

1/24/12

IN THE MATTER OF

CHRISTIAN LIFE CHURCH – LEGAL OWNER

(FKA DEER PARK RESERVE;
IRON HORSE PROPERTIES, LLC)
W/S DEER PARK RD, AT W END
OF WINANDS ROAD
3RD ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

PETITION FOR SPECIAL HEARING/
and DEVELOPMENT PLAN
HOH Case No.: 02-705

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO.: 11-311-SPHA
* with
* CASE NO.: CBA-12-012
*

* * * * *

ORDER OF DISMISSALS

This matter comes to the Board of Appeals by way of a (Protective) Notice of Appeal filed by Lisa C. Heimlicher, Esquire, on behalf of The Hampton Utilities Company, LLC, a Maryland limited liability company, Protestant/Appellant, from the decision of the Administrative Law Judge (ALJ), dated August 11, 2011 on a Motion for Reconsideration in which the request was denied and the Petition for Special Hearing was granted and the redline Development Plan for Christian Life Church was approved, in the decision of the Administrative Law Judge (ALJ), John E. Beverungen, dated July 1, 2011. The Plan proposes a 2,100 seat church building and 553 parking spaces on approximately 12.35 acres, more or less, split-zoned B.R., D.R.3.5, B.L.1 and R.C. 5. The Petition was amended pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR) for: approval pursuant to BCZR Section 238.C of a building that exceeds the height permitted in Section 238.C.1, and (2) pursuant to Section 1B01.1.B.1.g(6) of the BCZR for a finding that the proposed improvements are planned in such a way that compliance, to extent possible with RTA requirements, will be maintained and that said plan can otherwise be expected to be compatible with the charter and general welfare of the surrounding residential premises, if necessary. The Developer had originally filed a Petition for

Variance from Section 409.4 of the BCZR to allow parking spaces in an off-street parking facility to have direct access to a driveway, but withdrew this request at the ALJ's hearing.

In 2006, the Deputy Zoning Commissioner approved a Development Plan for the construction of forty (40) houses on the subject property, known as "Deer Park Reserve", PDM Case No.: II-705. Those homes were never constructed, and the Developer now seeks to construct a 2,100 seat church sanctuary. Then Director of Permits and Development Management, Timothy Kotroco, advised Counsel for the Developer that this constituted a "material" amendment to the Development Plan and that the Developer would need to comply with the Baltimore County Development Regulations.

After the decision was issued by the ALJ, granting the requested zoning relief, the Baltimore County Council passed legislation that eliminated the need for the zoning relief requested in case number 11-311-SPHA. (See Council Bill No. 68-11). The requested zoning relief was no longer needed to pursue development of the property as shown on the Development Plan. The Board received a voluntary letter of withdrawal of the Petition for Special Hearing, filed November 30, 2011 and signed by David H. Karceski, Counsel for Christian Life Church, Petitioner, (a copy of which is attached hereto and made a part hereof).

Petitioner contended that since the *de novo* portion of the hearing involved in case number 11-311-SPHA should now be canceled; an "on the record" Development Plan hearing should go forward as scheduled.

During the hearing before the ALJ, Lisa C. Heimlicher, Esquire, of Windegrad, Hess, Friedman & Levitt, LLC, on behalf of The Hampton Utilities Company, LLC, located at 525 Esst Seminary Avenue, Baltimore, MD 21286 ('Hampton') a Maryland limited liability company, contended that the Developer was indebted to her client, the utility company "Hampton", for

certain infra-structure costs. The ALJ took the position that this was a civil matter over which he had no jurisdiction and therefore refused to entertain the request.

The sole appeal with respect to this matter is filed by Ms. Heimlicher on behalf of "Hampton".

The Appellant/Protestant contends that her client, "Hampton", is a lien holder on the subject property by virtue of a Declaration of Covenants and Lien for Water and Sewer Facilities Charges, dated September 23, 2009 and recorded in the Land Records for Baltimore County in Liber S.M. 28692, Folio 342 *et seq.* The Declaration of Covenants and Lien for Water and Sewer Facilities Charges was filed with the Appeal of "Hampton" before this Board. "Hampton" contends that under the authorization of the *Baltimore County Code* (BCC), Section 32-4-310, "Hampton" established a lien on the property for the benefit of the Company to secure sewer and water facilities charges of Six Hundred (\$600.00) Dollars per year for forty (40) years, to be paid by each of the forty (40) lots within the property, established under the Plat entitled "Deer Park Reserve", recorded among the Land Record for Baltimore County in Liber S.M. 78, Folio 325.

Appellant contends that Note 19 on the Record Plat, which notifies persons that the Lots established by the Record Plat are subject to a fee or assessment which, pursuant to the BCC, Section 32-4-310, runs with the land and is a contractual obligation between the developer and each owner of the property. Appellant contends that the developer's rights were assigned in the Utility Declaration to the Appellant/Protestant.

The Developer/Petitioner contends that the Covenant is not valid and disputes the fact that there should be any notations on the Development Plan with respect to the construction of the Church on the aforesaid property.

A hearing was held before the Board on December 13, 2011. The Petitioner was

represented by David H. Karceski, Esquire and Daniel Moylan, Esquire of Venable LLC.

The Appellant was represented by Lisa C. Heimlicher, Esquire. A Public Deliberation was held on January 10, 2012.

DECISION

Appellant raises five (5) issues on appeal. They are as follows:

- 1) The Petitioner failed to provide a note on the Development Plan concerning private utility assessments or fees as required by the *Baltimore County Code* (BCC) § 32-4-310 *et seq.*;
- 2) The Development Plan did not comply with other county laws as required by the BCC § 32-4-114, by failing to comply with BCC § 32-4-310 *et seq.*;
- 3) The BCC § 32-4-222(b) requires that the Development Plan contain a certification under oath that there are no delinquent accounts for any other development with respect to: 1) the applicant, 2) a person with a financial interest in the proposed development; because of the lien established under the Declaration, the Development Plan could not contain such a certification;
- 4) Approval of the Development Plan's special exceptions and the Development Plan was contrary to the purpose and intent of the BCZR to provide "greater certainty about dwelling types and densities within existing communities" as required by the BCZR § 1B00.2; and
- 5) Approval of the Development Plan was contrary to the purpose of development plans to "protect those who have made decisions based on such plans from inappropriate changes therein" as required by the BCZR § 1B01.3.

During the hearing before the Board, the Board indicated to Counsel for the Appellant, that it felt that it did not have the authority to rule with respect to the Covenant, which the Appellant urged as a basis for the Board to deny the approval of the Development Plan.

The Developer disputes the validity of the Covenant with respect to the development of

the property as a Church. The Developer contends that under Maryland law, questions of enforcement of private covenants is not an aspect of the zoning process. He cites several cases in support of his position that in order to enforce the lien they contend exists on the property, the Appellant must file an action in Circuit Court for Baltimore County. The Developer contends that there are no Notes on the Development Plan since they are not required until a plat is prepared with respect to the development of the property. The Developer contends that the *County Code* does not require a Note on the development plan and that his client was not required to deal with the Covenant at the Development Plan meeting.

Counsel for the Appellant contended that she was not allowed to argue below and therefore was denied due process. She was not allowed to present any testimony or evidence with respect to the Covenant.

OPINION

The Board has reviewed the arguments and testimony presented at the hearing before the Board. The Board notes the decision of Court of Appeals in Maryland in *Perry v. Montgomery County Board of Appeals* 127 A2nd 507, at page 509. There the Court stated:

"the enforcement of restrictive covenants is a matter for the exercise of the discretion of an equity court in light of attendance circumstances.

The validity of the zoning ordinance, the granting of a variance or exception, should be considered independently of its effect upon covenants and restrictions in deeds."

The Board also notes that the Covenant which the Appellant seeks to enforce states on page

15, paragraph 21, entitled Limited Right of Use of Sewer and Water Facilities and Additional Remedies...

