

IN RE: PETITION FOR VARIANCE

NE corner of Sollers Point Road
and Main Street
12th Election District
2nd Councilmanic District
(103 Sollers Point Road)

Willard E. Johnson
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2010-0312-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Union Baptist Church, Inc., through Willard E. Johnson, Pastor. Petitioner is requesting Variance relief from Sections 232.1 and 409.6.A.4 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit front yard setbacks of 1 foot 5 inches, 2 feet 6 inches and 8 feet 5 inches from front and side street property lines in lieu of the required 10 feet, and 37 feet 6 inches and 23 feet 4 inches from street centerline in lieu of the required 40 feet, and 0 parking spaces in lieu of the required 156 spaces. The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Willard E. Johnson, Pastor of Petitioner Union Baptist Church, and Janean McCalla-Dunston and Kathleen Sherrill, both with SP Arch, Inc., the architecture and planning firm that has worked with Petitioner on the redevelopment of the subject property. Also appearing as an interested citizen was Deborah Johnson. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is an irregular-shaped parcel, consisting in total of approximately 0.44 acre or 19,355 square feet, more or less, zoned

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Date 7-20-10

B.L.-A.S. and located in the Dundalk/Turners Station area of Baltimore County, at the northeast intersection of Sollers Point Road and Main Street.¹ Sollers Point Road runs adjacent to the northwest border of the property and Main Street runs adjacent to the southeast border of the property. The subject property consists of three separate parcels, 103 Sollers Point Road, 105 Sollers Point Road and 105 S. Main Street, all owned by Petitioner and collectively referred to as the property of the Union Baptist Church. The Real Property Data Search printouts for all three parcels are contained within the case file.

As background for the requested relief, Pastor Johnson gave a brief history of the Turners Station community, the Union Baptist Church and the existing improvements on the subject property. He explained that the Union Baptist Church relocated from its former location in Sparrows Point to its present location at 105 S. Main Street in 1972.² The Church's present location was formerly known as Anthony's Theatre, which was the movie theatre serving the Turners Station community for many years.³ Pastor Johnson added that Union Baptist Church has existed for approximately 116 years, experiencing its ups and downs, and presently had a congregation of approximately 25-40 people. According to the site plan, the primary structure on 105 S. Main Street contains 13,770 square feet. The adjoining lots of 103 and 105 Sollers Point Road were purchased from Ronald Kelly in 2002.⁴ These lots are currently improved with an existing building containing approximately 4,747 square feet, which Pastor Johnson indicated was formerly used for a commercial operation. The subject property is bordered to the northeast by an alley and a residential neighborhood zoned D.R.5.5 and to the southeast by a Chinese food

¹ Baltimore County owns a small strip of land (0.03 acre) that would be released back into the possession of the Petitioner pending zoning approval.

² 105 S. Main Street was acquired from Dr. Joseph H. Thomas, who owned and ran Anthony's Theatre.

³ The historic African American community of Turners Station came about around the late 1880's with the beginning of the Bethlehem Steel Mill and the shipyard on Sparrows Point. For more detailed information on the history of Turners Station, see <http://www.louisdiggs.com/meadows/station.html>.

⁴ The Deed for Petitioner's purchase of 103 and 105 Sollers Point Road is recorded as Liber-Folio 15920-43.

restaurant known as the property of Lok Yuk Yin. Photographs of the improvements on the subject property were marked and accepted into evidence as Petitioner's Exhibit 2.

The Church proposes to construct a second story on the existing building at 103 Sollers Point Road, as well as an addition to the building, resulting in a building containing approximately 16,056 square feet. The purpose of these improvements is to create the Turners Station Family Discovery Center, Inc. Pastor Johnson indicated that this entity would be a non-profit organization focused on aiding and assisting families who have been affected by substance abuse and addiction.⁵ In order to make the non-profit economically self-sufficient, the ground floor of 103 Sollers Point Road would be leased for commercial/retail use. Pastor Johnson stated that the types of businesses the Church was considering as a lessee are a pharmacy, dry cleaners or bank -- businesses that would provide much needed services to the community. He also indicated that the proposed improvements are designed taking into account the conclusions of the Turners Station charrette. However, in order to perpetuate the charrette plan, Petitioner needs variance relief from the setback and parking requirements of Sections 232.1 and 409.6.A.4 of the B.C.Z.R.

In support of the requested relief, Pastor Johnson, with additional input from Ms. McCalla-Dunston and Ms. Sherrill, stated that the variances are necessary to comply with the overall plan of the charrette. Specifically, the plan is to revive the Turners Station community by creating a more walkable, pedestrian friendly business area. Pastor Johnson stated that bringing building facades up to the property line is consistent with this plan. With regard to parking, Pastor Johnson indicated that there is ample parking availability on Main Street and that parking for the Church has never been an issue. He explained that the proposed development in this

⁵ For more information on Turner Station Family Discovery Center, Inc. see their Website at: <http://tsdiscoveryfamily.com/index2.html>.

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Date 7-20-10

By pm

matter attempts to spur economic and social progress in Turners Station, including creating sidewalks and pedestrian friendly walkways around the subject property, lessening the need for vehicular traffic and parking. Further, Ms. McCalla-Dunston and Ms. Sherrill noted that the variance requests are driven by the subject property's unique configuration, location on an intersection with several right of way constraints, and compliance with the plan set forth by the Turners Station charrette. Pastor Johnson also supported the request for relief by offering to submit into evidence a plethora of letters in support of Petitioner's proposed development, thereby evidencing the overwhelming approval of the surrounding Turners Station community. The outpouring of support was well noted by the undersigned and for the sake of brevity, the numerous letters were not entered into evidence.

