

IN RE: PETITION FOR VARIANCE

E side of York Road; 56 feet N of the
c/l of Yarmouth Road
9th Election District
5th Councilmanic District
(7601 York Road)

**The Ascension Evangelical Lutheran Church
of Baltimore County, Inc.**
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
Case No. 2010-0068-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, The Ascension Evangelical Lutheran Church of Baltimore County, Inc., for property located at 7601 York Road. The Variance requests are from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations as follows:

- To allow a street corner side yard setback of 23 feet in lieu of the minimum required 35 feet for a non-residential principal building in a D.R. Zone; and
- To allow an existing interior side yard setback of 8 feet in lieu of the minimum required 20 feet for a non-residential principal building in a D.R. Zone; and
- To allow an existing rear yard setback of 28 feet in lieu of the minimum required 30 feet for non-residential principal building in a D.R. Zone.

The subject property and requested relief are more particularly described on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance requests were John Holman, Chairman of the Church Building Committee, on behalf of Petitioner, The Ascension Evangelical Lutheran Church of Baltimore County, Inc., and Douglas B. Riley, Esquire, the attorney representing Petitioner. Also appearing in support of the requested relief were Laurie

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McLain with Hord Coplan Macht, Inc., the architect who prepared the building floor plan and elevation drawings, and Douglas L. Kennedy with KWC Engineering Technologies, Inc., the professional engineer who prepared the site plan. The case garnered interest in the community and several neighbors and interested persons attended the hearing, including Brian Murphy of 614 Coventry Road, Susan Hartman of 18½ Cedar Avenue, Laurie Newton-King of 501 Yarmouth Road, Jim Kirschner of 604 Worcester Road, and Francis Holman of 12 Cedar Avenue in Towson.

Petitioner's attorney, Mr. Riley, presented an overview of the proposed project and indicated that the Ascension Lutheran Church (the "Church") has occupied the subject property since 1948. The original Church building was followed by an addition for an education wing. At this juncture, the Church desires to construct another addition to the existing building in order to provide a more formal reception area, additional offices, better handicapped access, and additional bathroom facilities. As shown on the site plan, the addition would be located on the York Road side of the property. In order to build the addition as proposed, Petitioner is in need of variance relief to permit a 23 foot street corner side yard setback in lieu of the required 35 feet. In addition, due to Petitioner's current plans, there are several existing conditions that must be brought to current zoning requirements or granted variance relief. This includes an 8 foot side yard setback at the southwest corner of the existing building where 20 feet is required, and a 28 foot rear yard setback at the east side of the building where 30 feet is required.

To provide additional background information regarding the Church, Mr. Riley called John Holman as a witness. As indicated earlier, Mr. Holman is Chairman of the Church Building Committee. He and his wife, Francis Holman, have lived in the community for almost 30 years and are active members of the congregation. Mr. Holman indicated that the Church is

located at the northeast corner of York Road and Yarmouth Road in the Wiltondale neighborhood, less than a mile south of downtown Towson. As shown on the site plan, Mr. Holman explained that the original Church building was built in approximately 1949-50. An education wing was added in 1959, and a third addition was constructed in 1992. The Church also owns the adjacent property to the east, 500 Yarmouth Road, and utilizes it as a residence, while using the backyard of that property for a children's play area.

Currently, the Church has approximately 800 members, with about 130 nursery school students as well. The Church desires to build an office wing near the existing education wing and sanctuary and also create elevator space for that area, and to connect this wing to a smaller addition for a chapel and fellowship space. Mr. Holman stressed that the need for this additional space is not driven by a need to expand the congregation, but rather the recognition of potential safety issues due to the age of the church buildings and a desire to meet current fire codes and to create ADA¹ accessibility. Mr. Holman indicated that the Church is somewhat "landlocked," in the sense that it is surrounded by residential neighborhoods to the north, south, and east, and has few areas within which to expand except toward York Road. In fact, due to space constraints and a desire not to impact the residential communities, existing parking at the Church is across the street on York Road.

Next to testify was Laurie McLain, Petitioner's architect. As illustrated on the floor plan that was marked and accepted into evidence as Petitioner's Exhibit 2, Ms. McLain explained that the new addition would have three private offices, an entry lobby/reception area, a copy/work room, and a parlor, and would have direct access to the sanctuary and education areas. Presently, the office areas for the Church are spread throughout; however, the addition would permit the office areas to become more centralized in one location. Ms. McLain also indicated that

landscaping would be provided per a landscaping plan. Finally, Ms. McLain emphasized that if the variance relief is not granted, especially for the new addition toward the York Road side of the property, the Church cannot realistically go forward with the project. This would obviously impact the Church and the congregation, but would also have a negative effect on the community because the Church would not be able to go forward with much needed improvements to ADA accessibility requirements, as well as aesthetically improving the appearance of the building.

Finally, Mr. Riley called the engineer, Douglas Kennedy, to testify in support of the requested variance relief. Mr. Kennedy was offered and accepted as an expert in engineering, site design, and knowledge of the Baltimore County Zoning Regulations and the legal standard for variance relief. Mr. Kennedy discussed a number of the unusual features and characteristics of the property that compel the need for variance relief. First, the Church property is comprised of five parcels of land and collectively is much larger than the other properties in the vicinity. Second, the property has an irregular "L" shape and is also bordered on three sides by streets -- York Road to the west, Worcester Road to the north, and Yarmouth Road to the south. The property is also unusual in that it has off street parking directly across the street on York Road. Finally, the property is located in somewhat of a transition area in this mixed use corridor of York Road, with primarily residential communities to the east, but with a blend of educational (Towson University), medical (St. Joseph's Hospital) and mixed commercial uses to the west.

The shape of the property and the frontage on three streets, as well as the permitted nonresidential use of the property as a Church, shrink the available building envelope and cause the setbacks to be more onerous than for residential buildings. Mr. Kennedy also offered his expert opinion that the impact on the nearby residential community would be almost immeasurable. This is because the addition to the existing building would extend toward York

¹ Americans with Disabilities Act of 1990.

Road, not into the community. In addition, as shown on the elevation drawing that was marked and accepted into evidence as Petitioner's Exhibit 3, as well as the photographic rendering that was marked and accepted into evidence as Petitioner's Exhibit 4, the addition would fit in with the existing building and, indeed, would not look like an addition at all, but rather a seamless extension of the existing Church building. It would also have aesthetic character, with attractive rooflines, brick veneers, and large, architecturally pleasing windows, making the newly improved building a positive influence on the community.

As indicated earlier, the case did garner attention in the nearby community and several interested citizens attended the hearing. Testifying as a spokesman on behalf of the community was Brian Murphy of 614 Coventry Road. Mr. Murphy is a local attorney in the Baltimore area and is also President of the Wiltondale Improvement Association. He has lived in the community for about 25 years and indicated that the Wiltondale community consists of 372 homes and includes the east side of York Road from Stevenson Lane to the south side of Cedar Avenue and all the streets in between, exclusive of Weatherbee Road and Worthington Road. Mr. Murphy explained that neither he nor the Association is expressly for or against the Church's proposed addition. He acknowledged that the Church has always been a good neighbor and other than some traffic issues from time to time, there have been few problems with the Church.

In an effort to keep the community informed, Mr. Murphy indicated he sent a newsletter to the Wiltondale residents, a copy of which was marked and accepted into evidence as Community Exhibit 1. In the newsletter, Mr. Murphy generally summarized the Church's proposal and his October 20, 2009 meeting with Church officials and their architect and engineer. He also explained the nature of the requested zoning relief as well as a preliminary construction schedule and the potential temporary impacts of construction, such as storage

trailers, construction equipment, and intermittent sidewalk closures along York Road on the Church side. Mr. Murphy then invited members of the community to reply with their comments, which he would submit at the hearing.

In response, Mr. Murphy received a number of comments, with what he described as about a 50-50 mix of those in support and those opposed to the Church's plans. He submitted nine emails that were representative of the responses received, which were marked and accepted into evidence as Community Exhibits 2A through 2I. These emails produced a range of reactions about the project, from negative comments including traffic issues, overcrowding the existing church property, and construction impacts and disruptions, to positive comments supporting the Church's plans and lauding the Church as a good neighbor in the community.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated September 30, 2009 which indicates the Office met with the applicant to discuss the architecture. The Planning Office found that the proposed addition and building material appear to be consistent with the existing building and offers support of the subject proposal.

Considering all the testimony and evidence presented, I am persuaded to grant the requested variance relief. While it can be argued that the Church is very close to exhausting its available space on the subject property for improvements, however needed those improvements may be, I find in this case that special circumstances or conditions exist which are peculiar to the land or structure which is the subject of the variance requests. In particular, the primary focus of this case is the 23 foot setback from the proposed addition to the York Road side of the property. This setback area would have the most potential impact on the site given its proximity to York Road. The other variance requests are minor and seek to simply legitimize existing conditions.

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In my view, the unusual shape of the property and its frontage on three streets, and its location as a gateway to the residential neighborhoods behind it, as well as its proximity to commercial mixed uses nearby, renders the property unique in a zoning sense. In addition, although the Church is a use permitted by right on the property, the setback requirements for this nonresidential use are more extensive and burdensome than for a residential property situated only a few blocks away. Thus, the imposition of zoning disproportionately impacts the subject property as compared with others in the District.

I further find that the variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. I note that Petitioner's elevation drawing and photographic rendering show a prominent, architecturally pleasing addition to the Church property. There are no plans to expand the Church or its services, only to create a better working environment for Church employees, as well as better access for handicapped persons and additional bathroom facilities for a currently underserved building.

Based on the evidence produced at the hearing, I do not believe there will be any negative impacts from the addition². This is perhaps underscored by the letter submitted by Petitioner's attorney, Mr. Riley, dated July 30, 2009 from Stephen E. Weber, Chief of the County's Division of Traffic Engineering. This letter, marked and accepted into evidence as Petitioner's Exhibit 5, responds to a request from Mr. Riley for an exemption to the Basic Services Map – Transportation to allow the Church to expand its current building despite being located in a deficient traffic shed at York Road and Burke Avenue. In his response letter, Mr. Weber

² Obviously, there will be temporary impacts during construction of the addition and related landscaping; however, unfortunately, these impacts are inherent in virtually every construction project. Hopefully, the Church will continue as a good neighbor and make efforts to minimize the impacts to the adjacent community and keep the community informed during that process.

calculates that based on a review of the site plan and information detailing the purposes of the proposed expansion, the additional number of daily peak-hour trips generated by the addition to the building would be zero; thus, in Mr. Weber's view, the County's Basic Services legislation should not prevent the issuance of any building permits. In short, I find that the variance requests can be granted in such a manner as to meet the requirements of Section 307.1 of the B.C.Z.R., as interpreted in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance relief should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 9th day of December, 2009 that Petitioner's request for Variance relief from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations as follows:

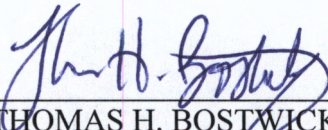
- To allow a street corner side yard setback of 23 feet in lieu of the minimum required 35 feet for a non-residential principal building in a D.R. Zone; and
- To allow an existing interior side yard setback of 8 feet in lieu of the minimum required 20 feet for a non-residential principal building in a D.R. Zone; and
- To allow an existing rear yard setback of 28 feet in lieu of the minimum required 30 feet for a non-residential principal building in a D.R. Zone,

be and are hereby **GRANTED**, subject to the following:

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

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

December 9, 2009

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

DOUGLAS B. RILEY, ESQUIRE
POPE & HUGHES PA
29 WEST SUSQUEHANNA AVENUE, SUITE 110
TOWSON MD 21204

Re: Petition for Variance
Case No. 2010-0068-A
Property: 7601 York Road

Dear Mr. Riley:

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

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

Sincerely,

A handwritten signature in cursive script, reading "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz
Enclosure

- c: John Holman, Chairman of the Church Building Committee, 12 Cedar Avenue, Towson MD 21286
Betsey Amey, Congregation Council Vice President, The Ascension Evangelical Lutheran Church of Baltimore County, Inc., 7601 York Road, Towson MD 21204
Laurie McLain, Hord Coplan Macht, Inc., 750 East Pratt Street, Suite 1100, Baltimore MD 21202
Douglas L. Kennedy, KWC Engineering Technologies, Inc., 810 Landmark Drive, Suite 215, Glen Burnie MD 21061
Brian Murphy, 614 Coventry Road, Towson MD 21286
Susan Hartman, 18½ Cedar Avenue, Towson MD 21286
Laurie Newton-King, 501 Yarmouth Road, Towson MD 21286
Jim Kirschner, 604 Worcester Road, Towson MD 21286
Francis Holman, 12 Cedar Avenue, Towson MD 21286



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 7601 York Road, Towson, Baltimore County, Maryland 21204
which is presently zoned DR 5.5

Deed Reference: 1502 / 054 Tax Account # 0901850074, 071

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)

1. BCZR 1B01.2.C.1.a. to allow Street Corner Side Yard setback of 23 ft. in lieu of minimum required 35 ft. for non-residential principal building in DR zone;

2. BCZR 1B01.2.C.1.a. to allow existing Interior Side Yard setback of 8 ft. in lieu of the minimum required 20 ft. for non-residential principal building in DR zone;

3. BCZR 1B01.2.C.1.a. to allow existing Rear Yard setback of 28 ft. in lieu of minimum required 30 ft. for non-residential principal building in DR zone;

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

For the reasons to be presented with particularity to the Zoning Commissioner, the property to be improved is unique, unusual, and different from the surrounding properties such that the uniqueness causes the zoning provisions referenced above to impact more on this property than on the surrounding properties. Further, without the requested variances, strict compliance with the BCZR would result in practical difficulty and unreasonable hardship for the Petitioner.

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:

Douglas B. Riley _____

Name - Type or Print _____

Signature Douglas B. Riley _____

Pope & Hughes, P.A. _____

Company _____

29 W. Susquehanna Avenue, Suite 110 _____

Address _____ Telephone No. _____

Towson, Maryland 21204 410-494-7777 _____

City _____ State _____ Zip Code _____

Legal Owner(s):

The Ascension Evangelical Lutheran Church of Baltimore County, Inc. _____

Name - Type or Print _____

Signature _____

Betsy Arney, Congregation Council Vice-President _____

Name - Type or Print _____

Signature Betsy Arney _____

7601 York Road _____

Address _____ Telephone No. _____

Towson, Maryland 21204 410-825-1725 _____

City _____ State _____ Zip Code _____

Representative to be Contacted:

Douglas L. Kennedy, P.E. (KWC Engineering Technologies, Inc.) _____

Name _____

310 Landmark Drive, Suite 215 _____

Address _____ Telephone No. _____

Glen Burnie, Maryland 21061 410-768-7700 _____

City _____ State _____ Zip Code _____

Case No. 2010-0068-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

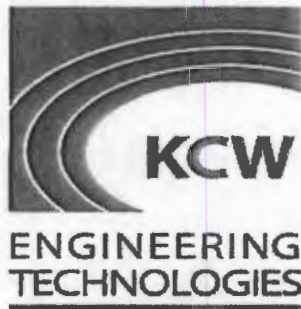
Reviewed by D.T. Date 8/27/09

REV 8/20/07

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ZONING DESCRIPTION

**Property of The Ascension Evangelical
Lutheran Church of Baltimore County, Inc.**

#7601 YORK ROAD

**9th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning for the same at a point on the eastern right-of-way line of York Road, 66 feet wide, said point being distant 56 feet, more or less, northerly from the centerline of Yarmouth Road, 40 feet wide, thence for the following courses and distances:

1. North 12 degrees 05 minutes 26 seconds East 215.39 feet to a point; thence
2. For a curve to the right with a radius of 45.00 feet and a curve length of 78.19 feet to a point on the southerly right-of-way line of Worcester Road; thence
3. For a curve to the left with a radius of 470.00 feet and a curve length of 97.90 feet to a point; thence
4. For a curve to the left with a radius of 470.00 feet and a curve length of 64.18 feet to a point; thence leaving Worcester Road
5. South 00 degrees 48 minutes 53 seconds West 127.76 feet to a point; thence
6. South 83 degrees 58 minutes 26 seconds West 93.35 feet to a point; thence
7. South 12 degrees 05 minutes 26 seconds West 127.60 feet to a point on the northerly right-of-way line of Yarmouth Road; thence
8. For a curve to the right with a radius of 420.00 feet and a curve length of 116.87 feet to a point; thence
9. For a curve to the right with a radius of 35.00 feet and a curve length of 54.24 feet to the Point of Beginning.