In addition to the remedies provided in the previous Paragraphs, enforcement of the obligation of payment of the Sewer and Water Facilities Charges and other enforcement of compliance with all covenants, agreements and conditions of this Declaration (and compliance with all rules and regulations promulgated pursuant to this Declaration) may be made by any action at law for damages or a suit in equity to enjoin any breach or violation or to enforce performance of any covenants, agreements, conditions, rule or regulations. Upon referral of an enforcement matter to an attorney, the Owner shall be responsible for the Utility Company (or its successors or assigns) costs of collection and/or enforcement, including without limitation, attorney's fees of not less than twenty percent (20%) of any and all fees or charges due hereunder regardless of whether litigation is initiated..."

Therefore, it is the opinion of this Board that it is without jurisdiction to enforce the Covenant which the Appellant contends should require the Board to deny the granting of the Development Plan in this matter. The Board also finds that Appellant has not been denied due process, since neither the ALJ or this Board had jurisdiction to enforce the Covenant.

For the reasons cited, the Board will "Dismiss for Lack of Jurisdiction," the appeal filed in Case No.: CBA-12-012, and will so order.

ORDER

THEREFORE, FOR THE REASONS STATED ABOVE, it is this 24th day of January, 2012 by the Board of Appeals of Baltimore County

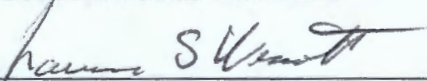
ORDERED, that the Petition for Special Hearing in Case No. 11-311-SPHA be and the same is hereby **DISMISSED without prejudice**; and it is further

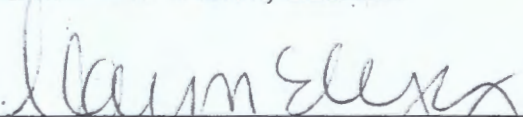
ORDERED, that the appeal filed in Case No. CBA-12-012, by The Hampton Utilities Company, LLC, a Maryland limited liability company, Protestant, from the decision of the Administrative Law Judge, dated July 1, 2011, in regard to the Development Plan for Christian Life Church in HOH Case No.: 02-705, be and the same is **DISMISSED** for the reasons as set forth above; and it is further

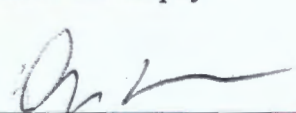
ORDERED, that the decision of the ALJ in Case No. CBA-12-012 approving the Development Plan in that case be and is hereby **AFFIRMED**.

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

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Chairman


Maureen E. Murphy


David L. Thurston



Board of Appeals of Baltimore County

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SECOND FLOOR, SUITE 203
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January 24, 2012

David Karceski, Esquire
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210 W. Pennsylvania Ave, Ste 500
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Lisa C. Heimlicher, Esquire
Winegrad, Hess, Friedman & Levitt, LLC
400 Redland Court, Suite 212
Owings Mills, MD 21117

RE: *In the Matter of: Christian Life Church – Legal Owner*
Case No.: 11-311-SPHA and CBA-12-012

Dear Counsel:

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

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

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c:	Dr. Hugh Bair/Christian Life Church	David Thaler, P.E. and Brian Childress/D.S. Thaler & Associates, Inc.
	Stephen Carroll/Rardin & Carroll Architects	Mickey Cornelius, P.E./The Traffic Group
	The Hampton Utilities Company, LLC	Felicia Flourney
	Jay Burtis	Henry and Shanon Cameron
	Chris and Yvette Jackson	Thelma Robinson
	Rev. B. Womack	Ellison L. Dicky
	Maxizine Smith	Carolyn and Paul Samuels, Jr.
	Office of People's Counsel	Vida L. Willis
	John Beverungen, Administrative Law Judge	Carmen Brightful
	Colleen Kelly, Project Manager/PAI	Lawrence M. Stahl, Managing Administrative Judge
	Dennis Kennedy, Development Plans Review/PAI	Arnold Jablon, Director/PAI
	Lloyd Moxley/Department of Planning	Darryl Putty, Project Manager/PAI
	Jeff Livingston, EPS/Development Coordination	Andrea Van Arsdale, Director/Department of Planning
	Brad Knatz, Real Estate Compliance	Vincent Gardina, Director/EPS
	Nancy C. West, Assistant County Attorney	Bruce Gill, Recreation and Parks
		Jeff Perlow, Zoning Review
		Michael E. Field, County Attorney

9/11

**IN RE: DEVELOPMENT
PLAN HEARING**

W/Side of Deer Park Road @ end of
Deer Park Reserve
3rd Election District
2nd Councilmanic District
(Christian Life Church
FKA Deer Park Reserve)

Christian Life Church c/o
Dr. Hugh Blair

* **BEFORE THE**
* **BALTIMORE COUNTY**
* **BOARD OF APPEALS**
* CBA NO. CBA-12-012
*
* **HOH Case No. 02-705 and**
* **Zoning Case No. 2011-0311-SPHA**

* * * * * * * * * * *

(PROTECTIVE) PETITION ON APPEAL

WHEREAS, on July 28, 2011, Protestant/Appellant referenced herein filed a Petition on Appeal.

WHEREAS, unbeknownst to Protestant/Appellant, a Motion for Reconsideration was filed by another party on or about July 27, 2011.

WHEREAS, the Administrative Law Judge issued an Opinion and Order on Motion for Reconsideration denying the reconsideration on or about August 11, 2011.

WHEREAS, Protestant/Appellant hereby renews and confirms its Petition on Appeal as follows.

The Hampton Utility Companies, LLC, a Maryland limited liability company, Protestant/Appellant, with its principal place of business at 525 E. Seminary Avenue, Baltimore, Maryland 21286, Phone (410) 456-0999, by its attorney, *Lisa C. Heimlicher and Winegrad, Hess, Friedman & Levitt, LLC*, feeling aggrieved by the Decision of the Administrative Law Judge's Opinion and Order on Development Plan and Special Hearing in the above referenced matter, hereby files this appeal to the County Board of Appeals pursuant to Baltimore County

Code Sections 32-4-281(b)(2) and 32-3-401, and hereby request reversal of the Hearing Officer's Opinion and Development Plan Order dated July 1, 2011, and says:

The Appellant/Protestant is a lienholder on the subject property (the "Property") by virtue of that certain Declaration of Covenants and Lien for Water and Sewer Facilities Charges dated September 23, 2009, and recorded among the Land Records of Baltimore County, Maryland ("Land Records") in Liber S.M. 28692, folio 342 *et seq.* (the "Utility Declaration"), which is attached hereto and incorporated herein as Exhibit A. Under the Utility Declaration, in accordance and under the authorization of Baltimore County Code, Section 32-4-310, the Declarant (as defined therein) established a lien on the Property for the benefit of Appellant/Protestant (the party defined in the Utility Declaration as the "Utility Company") to secure sewer and water facilities charges of Six Hundred Dollars (\$600.00) per year for forty (40) years to be paid by each of the forty (40) lots within the Property established under the plat entitled, "Deer Park Reserve", recorded among the Land Records in Liber S.M. 78, folio 325 (the "Record Plat"), which is attached hereto and incorporated herein as Exhibit B. Note 19 on the Record Plat notifies persons that the Lots established by the Record Plat are subject to a fee or assessment which, pursuant to the Baltimore County Code, Section 32-4-310, runs with the land and is a contractual obligation between the developer and each owner of the Property. The developer's rights were assigned in the Utility Declaration to the Appellant/Protester.