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 May 21, 2010 and indicate that the proposed project was offered and accepted by the community during the recently concluded Turners Station charrette. These comments noted that the intent of the plan is to provide locally available services to parishioners and community residents as part of an overall design and plan for a walkable community. The charrette plan also calls for removal of a portion of the wall at the end of Sollers Point Road that separates Main Street from Broening Highway and the placement of a traffic light there to improve connectivity and circulation for through traffic and reduce traffic congestion in residential streets of the Turners Station community and increase the safety for pedestrians and cyclists. The development of this B.L.-A.S. site in the proposed way will assist the redevelopment of the area consistent with the charrette plan. The Planning Office supports the requests with recommendations that that elevations of the Main Street, Sollers Point Road and alleys be submitted for review, walls of the

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Date 7-20-10

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By pm

alley side of the development should be of similar finish to the street sides, and the 10 foot section of the alley should be converted to a sidewalk.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Specifically, the irregular lot configuration of the subject property (with five sides) and its historical significance, the location of the subject property at the intersection of Main Street and Sollers Point Road as well as abutting an alleyway, and compliance with the intent and plan of the Turners Station charrette, combine to render the subject property unique in a zoning sense. Further, I find that strict compliance with the Zoning Regulations would create a practical difficulty and unreasonable hardship that would result in a denial of a reasonable and beneficial use of the property. *See, Belvoir Farms v. North* 355 Md. 259 (1999). I also find the variance requests can be granted in strict harmony with the spirit and intent of Section 307.1 of the B.C.Z.R., as interpreted in *Cromwell v. Ward*, 102 Md.App. 691 (1995), and in such a manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance requests should be granted.

THEREFORE, IT IS ORDERED this 20th day of July, 2010 by this Deputy Zoning Commissioner, that Petitioner's request for Variance relief from Sections 232.1 and 409.6.A.4 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit front yard setbacks of 1 foot 5 inches, 2 feet 6 inches and 8 feet 5 inches from front and side street property lines in lieu of the required 10 feet, and 37 feet 6 inches and 23 feet 4 inches from street

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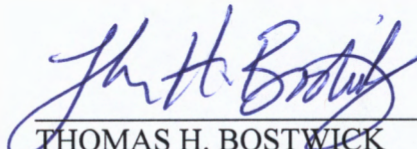
5

By pm

centerline in lieu of the required 40 feet, and 0 parking spaces in lieu of the required 156 spaces
be and are hereby **GRANTED**. The relief granted herein shall be subject to the following:

1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Elevations of Main Street, Sollers Point Road and the adjacent alley shall be submitted to the Office of Planning for review.
3. The walls of the alley side of the proposed redevelopment shall be of similar finish to the street sides because there are residential houses immediately on the other side of the alleys. Several front the 20 foot wide portion of the alley.
4. The 10 foot section of the alley shall be converted to sidewalk with sufficient ground between the walk and the building to provide some screening vegetation to further soften the impact of the two-story wall on the adjacent residential buildings.

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



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 7-20-10

By pm



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

July 20, 2010

WILLARD E. JOHNSON, PASTOR
UNION BAPTIST CHURCH
105 MAIN STREET
BALTIMORE MD 21222

Re: Petition for Variance
Case No. 2010-0312-A
Property: 103 Sollers Point Road

Dear Rev. Johnson:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: Janean McCalla-Dunston and Kathleen Sherrill, SP Arch, Inc., 600 Reisterstown Road, Suite 718,
Pikesville MD 21208



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 103 Sollers Point Rd.
which is presently zoned BL AS

Deed Reference: 15920 / 43 Tax Account # 1220031890

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)

Setbacks-Section 235

Parking-Section 409

SEE ATTACHED

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

Currently there is no off-street parking and the existing building footprint on the property does not allow for the required off-street parking. The new program space is intended to introduce basic amenities into the community with the idea that there would be more patrons walking than driving. As for setbacks, the first floor addition will align with the adjacent church building footprint facing Main street and will sit back over 5' from the existing building footprint facing Sollers Point Rd.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Willard E. Johnson (PASTOR)

Name - Type or Print

Signature

Name - Type or Print

Signature

105 Main St.

410-282-7944

Address

Telephone No.

Baltimore

MD

21222

City

State

Zip Code

Representative to be Contacted:

Janean McCalla-Dunston

Name

600 Reisterstown Rd. Suite 718 410-580-9106

Address

Telephone No.

Baltimore

MD

21208

City

State

Zip Code

Case No. 2010-0312-1A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by [Signature]

Date 5-12-10

REV 8/20/01 ORDER RECEIVED FOR FILING

Date 7-20-10

By [Signature]

REQUESTED VARIANCE RELIEF

From Section 232.1 and 409.6.A.4; of the Baltimore County Zoning Regulations, to permit front yard setbacks of 1 foot 5 inches, 2 feet 6 inches and 8 feet 5 inches from front and side street property lines in lieu of the required 10 feet, and 37 feet 6 inches and 23 feet 4 inches from street centerline in lieu of the required 40 feet, and zero parking spaces in lieu of the required 156 spaces.

ZONING DESCRIPTION

Beginning at a point on the East side of Main st. which is 40'-0" wide at the distance of 137'-4" South of the centerline of the nearest improved intersecting street Sollers Point Rd. which is 30'-0" wide. Thence the following courses and distances:

Typical metes and bounds: N.28 24' 38" W. 118.083', N.22 43' 06" E. 127.50', S.67 16' 54" E. 50.01', S.25 03' 45" E. 131.88', S. 50 31' 31" W. 123.29' to the place of beginning.



**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: 2010-0312-A

Petitioner: UNION BAPTIST CHURCH INC.