Containing 5,172 square feet or 1.22 acres of land, more or less.

As recorded in Deed Liber 1502, folio 054.

Also being known as Lots A, 34, 35, 36, and 37 of "Wiltondale" Section 2, Plat 12-59.

Also known as #7601 York Road and located in the 9th Election District of Baltimore County, Maryland.



**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: 2010-0068-A

Petitioner: THE ASCENSION EVANGELICAL LUTHERAN CHURCH OF BALTIMORE COUNTY, INC.

Address or Location: 7601 YORK RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: DOUGLAS B. RILEY, ESQ.

Address: POPE + HUGHES, P.A.

29 W. SUSQUEHANNA AVE., SUITE 110

TOWSON, MD 21204

Telephone Number: 410-494-7777

Revised 7/11/05 - SCJ

No. 44760

Date: 8/27/09

PAID RECEIPT

BUSINESS	ACTION	TIME	HOW
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4/27/2019 11:27:21 AM 69x11r40

99 3 4505 444 110 7000 4400

DATE: 8/27/2009 10:13 AM

Dept	5	229	ZONTAL VERIFICATION
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04 39 044760

Receipt Tot 6325.00

\$325.00 C \$1.00 C

Baltimore County, Maryland

Total: 325.00

Rec From: DOPE - HUGHES, P.A.

For: 2010-0068-A
7601 YORK RD.

D. THOMPSON

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

NOTICE OF ZONING HEARING

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

Case: # 2010-0068-A

7601 York Road

E/side of York Road, 56 feet north of centerline of Yarmouth Road

9th Election District — 5th Councilmanic District

Legal Owner(s): Ascension Evangelical Lutheran Church of Baltimore County, Inc.

Variance: to allow street corner side yard setback of 23 feet in lieu of the minimum required 35 feet for non-residential principal building in DR zone. To allow existing interior side yard setback of 8 feet in lieu of the minimum required 20 feet for non-residential principal building in DR zone. To allow existing rear yard setback of 28 feet in lieu of the minimum required 30 feet for non-residential principal building in DR zone.

Hearing: Tuesday, October 27, 2009 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

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

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

JT 10/686 October 13

217495

CERTIFICATE OF PUBLICATION

10/15/, 2009

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/13/, 2009.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 10/15/09

Case Number: 2010-0068-A

Petitioner / Developer: DOUGLAS RILEY of TREANOR POPE & HUGHS, P.A.~BETSY AMEY, CONG. COUNCIL~DOUGLAS KENNEDY of KWC ENGINEERING TECHNOLOGIES

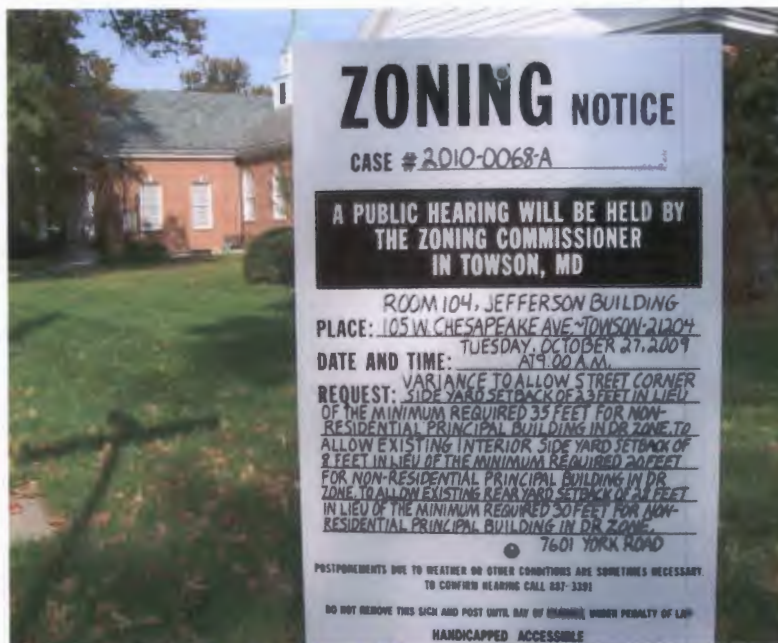
Date of Hearing (Closing): OCTOBER 27, 2009

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:

(1) SIGN POSTED @ CORNER OF 7601 YORK RD. & YARMOUTH RD.

(1) SIGN POSTED @ WORCESTER ROAD (ON-SITE)

The sign(s) were posted on: OCTOBER 11, 2009



Linda O'Keefe
(Signature of Sign Poster)

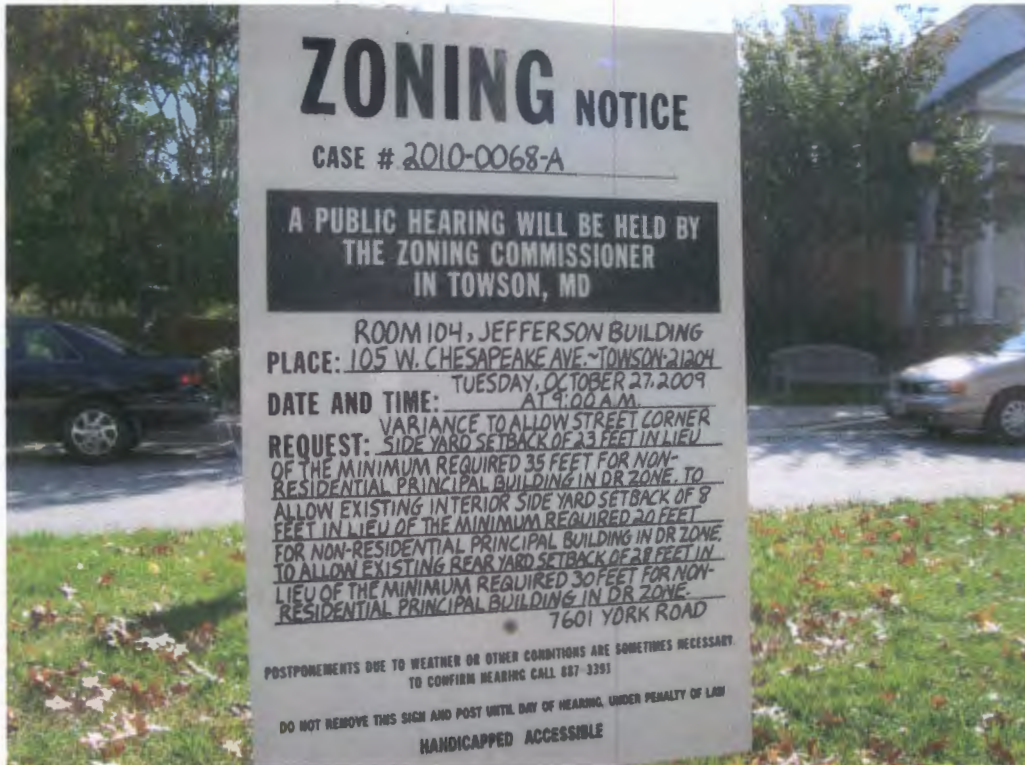
Linda O'Keefe
(Printed Name of Sign Poster)

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)

Corner of York Rd (7601) + Yarmouth Rd.



ZONING NOTICE

CASE # 2010-0068-A

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

ROOM 104, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE. - TOWSON 21204

DATE AND TIME: TUESDAY, OCTOBER 27, 2009
AT 9:00 A.M.

REQUEST: VARIANCE TO ALLOW STREET CORNER
SIDE YARD SETBACK OF 23 FEET IN LIEU
OF THE MINIMUM REQUIRED 35 FEET FOR NON-
RESIDENTIAL PRINCIPAL BUILDING IN DR ZONE. TO
ALLOW EXISTING INTERIOR SIDE YARD SETBACK OF 8
FEET IN LIEU OF THE MINIMUM REQUIRED 20 FEET
FOR NON-RESIDENTIAL PRINCIPAL BUILDING IN DR ZONE.
TO ALLOW EXISTING REAR YARD SETBACK OF 28 FEET IN
LIEU OF THE MINIMUM REQUIRED 30 FEET FOR NON-
RESIDENTIAL PRINCIPAL BUILDING IN DR ZONE.

7601 YORK ROAD

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 687-3393

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

Worcester Road (ON-SITE)

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 No.: _____

7601 York Road
East side of York Road between Worcester Road and Yarmouth Road
9th Election District
5th Councilmanic District

Legal owner: The Ascension Evangelical Lutheran Church of Baltimore County, Inc.

Variance: to allow a street corner side yard setback of 23 feet in lieu of the required 35 feet; to allow existing interior side yard setback of 8 feet in lieu of the required 20 feet; and to allow existing rear yard setback of 28 feet in lieu of required 30 feet for a proposed building addition.

Hearing: _____
In Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland 21204

William J. Wiseman, III
Zoning Commissioner for Baltimore County

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

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

Date of publication: _____

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 13, 2009 Issue - Jeffersonian

Please forward billing to:

Douglas Riley
Pope & Hughes
29 W. Susquehanna Ave., Ste. 100
Towson, MD 21204

410-494-7777

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:

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E/side of York Road, 56 feet north of centerline of Yarmouth Road

9th Election District – 5th Councilmanic District

Legal Owners: Ascension Evangelical Lutheran Church of Baltimore County, Inc.

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WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development
~~October 5, 2009~~

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: 2010-0068-A

7601 York Road

E/side of York Road, 56 feet north of centerline of Yarmouth Road

9th Election District – 5th Councilmanic District

Legal Owners: Ascension Evangelical Lutheran Church of Baltimore County, Inc.

Variance to allow street corner side yard setback of 23 feet in lieu of the minimum required 35 feet for non-residential principal building in DR zone. To allow existing interior side yard setback of 8 feet in lieu of the minimum required 20 feet for non-residential principal building in DR zone. To allow existing rear yard setback of 28 feet in lieu of the minimum required 30 feet for non-residential principal building in DR zone.

Hearing: Tuesday, October 27, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Douglas Riley, Pope & Hughes, P.A., 29 W. Susquehanna Ave., Ste. 110, Towson 21204
Betsy Amey, Cong. Council V.P., 7601 York Rd., Towson 21204
Douglas Kennedy, KWC Engineering Technologies, 810 Landmark Dr., Ste. 215, Glen Burnie 21061

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, OCTOBER 12, 2009.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

October 23, 2009

Douglas B. Riley
Pope & Hughes, P.A.
29 W. Susquehanna Ave.
Towson, MD 21204

Dear: Douglas B. Riley

RE: Case Number 2010-0068-A, 7601 York Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 27, 2009. 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,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Betsy Amey; 7601 York Rd.; Towson, MD 21204
Douglas L. Kennedy, P.E.; 810 Landmark Dr. Ste. 215; Glen Burnie, MD 21061

TB 10/27
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 30, 2009

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

SUBJECT: 7601 York Road

INFORMATION:

Item Number: 10-068

Petitioner: The Ascension Evangelical Lutheran Church of Baltimore County, Inc.

Zoning: DR 5.5

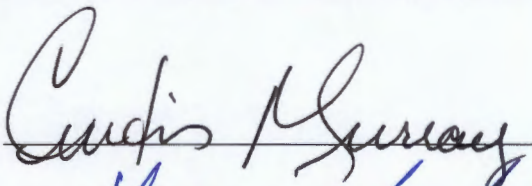
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

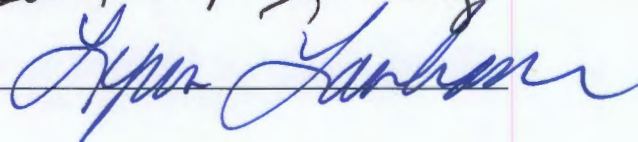
The Office of Planning reviewed the petitioner's request and accompanying site plan. This office also met with the applicant to discuss architecture. The Office of Planning has found that the proposed addition and building material appear to be consistent with the existing building and offers support of the subject proposal.

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

Prepared by:



Division Chief:
AFK/LL: CM



RECEIVED

OCT 01 2009

ZONING COMMISSIONER

TB 1027
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 29 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: September 29, 2009

SUBJECT: Zoning Item # 10-068-A
Address 7601 York Road
(The Ascension Evangelical Lutheran Church of Baltimore County, Inc.)

Zoning Advisory Committee Meeting of September 14, 2009

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

Reviewer: J. Russo

Date: 9/18/09



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

September 18, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 14. 2009

Item Numbers 067, 068, 070, 071, 072, 073, 074, 075, 076, 077, 079, 080, 081, 082, 083, 084
and 0085

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

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

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

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For September 21, 2009
Item Nos. 10-068, 069, 072, 073, 074, 075,
076, 081, 082, 083, 084, 085 and 086

DATE: September 21, 2009

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-09212009(b) -NO COMMENTS.doc

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



Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

September 24, 2009

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

RE: Baltimore County
Item No. 2010-0068-A
MD 45 (York Road)
@ Yarmouth Road
7601 York Road
The Ascension Evangelical Lutheran
Church of Baltimore County, Inc.
Variance –

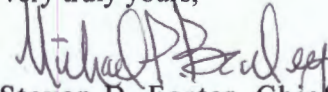
Dear Ms. Matthews:

Thank you for the opportunity to review the ZAC Agenda Case Number 2010-0068-A for the property located at 7601 York Road, which was received on September 21st. We understand that this application illustrates a proposal for a 1-story addition as depicted on the "plan to accompany petition for zoning variance", dated August 25, 2009.

We have completed a review of the referenced plan and as well as a field inspection. The results of the review reveal that a permit issued by State Highway Administration (SHA) is required for sidewalk and sidewalk ramp improvements along the property fronting MD 45 (York Road). Therefore, this office request that the County require the applicant obtain a permit issued SHA as a condition of Variance Case No.2010-0068-A approval for the proposed expansion to 1706 York Road property. Please include our comments in staff report to the Zoning Hearing Officer.