Subsequent to the Record Plat recordation, the Property was sold to Christian Life Church (the "Petitioner"), who petitioned for approval of a new development plan and record plat to replace the original record plat, and the Church also petitioned for approval of special exceptions for that plan. To Appellant/Protestant's information and belief, neither the Petitioner nor the County inquired about the impact of the new plan on the rights of the persons to whom the

private utility assessments were owed, at no time did the Petitioner or the County require any affirmation of the aforementioned Utility Declaration lien, and at no time was a note placed, or required, to be placed on the Plan about the utility assessments. The case before the Administrative Law Judge was held to decide whether or not to grant Development Plan approval for the Church's Plan-- which Plan would eliminate the forty (40) residential lots upon which the utility assessments were based, and instead would create one (1) lot for the Church. The hearing was also held to determine whether or not to grant the Church's special exceptions to the Zoning Regulations. The hearing occurred on June 17, 2011. Appellant/Protester was denied the opportunity to be heard at the hearing before the Administrative Law Judge. The Administrative Law Judge's Decision was dated July 1, 2011 and its Order on Motion for Reconsideration denying the reconsideration on or about August 11, 2011.

APPELLANT/PROTESTANTS ISSUES

1. The Petitioner failed to provide a note on the Development Plan concerning private utility assessments or fees as required by Baltimore County Code (B.C.C.) Section 32-4-310 *et seq.*
2. The Development Plan did not comply with other county laws as required by B.C.C. 32-4-114 by failing to comply with B.C.C. Section 32-4-310 *et seq.*
3. Baltimore County Code Section 32-4-222(b) requires that the Development Plan contain a certification under oath that there are no delinquent accounts for any other development with respect to: (1) the applicant; (2) a person with a financial interest in the proposed development. Because of the lien established under the Declaration, the Development Plan could not contain such a certification.

4. Approval of the Development Plan's special exceptions and the Development Plan was contrary to the purpose and intent of the Baltimore County Zoning Regulations to provide "greater certainty about dwelling types and densities within existing communities" as required by Baltimore County Zoning Regulations Section 1B00.2.

5. Approval of the Development Plan was contrary to the purpose of development plans to "protect those who have made decisions based on such plans from inappropriate changes therein" as required by Baltimore County Zoning Regulations Section 1B01.3.

REVERSAL REQUIRED

The grounds for this appeal include the following errors committed by the Hearing Officer in taking his final action and the relief sought is reversal and/or remand:

1. The Hearing Officer's summary of the facts presented in his Opinion and Order failed to accurately depict the testimony of Lisa C. Heimlicher on behalf of Protestant/ Appellant, as it failed to include, *inter alia*, Protestant/Appellant's opposition to the Development Plan based on the Plan's omission of a notation concerning the private utility assessments as required by B.C.C. 32-4-310 *et seq.*, opposition to the Development Plan based on its potential material negative impact on the Protestant/Appellant's lienholder's interest in the Property, and opposition to the Development Plan approval and special exception approval as being contrary to the purposes of the Zoning Regulations. Further, the Hearing Officer's summary of facts inaccurately summarized Protestant/Appellant's testimony as simply being a request for a denial of the Development Plan based on the Developer's indebtedness to Protestant/Appellant.

The Hearing Officer's summary of the testimony of the Protestant/Appellant was substantial in its omission and was in error.

2. Likewise, the Hearing Officer failed in his refusal to allow Protestant/Appellant's testimony and evidence regarding any unresolved comment or condition that is relevant to the proposed Development Plan, including testimony or evidence regarding any potential impact of any approved development upon the proposed plan as required by B.C. 32-4-228(a)(1); namely, the issues surrounding the private utility fees or assessments and the Plan's compliance with B.C.C. 32-4-301 *et seq.*, the Developer's inability to comply with B.C.C. 32-4-222(b) to certify that there are no delinquent accounts with respect to a person with a financial interest in the proposed development, and the Development Plan's violation of the Baltimore County Zoning Regulation's purpose and the purpose of plans.

The Hearing Officer's refusal to even allow any such testimony and evidence was an egregious error.

WHEREAS, in conclusion, the above grounds for the appeal are set forth above. The relief sought is reversal and/or remand. The Administrative Law Judge's decision should be reversed as the Judge failed to allow testimony and evidence of the Development Plan's violations of the B.C.C. and Zoning Regulations. Appellant/Protestant may be irreparably harmed by this omission and error. The Board will be presented with an Oral Argument by Protestant/Appellant with further explanation of the errors committed by the Hearing Officer, followed by a written Memorandum as permitted by the Code.

Appellant/Protestant reserves the right to raise additional issues as may be required upon a review of the audio recording and/or Transcript of the proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lisa C. Heimlicher', written over a horizontal line.

LISA C. HEIMLICHER, Esquire
Winegrad, Hess, Friedman & Levitt, LLC
400 Redland Court, Suite 212
Owings Mills, Maryland 21117
410-581-0600
Attorney for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the ____ day of September, 2011 that a copy of the Petition on Appeal was mailed first class, postage prepaid, to: David H. Karceski, Esquire, Venable LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204; and hand-delivered to the County Board of Appeals, 105 West Chesapeake Avenue, Suite 203, Towson, MD 21204; the People's Counsel for Baltimore County, 105 West Chesapeake Ave., Room 204, Towson, MD 21204, John H. Beverungen, Administrative Law Judge for Baltimore County, Office of Administrative Hearings, 105 W. Chesapeake Avenue, Suite 103, Towson, Maryland 21204, and the Department of Permits, Approvals and Inspections, Room 123, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204.

Lisa C. Heimlicher

8/11/11

IN RE: **DEVELOPMENT PLAN HEARING**

W/Side of Deer Park Road @ end of
Deer Park Reserve
2nd Election District
4th Councilmanic District
**(Christian Life Church
FKA Deer Park Reserve)**

Christian Life Church
Applicant/Developer

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **HOH Case No. 02-705 and
Zoning Case No. 2011-0311-SPHA**

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by James Burtis and his wife Theresa Burtis, who live next door to the proposed church on Deer Park Road. An opposition to the Motion for Reconsideration was filed by Developer's Counsel, and Peoples Counsel, Peter Max Zimmerman, also filed a paper with this Office in which he commented on the Motion for Reconsideration.

I have reviewed the July 1, 2011, Order in the captioned matter, and considered carefully the issues raised by all parties. I will deny the Motion for Reconsideration, and will explain my rationale for doing so below.

In their motion, the Burtises first contend that Lot 74 is zoned residential and is adjacent to their home, and that the proposed church is not an acceptable use of the residential lot. While it is true that the lot in question is zoned DR 3.5, that does not, as Mr. Burtis contends, mean that the lot is inappropriate for development of anything other than a residential dwelling. In fact, the zoning regulations expressly provide that a church is permitted as a matter of right in such a zone, and this assignment of error is without merit.

The next point raised in the Motion for Reconsideration concerns the partially constructed stormwater management facility for the previously-approved Deer Park Reserve project. The

ORDER RECEIVED FOR FILING

Date 8-11-11

By *[Signature]*

Burtises expressed concern with the large excavation site next to their property line, and seek further details concerning the design, process and methods that will be used to fill in the existing excavation and construct a roadway at the location. The Developer's engineer, David Thaler, testified that the trench will be filled in with acceptable and approved materials, and the details concerning that process are not considered at this stage of the development process. Those issues will be considered in Phase 2 of the Baltimore County development process, when the Developer would submit final plans and apply for building and grading permits.

In the third issue, the Burtises questioned what if any impact the church development will have on their drinking water well. The Burtises complain that the Developer's engineer was not familiar with the particulars concerning their drinking water well or the depth of the groundwater in the area, and are concerned that the development could effect the quantity and quality of the well water. The Developer's engineer in fact testified that he had never heard of an instance where the construction of stormwater management facilities and related infrastructure caused damage or harm to an adjacent drinking water well. In addition, the impervious surface proposed in the Development Plan satisfies County requirements, and the Department of Environmental Protection and Sustainability approved the Plan.

The final issue raised in the Motion for Reconsideration concerns the requirements for privacy fencing set forth in the July 1, 2011, Opinion and Order. Such fencing was requested by the Office of Planning, and for that reason was included as a condition in the Development Plan Order. Certainly the erection of a fence, privacy or otherwise, does not suggest that the use is incompatible with neighboring uses. Were that the case, one would have to find that a homeowner constructing a fence on his property would thereby render his home incompatible with the rest of the neighborhood.