Address or Location: 103 HANSE, BALTIMORE MD 21222-6122
SOLLERS PT. RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: REV. ERIC JOHNSON

Address: UNION BAPTIST CHURCH

105 MAIN ST.

BALTIMORE MD 21222-6122

Telephone Number: 202-230-1560

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

No. **53930**

Date: **5/12/10**

PAID RECEIPT

BUSINESS ACTION TIME AM
 5/12/2010 5:12 PM 5/12/2010 1

REC-001 BALTIMORE COUNTY
 RECEIPT # 53930 5/12/2010 01/1

Dept. 5 520 ZONING VERIFICATION
 II (05/13/10)

Receipt for \$325.00
 \$325.00 13 \$3.00 GR
 Baltimore County Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					325

Total: **325.00**

Rec From: **JANEAN McCALLA - DUNSTON**

For: **2410-0312-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER 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: # 2010-0312-A

103 Sollers Point Road

N/east corner of Sollers Point Road & Main Street

12th Election District — 2nd Councilmanic District

Legal Owner(s): Willard E. Johnson

Variance: to permit front yard setbacks of 1 foot 5 inches, 2 feet 6 inches and 8 feet 5 inches from front and side street property lines in lieu of the required 10 feet, 37 feet 6 inches and 23 feet 4 inches from street centerline in lieu of the required 40 feet and zero parking spaces in lieu of the required 156 parking spaces.

Hearing: Monday, July 12, 2010 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.

6/487 June 24

244647

CERTIFICATE OF PUBLICATION

6/24/, 2010

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 6/24/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING

FAX

To: Patty Zook
410-887-3468

From: Dick Hoffman
410-879-3122

RE: Certification of Posting
103 Sollers Point Road

Copy Attached

(3 sheets, including this cover)

Certificate of Posting

RE: Case NO. 2010-0312-A

Petitioner/Developer _____

Willard E. JohnsonDate of Hearing/Closing 7/12/10

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

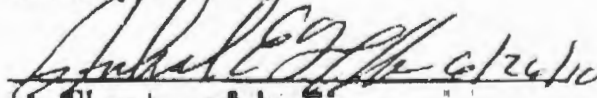
Attention:

This letter is to certify, under penalties of perjury, that the necessary sign as required by law, was posted conspicuously on the property located at _____

103 Sollers Point Road

The sign(s) were posted on 6/26/10
(Month, Day, Year)

Sincerely,

Richard E. Hoffman

(Printed Name)

See Attached
Photograph

904 Dellwood Drive

(Address)

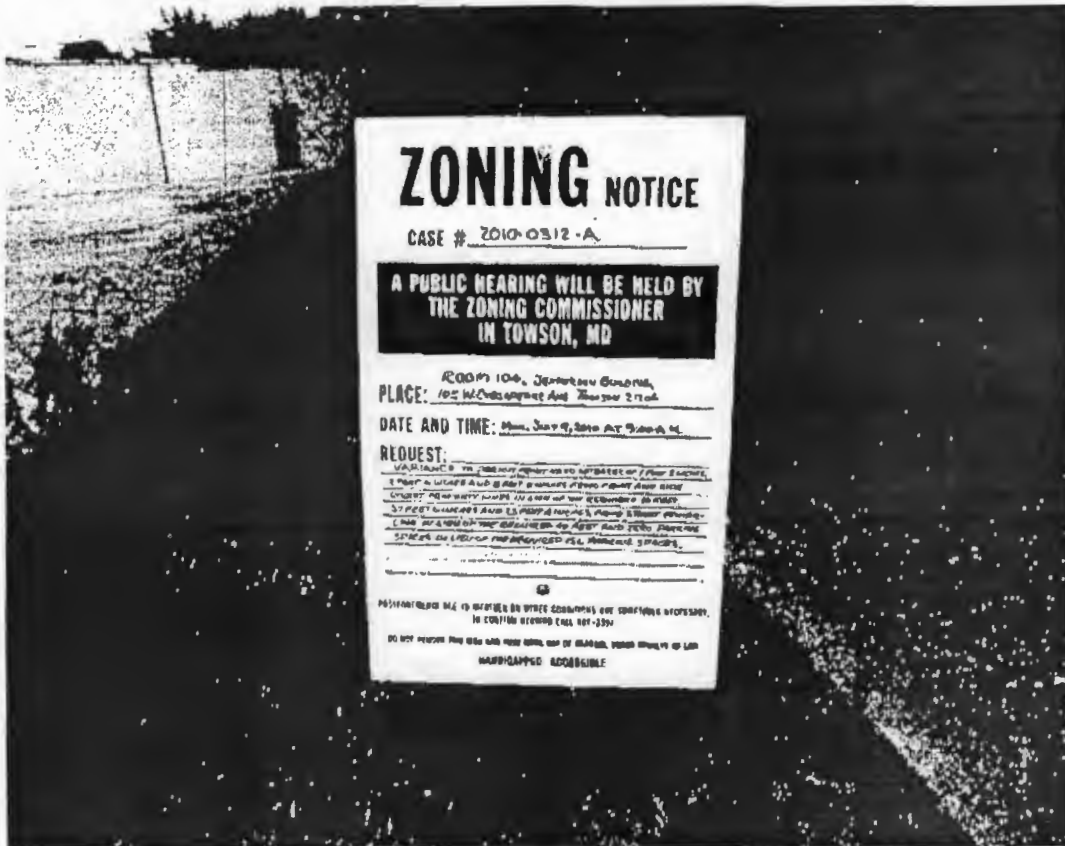
Fallston, Md. 21047

(City, State, Zip Code)

Certificate of Posting
Photograph Attachment

Re: 2010-0312-A

Petitioner/Developer: _____

Willard E. JohnsonDate of Hearing/Closing: 7/12/10

103 Sollers Point Road

Posting Date: 6/26/10

Willard E. Johnson
(Signature and date of sign poster)

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 24, 2010 Issue - Jeffersonian