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

Very truly yours,


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

SDF/mb

Cc: Mr. Douglas L. Kennedy, Engineer, KCW Engineering Technologies
Ms. Erin Kuhn, ADE-Traffic, SHA
Mr. David Malkowski, District Engineer, SHA
Mr. Joseph Merrey, Department of Permits & Development Management, Baltimore County
Mr. Douglas B. Riley, Esq., Applicant, Pope & Hughes, P.A.
Mr. Michael Pasquariello, Utility Engineer, SHA

My telephone number/toll-free number is _____

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

RE: PETITION FOR VARIANCE *
7601 York Road; E/S York Road, 56' N c/line *
Yarmouth Road *
9th Election & 5th Councilmanic Districts *
Legal Owner(s): The Ascension Evangelical *
Lutheran Church of Baltimore County, Inc *
Petitioner(s) *

BEFORE THE
ZONING COMMISSIONER
FOR
BALTIMORE COUNTY
10-068-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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

SEP 23 2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of September, 2009, a copy of the foregoing Entry of Appearance was mailed to Douglas Kennedy, P.E., 810 Landmark Drive, Suite 215, Glen Burnie, MD 21061 and Douglas B. Riley, Esquire, Pope & Hughes, P.A., 29 W. Susquehanna Avenue, Suite 110, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER 7010-0068-A
DATE 10-27-09

[illegible]

DATE OCT. 27, 2009

DOUGLAS KENNEDY	810 LANDMARK DRIVE	GLEN BURNIE, MD 21061	DKennedy@KCW-ET.com
LAURIE MCCLAIN	750 E. PRATT ST., 11TH FLOOR	BALTIMORE MD 21202	lmcclain@hcm2.com
JOHN HOLMAN	12 CEDAR AVE	TOWSON MD 21286	FGMAN@ASN.COM
DOUGLAS B. RILEY	623 WILTON ROAD	TOWSON, MD 21286	db.riley@tph-law.com

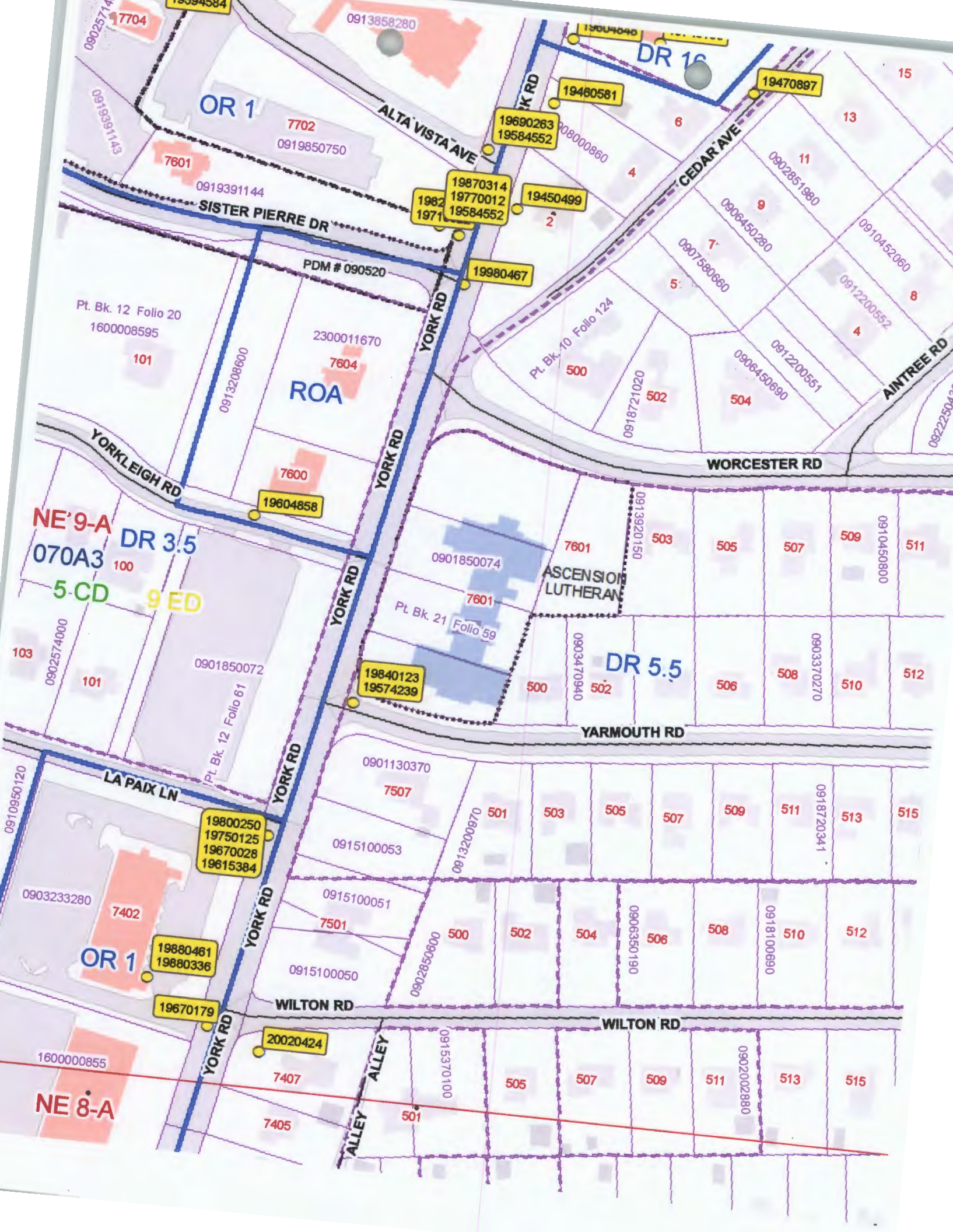
Case No.: 2010-008-A

Exhibit Sheet

Petitioner/Developer

~~Protestant~~

No. 1	site plan	reviewing of requested relief circulated to community by Mr. Murphy
No. 2	floor plan	email responses from community
No. 3	elevation	
No. 4	rendering	
No. 5	7-30-09 traffic approval letter from County	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		





BALTIMORE COUNTY
MARYLAND

PETITIONER'S

EXHIBIT NO.

5

JAMES T. SMITH
County Executive

July 30, 2009

EDWARD C. ADAMS, JR, *Director*
Department of Public Works

Mr. Douglas B. Riley
Pope & Hughes
29 W. Susquehanna Ave, Suite 110
Towson, MD 21204

RE: Ascension Lutheran Church

Dear Mr. Riley:

We have had the opportunity to review the submitted site plan for additions to the church building at 7601 York Rd in Towson. Based on the information supplied in the site plan and the descriptive information supplied in your letter of July 9, 2009, we would calculate that the additional number of daily peak-hour vehicle trips generated by the building addition would be zero.

Since the church is currently located within a failing transportation deficient commuter-shed boundary, restrictions to the issuance of any building permits to the site would only be withheld if the issuance of such permits would cause the site to generate additional peak-hour trips. Given that the site does not contain a building that is devoted principally to dwellings or retail or office uses, the number of peak-hour trips generated by the building is to be determined by the Bureau of Traffic Engineering & Transportation Planning under §4A02.4.D.3.b. of the Baltimore County Zoning Regulations. Since the number of peak-hour trips generated by the building addition is zero, this section of the County's Basic Services legislation should not prevent the issuance of any building permits. (The addition certainly does have the potential for increasing the number of non-peak-hour trips, but those are not controlled by the Basic Services legislation and they would occur during hours of the day when the roadway network has adequate capacity to handle the demand.)

I am forwarding a copy of this letter and your July 9, 2009 letter to Carl Richards in the Zoning Office. While the information in your letter outlines the intent of the expansion, I feel that when the church submits their plans for review to the County for obtaining the required permits that they also need to submit a floor plan of the addition to Mr. Richards to that it can be verified that the floor plan modifications match the changes outlined in your letter. Clearly the one issue of which we have most concern with this church and the generation of peak-hour trips is with the associated day-care facilities located in the church building. There can be no changes made to the church building which in any way will result in more children being accommodated

Mr. Douglas B. Riley
July 30, 2009
Page 2

in the day-care program nor any increase the level of staff used to support these children. That would result in increased peak-hour trips and would therefore not be allowed under the current legislation unless granted by the Zoning Commissioner through a Special Variance hearing.

Should you have any questions regarding this response or wish to discuss the issue further, please feel free to give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen E. Weber", with a long horizontal flourish extending to the right.

Stephen E. Weber, P.E., Chief
Division of Traffic Engineering

SEW

cc: Carl W. Richards, Zoning Office w/ attach.
J:\2009 Documents\Ad-Weber\Letters\sew073009AscensionLutheran.doc

LAW OFFICES
POPE & HUGHES

A PROFESSIONAL ASSOCIATION
THE SUSQUEHANNA BUILDING
SUITE 110
29 W. SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204

(410) 494-7777
Facsimile (410) 494-1658

Douglas B. Riley
443-901-2360
dbriley@popehughes.com

July 9, 2009

BY MESSENGER

Mr. Stephen E. Weber
Bureau of Traffic Engineering and Transportation
111 West Chesapeake Avenue, Mailstop 1326
Towson, Maryland 21204

Re: Ascension Lutheran Church addition
7601 York Road
Towson, Maryland 21204

Dear Steve:

The purpose of this letter is to request an exemption to the Basic Services Map – Transportation to allow Ascension Lutheran Church to expand its current building at 7601 York Road. As the building site is located in the traffic shed of York Road and Burke Avenue, a Level F intersection, the expansion cannot go forward without an exemption.

The expansion is intended to provide the following space:

- New office space to consolidate office space located throughout the building
- Additional toilet facilities to better serve an underserved building
- Expanded fellowship space to be used after services on Sundays and by the community during evening hours
- Expanded choir facilities as the current music space is inadequate
- Elevator to provide handicap access to all levels of the building
- Expansion of the lower level of the Great Hall for Saturday and Sunday activities and evening gatherings
- Increased storage spaces

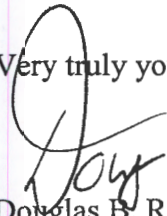
Mr. Stephen E. Weber
Bureau of Traffic Engineering and Transportation
July 9, 2009
Page -2-

The expansion will *not* include any additional classrooms, and there will be no increase in either the staff or enrollment of the day school. Likewise, the size of the church staff will remain the same. The sanctuary will also be unchanged with the same number of pews. The goal of the expansion is to centralize the office staff and make the existing building space more functional for the congregation.

Enclosed for your review are the Site Plan and the Plan to Accompany Petition for Zoning Variance. Before we move forward with our zoning petition, we would like to know whether Baltimore County will grant an exemption from the Basic Services Map – Transportation.

Please let me know if there are other documents or information you need to make your determination. On behalf of Ascension Lutheran Church, I appreciate your consideration.

Very truly yours,



Douglas B. Riley

DBR:eks
Enclosures

cc: Mr. Todd Anderson
Ms. Laurie McLain
Mr. Douglas Kennedy

To Wiltondale Residents:

I met on Tuesday, October 20 with representatives of Ascension Lutheran Church and their architect and engineer about the setback variance they are seeking in order to construct an addition on the York Road side of their church. I relayed to them concerns and questions that I have heard from some Wiltondale residents and they were happy to answer my questions. The church has previously presented their building plans, which included the York Road variance request, to the architectural committee of the Wiltondale Improvement Association which, in turn, presented those plans to the board of directors of the improvement association. Neither body voiced opposition to those building plans.

First, although the zoning signs posted at the church categorize the sought-after setback variances as "side-yard" variances, because the front of the church is considered to be on Worcester Road, the setback variances in question actually relate to the York Road side of the property and to what most would call the back of the church property which abuts houses in the 500 blocks of Worcester and Yarmouth Roads. The variance on the York Road side is being sought to allow construction of an addition on that side of the church. The variances at the property line abutting the houses on Worcester and Yarmouth are being sought to make two variances that already exist there conform with the law. Apparently, when the education wing on Yarmouth Road was constructed in the early 1960's, part of that wing was built closer to the property line abutting the house at 500 Yarmouth than the setbacks then required. In addition, when the new sanctuary entrance on Worcester Road was constructed in the 1990's, one corner of that addition was built closer to the 500 Yarmouth property line than the setbacks then required. These two existing but unapproved variances were not discovered by the church until very recently and, therefore, have not been officially presented to the WIA architectural committee or the board of directors. The house at 500 Yarmouth is currently owned by the church and houses a church employee.

According to Ascension Building Committee Chairman John Holman, the addition on the York Road side of the church will add office space, a courtyard, and a lounge just outside the entrance to the sanctuary. This addition will be coordinated with some interior remodeling. Holman says that the addition, along with the interior remodeling, is being undertaken not to expand the size of the congregation or the programs offered but, rather, to enlarge and modernize outdated and cramped offices, to provide more gathering space for the existing congregation and programs, to improve exterior and interior access to those with disabilities, and to bring the building fully in compliance with fire and health codes. He notes that the sanctuary, where worship services are held, will remain the same size. Without the York Road variance, Holman says, the church would be unable to properly achieve the aforementioned goals.

On the York Road side, the church is seeking to build 12 feet closer to the property line than the setback requires; *i.e.*, they are asking to be allowed to build out to 23 feet from the York Road property line rather than at the current limit of no closer than

COMMUNITY

EXHIBIT NO. 1

35 feet from the York Road property line. According to Ascension attorney Doug Riley, the York Road property line is at the inside edge of the sidewalk. As to the other variances, the church is asking that the existing building be made compliant by the granting of an after-the fact-variance. In the case of the education wing, the setback would be eight feet from the 500 Yarmouth property line rather than 20 feet; in the case of the Worcester Road sanctuary entrance, the setback would be 28 feet rather than 30 feet from that property line.

According to architect Laurie McClain and engineer Douglas Kennedy, overall construction could take as long as 16 months. They state that the exterior addition will likely be undertaken first and would gradually give way to interior improvements and finish work. Holman said that the congregation will take a final vote in January of 2010 on this project and, if approved, construction will hopefully begin in February or March of 2010. The church's contractor, A. R. Marani, in an email, said that his company will do all that it can to minimize the impact that construction will have on Wiltondale. Those measures will include having all workers park in Ascension's lot across York Road and limiting the amount of time that construction equipment is parked on the site. However, some pieces of equipment such as a crane, a backhoe, and tractors, will have to remain on-site while they are being used which could be up to two weeks at a time. In addition, two or three storage trailers and a bobcat will remain on the site throughout construction. The construction site will be fenced and will be subject to sediment controls. Several times, the sidewalk on York Road will have to be closed to accommodate the installation of a new water line and a new sidewalk; this will force pedestrians to use of the sidewalk across York Road. The contractor will begin work at 7:00 A.M. (and maybe at 6:30 A.M. in the summer to beat the heat). The contractor offers that most of the noisy work will be on the York Road side of the site.

According to Holman, of the four mature trees on York Road, one will be definitely saved, one will be definitely removed, while the fate of the remaining two will be decided during construction. Some new trees will be planted.

A zoning hearing will be held on the variance requests on Tuesday, October 27 at 9:00 A.M. in Room 104 of the Jefferson Building at 105 West Chesapeake Avenue in Towson. The hearing is open to all members of the public. I plan to attend and present any concerns that Wiltondale residents may have. Any Wiltondale resident who wishes to comment to me on these variance requests can contact me through the Wiltondale website—<http://wiltondale.org>— by clicking on the WIA Board box and accessing the President's email link. You can also email me directly at lawyermurphy@aol.com.

Brian Murphy
President, Wiltondale Improvement Association

From: Howanski, Bill <Bill.Howanski@severstalna.com>
To: lawyermurphy@aol.com <lawyermurphy@aol.com>
Cc: Kristine K. Howanski <kristine.howanski@verizon.net>
Subject: Ascension Lutheran
Date: Tue, Oct 27, 2009 7:06 am

628 Hastings

2A

Brian,

Wish I could spend more time on this issue and I certainly appreciate your efforts. Ascension Lutheran congregation has always been a good neighbor. I was involved with the large addition a number of years ago and we really didn't have any issues.

My one concern with this effort is the setback from York Road. Our community has always tried to protect the setback on York Road. In an effort for the church to upgrade their facility I think we would be taking a step backwards if we allowed them to go any closer to the road than they already are. I think the setback from Stevenson Lane to Cedar should be protected. Sorry for the late comment on this issue and sorry I can't make the hearing today.

Bill Howanski



Bill Howanski
Manufacturing Manager

Severstal Sparrows Point, LLC
1430 Sparrows Point Blvd
Sparrows Point, MD 21219
T: (410) 388-7741
F: (410) 388-5050
M: (410) 746-6129
bill.howanski@severstalna.com
www.severstalna.com

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COMMUNITY

EXHIBIT NO. 2A-I

RE:

Page 1 of 1

From: Lisa Cottle <lscottle@comcast.net>

To: lawyermurphy@aol.com

Subject: RE:

Date: Wed, Oct 21, 2009 8:00 am

515 Yarmouth

JB

Thanks, Brian. I have to say, Jeff and I are not really reassured by this information. I think the builder's assertions that they will try their best to have as little impact on the neighborhood as possible are nothing more than empty promises. I think the whole area is going to look like a big mess for a year and a half. I hope that they will abide by the no parking signs at the top of Yarmouth that are in place now, and I certainly will be one neighbor who will be calling parking enforcement if they do not, or if pulling in and out of my street becomes dangerous. However, as these concerns have no relation to the legality of their right to a variance, I don't see any point in my attending that meeting. My concerns are completely separate from that issue. Thanks for keeping us in the loop. Aren't you glad your term is almost over! Lisa Cottle

From: lawyermurphy@aol.com [<mailto:lawyermurphy@aol.com>]

Sent: Tuesday, October 20, 2009 5:56 PM

To: lscottle@comcast.net

Subject: Re:

I hope this helps. It will be in the newsletter and the COP email.