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Date 8-11-11

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By 

In addition to the Motion for Reconsideration filed by the Burtises, a submission was also received from People's Counsel on July 28, 2011. Therein, Mr. Zimmerman raises certain issues concerning the residential transition area (RTA) on the Development Plan. Specifically, Mr. Zimmerman does not believe a sufficient finding was made concerning whether or not the proposed Plan satisfied the RTA exception set forth in B.C.Z.R. § 1B01.1.B.1.g.

To the extent the July 1, 2011 Order did not do so, I will attempt to explain the rationale for my finding that this exception was satisfied in the case at bar.

Under that regulation, an intrusion into an RTA setback is permitted when the improvements are designed in such a way that will make them "compatible with the character and general welfare of the surrounding residential premises." In this case, which lasted over five hours, both the Developer's architect and engineer provided extensive testimony concerning the design of the proposed church, and considerations that were taken into account to make the structure fit in with the atmosphere of the surrounding community. The Developer submitted detailed architectural elevations which depict the attractive and inviting design for this project, and there was no testimony in the proceedings tending to indicate that the church operations – which would be much more sporadic and less intense than the large housing development previously approved for the site – would endanger the character or general welfare of the community. In addition, the Office of Planning also opined that "the proposed layout and design for the church contribute to the transitional nature of the use and assure the use is compatible with the existing uses in the contiguous RC zone."

In fact, it would seem as if the Baltimore County Council has, in a round about fashion, addressed this issue in legislation. The church structure proposed will be located entirely on property zoned BR and DR 3.5, and churches are permitted as a matter of right in those zones.

ORDER RECEIVED FOR FILING

Date 8-11-11

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By 

Implicitly, the County Council has legislatively determined that churches in these zones would not be injurious to the public health and general welfare of the surrounding communities.

In light of the above, the Motion for Reconsideration will be denied.

THEREFORE, IT IS ORDERED by this Hearing Officer/Administrative Law Judge for Baltimore County this 11 day of August, 2011 that the aforementioned Motion for Reconsideration be and is hereby DENIED.

Any appeal of this Order shall be taken in accordance with Baltimore County Code, Section 32-4-281.

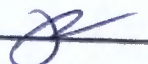


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 8-11-11

By 

IN RE: **DEVELOPMENT PLAN HEARING**

W/Side of Deer Park Road

Deer Park Reserve

2nd Election District

4th Councilmanic District

(Christian Life Church

FKA Deer Park Reserve)

Christian Life Church c/o

Dr. Hugh Bair

Applicant/Developer

* BEFORE THE

* OFFICE OF

* ADMINISTRATIVE HEARINGS

* FOR BALTIMORE COUNTY

* **HOH Case No. 02-705 and**

Zoning Case No. 2011-0311-SPHA

*

* * * * *

RESPONSE TO MOTION FOR RECONSIDERATION

Applicant Christian Life Church ("CLC"), by David H. Karceski and Christopher D. Mudd with Venable LLP, its attorneys, respectfully submits this Response to the Motion for Reconsideration filed by James Jay Burtis III and Theresa Rauseo Burtis, as follows:

On June 17, 2011, CLC appeared for a hearing before the Hearing Officer/Administrative Law Judge ("Hearing Officer") and presented substantial evidence in support of CLC's development plan proposal and related zoning relief. Mr. Burtis also appeared at that hearing and testified regarding his concerns about the proposed development. On July 1, 2011, the Hearing Officer issued an Opinion and Order approving the development plan and the requested zoning relief.

Mr. and Mrs. Burtis now ask the Hearing Officer to reconsider his decision, suggesting that, perhaps, their concerns were not sufficiently considered. To the contrary, the record of the case and the Hearing Officer's Opinion and Order reflect that their concerns were given consideration and properly rejected. CLC briefly responds to each of the Burtis' restated concerns:

1. Secondary Access. Mr. and Mrs. Burtis assert that the church's second means of access immediately next to their property is not an appropriate use of Lot 74, which is zoned for residential use - DR 3.5. This second access point is not simply a matter of "convenience" for CLC, as Mr. and Mrs. Burtis contend, but it is *required* by Baltimore County for fire safety reasons, as CLC's architect Steve Carroll explained during the hearing.

Because of the configuration of the property, any access to the property had to cross the DR zoned portion of the site, which zone entirely fronts Deer Park Road. As to the question of compatibility, a church (and necessary infrastructure) is a permitted use in all of the DR zones, and both Mr. Carroll and David Thaler opined at the hearing that the proposed church use is designed in a way that is compatible with the surrounding residential premises and meets the residential transition area requirements to the extent possible. (*See Opinion and Order*, p. 5-6). As reflected on the redlined development plan, CLC redesigned this access point to remove the parking spaces along both sides of the drive, in response to concerns previously expressed by Baltimore County and by Mr. Burtis at the community meeting held before the public hearing. The Hearing Officer obviously agreed with CLC on the issues of compatibility, and Mr. and Mrs. Burtis have offered no reason why the Hearing Officer should reconsider his decision on this point.

2 and 3. Stormwater Management and Groundwater Wells. Mr. and Mrs. Burtis raise two issues pertaining to stormwater management on the subject property, which go beyond the scope of Mr. Burtis' testimony at the hearing. They complain first about an unfinished stormwater management facility left by the prior developer. Second, they express a concern that area wells may be impacted by the installation of the proposed stormwater management facilities.

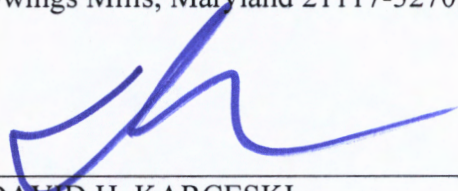
With regard to the unfinished stormwater management facility, CLC's experts testified that this condition will be addressed during grading and construction. The Baltimore County Department of Environmental Protection and Sustainability ("DEPS") will review and approve all site grading when CLC submits their grading and erosion and sediment control plans during "Phase 2" of the development process. CLC's experts explained that the unfinished facility would be filled with some combination of the dirt that had been excavated from the area (which is piled on the property), dirt from other areas to be graded onsite, and/or new dirt to be brought to the site.

With regard to the proposed stormwater management facilities, DEPS has reviewed the development plan, including the proposed stormwater management facilities, and recommends approval of the plan. As with grading, DEPS must review and approve final stormwater management plans during Phase 2 of the development process. After explaining how the proposed stormwater management facilities will function onsite, Mr. Thaler testified that he is not aware of any stormwater management facility causing contamination of groundwater wells. (*See id.*, p. 8). Even so, CLC will be extending a public water line to the edge of the Burtis property, which would enable them to connect to public water if they ever desire to do so in lieu of using their well. (*See id.*).

It should also be noted that Mr. Thaler testified that the redlined development plan meets the development regulations and all applicable rules, policies, and regulations. (See Opinion and Order, p. 5). Based on the uncontroverted expert testimony presented by CLC, the Hearing Officer correctly approved the redlined development plan.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of August, 2011, a copy of the foregoing RESPONSE TO MOTION FOR RECONSIDERATION was mailed first class, postage prepaid to: Peter Max Zimmerman, Esquire, Jefferson Building, 105 W. Chesapeake Avenue, Suite 204, Towson, MD 21204; James Jay Burtis, III, 4208 Deer Park Road, Randallstown, Maryland 21133; and Lisa C. Heimlicher, Esquire, Winegrad, Hess, Friedman & Levitt, LLC, 400 Redland Court, Suite 212, Owings Mills, Maryland 21117-3270.