Please forward billing to:
Rev. Eric Johnson
Union Baptist Church
105 Main Street
Baltimore, MD 21222-6122

202-230-1560

NOTICE OF ZONING HEARING

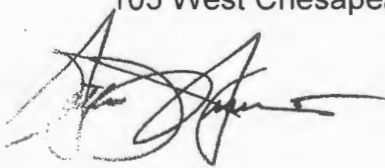
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0312-A

103 Sollers Point Road
N/east corner of Sollers Point Road & Main Street
12th Election District – 2nd Councilmanic District
Legal Owners: Willard E. Johnson

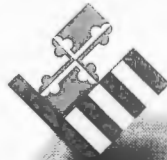
Variance to permit front yard setbacks of 1 foot 5 inches, 2 feet 6 inches and 8 feet 5 inches from front and side street property lines in lieu of the required 10 feet, 37 feet 6 inches and 23 feet 4 inches from street centerline in lieu of the required 40 feet and zero parking spaces in lieu of the required 156 parking spaces.

Hearing: Monday, July 12, 2010 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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

June 3, 2010

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: 2010-0312-A

103 Sollers Point Road
N/east corner of Sollers Point Road & Main Street
12th Election District – 2nd Councilmanic District
Legal Owners: Willard E. Johnson

Variance to permit front yard setbacks of 1 foot 5 inches, 2 feet 6 inches and 8 feet 5 inches from front and side street property lines in lieu of the required 10 feet, 37 feet 6 inches and 23 feet 4 inches from street centerline in lieu of the required 40 feet and zero parking spaces in lieu of the required 156 parking spaces.

Hearing: Monday, July 12, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:kl

C: Willard Johnson, 105 Main Street, Baltimore 21222
Janean McCalla-Dunston, 600 Reisterstown Rd., Ste. 718, Baltimore 21208

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JUNE 26, 2010.**
- (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

July 7, 2010

Willard E. Johnson
105 Main St.
Baltimore, MD 21222

Dear: Willard E. Johnson

RE: Case Number 2010-0312-A, 103 Sollers Point Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 12, 2010. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Janean Mc Calla Dunston; 600 Reisterstown Rd. Ste. 718; Baltimore, MD 21208

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 18, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For May 31, 2010
Item Nos. 2010- 176, 230, 295, 296,
297, 298, 299, 301, 303, 304, 306, 307
311 & 312

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05312010 -NO COMMENTS.doc

TB 7-12-10 9Am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 21, 2010

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

RECEIVED

JUN 08 2010

SUBJECT: 103 Sollers Point Road
INFORMATION:

ZONING COMMISSIONER

Item Number: 10-312

Petitioner: Willard E. Johnson

Zoning: BL -AS

Requested Action: Variances

To permit front yard setbacks of 1ft. 5 in., 2ft. 6 in. and 8 ft. 5 in. from front and side street property lines in lieu of the required 10 ft. and 37ft. 6 in. and 23ft. 4 in. from street centerline in lieu of 40 ft; to permit no parking spaces in lieu of the required 156 spaces.

SUMMARY OF RECOMMENDATIONS:

The proposed project was offered and accepted by the community during the recently concluded Turners Station charrette. The intent is to provide locally available services to parishioners and community residents as part of an overall design and plan for a walkable community.

The charrette plan also calls for removal of a portion of the wall at the end of Sollers Point Road that separates Main Street from Broening Highway, and the placement of a traffic light there to improve connectivity and circulation for through traffic and reduce traffic congestion in residential streets of the Turners Station Community and increase the safety for pedestrians and cyclists.

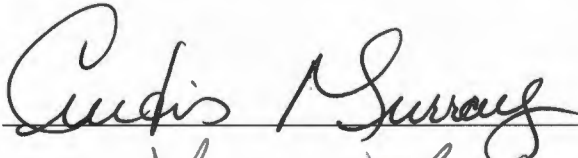
The development of this BL-AS site, in the proposed way will assist the redevelopment of area consistent with the charrette plan. Thus, the Office of Planning supports the requests, with the following recommendations:

1. Elevations of the Main Street, Sollers Point Road and alleys should be submitted to the Office of Planning for review.
2. The walls of the alley side of the proposed redevelopment should be of a similar finish to the street sides because there are residential houses immediately on the other side of the alleys. Several front to the 20 ft. wide portion of the alley.

3. The 10 ft. section of alley should be converted to sidewalk with sufficient ground between the walk and the building to provide some screening vegetation, to further soften the impact of the 2-storey wall on the adjacent residential buildings.

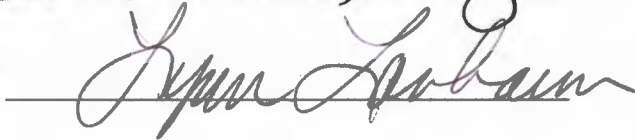
For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: June 11, 2010

SUBJECT: Zoning Item # 10-312-A
Address 103 Sollers Point Road
(Johnson Property)

Zoning Advisory Committee Meeting of May 17, 2010.

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

Reviewer: JWL Date: 6/11/10



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

May 27, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 17th, 2010

Item Numbers: 0176, 0230, 0295, 0296, 0297, 0298, 0299, 0300, 0301, 0303, 0304, 0306
and 0307-0312

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



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: May 19, 2010

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

RE: Baltimore County
Item No. 2010-0312-A
103 SOLLERS POINT
JOHNSON PROPERTY
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0312-A.

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).