Brian J. Murphy
Attorney at Law
1206 St. Paul Street
Baltimore, MD 21202
(410) 347-2030

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

From: Lisa Cottle <lscottle@comcast.net>

To: lawyermurphy@aol.com

Sent: Mon, Oct 19, 2009 5:14 pm

Subject: RE:

Thanks, Brian. Take care.

From: lawyermurphy@aol.com [<mailto:lawyermurphy@aol.com>]

Sent: Monday, October 19, 2009 5:11 PM

To: lscottle@comcast.net

Subject: Re:

Lisa and Jeff-

I am meeting with the Ascension people tomorrow morning. I can give you some information after that.

Brian J. Murphy
Attorney at Law
1206 St. Paul Street
Baltimore, MD 21202
(410) 347-2030

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

From: Lisa Cottle <lscottle@comcast.net>

To: President@Wiltondale.org

Sent: Sun, Oct 18, 2009 3:28 pm

Brian - Jeff and I were wondering if there is a contact person on the Board who has any specific information about Ascension's proposed building improvements. I am a little surprised (or maybe not) that given how far along the plans appear to be, they have not volunteered to present their plans to the neighborhood. Maybe they have done this privately to the Board? Although on a quick inspection of the plan I don't think I have a problem with the finished project, I am very concerned about how they plan to carry out such a significant amount of work over what I am sure will be many, many months (trucks, workmen, etc.) without significant disruption to the neighbors on Yarmouth and on Worcester. Who can I talk to about this? Thanks, Lisa Cottle

From: Dick Ransom <dickransom@comcast.net>

To: lawyermurphy@aol.com

Cc: 'Ann Williams' <revann@comcast.net>

Subject: RE: Wiltondale Improvement Association - Ascension Lutheran Variance President's Letter

Date: Wed, Oct 21, 2009 8:36 pm

602 Sussex JC

Brian,

Excellent summary! I have no problem with the Church's proposal, especially since I was the Vice-Chair of Woodbrook Baptist's Building Committee and since Ann is a minister and since we have attended services at Ascension. I hope Wiltondale appreciates what a good neighbor Ascension is.

Dick

From: wiltondalecop [mailto:wiltondaleCOP@comcast.net]

Sent: Wednesday, October 21, 2009 8:49 AM

To: Undisclosed-Recipient;

Subject: Wiltondale Improvement Association - Ascension Lutheran Variance President's Letter

To Wiltondale Residents:

I met on Tuesday, October 20 with representatives of Ascension Lutheran Church and their architect and engineer about the setback variance they are seeking in order to construct an addition on the York Road side of their church. I relayed to them concerns and questions that I have heard from some Wiltondale residents and they were happy to answer my questions. The church has previously presented their building plans, which included the York Road variance request, to the architectural committee of the Wiltondale Improvement Association which, in turn, presented those plans to the board of directors of the improvement association. Neither body voiced opposition to those building plans.

First, although the zoning signs posted at the church categorize the sought-after setback variances as "side-yard" variances, because the front of the church is considered to be on Worcester Road, the setback variances in question actually relate to the York Road side of the property and to what most would call the back of the church property which abuts houses in the 500 blocks of Worcester and Yarmouth Roads. The variance on the York Road side is being sought to allow construction of an addition on that side of the church. The variances at the property line abutting the houses on Worcester and Yarmouth are being sought to make two variances that already exist there conform with the law. Apparently, when the education wing on Yarmouth Road was constructed in the early 1960's, part of that wing was built closer to the property line abutting the house at 500 Yarmouth than the setbacks then required. In addition, when the new sanctuary entrance on Worcester Road was constructed in the 1990's, one corner of that addition was built closer to the 500 Yarmouth property line than the setbacks then required. These two existing but unapproved variances were not discovered by the church until very recently and, therefore, have not been officially presented to the WIA architectural committee or the board of directors. The house at 500 Yarmouth is currently owned by the church and houses a church employee.

According to Ascension Building Committee Chairman John Holman, the addition on the York Road side of the church will add office space, a courtyard, and a lounge just outside the entrance to the sanctuary. This addition will be coordinated with some interior remodeling. Holman says that the addition, along with the interior remodeling, is being undertaken not to expand the size of the congregation or the programs offered but, rather, to enlarge and modernize outdated and cramped offices, to provide more gathering space for the existing congregation and programs, to improve exterior and interior access to those with disabilities, and to bring the building fully in compliance with fire and health codes. He notes that the sanctuary, where worship services are held, will remain the same size. Without the York Road variance, Holman says, the church would be unable to properly achieve the aforementioned goals.

On the York Road side, the church is seeking to build 12 feet closer to the property line than the setback requires; i.e., they are asking to be allowed to build out to 23 feet from the York Road property line rather than at the current limit of no closer than 35 feet from the York Road property line. According to Ascension

attorney Doug Riley, the York Road property line is at the inside edge of the sidewalk. As to the other variances, the church is asking that the existing building be made compliant by the granting of an after-the-fact variance. In the case of the education wing, the setback would be eight feet from the 500 Yarmouth property line rather than 20 feet; in the case of the Worcester Road sanctuary entrance, the setback would be 28 feet rather than 30 feet from that property line.

According to architect Laurie McClain and engineer Douglas Kennedy, overall construction could take as long as 16 months. They state that the exterior addition will likely be undertaken first and would gradually give way to interior improvements and finish work. Holman said that the congregation will take a final vote in January of 2010 on this project and, if approved, construction will hopefully begin in February or March of 2010. The church's contractor, A. R. Marani, in an email, said that his company will do all that it can to minimize the impact that construction will have on Wiltondale. Those measures will include having all workers park in Ascension's lot across York Road and limiting the amount of time that construction equipment is parked on the site. However, some pieces of equipment such as a crane, a backhoe, and tractors, will have to remain on-site while they are being used which could be up to two weeks at a time. In addition, two or three storage trailers and a bobcat will remain on the site throughout construction. The construction site will be fenced and will be subject to sediment controls. Several times, the sidewalk on York Road will have to be closed to accommodate the installation of a new water line and a new sidewalk; this will force pedestrians to use of the sidewalk across York Road. The contractor will begin work at 7:00 A.M. (and maybe at 6:30 A.M. in the summer to beat the heat). The contractor offers that most of the noisy work will be on the York Road side of the site.

According to Holman, of the four mature trees on York Road, one will be definitely saved, one will be definitely removed, while the fate of the remaining two will be decided during construction. Some new trees will be planted.

A zoning hearing will be held on the variance requests on Tuesday, October 27 at 9:00 A.M. in Room 104 of the Jefferson Building at 105 West Chesapeake Avenue in Towson. The hearing is open to all members of the public. I plan to attend and present any concerns that Wiltondale residents may have. Any Wiltondale resident who wishes to comment to me on these variance requests can contact me through the Wiltondale website—<http://wiltondale.org>—; by clicking on the WIA Board box and accessing the President's email link. You can also email me directly at lawyermurphy@aol.com.

Brian Murphy
President, Wiltondale Improvement Association

Kathy Fick
Wiltondale COP
410-825-8275

DONT HESITATE!
MAKE THE CALL!

FOR EMERGENCIES, CALL 911
NON-EMERGENCIES, CALL 410-887-2222

From: Vanko, David <dvanko@towson.edu>
To: 'lawyermurphy@aol.com' <lawyermurphy@aol.com>
Cc: 'wiltondalecop' <wiltondaleCOP@comcast.net>
Subject: Wiltondale and Ascension
Date: Wed, Oct 21, 2009 9:38 am

528 Sussex

2D

Dear Brian,

Thanks for your very informative explanation of the Ascension Church plans (via the Wiltondale COP email list). Well done! Personally, I have no problems with these improvements. If the congregation votes to approve them, that tells me that they are really needed.

Best regards,

Dave

David A. Vanko, Ph.D.
Acting Dean
Jess and Mildred Fisher College of Science and Mathematics
Towson University
8000 York Road
Towson, Maryland 21252
410-704-2121

From: Susan Wierman (susan.wierman@verizon.net) <susan.wierman@verizon.net>

To: lawyermurphy@aol.com

Cc: wierman@jhu.edu

Subject: Expansion of Church

Date: Sun, Oct 25, 2009 9:26 am

JE

607 Wilton

Dear Brian,

The church is a good neighbor and one of the anchors of our neighborhood.

I have no objections to the variances described in the recent e-mail Cathy Fick sent out. They seem to be following a well-designed and thoughtful process. The main thing will be to minimize the disruption during construction and to manage any sediment runoff.

Thank you for representing the neighborhood in this process.

Susan Wierman

607 Wilton Road

From: Jaye Crooks <jaye.crooks@verizon.net>

To: lawyermurphy@aol.com

Subject: Ascension Church

Date: Wed, Oct 21, 2009 1:50 pm

518 Sussey

2F

Brian,

I just want to pass on my support for Ascension's building project. I'm not a member of Ascension; my interest is that of a neighbor. The church presents a lovely "gateway" to the north end of our community and the plan presents just as lovely an addition. Before we know it, we'll forget what it looks like now, just as we've forgotten what the old Worcester Road entrance looked like several years ago.

Thanks to you and all who remain so diligent in safeguarding the interests of our neighborhood.

Jaye Crooks

From: Deb Vance <dcvance@comcast.net>

To: lawyermurphy@aol.com

Subject: church setback concerns

Date: Wed, Oct 21, 2009 5:18 pm

525 Yarmouth

26

Dear Brian,

I've been following this Ascension Lutheran Church story and just read your letter to the community. Unfortunately I can't attend the hearing because I'll be at work.

I have a feeling that any concerns raised by community members will have no impact. The church seems to have community support because some highly active community members are also church members, like Doug Riley and John Holman, to name the two you mentioned. They're great guys. However, I'm not convinced that what's good for the church is necessarily good for the community.

What disturbs me that most is that the architectural committee apparently rubber stamped their request without any community input before the fact. Now the horse is out of the barn. How much space can be squeezed out of that corner lot, for goodness' sake!?

Just because they allow the WIA board to meet there does not automatically make Ascension a good neighbor. It's becoming more and more difficult to exit via Yarmouth Road, which is where I live. The clergy over there has also behaved in a somewhat militant about allowing their own to obstruct traffic going in and out of Yarmouth Road by parking illegally at the corner. On top of that offensive behavior, to have this street obstructed for about two years by even more Ascension business is not a happy thought. Even if the workers park in the lot, folks who park over there like to press the pedestrian walk button one after the other, making it impossible to exit Yarmouth. One solution would be to eliminate the "no turn on red" provision and change it to "no turn on red when pedestrians are present." Another would be to insist that during construction they move their day school traffic to the driveway on the Worcester side of the church.

Another issue is the trees. They cut down some big old oak trees a few years ago when they installed their sign, and replaced those shade trees with small ornamentals (that make no shade). Please at least get them to agree (in writing) to replace any oak trees that they either cut or that die as a result of construction, with native shade trees (and you know those will take decades to replace the existing ones). Our neighborhood looks more and more like a parking lot, with its lack of shade. One mark of civic-mindedness is someone who thinks of benefitting the community, as our forbears did — they planted trees for the future, so we could enjoy walking in the shade. Ascension doesn't really seem to care a whit about that.

Finally, what impact will this huge new wing have on our power grid? Have they studied it? You know the problems we've been having. Why add to them? The power still goes out — 3-4 times since last June. Once just last week, in fact, and we still don't have answers on that. And when they dig up the water line, how will that impact our water pressure? and for how long?

It seems to me like we're being asked to sacrifice a great deal during those 16 months (I'll be surprised if that's all it takes) and don't see how this benefits the neighborhood at all. It puzzles me why the Board saw fit to approve those plans. The WIA has given much more scrutiny to much less intrusive and offensive plans by homeowners in the neighborhood.

These setback requests sound unreasonable. The setbacks are there for a reason. And now we learn that Ascension violated them in the past. Once again, that isn't the way a good neighbor behaves.

I'd like to hear your thinking, especially on how the Board sees this construction as a boon to Wiltondale. Sounds more like an eyesore that will be painful to receive.

Sincerely,

Deb

From: Armand Patella <apatella@picorpbalt.com>
To: lawyermurphy@aol.com
Cc: jpatella@troweprice.com; aj3patella@comcast.net
Subject: Zoning Variance Requests
Date: Wed, Oct 21, 2009 3:22 pm

519 Sussex

2H

Hello Brian,

Excellent work on the synopsis of your meeting. The Association and its residents are very fortunate to have you as President.

Completely agree with the need/request for the variances applicable to the Yarmouth and Worcester sides of the building. Oppose the variance for the York Road side set back distance.

Although a 12ft exception doesn't sound like too much and the remaining 23ft is still a good distance, I believe the width and height of the proposed structure will visually 'crowd' that side. Unlike individual homes with their smaller structure and side set-backs, the construction of a single unit would present a dominate, if not foreboding, presence between the two otherwise residential streets offering access and invitation to the community.

I believe most residents consider Ascension Lutheran Church a part of our neighborhood. They have always been both generous with their facilities and proactive on any issues (i.e. parking, traffic) that may affect the Wiltondale community. I applaud their outreach in this situation and appreciate their desire to improve their building. However, we should seek a design that ensures the visual perception of the structure to remain *part* of our community rather than a *gateway* to it. Hopefully, the parties can work towards this end.

Yours sincerely,

"A concerned Wiltondale resident"

Best regards,
Armand

Armand Patella
Picorp, Inc. Baltimore
6508 E. Lombard Street
Baltimore, MD 21224
T: 410-633-7800
D: 410-878-9442
F: 410-633-4535

21

From: Casey and/or Jim <kkcjwk@aol.com>
To: lawyermurphy@aol.com
Subject: Re: Ascension Lutheran's Variances
Date: Thu, Oct 22, 2009 10:24 am

Brian,

If you view the video on the church's website you can see that the church started off as a house. It has significantly outgrown its original footprint. The nursery school's impact with the car pool line blocking traffic on Yarmouth and causing speeders down adjacent streets has been endured by residents for years. Church goers also use our streets for parking for Sunday services and for weddings and funerals. That may not impact those with driveways, but many of us do not have driveways. The introduction of the blinking traffic light has increased the number of accidents on York Road in front of Ascension. When will it stop?

About the impact this addition would have on the neighborhood, one neighbor recently said to me "Well it's only one day a week." Yes, it does sound that simple, but I beg to differ. The impact will be felt daily, not just on Sunday. The whole purpose of the addition is to increase the space available for the church to provide more services. That translates into more people coming and going daily.

Again, it is a wonderful idea for them to want to provide more services, but this neighborhood was not designed to accomodate the amount of traffic it will create. We are barely able to manage as it is. In my opinion, this addition should be blocked. If they want to grow bigger, they need to find some other place to do it, not a property that was originally intended to be a residence in a residential neighborhood.

If this is approved, what will be next? And there will be a next. The pastor in the video says "it's been a long time since we added on to the building." Well, it wasn't even 20 years ago, because it happened after Jim and I moved in. And the light, while not an addition was put in at their request not ten years ago. It would appear that we could expect Ascension to want to grow again in another ten years.

We should also be asking ourselves what kind of precedent we are setting for all the businesses run out of residences between the church and Stevenson Lane.

The Wiltondale Improvement Association should be opposed to this addition. It does anything but improve our neighborhood.

Casey

——Original Message——

From: lawyermurphy@aol.com
To: kkcjwk@aol.com
Sent: Tue, Oct 20, 2009 6:00 pm
Subject: Re: Ascension Lutheran's Variances

Casey-

I hope this answers some of your questions. It will be in the newsletter and on the COP email.

