCIPAL BUILDING IS NOT SUBJECT TO RTA REQUIREMENTS UNDER B.C.Z.R. SECTION 1B01.B.1G6 AS A NEW CHURCH OR OTHER BUILDING FOR RELIGIOUS WORSHIP, THE SITE PLAN FOR WHICH HAS BEEN APPROVED AFTER PUBLIC HEARING IN ACCORDANCE WITH SECTION 500.7 WITH FINDINGS THE PROPOSED IMPROVEMENTS ARE PLANNED IN SUCH A WAY THAT COMPLIANCE, TO THE EXTENT POSSIBLE WITH RTA USE REQUIREMENTS WILL BE MAINTAINED AND SAID PLAN CAN OTHERWISE BE EXPECTED TO BE COMPATIBLE WITH THE CHARACTER AND GENERAL WELFARE OF THE SURROUNDING RESIDENTIAL PREMISES; OR

4. WHETHER THE PROPOSED NON-RESIDENTIAL PRINCIPAL BUILDING IS NOT SUBJECT TO RTA REQUIREMENTS UNDER B.C.Z.R. SECTION 1B01.B.1(G)9 AS AN ADDITION TO AN EXISTING COMMUNITY BUILDING OR OTHER STRUCTURE DEVOTED TO CIVIC, SOCIAL, RECREATION, FRATERNAL OR EDUCATIONAL ACTIVITY INCLUDING PARKING AREAS AND DRIVEWAYS PROVIDED ALL OTHER APPLICABLE ZONING REGULATIONS, INCLUDING SETBACK PARKING AND SCREENING REQUIREMENTS ARE MAINTAINED; OR

5. WHETHER THE PROPOSED NON-RESIDENTIAL PRINCIPAL BUILDING IS NOT SUBJECT TO RTA REQUIREMENTS UNDER B.C.Z.R. SECTION 1.B01.B.1G10 AS A NEW COMMUNITY BUILDING OR OTHER STRUCTURE DEVOTED TO CIVIC, SOCIAL, RECREATIONAL, FRATERNAL OR EDUCATIONAL ACTIVITY IF THE ZONING COMMISSIONER DETERMINES DURING THE SPECIAL EXCEPTION PROCESS THAT THE PROPOSED IMPROVEMENTS ARE PLANNED IN SUCH A WAY THAT COMPLIANCE TO THE EXTENT POSSIBLE WITH RTA USE REQUIREMENTS, WILL BE MAINTAINED AND THAT THE SPECIAL EXCEPTION CAN OTHERWISE BE EXPECTED TO BE COMPATIBLE WITH THE CHARACTER AND GENERAL WELFARE OF THE SURROUNDING RESIDENTIAL PREMISES.

6. WHETHER THE ZONING COMMISSIONER APPROVES A SHARED PARKING ADJUSTMENT UNDER B.C.Z.R. 409.6B.3 WHERE THE OFF-SITE PARKING SPACES FOR THE SHARED USE AT 8615 CHURCH LANE ARE LOCATED WITHIN 500 FEET WALKING DISTANCE OF A BUILDING ENTRANCE TO THE USE THAT SUCH SPACES SERVE PURSUANT TO B.C.Z.R. 409.7B.

VARIANCES:

1. B.C.Z.R. SECTION 1B01.2.C.1.A FOR A NON-RESIDENTIAL PRINCIPAL BUILDING TO PROVIDE (A) AN INTERIOR SIDE YARD SETBACK OF 10.4 FEET IN LIEU OF THE REQUIRED 20 FEET.

2. TO PROVIDE A MODIFIED RTA FOR THE TRACT INCLUDING A 0.8 FOOT WESTERN BUFFER AND AN 11.6 FOOT EASTERN BUFFER IN LIEU OF THE 50 FOOT BUFFER REQUIRED AND A SETBACK FROM THE TRACT BOUNDARY OF 0.8 FOOT WESTERN SIDE AND AN 11.6 FOOT EASTERN SETBACK IN LIEU OF THE REQUIRED 75 FEET SETBACK.

3. FROM B.C.Z.R. 1B01.1.B1(C)2 TO PROVIDE A MODIFIED RTA FOR THE TRACT, FOR A 0.8 FOOT BUFFER IN LIEU OF THE REQUIRED 50 FOOT BUFFER AND A 0.8 TENTHS FOOT SETBACK IN LIEU OF THE REQUIRED 75 FEET AS OTHERWISE REQUIRED UNDER 1B01.B.1(E)5; AND A SETBACK FROM THE TRACT BOUNDARY OF 10.4 FEET IN LIEU OF THE REQUIRED 75 FEET AND AN RTA BUFFER OF 0.8 FOOT IN LIEU OF THE REQUIRED 50 FOOT BUFFER FOR A PRINCIPAL NON-RESIDENTIAL BUILDING UNDER B.C.Z.R. 1B01.1B.1(E)2. 5.