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

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
103 Sollers Point Road; NE corner of
Sollers Point Road and Main Street
12th Election & 2nd Councilmanic Districts
Legal Owner(s): Willard Johnson
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 10-312-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

MAY 21 2010

..... **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 21st day of May, 2010, a copy of the foregoing Entry of Appearance was mailed to Janean McCalla-Dunston, 600 Riesterstown Road, Suite 718, Baltimore, MD 21208, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose No Comment</u>
<u>5-18-10</u>	DEVELOPMENT PLANS REVIEW	<u>nc</u>
<u>6-11-10</u>	DEPRM	<u>nc</u>
	FIRE DEPARTMENT	
<u>5-21-10</u>	PLANNING (if not received, date e-mail sent _____)	<u>support w/ conditions</u>
<u>5-19-10</u>	STATE HIGHWAY ADMINISTRATION	<u>nc</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 6-24-10

SIGN POSTING posted Date: 6-26-10

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☒

Comments, if any: _____



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3d)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 12 **Account Number -** 1220030840

Owner Information

Owner Name: UNION BAPTIST TURN STA BLDG INC **Use:** EXEMPT COMMERCIAL
Mailing Address: 105 S MAIN ST **Principal Residence:** NO
 BALTIMORE MD 21222 **Deed Reference:** 1) / 5325/ 455
 2)

Location & Structure Information

Premises Address **Legal Description**
 MAIN ST LT 1 PT 264 & ADJ AC
 50 S SOLLERS POINT RD
 TURNERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
110	5	31					1	3	Plat Ref: 5/ 10

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1947	6,960 SF	9,636.00 SF	01

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	BLOCK

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2009	07/01/2010
Land	23,900	23,900		
Improvements:	385,900	424,200		
Total:	409,800	448,100	422,566	435,332
Preferential Land:	0	0	0	0

Transfer Information

Seller: THOMAS JOSEPH H	Date: 12/28/1972	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 5325/ 455	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: COUNTY AND STATE
Exempt Class: CHURCHES, SYNAGOGUES, & PARSONAGES

Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3d)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 12 **Account Number -** 1220031890

Owner Information

Owner Name: UNION BAPTIST CHURCH INC **Use:** RESIDENTIAL
Mailing Address: 105 MAIN ST **Principal Residence:** NO
 BALTIMORE MD 21222-6122 **Deed Reference:** 1) /15920/ 43
 2)

Location & Structure Information

Premises Address **Legal Description**
 103 SOLLERS POINT RD PT LT 33,264
 NE COR MAIN STREET
 TURNERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
110	5	31					33	3	Plat Ref: 4/ 158

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		8,379.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2009	07/01/2010
Land	9,590	16,590		
Improvements:	0	0		
Total:	9,590	16,590	11,923	14,256
Preferential Land:	0	0	0	0

Transfer Information

Seller: KELLY RONALD	Date: 01/02/2002	Price: \$50,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /15920/ 43	Deed2:
Seller: SEARFOSS JOHN W	Date: 01/23/1984	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 6657/ 485	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3d)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 12 **Account Number -** 1222035352

Owner Information

Owner Name: UNION BAPTIST CHURCH INC **Use:** EXEMPT COMMERCIAL
Mailing Address: 105 MAIN ST **Principal Residence:** NO
 BALTIMORE MD 21222-6122 **Deed Reference:** 1) /15920/ 43
 2)

Location & Structure Information

Premises Address **Legal Description**
 105 SOLLERS POINT RD PT LT 33
 105-107 SOLLERS POINT RD
 TURNER

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
110	5	31					33	3	Plat Ref: 4/ 158

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		5,339.00 SF	01

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2009	07/01/2010
Land	5,300	5,300		
Improvements:	67,700	67,700		
Total:	73,000	73,000	73,000	73,000
Preferential Land:	0	0	0	0

Transfer Information

Seller: KELLY RONALD	Date: 01/02/2002	Price: \$50,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /15920/ 43	Deed2:
Seller: SEARFOSS JOHN W	Date: 01/23/1984	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 6657/ 485	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: COUNTY AND STATE
Exempt Class: CHURCHES, SYNAGOGUES, & PARSONAGES

Special Tax Recapture:
 * NONE *

CASE NAME ~~0312-A~~
CASE NUMBER 0312-A
DATE 7/12/10

CASE NAME ~~0312-A~~
CASE NUMBER 0312-A
DATE 7/12/10

[illegible]



SP Arch, Inc.
Architecture, Planning
 600 Reisterstown Rd.
 Suite 718
 Pikesville, MD 21208
 (410) 580-9106
www.sparch-inc.com

PROJECT:
 TURNER STATION DISCOVERY FAMILY CENTER

TITLE:
 ZONING MAP

REF:
 ZONING MAP #: SE 6-E

DATE:
 5-10-10

SCALE:
 1" = 100'

DRAWN BY:
 JMD

SHEET:

Case No.: 2010-0312-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Photographs of existing improvements	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



EXISTING BUILDING



SP Arch, Inc.
Architecture, Planning
 600 Reisterstown Rd.
 Suite 718
 Pikesville, MD 21208
 (410) 580-9106
 www.sparch-inc.com

PROJECT:
 UNION BAPTIST CHURCH
 TITLE:
 EXISTING SITE PICTURES
 REF:
 VARIANCE HEARING

PETITIONER'S

EXHIBIT NO.