Brian J. Murphy
Attorney at Law
1206 St. Paul Street
Baltimore, MD 21202
(410) 347-2030

——Original Message——

From: Casey and/or Jim <kkcjwk@aol.com>
To: lawyermurphy@aol.com
Sent: Fri, Oct 16, 2009 2:53 pm
Subject: Re: Ascension Lutheran's Variances

I suppose those who live on Yarmouth and Worcester Roads are the only ones who can perceive a negative impact by this addition and the construction process. And I thought the traffic light was a bad idea! What is going to happen when church goes stop along that stretch of York Road to drop off passengers? You know they will. The number of accidents will sharply increase, as they did with the introduction of the blinker at Yarmouth and the light at Sister Pierre. Great mission. Bad idea. In my opinion, there is not room in our community for this kind of growth.

I must say I do not recall seeing this mentioned in the neighborhood newsletter.

Casey

——Original Message——

From: lawyermurphy@aol.com

To: kkcjwk@aol.com

Sent: Thu, Oct 15, 2009 9:35 pm

Subject: Fwd: Ascension Lutheran's Variances

This should explain what they want to do.

Brian J. Murphy
Attorney at Law
1206 St. Paul Street
Baltimore, MD 21202
(410) 347-2030

——Original Message——

From: Timothy M. Sullivan <TSullivan@bdlaw.com>

To: anncraigmiller@msn.com; castanea33@verizon.net; wsherman@carrolltonbank.com; lawyermurphy@aol.com; chris@talktochris.com; crdemallie@4glschools.com; HUTTER, ERIC R, ATTOPS <ehutter@att.com>; frederick521@msn.com; fbehlen@siteresourcesinc.com; gregmingo@yahoo.com; hlnoyes@comcast.net; jmassa7@verizon.net; jenniferhervy@msn.com; jburkhardt@mahanrykiel.com; jdrunge@aol.com; jmarlowe@verizon.net; knuetzel@verizon.net; kathyhfick@comcast.net; ktkuhn@verizon.net; Kris Moore <khmoore73@yahoo.com>; kristenrudolph@comcast.net; kyle@kylerichards.com; laurimoylan@mac.com; mitch@strategiescorp.net; bickelgray@verizon.net; Russell J. Pope <rjpope@popehughes.com>; tburkett@biohabitats.com; mdcoans@verizon.net; Cynthia Weisz <cynthiaweisz2008@comcast.net>; mkrunner@verizon.net; lisstugart@comcast.net; teammgm@msn.com; cjfleury@verizon.net

Sent: Wed, Oct 14, 2009 5:09 pm

Subject: RE: Ascension Lutheran's Variances

As additional follow-up to last night's discussion, follow this [link](#) to a "virtual tour" video on Ascension's website that shows the church's plans with narration.

Tim

From: Timothy M. Sullivan

Sent: Wednesday, October 14, 2009 2:56 PM

To: 'anncraigmiller@msn.com'; 'castanea33@verizon.net'; 'wsherman@carrolltonbank.com'; 'lawyermurphy@aol.com'; 'chris@talktochris.com'; 'crdemallie@4glschools.com'; HUTTER, ERIC R, ATTOPS; 'frederick521@msn.com'; 'fbehlen@siteresourcesinc.com'; 'gregmingo@yahoo.com'; 'hlnoyes@comcast.net'; 'jmassa7@verizon.net'; 'jenniferhervy@msn.com'; 'jburkhardt@mahanrykiel.com'; 'jdrunge@aol.com'; 'jmarlowe@verizon.net'; 'knuetzel@verizon.net'; 'kathyhfick@comcast.net'; 'ktkuhn@verizon.net'; 'Kris Moore'; 'kristenrudolph@comcast.net'; 'kyle@kylerichards.com'; 'laurimoylan@mac.com'; 'mitch@strategiescorp.net'; 'bickelgray@verizon.net'; 'Russell J. Pope'; 'tburkett@biohabitats.com'; 'mdcoans@verizon.net'; 'Cynthia Weisz'; 'mkrunner@verizon.net'; 'lisstugart@comcast.net'; 'teammgm@msn.com'; 'cjfleury@verizon.net'

Subject: Ascension Lutheran's Variances

Following up on the discussion at last night's board meeting, please see the below email that Doug Riley sent to Russ Pope about Ascension Lutheran's variances.

Tim

Russ - Ascension Lutheran Church would like to build a one-story addition along York Road to provide its congregation with new office space, additional toilet facilities, an expanded choir room, an elevator to provide handicap access, increased fellowship and storage areas in the basement, and an outdoor porch, portico, and columns. As the front of Ascension Lutheran Church faces Worcester Road, its side yard is along York Road. The County's zoning regulations provide that, in a side yard, a building addition must be at least 35 feet from the property line. Ascension has requested a variance so that its new addition can be built 23 feet from its property line along York Road.

While preparing the variance petition, we discovered two existing set back issues. First, when the school building was added, its setback from the property at 500 Yarmouth Road was supposed to be 20 feet. Instead, this set back is only 8 feet. (This is the walkway from Yarmouth Road, down the steps, to the back door of the fellowship hall in the basement.) Similarly, the back yard set back adjacent to 500 Yarmouth Road is supposed to be 30 feet but, from one particular corner of the building along the walkway, it is only 28 feet. As Ascension Lutheran Church owns the house at 500 Yarmouth Road, this is not a problem and, in fact, the church uses the backyard of 500 Yarmouth Road for its nursery school playground. However, they are still technical violations of the required set back requirements, so we are asking the zoning commissioner to approve them at this time.

I hope this information is helpful. Doug

Timothy M. Sullivan

Beveridge & Diamond, PC
201 North Charles Street ~ Suite 2210
Baltimore, MD 21201
T (410) 230-1355 ~ F (410) 230-1389
tsullivan@bdlaw.com



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York Road Perspective

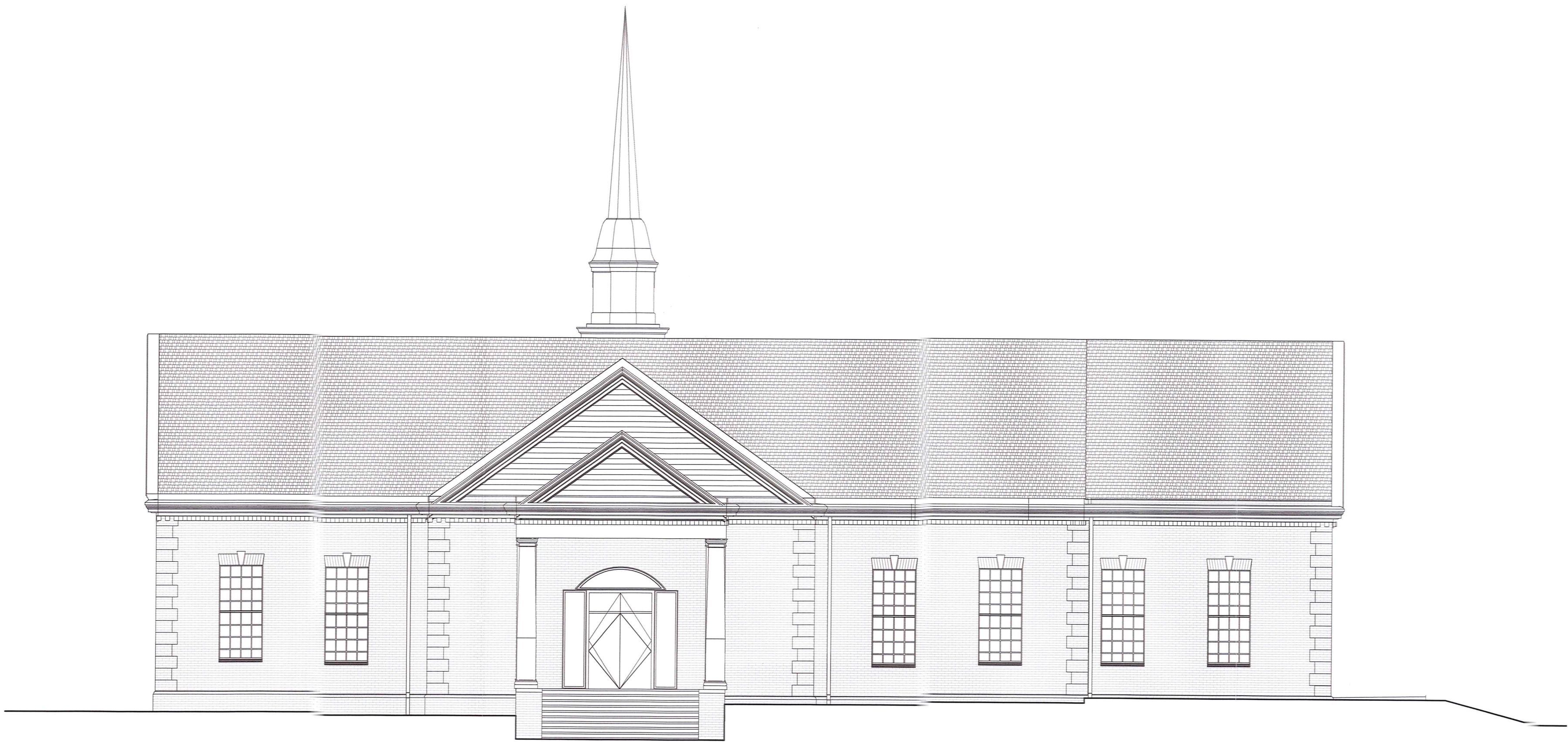


PETITIONER'S
EXHIBIT NO. 4

Ascension Evangelical Lutheran Church
Towson, MD

10.27.2009

hord | coplan | macht
750 E. Pratt Street, Suite 1100 Baltimore, MD 21202
410.837.7311 | www.hcm2.com
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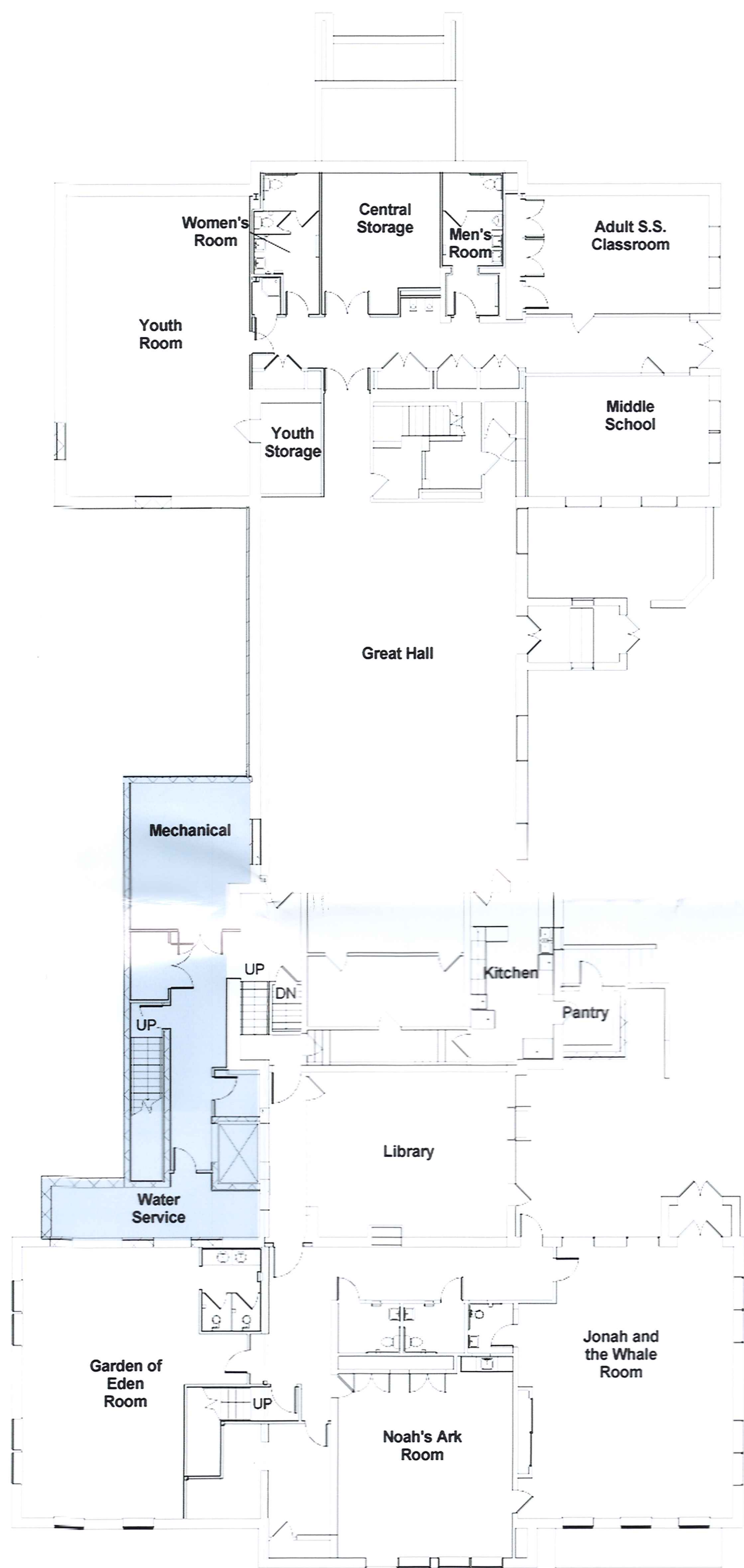