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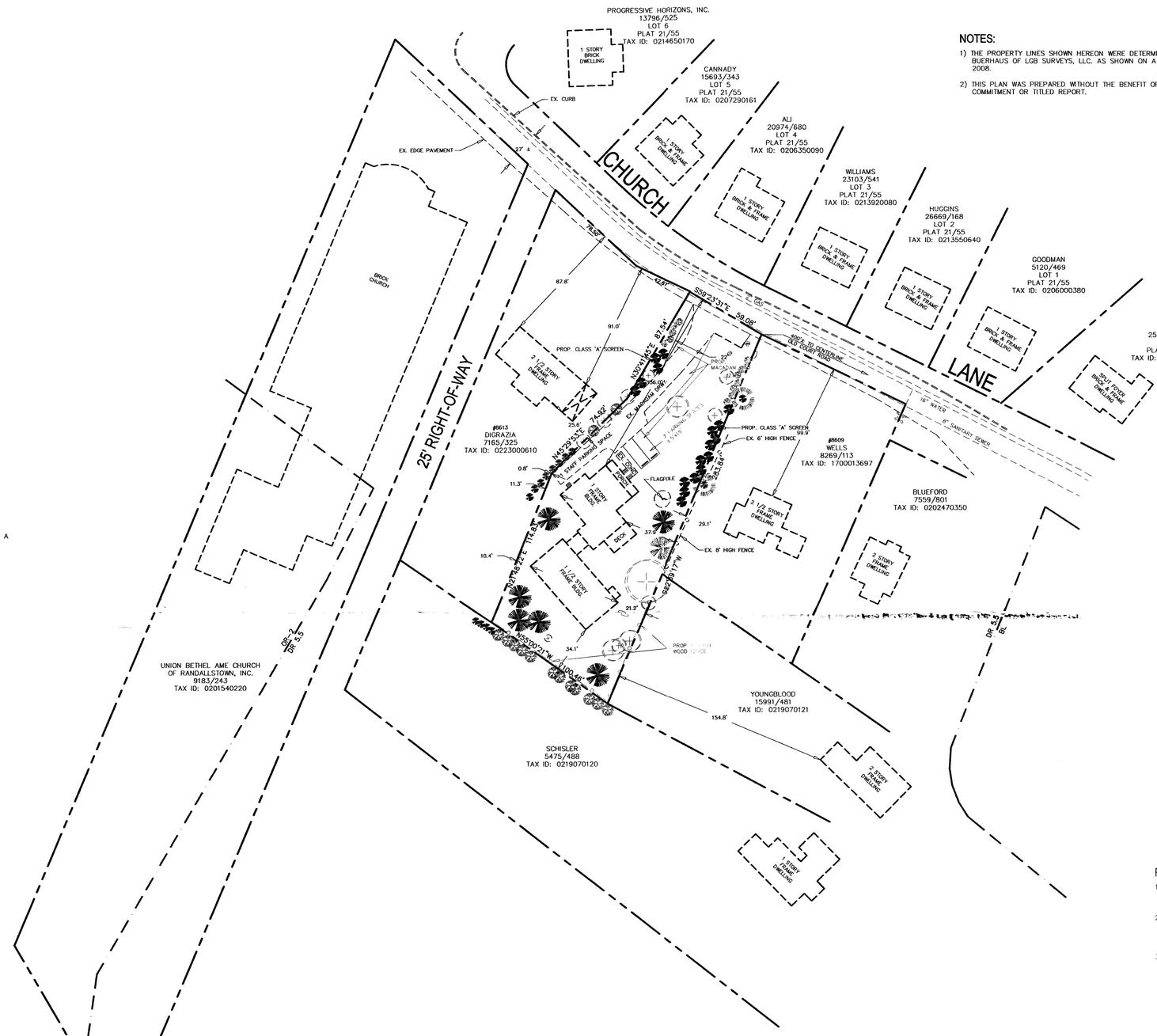
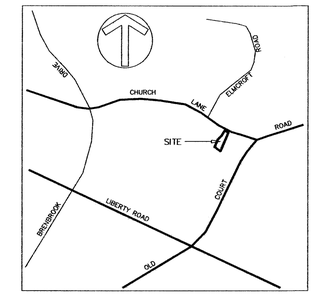
COMMUNITY BUILDING OR OTHER SIMILAR CIVIC, SOCIAL, RECREATIONAL OR EDUCATIONAL USES PER BCZR SECTION 1B01.1.C.4.