2

DATE:
 7/12/10

SCALE:
 NOT TO SCALE

DRAWN BY:
 JMD

SHEET:
 A1-1



MAIN STREET
EXISTING SETBACK

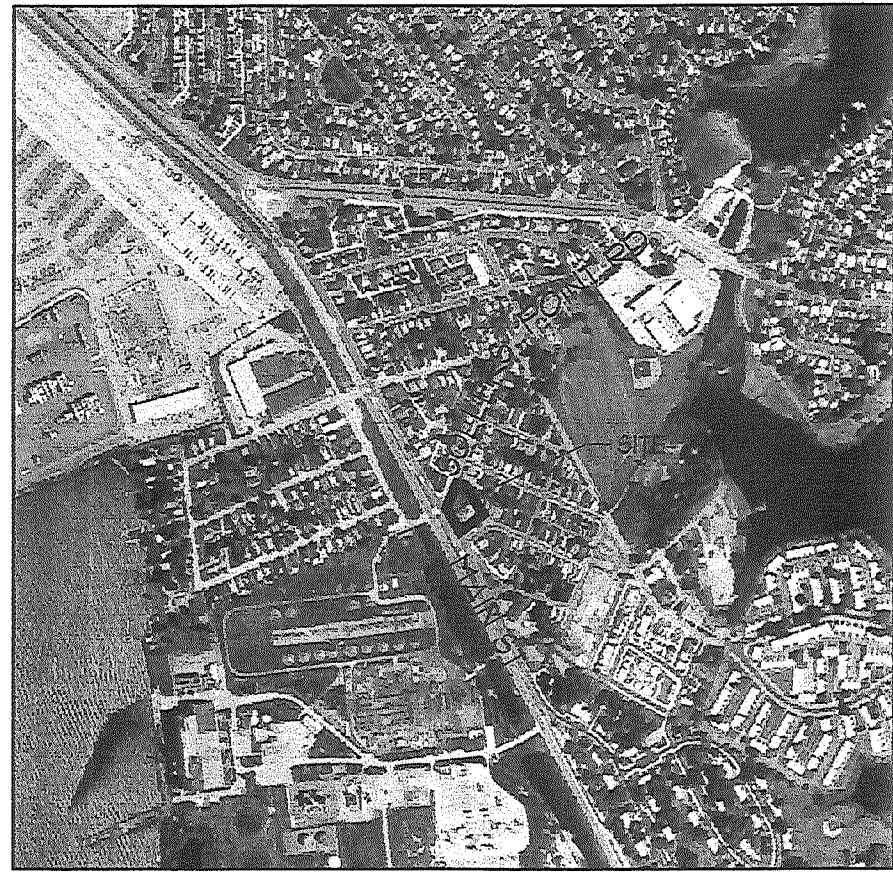


SOLLERS POINT RD
EXISTING SETBACK

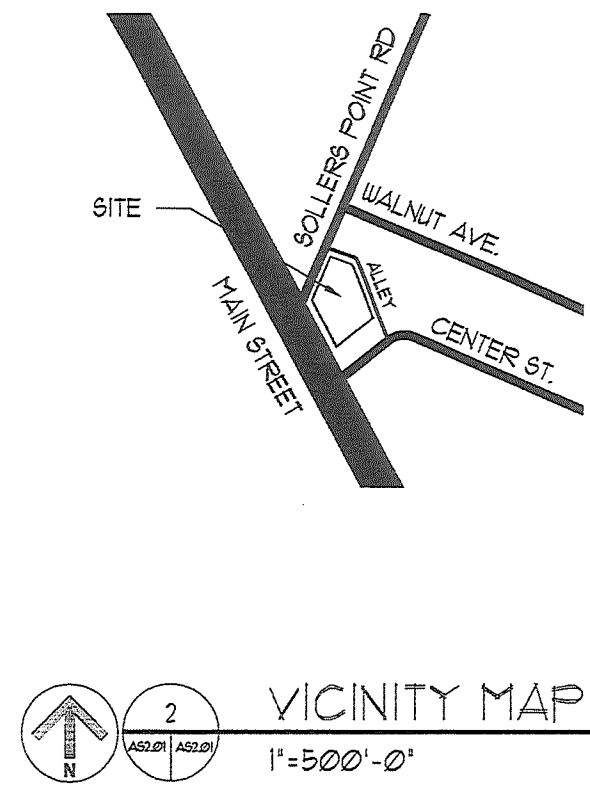
SP **SP Arch, Inc.**
Architecture, Planning
600 Reisterstown Rd.
Suite 718
Pikesville, MD 21208
(410) 580-9106
www.sparch-inc.com

PROJECT:
UNION BAPTIST CHURCH
TITLE:
EXISTING SITE PICTURES
REF:
VARIANCE HEARING

DATE: 7/12/10
SCALE: NOT TO SCALE
DRAWN BY:
JMD
SHEET:
A1-12



AERIAL MAP
1"=1000'-0"



GENERAL NOTES

PROPERTY ADDRESS: 103 SOLLERS POINT RD.
TAX#: 1220031890
DEED REFERENCE: 15320/43 LOT: 33
MAP NO: 110 GRID: 5 PARCEL: 31
EXISTING BUILDING USE: OFFICE
PROPOSED BUILDING USE: OFFICE/RETAIL
OWNER NAME: UNION BAPTIST CHURCH INC.
MAILING ADDRESS: 105 S. MAIN ST., BALTIMORE, MD 21222

CHURCH PROPERTY ADDRESS: 105 S. MAIN ST.
TAX#: 1220030840
DEED REFERENCE: 5325/455 LOT: 1
MAP NO: 110 GRID: 5 PARCEL: 31
EXISTING BUILDING USE: CHURCH
OWNER NAME: UNION BAPTIST TURNER STATION BLDG. INC.
MAILING ADDRESS: 105 S. MAIN ST., BALTIMORE, MD 21222

PROPERTY ZONING: BL AS
DISTRICTS: 12th ELECTION DISTRICT,
7th COUNCIL MANIC DISTRICT
EXISTING LOT AREA (W/O COUNTY PROPERTY):
.41 ACRES (11,387.4 SQFT)
PROPOSED TOTAL LOT AREA: .44 ACRES (19,355.9 SQFT)

TOTAL SQFT OF EXISTING BUILDING ON
103-101 SOLLERS POINT RD. SITE: ±4,141 SQFT
TOTAL SQFT OF EXISTING BUILDING ON
105 S MAIN ST. SITE: ±13,770 SQFT
TOTAL SQFT OF ALL EXISTING BUILDINGS ON
COMBINED SITE: ±18,911 SQFT