Worcester Rd. Elevation

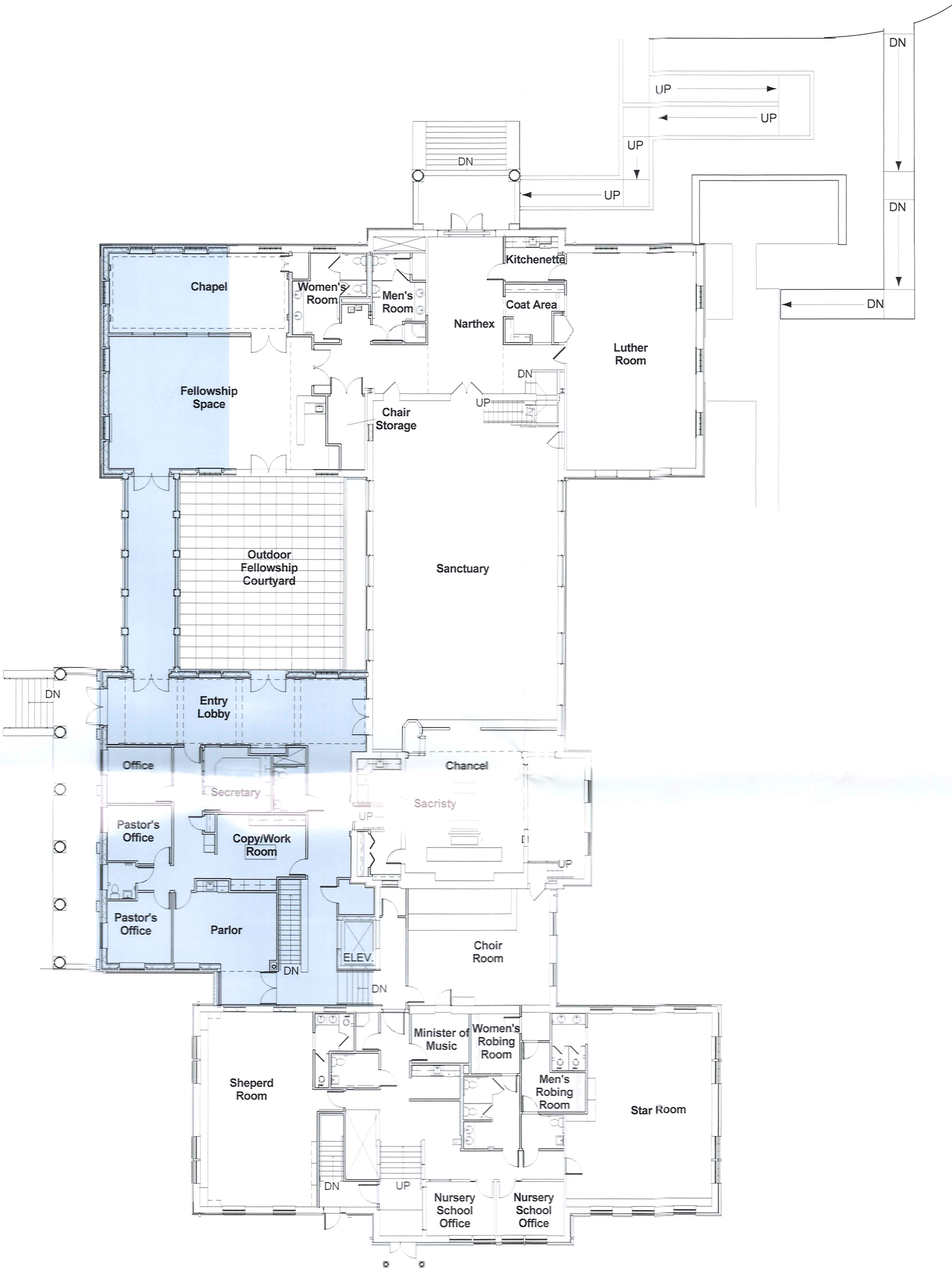


York Rd. Elevation

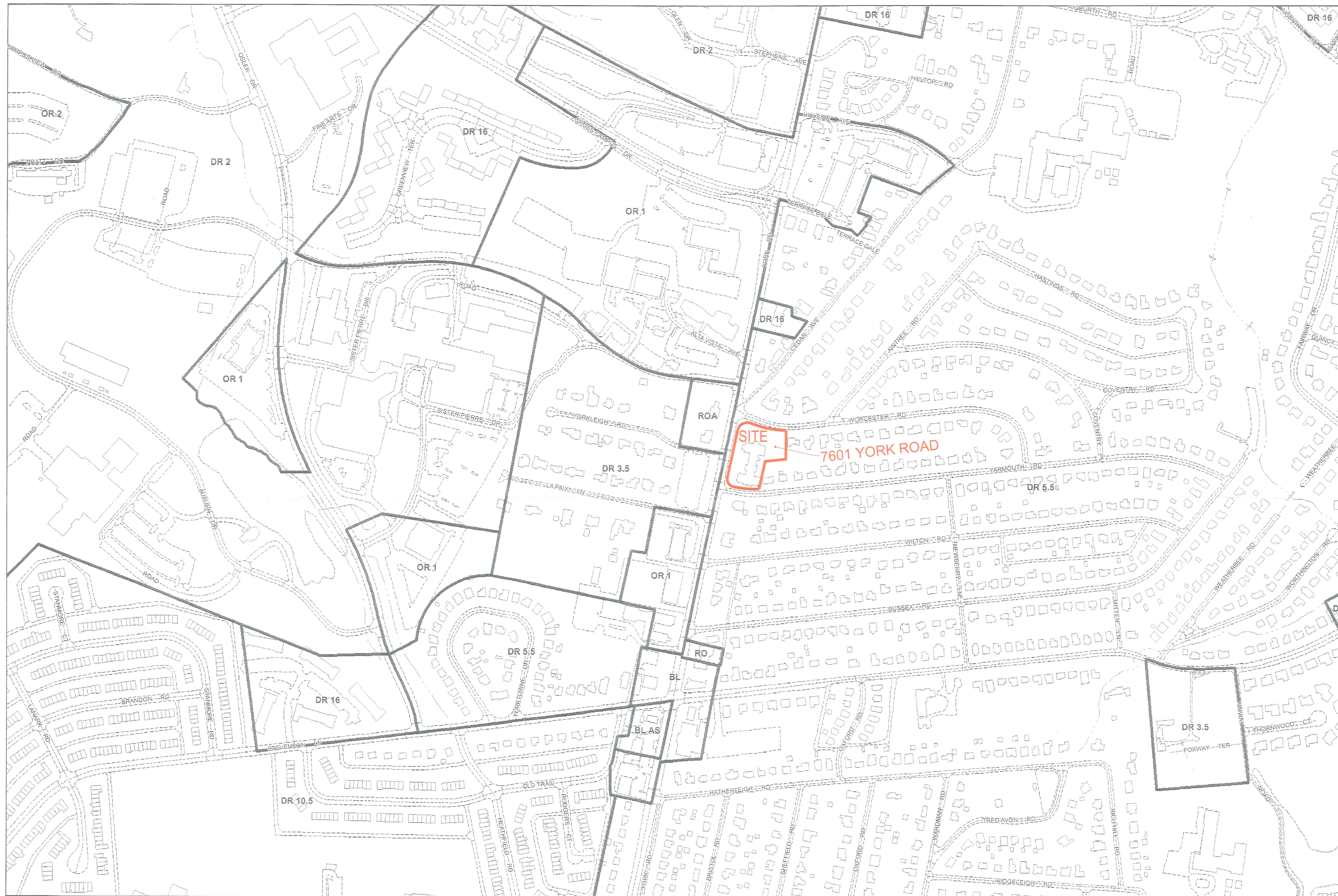
Floor plans



Lower Level



Upper Level



Plan Sheet: 07043

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2006 are represented in this application.

Legend

- Zoning
- Streams
- Vegetation
- Buildings
- Roads
- Rail Lines

Baltimore County Office of Planning and Zoning Official Zoning Map

069B2	069C2	070A2	070B2	070C2
069B3	069C3	070A3	070B3	070C3
079B1	079C1	080A1	080B1	080C1

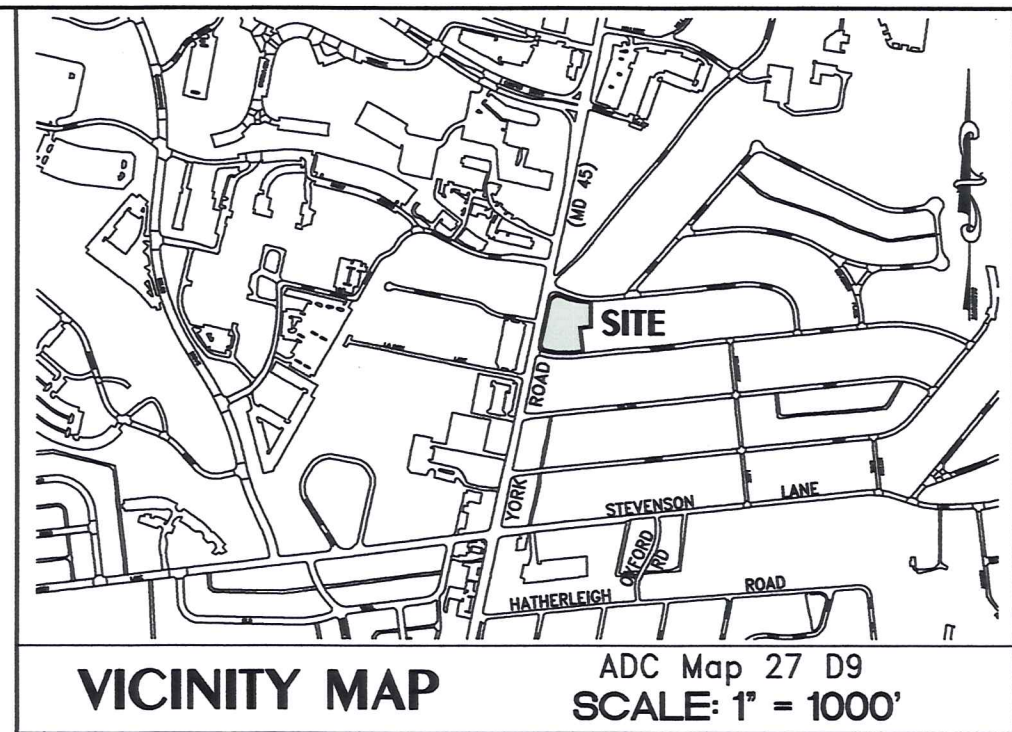
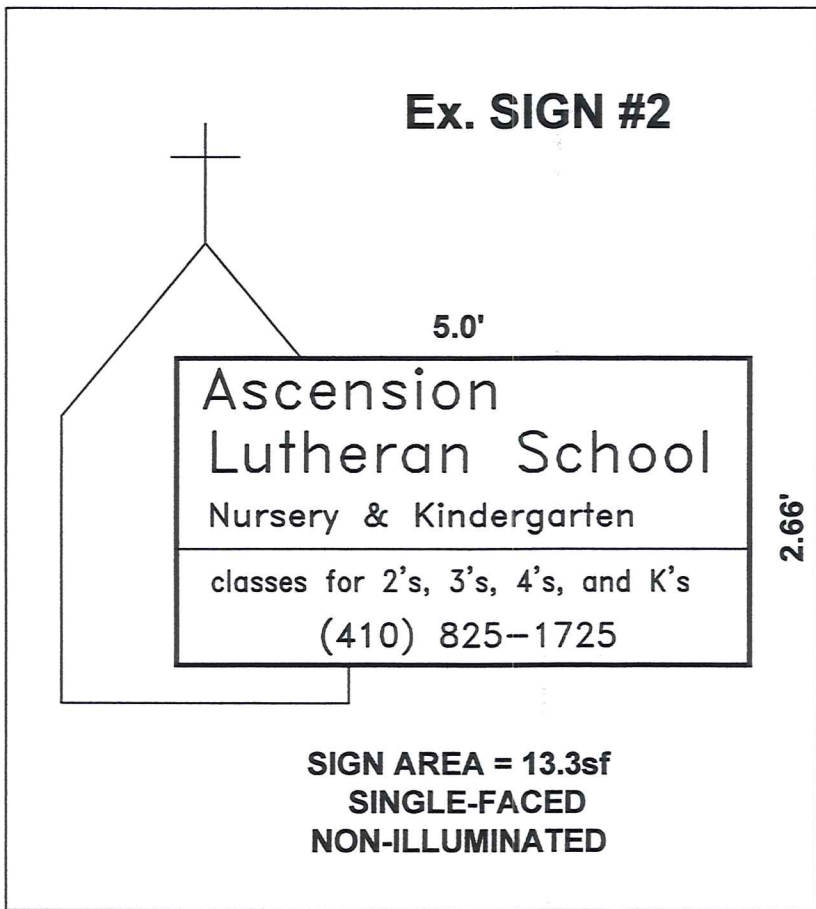
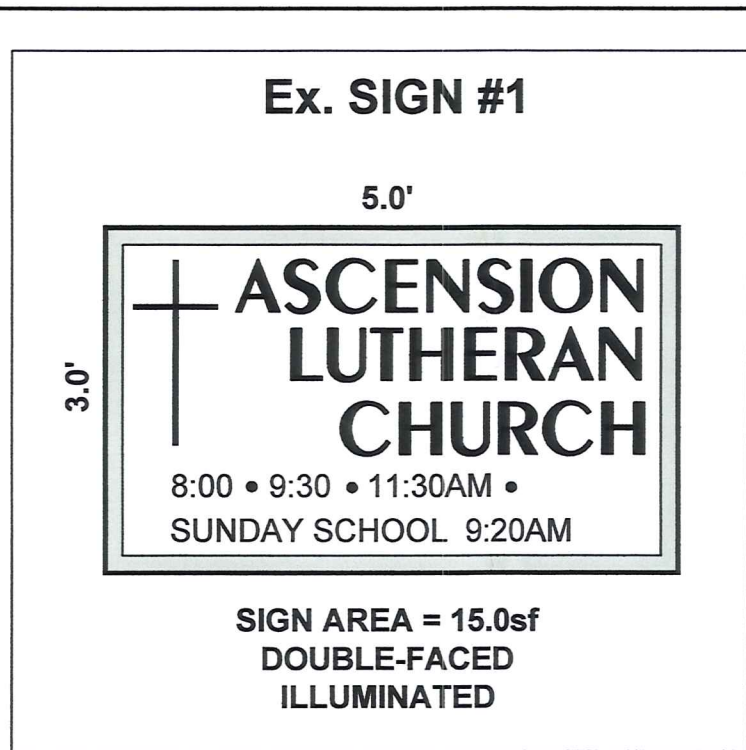
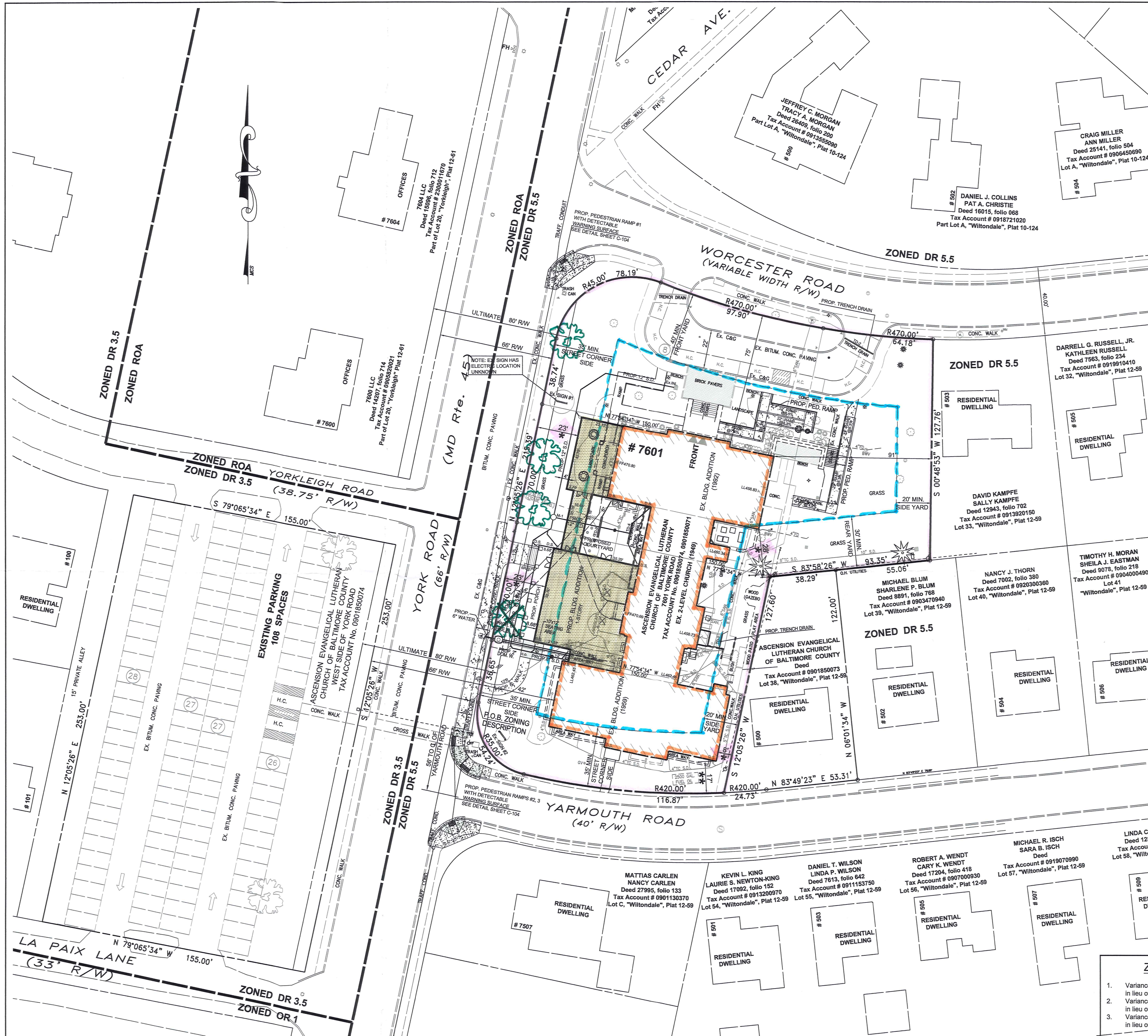
Scale