NOTES:

1) THE PROPERTY LINES SHOWN HEREON WERE DETERMINED BY LEONARD BUERHAUS OF LGB SURVEYS, LLC. AS SHOWN ON A PLAT DATED JULY 2008.

2) THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT OR TITLED REPORT.



VICINITY MAP
SCALE: 1" = 1000'

SITE DATA:

1) OWNER: UNION BETHEL AME CHURCH OF RANDALLSTOWN, INC.
2) OWNER'S ADDRESS: 8615 CHURCH LANE
RANDALLSTOWN, MARYLAND 21133
3) OWNER'S REPRESENTATIVE: PASTOR CHARLES SEMBLY
4) DEED REFERENCE: 17049/072
5) TAX MAP: 77 GRID 9 PARCEL 356
6) TAX ID: 1700013698
7) PREVIOUS ZONING HEARINGS: NONE
8) NOT IN THE CBCA.
9) THE SITE IS NOT LOCATED WITHIN A HISTORICAL REGISTERED DISTRICT.
10) GROSS SITE AREA: 0.543 ACRES
11) ZONING: DR-5.5
12) ZONING MAP: 077B2
13) PUBLIC WATER AND SEWER
14) PERVIOUS COMMERCIAL PERMIT: 1 1/2 STORY ADDITION
15) PARKING:
REQUIRED:
OFFICE: 2,500 SF/1000x3.3= 9 SPACES
PROPOSED: 3 PARKING SPACES
16) HOURS OF OPERATION:
MONDAY THROUGH FRIDAY
8:30AM TO 7:00PM

RESTRICTIONS:

1) THE PROPERTY SHOWN HEREON SHALL HAVE THE BENEFIT AND SHARED USE OF THE EXISTING PARKING LOT OF THE MAIN CHURCH LOCATED AT 8615 CHURCH LANE.

2) THE CHURCH FACILITY LOCATED ON THE SUBJECT PROPERTY AS SHOWN HEREON SHALL NOT SCHEDULE MORE THAN 12 INDIVIDUALS AT ONE TIME FOR TRAINING AND/OR SEMINARS. GROUPS LARGER THAN 10 MUST MEET IN THE MAIN CHURCH LOCATED AT 8615 CHURCH LANE.

3) ALL OUTDOOR LIGHTING LOCATED ON THE SUBJECT PROPERTY SHALL BE CONSISTENT WITH THE LIGHTING THAT IS NORMALLY USE IN A RESIDENTIAL SETTING. LIGHTING FIXTURES SHALL BE AIMED OR SHIELDED IN A MANNER THAT SHALL NOT DIRECT THE ILLUMINATION AREA INTO ADJOINING PROPERTIES. FIXTURES SHALL BE OF A TYPE OR ADEQUATELY SHIELDED SO AS TO PREVENT GLARE FROM NORMAL VIEWING ANGELS. FIXTURES SHALL NOT BE GREATER THAN 15 FEET ABOVE GRADE.

LEGEND:

- FIRE HYDRANT
- UTILITY POLE
- WATER METER
- CLEANOUT
- EXISTING TREE
- EXISTING SHRUB
- EXISTING EVERGREEN TREE
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LANDSCAPE TABULATION

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TOTAL PLANTING UNITS EXISTING / PROPOSED = 34 PU'S

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(IN FEET)
1 inch = 40 ft.

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Land Surveying & Site Planning

STATE OF MARYLAND ★ JAMES WELLS ★ 21087 ★ REGISTERED PROPERTY LINE SURVEYOR ★ SURVEYOR
SEAL

LGB SURVEYS, LLC
NORTH

REVISIONS:
NO. | DATE

PLAN TO ACCOMPANY A PETITION FOR A SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE
8611 CHURCH LANE
BALTIMORE COUNTY, MARYLAND
2nd ELECTION DISTRICT 4th COUNCILMANIC DISTRICT

DRAWN BY: KJW
CHECKED BY: KJW
DATE: 9/18/2008

PROJECT NO.:
2008-023

SHEET 1 OF 1

RE CBA by ZA

REQUESTS:

SPECIAL HEARING:

1. WHETHER THE PROPOSED NON-RESIDENTIAL BUILDING IS PERMITTED BY RIGHT UNDER B.C.Z.R. 1B01.1A.3 AS A CHURCH – OTHER BUILDINGS FOR RELIGIOUS WORSHIP OR OTHER RELIGIOUS INSTITUTIONS; OR

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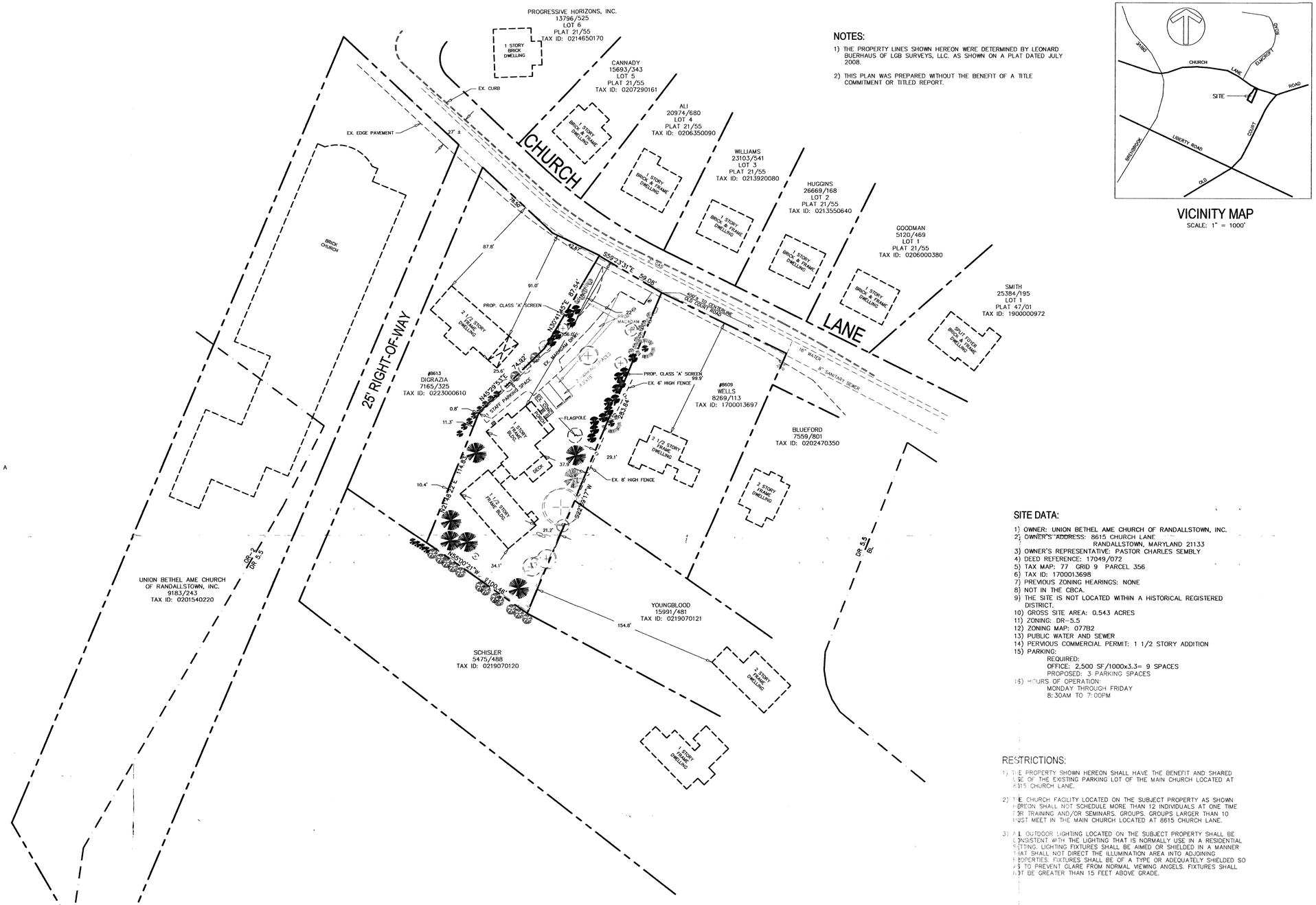

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PETITIONER'S
EXHIBIT NO. 2

GRAPHIC SCALE
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(IN FEET)
1 inch = 40 ft.