PROPOSED TWO STORY ADDITION &
RENOVATION WORK: ±16,056 SQFT
RETAIL: 1,938 SQFT
OFFICE: 8,118 SQFT

MAXIMUM FAR: 3.0
PROPOSED FAR: 16,056 + 13,770 / 26,002.9 SQFT=1.41

EXISTING HEIGHT (ESTIMATE): ±15'-0"
PROPOSED HEIGHT: 30'-0"

- THIS SITE IS IN 500 YEAR FLOOD PLAIN
- THIS SITE IS NOT IN CHESAPEAKE BAY CRITICAL AREA
- THIS SITE IS NOT HISTORIC
- THERE IS A PRIOR ZONING CASE: 19594735
TO ALLOW FOR NO OFF-STREET PARKING INSTEAD
OF THE REQUIRED OFF-STREET PARKING PER SECTION 409.2.
THIS ZONING VARIANCE WAS GRANTED.

SETBACKS:

REQUIRED
FRONT: 40'-0" (FROM STREET CL. AS PER CODE) ± 10'-0"
SOLLERS POINT RD: FROM PROPERTY LINE
MAIN ST:
REAR: 0'-0"
INT. SIDE: 0'-0"

EXISTING
2'-6", 8'-2", 23'-4"
86'-2", 100'-2"
0'-0"
0'-0"

PROPOSED
2'-6", 8'-5", 23'-4"
1'-5", 18'-2", 31'-6"
0'-0"
0'-0"

PARKING SPACES

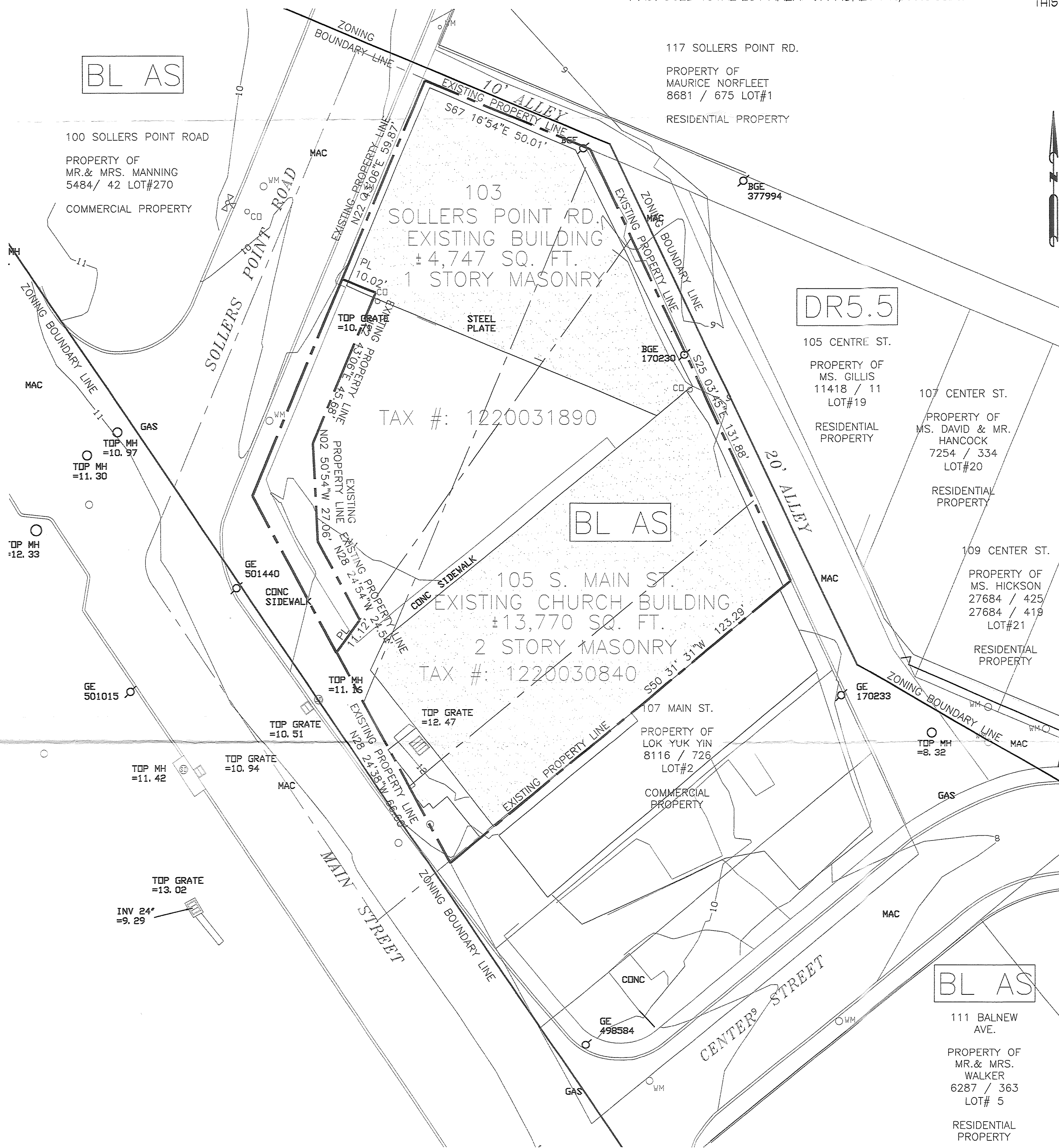
EXISTING OFFICE (4,141 SQFT)
REQUIRED: 15.51 (3.3 x 4.1)
EXISTING: 0