1" = 200'

0 100 200 400
Feet

1

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



GENERAL NOTES

- OWNER: THE ASCENSION EVANGELICAL LUTHERAN CHURCH
- LOCATION: 7601 YORK ROAD, TOWSON, MD 21204
- TAX MAP: 70, parcel 790
ADDRESS: 7601 York Road
DEED: Liber 1502, folio 054, dated Aug. 2, 1946
SUBDIVISION: Lot 38 of "Wiltontdale" Section 2, Plat 12-59
AREA: 1.22 ac± = 53,172 s.f.
PROPERTY ACCOUNT: 0901850074, 0901850071
- TAX MAP: 70, parcel 790
ADDRESS: 500 Yarmouth Road
DEED: Liber 1502, folio 054, dated Aug. 2, 1946
SUBDIVISION: Lot 38 of "Wiltontdale" Section 2, Plat 12-59
AREA: 0.16 ac± = 7,097 s.f.
PROPERTY ACCOUNT: 0901850073
- ELECTION DISTRICT: 09
COUNCILMANIC DISTRICT: C-5
SEWERSHED: 51
CENSUS TRACT: 4908
- ZONING: D.R. 5.5 (Per Zoning Map 70A03)
- EXISTING LAND USE: Church with 389 seats and additional space for administration, religious education, social activities, and nursery school.
- PROPOSED LAND USE: Same as existing with construction of 1-story with lower level Building Addition for administration, religious education, social activities, and nursery school.
- BUILDING SETBACKS:

	Min. Req.	Existing	Proposed
Front:	40'	75'	23'
Street Corner Side:	35'	17'	**
Interior Side:	20'	8'	*
Rear:	30'	28'	*

* Variance requested for Street Corner Side Yard of 23 ft. in lieu of min. 35 ft.
* Variance requested for existing Interior Side Yard of 8 ft. in lieu of 20 ft.
* Variance requested for existing Rear Yard of 28 ft. in lieu of 30 ft.
** Variance granted Aug. 12, 1957 per Case #4239-V for 17 ft. along Yarmouth.
- BUILDING AREA:

	Existing	Proposed	Existing	Proposed
Lower Level	12,000-sf	4,300-sf	11,335-sf	2,560-sf
First Level	12,000-sf	4,300-sf	11,335-sf	4,320-sf
Total	24,000-sf	8,600-sf	22,670-sf	6,880-sf
Total Building Area =		32,600-sf		29,550-sf
- BUILDING HEIGHT: Existing 1-story + LL H < 50'
Proposed 1-story + LL H < 50'
- PARKING REQUIRED: 1 parking space per 4 seats = 389 seats x 1/4 = 98 p.s.
PARKING PROVIDED: 108 p.s. (Including 2 H.C. spaces) located in existing parking lot on west side of York Road, and 8 p.s. (all H.C.) located along driveway off of Worcester Road. All parking spaces shall be 8.5'x15' minimum and striped in accordance with BCZR Section 409.
- LIGHTING: Lighting of parking areas shall be directed away from adjacent residential properties and public rights-of-way.
- LANDSCAPING: Landscape Plan shall be provided per Landscape Manual.
- STORMWATER MANAGEMENT: SWM in accordance with Baltimore County SWM Regulations shall be provided.
- UTILITIES: Public water and sanitary sewer are existing.
- FOREST CONSERVATION: Forest Conservation Act to be complied with.
- PREVIOUS COMMERCIAL PERMITS: 1992 building addition (B-084673, C-403-91)
- SIGNS: All signs shall comply with BCZR Section 450.
- "Bureau of Traffic Engineering and Transportation Planning" has confirmed that the subject site is within a traffic deficient area per 2008 Basic Services Transportation Map. Per letter from Division of Traffic Engineering dated July 30, 2009, there would be no increase in number of peak-hour vehicle trips generated by building addition.
- There are no known historic buildings, archaeological sites, endangered species habitats, hazardous material sites, underground storage tanks, streams, wetlands, wells or septic systems, or floodplains located on this property. There are no significant views or site features that the development proposal will negatively affect. There are no significant regulated plant or wildlife communities based upon DEPRM and DNR data.
- SOILS: Baltimore County Soil Survey Map 35
GIB - Gieneg-Urban Land
- PRIOR DEVELOPMENT: Project #IX-573: Waiver for County Review Group (CRG) Meeting granted W-91-50. CRG Plan W-91-50 approved June 3, 1991.
- PRIOR ZONING CASES: Case #4239-V granted on Aug. 12, 1957 street corner side yard setback of 17 ft. in lieu of minimum required 25 ft. along Yarmouth Road.
Case #84-123X requested a special exception to construct columbarium. Withdrawn by petitioner prior to hearing.
- RESIDENTIAL TRANSITION AREA: The site is subject to Residential Transition Area (RTA). However, per BCZR 1B01.1.B.1.g.(4) the restrictions do not apply to an addition to an existing church.

ZONING RELIEF REQUESTED

- Variance from BCZR 1B01.2.C.1.a. to allow Street Corner Side Yard setback of 23 ft. in lieu of minimum required 35 ft. for non-residential principal building in DR zone.
- Variance from BCZR 1B01.2.C.1.a. to allow existing Interior Side Yard setback of 8 ft. in lieu of the minimum required 20 ft. for non-residential principal building in DR zone.
- Variance from BCZR 1B01.2.C.1.a. to allow existing Rear Yard setback of 28 ft. in lieu of minimum required 30 ft. for non-residential principal building in DR zone.

PLAN TO ACCOMPANY PETITION for ZONING VARIANCE

THE ASCENSION EVANGELICAL LUTHERAN CHURCH
7601 YORK ROAD

ELECTION DISTRICT 9 COUNCILMANIC DISTRICT C-5
BALTIMORE COUNTY, MARYLAND

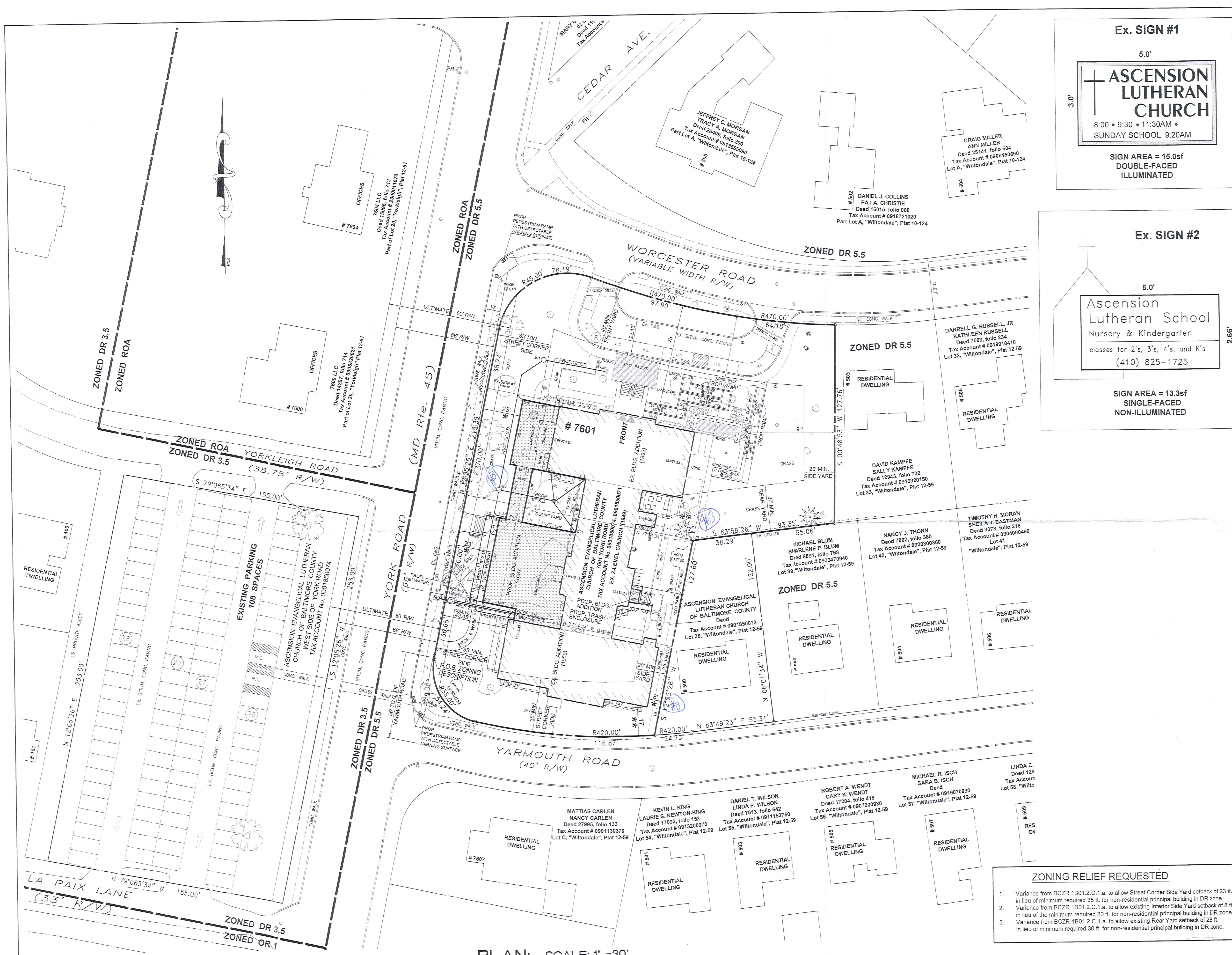
PETITIONER'S
EXHIBIT NO.

KCW Engineering Technologies, Inc.
810 Landmark Drive, Suite 215
Glen Burnie, MD 21061
Phone: 410.768.7700
Fax: 410.768.0200
www.kcw-et.com

Professional Certification.
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.
License No. 10748.
Expiration Date 01-02-2010.

DESIGN AND DRAWING BASED ON MARYLAND COORDINATE SYSTEM
HORIZONTAL - NAD83/91
VERTICAL - NAVD 88

OWNER / DEVELOPER:		REVISIONS		KCW J.O.:	
THE ASCENSION EVANGELICAL LUTHERAN CHURCH 7601 York Road Baltimore, MD 21204		DATE	DESCRIPTION	SCALE:	2090104
				DESIGNED:	1" = 30'
				DRAWN:	DLK
				CHECKED:	YN
				DATE:	AUG. 25, 2009
		OCT. 26, 2009	REVISE SITE PLAN PER CHANGES TO SIDEWALK AND BLDG. AREA	DWG. NO.:	Z-101



Ex. SIGN #1

5.0'

3.0'

ASCENSION LUTHERAN CHURCH

8:00 • 9:30 • 11:30AM •
SUNDAY SCHOOL 9:20AM

SIGN AREA = 15.0sf
DOUBLE-FACED
ILLUMINATED

Ex. SIGN #2

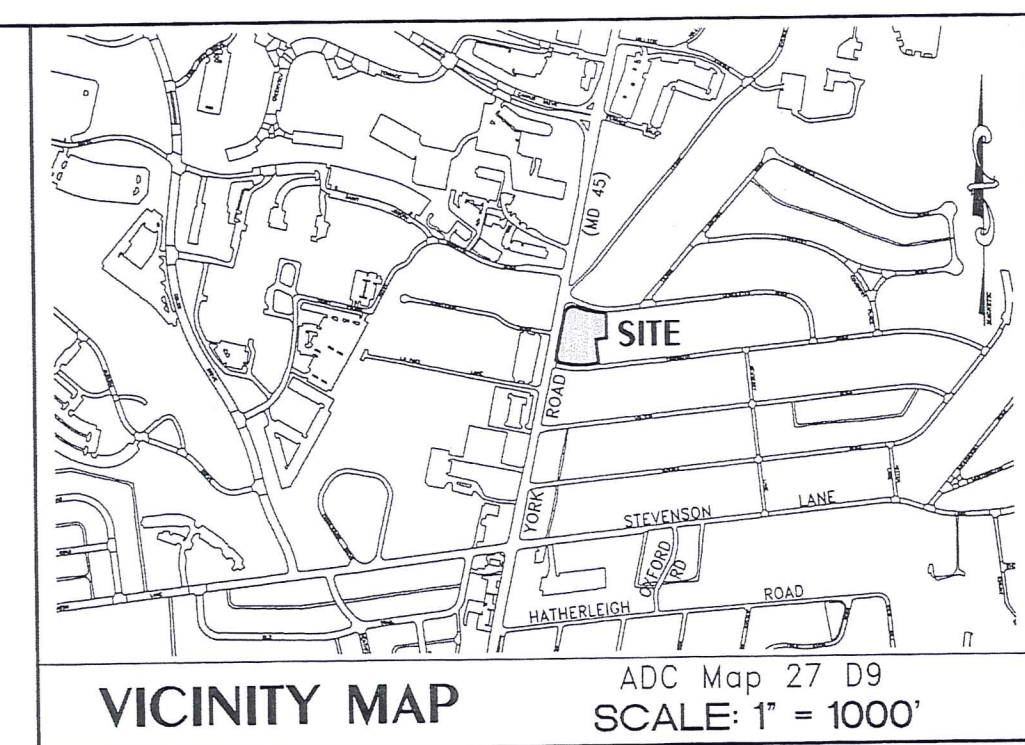
5.0'

Ascension Lutheran School

Nursery & Kindergarten

classes for 2's, 3's, 4's, and K's
(410) 825-1725

SIGN AREA = 13.3sf
SINGLE-FACED
NON-ILLUMINATED



GENERAL NOTES

- OWNER: THE ASCENSION EVANGELICAL LUTHERAN CHURCH
- LOCATION: 7601 YORK ROAD, TOWSON, MD 21204
- TAX MAP: 70, parcel 790
ADDRESS: 7601 York Road
DEED: Liber 1502, folio 054, dated Aug. 2, 1946
SUBDIVISION: Lots A, 34, 35, 36, 37 of "Wiltondale" Section 2, Plat 12-59
AREA: 1.22 acs = 53,172 s.f.
PROPERTY ACCOUNT: 0901850074, 0901850071
- TAX MAP: 70, parcel 790
ADDRESS: 500 Yarmouth Road
DEED: Liber, folio
SUBDIVISION: Lot 38 of "Wiltondale" Section 2, Plat 12-59
AREA: 0.16 acs = 7,097 s.f.
PROPERTY ACCOUNT: 0901850073
- TAX MAP: 70, parcel 791
ADDRESS: West side of York Road
DEED: Liber 1242, folio 506
SUBDIVISION: Lots 1 of "Yorkleigh", Plat 12-61
AREA: 0.90 acs = 39,215 s.f.
PROPERTY ACCOUNT: 0901850072
- ELECTION DISTRICT: 09
COUNCILMANIC DISTRICT: C-5
SEWERSHED: 51
CENSUS TRACT: 4908
- ZONING: D.R. 5.5 (Per Zoning Map 70A3)
- EXISTING LAND USE: Church with 389 seats and additional space for administration, religious education, social activities, and nursery school.
- PROPOSED LAND USE: Same as existing with construction of 1-story with lower level Building Addition for administration, religious education, social activities, and nursery school.
- BUILDING SETBACKS:

	Min.	Reqr.	Existing	Proposed
Front:	40'	75'	-	-
Street Corner Side:	35'	17'	**	23'
Interior Side:	20'	8'	*	*
Rear:	30'	28'	*	-

* Variance requested for Street Corner Side Yard of 23 ft. in lieu of min. 35 ft.
* Variance requested for existing Interior Side Yard of 8 ft. in lieu of 20 ft.
* Variance requested for existing Rear Yard of 28 ft. in lieu of 30 ft.
** Variance granted Aug. 12, 1957 per Case #4239-V for 17 ft. along Yarmouth.
- BUILDING AREA:

	Existing	Proposed
Lower Level	12,000 sf	4,300 sf
First Level	12,000 sf	4,300 sf
Total	24,000 sf	8,600 sf
Total Building Area =		32,600 sf
- BUILDING HEIGHT: Existing 1-story + LL H < 50'
Proposed 1-story + LL H < 50'
- PARKING REQUIRED: 1 parking space per 4 seats = 389 seats x 1/4 = 98 p.s.
- PARKING PROVIDED: 108 p.s. (including 2 H.C. spaces) located in existing parking lot on west side of York Road, and 8 p.s. (all H.C.) located along driveway off of Worcester Road. All parking spaces shall be 8.5'x18' minimum and striped in accordance with BCZR Section 409.
- LIGHTING: Lighting of parking areas shall be directed away from adjacent residential properties and public rights-of-way.
- LANDSCAPING: Landscape Plan shall be provided per Landscape Manual.
- STORMWATER MANAGEMENT: SWM in accordance with Baltimore County SWM Regulations shall be provided.
- UTILITIES: Public water and sanitary sewer are existing.
- FOREST CONSERVATION: Forest Conservation Act to be complied with.
- PREVIOUS COMMERCIAL PERMITS: 1992 building addition (B-084673, C-403-91)
- SIGNS: All signs shall comply with BCZR Section 450.
- "Bureau of Traffic Engineering and Transportation Planning" has confirmed that the subject site is within a traffic deficient area per 2008 Basic Services Transportation Map. Per letter from Division of Traffic Engineering dated July 30, 2009, there would be no increase in number of peak-hour vehicle trips generated by building addition.
- There are no known historic buildings, archaeological sites, endangered species habitats, hazardous material sites, underground storage tanks, streams, wetlands, wells or septic systems, or floodplains located on this property. There are no significant views or site features that the development proposal will negatively affect. There are no significant regulated plant or wildlife communities based upon DEPRM and DNR data.
- SOILS: Baltimore County Soil Survey Map 35
GIB - Glenelg-Urban Land
- PRIOR DEVELOPMENT: Project #IX-573: Waiver for County Review Group (CRG) Meeting granted W-91-50. CRG Plan W-91-50 approved June 3, 1991.
- PRIOR ZONING CASES: Case #4239-V granted on Aug. 12, 1957 street corner side yard setback of 17 ft. in lieu of minimum required 25 ft. along Yarmouth Road.
Case #84-123X requested a special exception to construct columbarium. Withdrawn by petitioner prior to hearing.
- RESIDENTIAL TRANSITION AREA: The site is subject to Residential Transition Area (RTA). However, per BCZR 1801.1.B.1.g.(4) the restrictions do not apply to an addition to an existing church.

ZONING RELIEF REQUESTED

- Variance from BCZR 1801.2.C.1.a. to allow Street Corner Side Yard setback of 23 ft. in lieu of minimum required 35 ft. for non-residential principal building in DR zone.
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7601 YORK ROAD

ELECTION DISTRICT 9 COUNCILMANIC DISTRICT C-5
BALTIMORE COUNTY, MARYLAND

2010-0068-A

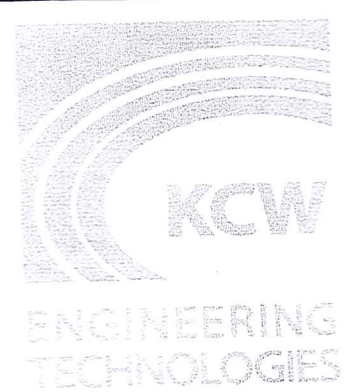
OWNER / DEVELOPER:

THE ASCENSION EVANGELICAL LUTHERAN CHURCH
7601 York Road
Baltimore, MD 21204

REVISIONS

DATE	DESCRIPTION

KCW J.O.: 2090104
SCALE: 1" = 30'
DESIGNED: DLK
DRAWN: YN
CHECKED: DLK
DATE: AUG. 25, 2009
DWG. NO.: Z-101

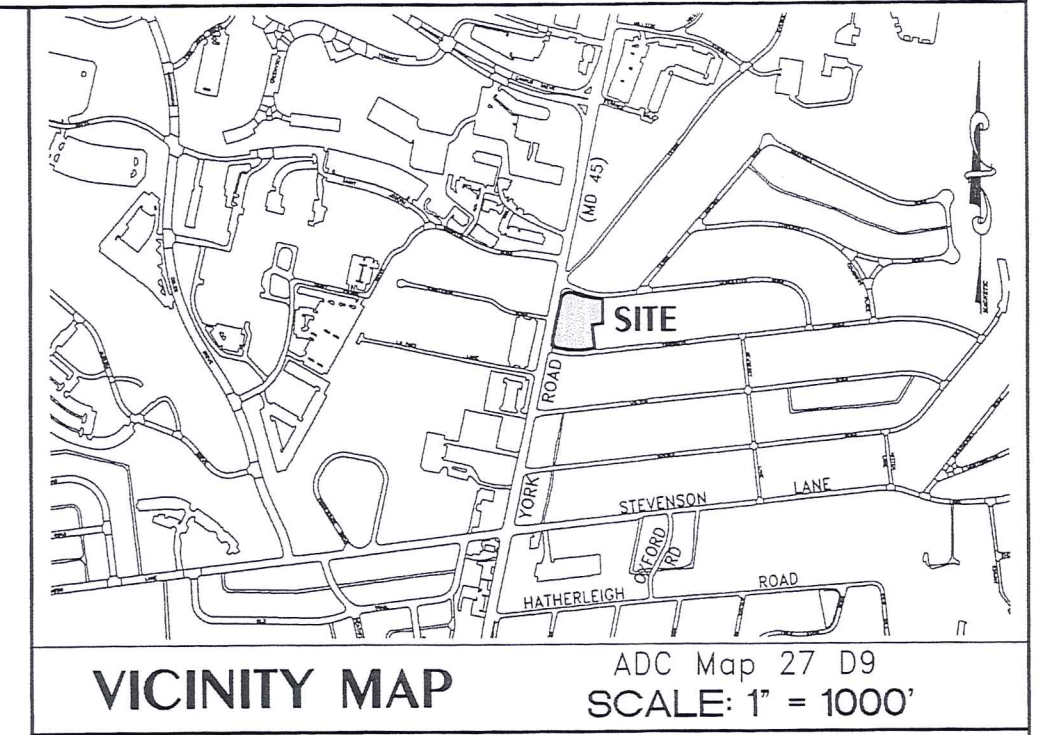
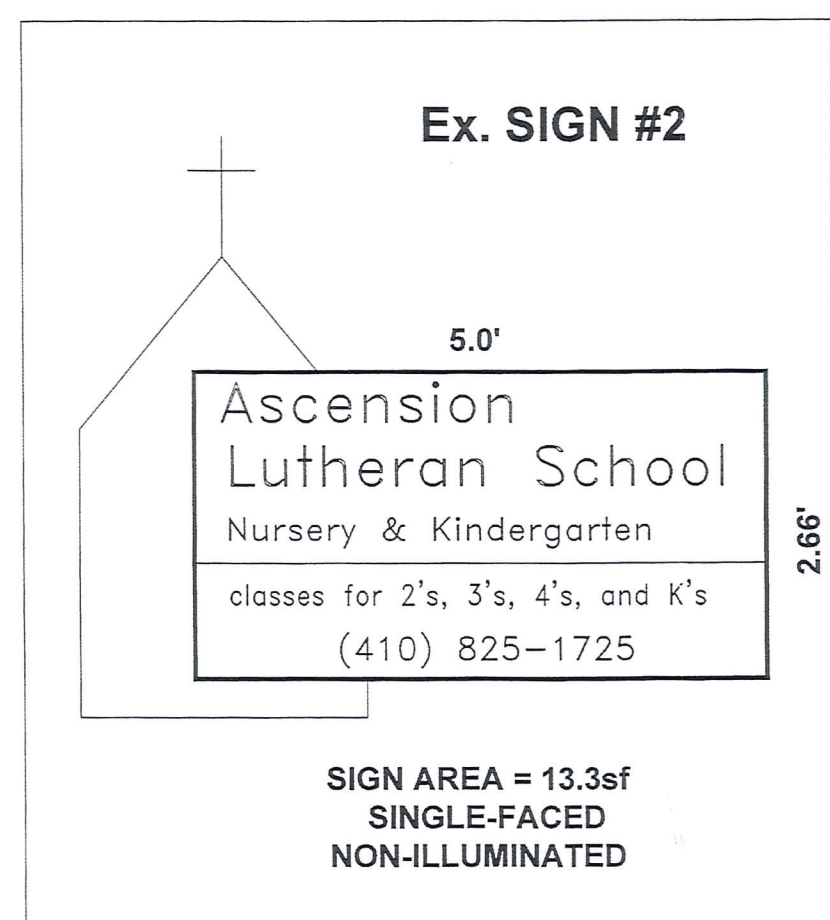
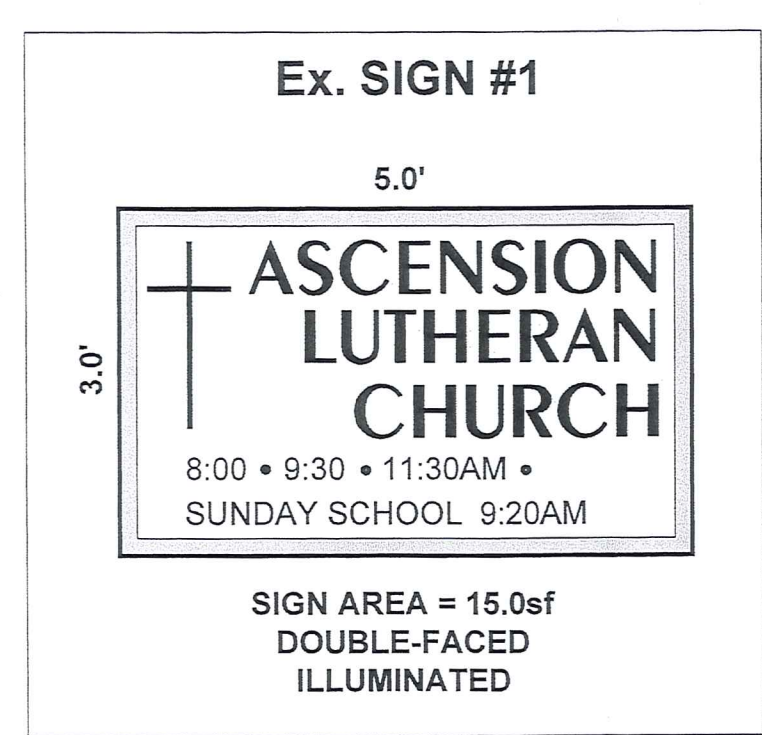
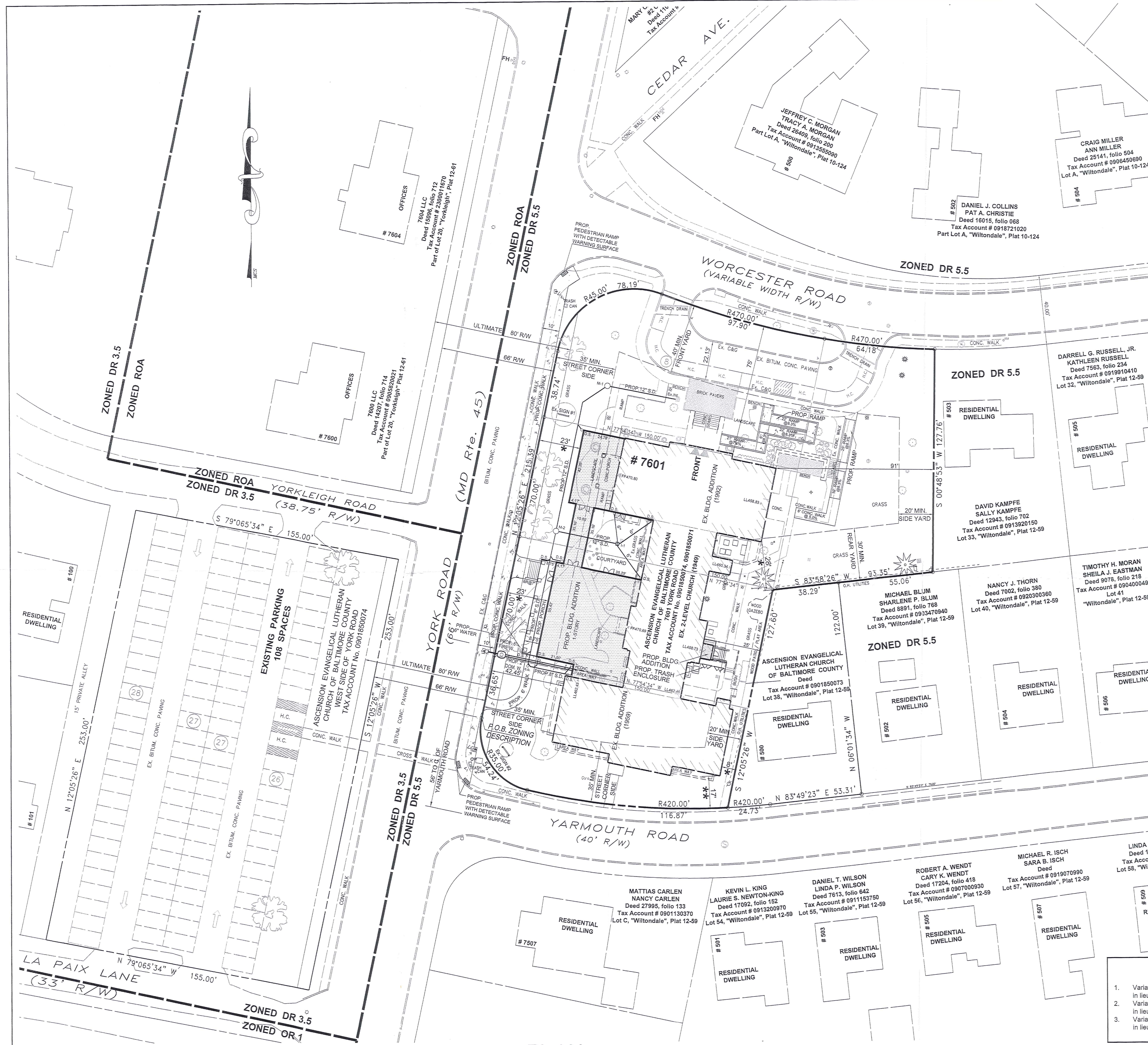


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AREA: 0.90 ac± = 39,215 s.f.
PROPERTY ACCOUNT: 0901850072
- ELECTION DISTRICT: 09
COUNCILMANIC DISTRICT: C-5
CENSUS TRACT: 4908
- WATERSHED: Herring Run
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- ZONING: D.R. 5.5 (Per Zoning Map 70A3)
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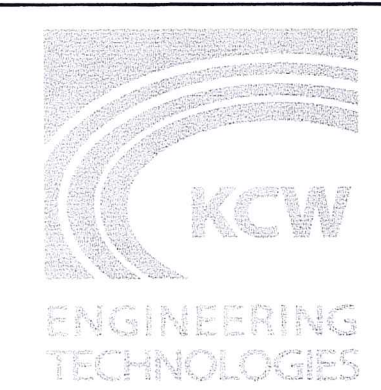
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DATE	DESCRIPTION	2090104
	DESIGNED: DLK	SCALE: 1" = 30'
	DRAWN: YN	DESIGNED: DLK
	CHECKED: DLK	DRAWN: YN
	DATE: AUG. 25, 2009	CHECKED: DLK
	DWG. NO.: Z-101	DATE: AUG. 25, 2009

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THE ASCENSION EVANGELICAL LUTHERAN CHURCH
7601 YORK ROAD

ELECTION DISTRICT 9 COUNCILMANIC DISTRICT C-5
BALTIMORE COUNTY, MARYLAND



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