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Land Surveying & Site Planning

LICENSED PROFESSIONAL LAND SURVEYOR
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KENNETH J. WELLS
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NORTH

REVISIONS:
NO. | DATE

PLAN TO ACCOMPANY A PETITION FOR A SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE
8611 CHURCH LANE
BALTIMORE COUNTY, MARYLAND
2nd ELECTION DISTRICT 4th COUNCILMANIC DISTRICT

DRAWN BY: KJW
CHECKED BY: KJW
DATE: 9/18/2008

PROJECT NO.:
2008-023

SHEET 1 OF 1

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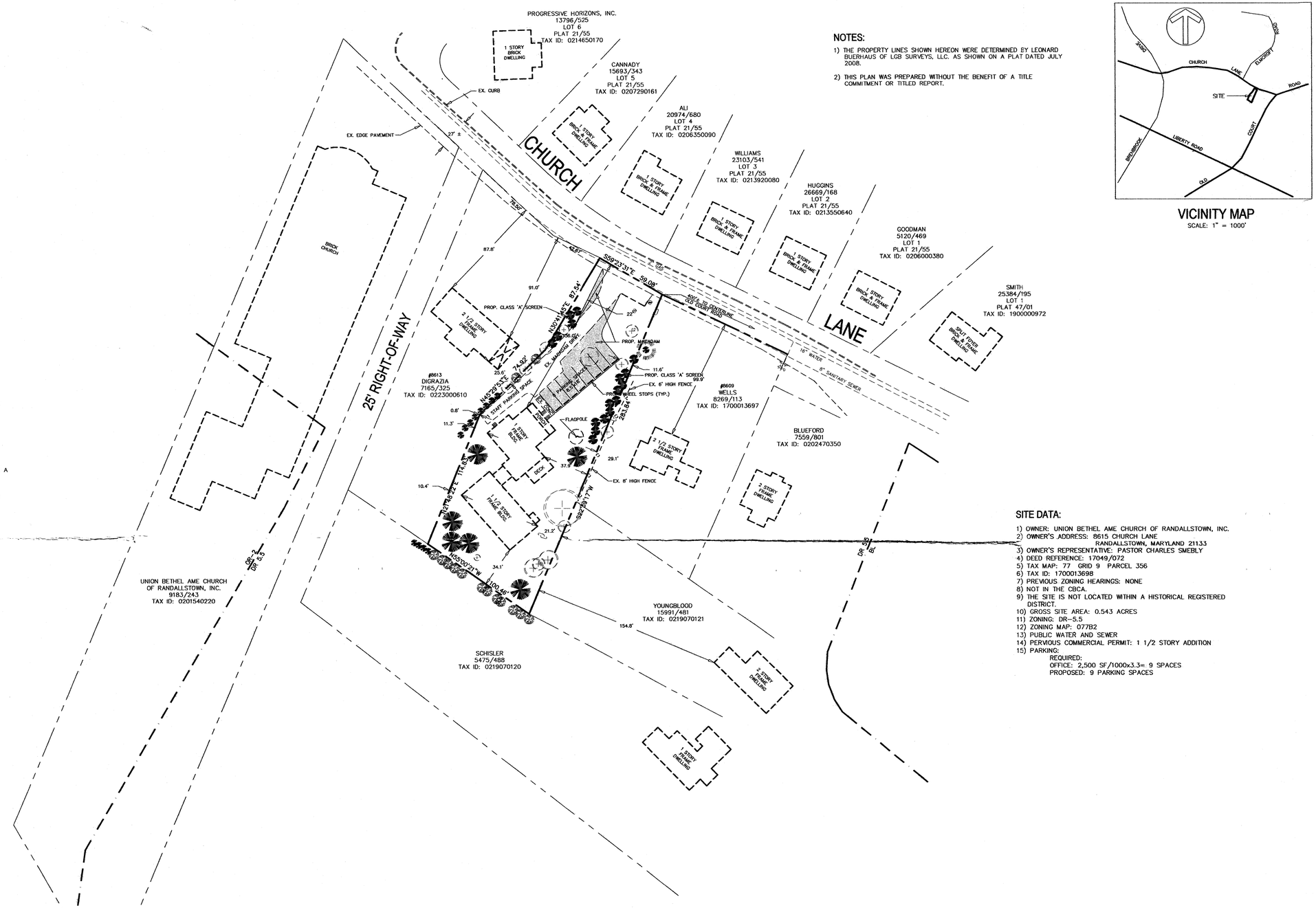

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PETITIONER'S
EXHIBIT NO. 2A

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STATE OF MARYLAND ★ SURVEYOR ★ KJWELLS ★ PROFESSIONAL LAND SURVEYOR ★ SEAL

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SHEET 1 OF 1