DAVID H. KARCESKI

TO1DOCS1/CDM01/#302132 v4

David H. Karceski, Esquire
t 410.494.6285
f 410.821.0147
dhkarceski@venable.com

August 2, 2011

VIA HAND DELIVERY

John E. Beverungen, Esquire
Administrative Law Judge
Office of Administrative Hearings
The Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED

AUG 02 2011

OFFICE OF ADMINISTRATIVE HEARINGS

Re: In Re: Development Plan Hearing
Christian Life Church
Case Nos. 02-705 & 2011-0311-SPHA

Dear Judge Beverungen:

Enclosed is Applicant Christian Life Church's Response to the Motion for Reconsideration filed by James Jay Burtis III and Theresa Rauseo Burtis.

Thank you for your attention to this matter.

Very truly yours,



David H. Karceski

DHK/cdm

cc: James J. Burtis, III
Lisa C. Heimlicher, Esquire
Peter Max Zimmerman, Esquire

7/28/11
IN RE: DEVELOPMENT
PLAN HEARING

W/Side of Deer Park Road @ end of
Deer Park Reserve
3rd Election District
2nd Councilmanic District
(Christian Life Church
FKA Deer Park Reserve)

Christian Life Church c/o
Dr. Hugh Blair

* BEFORE THE

* BALTIMORE COUNTY

* OFFICE OF

* ADMINISTRATIVE HEARINGS

* HOH Case No. 02-705 and
* Zoning Case No. 2011-0311-SPHA

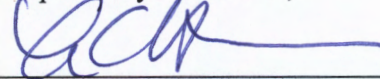
* * * * *

NOTICE OF APPEAL

The Hampton Utilities Companies, LLC, a Maryland limited liability company, Protestant/Appellant, with its principal place of business at 525 E. Seminary Avenue, Baltimore, Maryland 21286, Phone (410) 456-0999, Protestant/Appellant, by its attorney, *Lisa C. Heimlicher and Winegrad, Hess, Friedman & Levitt, LLC*, feeling aggrieved by the Decision of the Administrative Law Judge's Opinion and Order on Development Plan and Special Hearing in the above referenced matter, hereby files this appeal to the County Board of Appeals. (See attached Opinion and Order on Development Plan and Special Hearing dated July 1, 2011).

Filed concurrently with this Notice of Appeal is a check made payable to Baltimore County to cover the costs. Protestant/Appellant appeared at the Development Plan hearing but was denied full participation in the proceedings.

Respectfully submitted,



LISA C. HEIMLICHER, Esquire
Winegrad, Hess, Friedman & Levitt, LLC
400 Redland Court, Suite 212
Owings Mills, Maryland 21117
410-581-0600
Attorney for Appellant

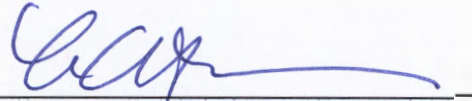
RECEIVED

JUL 28 2011

OFFICE OF ADMINISTRATIVE HEARINGS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 28th day of July, 2011 that a copy of the Notice of Appeal was mailed first class, postage prepaid, to: David H. Karceski, Esquire, Venable LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204; the County Board of Appeals, 105 West Chesapeake Avenue, Suite 203, Towson, MD 21204; the People's Counsel for Baltimore County, 105 West Chesapeake Ave., Room 204, Towson, MD 21204, John H. Beverungen, Administrative Law Judge for Baltimore County, Office of Administrative Hearings, 105 W. Chesapeake Avenue, Suite 103, Towson, Maryland 21204, and the Department of Permits, Approvals and Inspections, Room 123, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204.



Lisa C. Heimlicher, Esquire

7 28/11
**IN RE: DEVELOPMENT
PLAN HEARING**

W/Side of Deer Park Road @ end of
Deer Park Reserve
3rd Election District
2nd Councilmanic District
**(Christian Life Church
FKA Deer Park Reserve)**

**Christian Life Church c/o
Dr. Hugh Blair**

* **BEFORE THE**
* **BALTIMORE COUNTY**
* **BOARD OF APPEALS**
* CBA NO. _____
*
* **HOH Case No. 02-705 and**
* **Zoning Case No. 2011-0311-SPHA**

* * * * *

PETITION ON APPEAL

The Hampton Utility Companies, LLC, a Maryland limited liability company, Protestant/Appellant, with its principal place of business at 525 E. Seminary Avenue, Baltimore, Maryland 21286, Phone (410) 456-0999, by its attorney, *Lisa C. Heimlicher and Winegrad, Hess, Friedman & Levitt, LLC*, feeling aggrieved by the Decision of the Administrative Law Judge's Opinion and Order on Development Plan and Special Hearing in the above referenced matter, hereby files this appeal to the County Board of Appeals pursuant to Baltimore County Code Sections 32-4-281(b)(2) and 32-3-401, and hereby request reversal of the Hearing Officer's Opinion and Development Plan Order dated July 1, 2011, and says:

The Appellant/Protestant is a lienholder on the subject property (the "Property") by virtue of that certain Declaration of Covenants and Lien for Water and Sewer Facilities Charges dated September 23, 2009, and recorded among the Land Records of Baltimore County, Maryland ("Land Records") in Liber S.M. 28692, folio 342 *et seq.* (the "Utility Declaration"), which is attached hereto and incorporated herein as Exhibit A. Under the Utility Declaration, in accordance and under the authorization of Baltimore County Code, Section 32-4-310, the Declarant (as defined therein) established a lien on the Property for the benefit of

Appellant/Protestant (the party defined in the Utility Declaration as the "Utility Company") to secure sewer and water facilities charges of Six Hundred Dollars (\$600.00) per year for forty (40) years to be paid by each of the forty (40) lots within the Property established under the plat entitled, "Deer Park Reserve", recorded among the Land Records in Liber S.M. 78, folio 325 (the "Record Plat"), which is attached hereto and incorporated herein as Exhibit B. Note 19 on the Record Plat notifies persons that the Lots established by the Record Plat are subject to a fee or assessment which, pursuant to the Baltimore County Code, Section 32-4-310, runs with the land and is a contractual obligation between the developer and each owner of the Property. The developer's rights were assigned in the Utility Declaration to the Appellant/Protester.

Subsequent to the Record Plat recordation, the Property was sold to Christian Life Church (the "Petitioner"), who petitioned for approval of a new development plan and record plat to replace the original record plat, and the Church also petitioned for approval of special exceptions for that plan. To Appellant/Protestant's information and belief, neither the Petitioner nor the County inquired about the impact of the new plan on the rights of the persons to whom the private utility assessments were owed, at no time did the Petitioner or the County require any affirmation of the aforementioned Utility Declaration lien, and at no time was a note placed, or required, to be placed on the Plan about the utility assessments. The case before the Administrative Law Judge was held to decide whether or not to grant Development Plan approval for the Church's Plan-- which Plan would eliminate the forty (40) residential lots upon which the utility assessments were based, and instead would create one (1) lot for the Church. The hearing was also held to determine whether or not to grant the Church's special exceptions to the Zoning Regulations. The hearing occurred on June 17, 2011. Appellant/Protester was

denied the opportunity to be heard at the hearing before the Administrative Law Judge. The Administrative Law Judge's Decision was dated July 1, 2011.

APPELLANT/PROTESTANTS ISSUES

1. The Petitioner failed to provide a note on the Development Plan concerning private utility assessments or fees as required by Baltimore County Code (B.C.C.) Section 32-4-310 *et seq.*

2. The Development Plan did not comply with other county laws as required by B.C.C. 32-4-114 by failing to comply with B.C.C. Section 32-4-310 *et seq.*

3. Baltimore County Code Section 32-4-222(b) requires that the Development Plan contain a certification under oath that there are no delinquent accounts for any other development with respect to: (1) the applicant; (2) a person with a financial interest in the proposed development. Because of the lien established under the Declaration, the Development Plan could not contain such a certification.

4. Approval of the Development Plan's special exceptions and the Development Plan was contrary to the purpose and intent of the Baltimore County Zoning Regulations to provide "greater certainty about dwelling types and densities within existing communities" as required by Baltimore County Zoning Regulations Section 1B00.2.