EXISTING CHURCH (500 SEATS)
REQUIRED: 125 (500 / 4)
EXISTING: 0

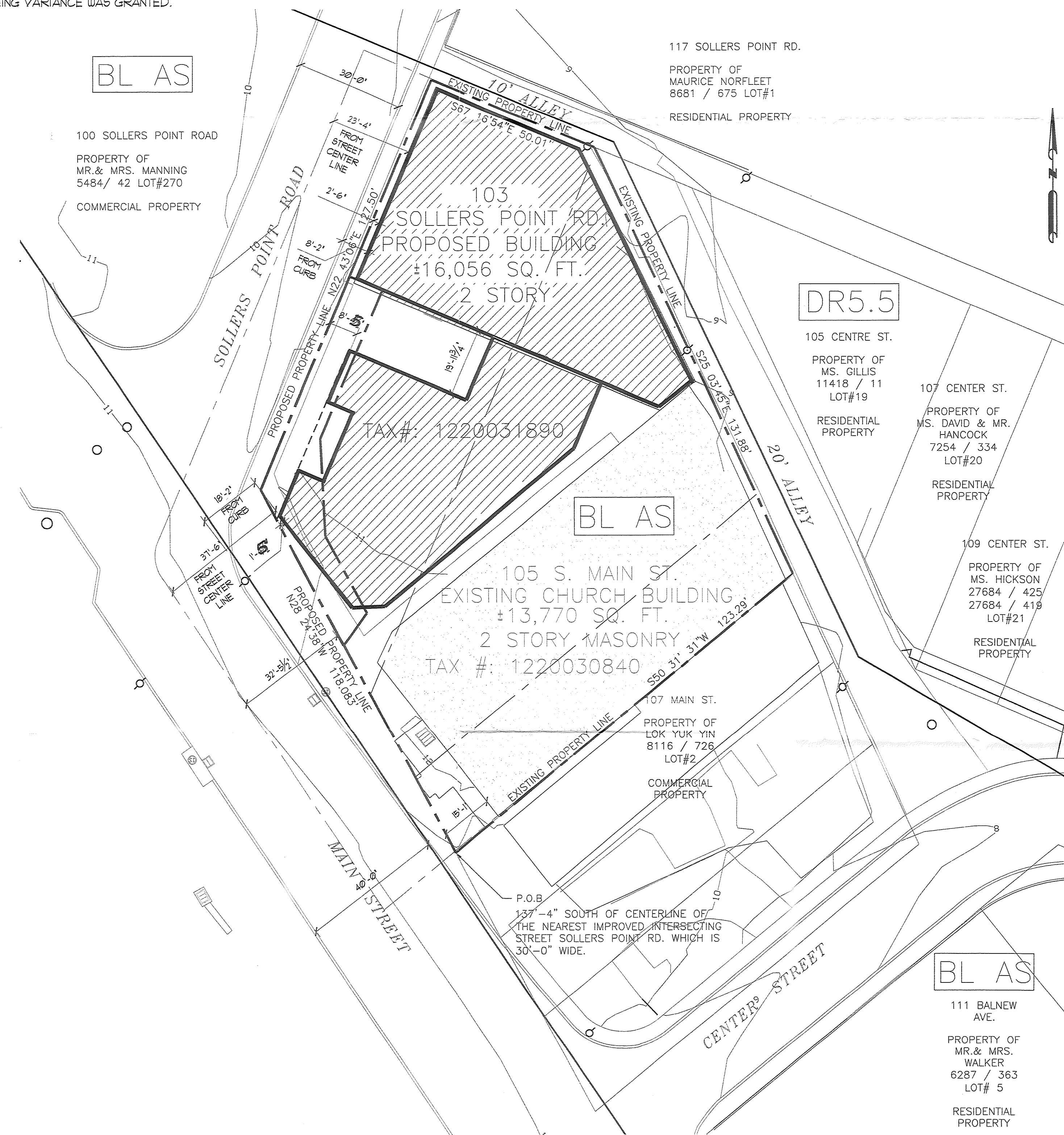
NEW OFFICE (8,118 SQFT)
REQUIRED: 26.73 (3.3 x 8.1)
PROPOSED: 0

NEW RETAIL (1,938 SQFT)
REQUIRED: 3.95 (5 x 1.9)
PROPOSED: 0

TOTAL REQUIRED: 156.88
TOTAL PROPOSED: 0

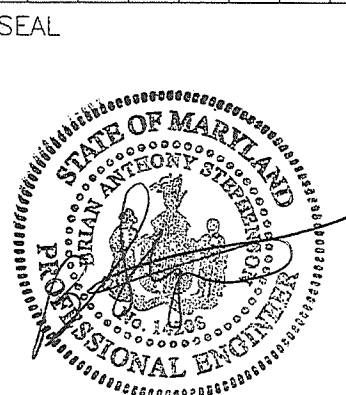
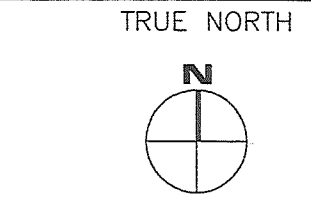


EXISTING SITE PLAN
1"=20'-0"



PROPOSED SITE PLAN
1"=20'-0"

SP Arch, Inc.
Architecture, Planning
600 Reisterstown Rd.
Suite 718
Pikesville, MD 21208
(410) 580-9106
www.sporch-inc.com



Professional Certification:
I 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 number 8208, expiration date 11/22/20.

TURNER STATION
DISCOVERY
FAMILY CENTER

105 SOLLERS POINT RD
DUNDALK, MD 21222

PETITIONER'S
EXHIBIT NO. 1

DRAWING NO.
A62.01

SCALE: AS SHOWN
JOB NO.:
DATE: MAY 10, 2010
DESIGNED BY: SDA
DRAWN BY: JMD/JR
CHECKED BY: JMD
APPROVED BY: KS