5. Approval of the Development Plan was contrary to the purpose of development plans to "protect those who have made decisions based on such plans from inappropriate changes therein" as required by Baltimore County Zoning Regulations Section 1B01.3.

REVERSAL REQUIRED

The grounds for this appeal include the following errors committed by the Hearing Officer in taking his final action and the relief sought is reversal and/or remand:

1. The Hearing Officer's summary of the facts presented in his Opinion and Order fails to accurately depict the testimony of Lisa C. Heimlicher on behalf of Protestant/Appellant, as it failed to include, *inter alia*, Protestant/Appellant's opposition to the Development Plan based on the Plan's omission of a notation concerning the private utility assessments as required by B.C.C. 32-4-310 *et seq.*, opposition to the Development Plan based on its potential material negative impact on the Protestant/Appellant's lienholder's interest in the Property, and opposition to the Development Plan approval and special exception approval as being contrary to the purposes of the Zoning Regulations. Further, the Hearing Officer's summary of facts inaccurately summarized Protestant/Appellant's testimony as simply being a request for a denial of the Development Plan based on the Developer's indebtedness to Protestant/Appellant.

The Hearing Officer's summary of the testimony of the Protestant/Appellant was substantial in its omission and was in error.

2. Likewise, the Hearing Officer failed in his refusal to allow Protestant/Appellant's testimony and evidence regarding any unresolved comment or condition that is relevant to the proposed Development Plan, including testimony or evidence regarding any potential impact of any approved development upon the proposed plan as required by B.C. 32-4-228(a)(1); namely, the issues surrounding the private utility fees or assessments and the Plan's compliance with B.C.C. 32-4-301 *et seq.*, the Developer's inability to comply with B.C.C. 32-4-222(b) to certify that there are no delinquent accounts with respect to a person with a financial

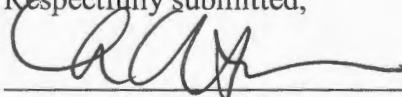
interest in the proposed development, and the Development Plan's violation of the Baltimore County Zoning Regulation's purpose and the purpose of plans.

The Hearing Officer's refusal to even allow any such testimony and evidence was an egregious error.

WHEREAS, in conclusion, the above grounds for the appeal are set forth above. The relief sought is reversal and/or remand. The Administrative Law Judge's decision should be reversed as the Judge failed to allow testimony and evidence of the Development Plan's violations of the B.C.C. and Zoning Regulations. Appellant/Protestant may be irreparably harmed by this omission and error. The Board will be presented with an Oral Argument by Protestant/Appellant with further explanation of the errors committed by the Hearing Officer, followed by a written Memorandum as permitted by the Code.

Appellant/Protestant reserves the right to raise additional issues as may be required upon a review of the audio recording and/or Transcript of the proceeding.

Respectfully submitted,



LISA C. HEIMLICHER, Esquire
Winegrad, Hess, Friedman & Levitt, LLC
400 Redland Court, Suite 212
Owings Mills, Maryland 21117
410-581-0600
Attorney for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 28th day of July, 2011 that a copy of the Petition on Appeal was mailed first class, postage prepaid, to: David H. Karceski, Esquire, Venable LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204; the County Board of Appeals, 105 West Chesapeake Avenue, Suite 203, Towson, MD 21204; the People's Counsel for Baltimore County, 105 West Chesapeake Ave., Room 204, Towson, MD 21204, John H. Beverungen, Administrative Law Judge for Baltimore County, Office of Administrative Hearings, 105 W. Chesapeake Avenue, Suite 103, Towson, Maryland 21204, and the Department of Permits, Approvals and Inspections, Room 123, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204.

A handwritten signature in black ink, appearing to read 'LCH', followed by a horizontal line.

Lisa C. Heimlicher

7/2/11

**IN RE: DEVELOPMENT
PLAN HEARING**

W/Side of Deer Park Road @ end of
Deer Park Reserve
3rd Election District
2nd Councilmanic District
(Christian Life Church
FKA Deer Park Reserve)

Christian Life Church c/o
Dr. Hugh Blair

* **BEFORE THE**
* **BALTIMORE COUNTY**
* **OFFICE OF**
* **ADMINISTRATIVE HEARINGS**
*
* **HOH Case No. 02-705 and**
* **Zoning Case No. 2011-0311-SPHA**

* * * * * * * * * * *

(PROTECTIVE) NOTICE OF APPEAL

WHEREAS, on July 28, 2011, Protestant/Appellant referenced herein filed a Notice of Appeal.

WHEREAS, unbeknownst to Protestant/Appellant, a Motion for Reconsideration was filed by another party on or about July 27, 2011.

WHEREAS, the Administrative Law Judge issued an Opinion and Order on Motion for Reconsideration denying the reconsideration on August 11, 2011.

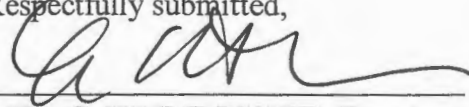
WHEREAS, Protestant/Appellant hereby renews and confirms its Notice of Appeal as follows.

The Hampton Utilities Companies, LLC, a Maryland limited liability company, Protestant/Appellant, with its principal place of business at 525 E. Seminary Avenue, Baltimore, Maryland 21286, Phone (410) 456-0999, Protestant/Appellant, by its attorney, *Lisa C. Heimlicher and Winegrad, Hess, Friedman & Levitt, LLC*, feeling aggrieved by the Decision of the Administrative Law Judge's Opinion and Order on Development Plan and Special Hearing in the above referenced matter, hereby files this appeal to the County Board of Appeals. (See

attached Opinion and Order on Development Plan and Special Hearing dated July 1, 2011 and attached Opinion and Order on Motion for Reconsideration dated August 11, 2011).

Filed concurrently with the original Notice of Appeal was a check made payable to Baltimore County to cover the costs and the (Protective) Notice of Appeal has been waived. Protestant/Appellant appeared at the Development Plan hearing but was denied full participation in the proceedings.

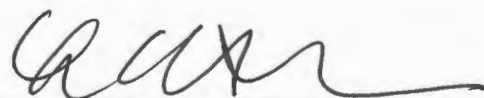
Respectfully submitted,



LISA C. HEIMLICHER, Esquire
Winegrad, Hess, Friedman & Levitt, LLC
400 Redland Court, Suite 212
Owings Mills, Maryland 21117
410-581-0600
Attorney for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 2nd day of September, 2011 that a copy of the (Protective) Notice of Appeal was mailed first class, postage prepaid, to: David H. Karceski, Esquire, Venable LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204; and hand-delivered to the County Board of Appeals, 105 West Chesapeake Avenue, Suite 203, Towson, MD 21204; the People's Counsel for Baltimore County, 105 West Chesapeake Ave., Room 204, Towson, MD 21204, John H. Beverungen, Administrative Law Judge for Baltimore County, Office of Administrative Hearings, 105 W. Chesapeake Avenue, Suite 103, Towson, Maryland 21204, and the Department of Permits, Approvals and Inspections, Room 123, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204.



Lisa C. Heimlicher, Esquire

WINEGRAD, HESS, FRIEDMAN & LEVITT, LLC

ATTORNEYS AT LAW

SUITE 212

400 REDLAND COURT

OWINGS MILLS, MARYLAND 21117-3270

STEPHEN S. WINEGRAD
RACHEL M. HESS
BRUCE E. FRIEDMAN
SHELDON H. LEVITT
LAURI JACOBSON CORLEY
LISA C. HEIMLICHER

ROBERT M. WINEGRAD
(RETIRED 2008)

TELEPHONE
410-581-0600

FACSIMILE
410-581-0455

WWW.WHFL-LAW.COM

September 2, 2011

VIA HAND DELIVERY

Mr. Judd Maslack
The Hampton Utility Companies, LLC

RECEIVED

SEP 02 2011

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Deer Park Reserve

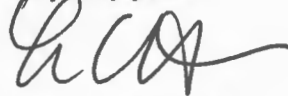
Dear Judd:

Enclosed are the items relative to the Notice of Appeal and Petition on Appeal for the Christian Life Church Development Plan ("Deer Park Reserve"). You must hand deliver each envelope to the addressee listed herein as follows:

1. County Board of Appeals, 105 W. Chesapeake Ave., #103, Rm. 204, Towson, Maryland 21204;
2. People's Counsel for Baltimore County, 105 W. Chesapeake Ave., Rm. 204, Towson, Maryland 21204; and
3. John H. Beverungen, Administrative Law Judge for Baltimore County, Office of Administrative Hearings, 105 W. Chesapeake Ave., #103, Towson, Maryland 21204;
4. Department of Permits, Approvals and Inspections, Room 123, County Office Bldg., 111 W. Chesapeake Avenue, Towson, Maryland 21204.

If you should have any questions, kindly contact me.

Very truly yours,



Lisa C. Heimlicher
lheimlicher@whfl-law.com

LCH/mkl
Enclosures

Kristen

John doesn't need
9/2

7/1/11

IN RE: **DEVELOPMENT PLAN HEARING**

W/Side of Deer Park Road @ end of
Deer Park Reserve
2nd Election District
4th Councilmanic District
(**Christian Life Church**
FKA Deer Park Reserve)

Christian Life Church c/o Dr. Hugh Bair
Applicant/Developer

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **HOH Case No. 02-705 and**
Zoning Case No. 2011-0311-SPHA

* * * * *

**ADMINISTRATIVE LAW JUDGE'S OPINION AND ORDER ON DEVELOPMENT PLAN
AND SPECIAL HEARING**

This matter comes before the Office of Administrative Hearings for a hearing pursuant to Section 32-4-227 of the Baltimore County Code (B.C.C.). In accordance with the development regulations codified in B.C.C. Article 32, Title 4, the Developer seeks approval of a Development Plan (the "Plan") prepared by D.S. Thaler & Associates, Inc., for a 2,100 seat church building -- (the "subject property") and 553 parking spaces on approximately 12.35 acres, more or less, split-zoned B.R., D.R.3.5, B.L. and R.C.5.

The Developer is also requesting certain zoning relief and has filed an amended Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for: approval pursuant to B.C.Z.R. Section 238.C of a building that exceeds the height permitted in Section 238.C.1, and (2) pursuant to Section 1B01.1.B.1.g(6) of the B.C.Z.R. for a finding that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises, if necessary. The Developer originally filed a Petition for Variance from Section 409.4 of the

ORDER RECEIVED FOR FILING

Date 7-1-11

By 

B.C.Z.R. to allow parking spaces in an off-street parking facility to have direct access to a driveway, but withdrew this request at the hearing.

The church project is more particularly described on the Plan submitted into evidence and marked as Developer's Exhibit 1.

In 2006, Deputy Zoning Commissioner John Murphy approved a Development Plan for the construction of 40 houses on the subject property, known as "Deer Park Reserve." PDM Case II-705. Those homes were never constructed, and the Developer now seeks to construct a 2,100 seat church/sanctuary. Then Director of Permits and Development Management Timothy Kotroco advised counsel for Developer that this constituted a "material" amendment to the Development Plan, and that the Developer would therefore need to comply with the Baltimore County development regulations.

In that regard, a Development Plan Conference (DPC) is held between the Developer's consultants and various Baltimore County agencies with responsibility over certain aspects of the development proposal. In this case, the DPC was held on May 25, 2011. At the DPC, the Baltimore County agencies responsible for the review of the Development Plan submit written comments regarding the compliance of the Development Plan with the various Baltimore County regulations governing land development in the County. Thereafter, the Developer may revise the Development Plan in accordance with the DPC comments. The Hearing Officer's Hearing was held before me on June 17, 2011.

Appearing at the public hearing on behalf of the Developer was Dr. Hugh Bair, Pastor of Christian Life Church, David Thaler, P.E., architect Stephen Carroll, traffic consultant Mickey Cornelius, P.E., and Brian Childress. David H. Karceski, Esquire with Venable, LLP entered his appearance as counsel for the Developer.

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Date 7-1-11

By [Signature]

Appearing in opposition to the Developer's request were Felicia Flourney and Jay Burtis, residents of the surrounding communities. Attorney Lisa Heimlicher appeared at the hearing and requested that the Plan be denied, because she alleges the Developer is indebted to her client (a utility company) for certain infrastructure costs. I explained this was a civil matter over which this Office did not have jurisdiction, and I therefore refused to entertain the request.

Representatives of the various Baltimore County agencies who reviewed the Plan attended the hearing, including the following individuals with the Department of Permits, Approvals and Inspections (PAI): Darryl Putty, Project Manager; Jeffrey Perlow, representative of the Office of Zoning Review; Dennis A. Kennedy, Development Plans Review; and Brad Knatz, Real Estate Compliance. Also appearing on behalf of the County were Lloyd Moxley, Office of Planning; Jeffrey Livingston, Department of Environmental Protection and Sustainability (DEPS), and Bruce Gill, Department of Recreation and Parks (R&P)/Development Plans Review (DPR). Don W. Muddiman, Baltimore County Fire Marshall's Office and Steven D. Foster, Chief of Engineering Access Permits Division of the State Highway Administration, were represented at the hearing through prior correspondence. All Baltimore County representatives indicated – during the “informal” phase of the case – that the Development Plan satisfied all Baltimore County rules and regulations, and their agencies recommended approval of the Plan.

DEVELOPER'S CASE

The first witness presented by the Developer was Brian Childress, who works at D.S. Thaler & Associates, Inc. Mr. Childress testified that he has prepared over 50 plans for review and approval by Baltimore County, and has previously been accepted as an expert witness in Baltimore County administrative proceedings. Mr. Childress prepared the Development Plan in the present case, with assistance and supervision provided by Mr. Thaler.

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Date 7-1-11

By [Signature]

Mr. Childress confirmed that the Developer withdrew its request for variance relief, but added that parking being provided on site was still in excess of that required by B.C.Z.R. § 409. The next topic of inquiry concerned the height of the proposed church, which will be 61 feet to the top of the highest roof. Mr. Childress testified that the church will be located entirely within the BR zone on the subject property, and would comply with the "tent height" requirements of that zone, although B.C.Z.R. § 238.C limited the height to 35 feet since the BR lot was within 750 feet of an RC zone.

The next witness was Stephen Carroll, a licensed architect with over 30 years of experience. Mr. Carroll's principle offices are in Chattanooga, Tennessee, and his firm specializes in preparing plans and drawings for churches. Mr. Carroll's resume was marked and accepted as Developer's Exhibit 7, and he stated that he has provided expert testimony on more than 20 occasions in judicial and administrative matters.

Mr. Carroll advised that the irregular shape of the subject property made this a difficult site to plan. He testified that a church is a transitional use which will serve as an effective buffer between commercial and residential uses. Though the church building would be just over 60 feet tall, Mr. Carroll pointed out that a nearby water tower (shown in the photo marked as Developer's Exhibit 6) is over 100 feet tall.

With respect to the special hearing relief requested under B.C.Z.R. § 238.C.2, Mr. Carroll testified that the project met the special exception standards set forth in B.C.Z.R. § 502. Specifically, Mr. Carroll said that the church would not be detrimental to the surrounding area and would be a buffer to the adjacent residential areas, and would also be a deterrent to crime. He explained that churches have sporadic impacts limited to the dates of church services, and unlike housing developments would therefore not overcrowd the land. In addition, Mr. Carroll testified

ORDER RECEIVED FOR FILING

Date 7-1-11

By [Signature]

that the unique design of the church (as revealed on Developer's Exhibit 8) causes the roof line to "step away" from the adjoining residential areas, and the tallest roof is oriented toward the commercial zones contiguous to the parcel.

Mr. Carroll stated that he was unable to discern any particular "pattern" of development in the surrounding area and reiterated that the design of the church -- essentially breaking the structure into three separate buildings -- made the structure compatible with the surrounding environment and assisted in creating a rural feel to the development. With regard to the special hearing relief sought under B.C.Z.R § 1.B.01.1.B.1.g.6, the witness testified that the proposal satisfied the elements of the residential transition area exception set forth therein. Specifically, Mr. Carroll opined that the proposed church is planned in such a way that it complies to the extent possible with RTA use requirements, and that the development would be compatible with the character and welfare of the surrounding community. Mr. Carroll explained that of all development projects, churches have the lowest impact (in terms of traffic and crowding) upon adjacent residential communities.

The Developer's next witness was David Thaler, a professional engineer with approximately 36 years of experience. Mr. Thaler explained that the church will be constructed entirely within the BR zoned portion of the subject property. He described the BR zone as the most intense business zone under the B.C.Z.R., and opined that if the economy was more robust at this time, a car dealership would most likely seek to open on this site. Mr. Thaler, who was accepted as an expert witness, opined that the Development Plan marked as Exhibit 1 satisfied all County requirements and should therefore be approved pursuant to B.C.Z.R § 32-4-229(b). In addition, Mr. Thaler testified that the Developer sought a waiver of certain Department of Public Works (DPW) standards -- to be excused from performing approximately 200 linear feet of roadway widening -- and he explained that such relief should be granted given that road widening on this portion of Deer

ORDER RECEIVED FOR FILING

Date 7-1-11

By [Signature]

Park Road could in fact be dangerous and that there was in reality no need for such widening once a motorist had traveled past the proposed church entrance.

Mr. Thaler next opined that the Developer's proposal satisfied the requirements set forth in B.C.Z.R. § 238.C.2, for exceeding the 35 feet height limitation in a BR zone situated within 750 feet of an RC zone. Mr. Thaler advised that the Developer's proposal satisfied each of the special exception factors set forth in B.C.Z.R. § 502, and that the proposal also met the compatibility objectives set forth in B.C.Z.R. § 32-4-402(d)(1-8). With regard to the variance relief sought under B.C.Z.R. § 1.B.01.1, Mr. Thaler testified that the proposed church would be compatible with and promote the general welfare of the surrounding residential properties, and he explained churches have long been considered "transitional uses" between commercial and residential properties, and that they provided an effective use of land to serve as a buffer indicating that a commercial zone was segueing into a more rural residential setting.

The final witness presented in Developer's case was Mickey Cornelius, a licensed professional engineer employed with The Traffic Group, a firm which provides traffic engineering services and transportation planning studies. Mr. Cornelius prepared a lengthy and detailed traffic impact analysis (marked and accepted into evidence as Developer's Exhibit 11), and he advised that the study area included the intersections of Rt. 26 and Deer Park Road, Deer Park and Winands Road, Winands and Marriottsville Road, and Deer Park and Lyons Mill Road. Summarizing the conclusions reached in his traffic analysis, Mr. Cornelius opined that the surrounding road network can safely handle the volume of traffic projected for the church project. Mr. Cornelius also opined that the church would in no way create "congestion," as that term is used in B.C.Z.R. § 502.

The other principle focus of Mr. Cornelius' testimony concerned safety at the proposed facility and site distances at the access points for the proposed church. Mr. Cornelius explained that

ORDER RECEIVED FOR FILING

Date 7-1-11

By 

Deer Park Road has a 30 mph speed limit, and that under Baltimore County regulations a 400 feet sight distance would be required. Mr. Cornelius added that under national (ASHTO) standards, sight distances would be required to be at least 435 feet. Under either scenario, Mr. Cornelius stated that the current proposal would be acceptable, given that the sight distances from the northern access point is 470 feet, and from the southern access point, the sight distance is over 500 feet.

To obtain relief under B.C.Z.R. § 238C.2, Developer must obtain the recommendations of the Departments of Public Works, PAI and DEPS. Those recommendations were presented during the "informal" portion of the case. See County Exhibits 1-3. The regulation also requires the Hearing Officer, based on those recommendations, to determine the proposed use is compatible with existing uses of the adjoining RC zone. In that regard, I find that the church is in fact a lower intensity use for the BR zone, and will therefore not have a negative impact upon the surrounding community. The building is being designed in such a way as to minimize the massing of the structure, and lighting will be carefully designed to prevent unwanted illumination of the nearby homes. The architectural drawings depict a well-designed, impressive structure that will be an asset to the community and will preserve the rural and bucolic feel of the area.

PROTESTANTS' ISSUES

As noted earlier, neighbors Felicia Flourney and Jay Burtis attended the hearing and voiced certain concerns about the proposal. Ms. Flourney was primarily concerned with the height of the church and whether the lighting proposed would illuminate the surrounding homes. Mr. Carroll (Developer's architect/expert) addressed the first concern by explaining that the massing and layout of the church was designed to cause the building to look less like an imposing monolithic structure, and more like three harmoniously adjoining pieces of a whole. In addition, Mr. Carroll presented

architectural elevations which he prepared (marked and accepted into evidence as Developer's

ORDER RECEIVED FOR FILING

Date 7-1-11

By J²

Exhibit 8) showing the pitched roof lines which slope away from the RC zone and "soften" the appearance and impact of the 61 feet height of the roof.

With respect to the lighting issue, Lloyd Moxley from the Office of Planning stated that the church would be required to provide "pedestrian scale" lighting, which he explained would confine the light to the subject property, and would be of such height and orientation, as shown on the architectural elevations, to prevent the light from spilling onto adjoining residential properties.

Mr. Burtis expressed concerns over the proposed stormwater management facilities, and worried they may have an impact on his drinking water well. Mr. Thaler testified that in his 30+ years of experience he has never been involved with, or even heard of, a stormwater management facility contaminating or in any way harming a nearby well. Mr. Thaler added that, even in a worst case scenario, the Developer was going to provide public water facilities to the northern property line of its lot, which adjoins the property owned by Mr. Burtis, and that he could connect to public water in the future in the event a problem arose with his well.

The Baltimore County Code (§ 32-4-228) is clear regarding the standards that must be applied when the Hearing Officer considers a development plan. The Hearing Officer must approve a plan that satisfies the rules, regulations and policies adopted by Baltimore County regarding development. Based upon the testimony and evidence presented, I find that the Plan as submitted at the hearing and accepted as Developer's Exhibit 1 meets all County rules, regulations and standards for development in Baltimore County and, therefore, must be approved.

Pursuant to the zoning and development regulations of Baltimore County and Article 32, Section 4 of the B.C.C., the Development Plan (Developer's Exhibit 1) shall be approved consistent with the comments contained herein.

ORDER RECEIVED FOR FILING

Date 7-1-11

By [Signature]

THEREFORE, IT IS ORDERED by this Hearing Officer/Administrative Law Judge this 1 day of July, 2011, that the redlined Development Plan for **CHRISTIAN LIFE CHURCH** identified herein as Developer's Exhibit 1, be and is hereby APPROVED;

IT IS FURTHER ORDERED that the Special Hearing relief requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for: approval pursuant to B.C.Z.R. Section 238.C of a building that exceeds the height permitted in Section 238.C.1, and (2) pursuant to Section 1B01.1.B.1.g(6) of the B.C.Z.R. for a finding that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises, be and is hereby GRANTED, subject to the following conditions:

1. Developer is to provide details of the proposed outdoor lighting at the site, and shall include the following note on the site plan: "A lighting plan that conforms with IESNA standards will be submitted in conjunction with the final landscape plan. Lighting should not compromise the adjacent residential community."
2. Developer is to provide pedestrian access from the north entrance of the church to Deer Park Road.
3. Developer shall provide decorative privacy fencing (in addition to the proposed evergreen screening) along the property's northern boundary wherever the property abuts existing residential uses to further mitigate the impact of the proposed parking lots, storm water management facility and private driveways. This fence should be constructed prior to Developer receiving a use and occupancy permit for the proposed church.

ORDER RECEIVED FOR FILING

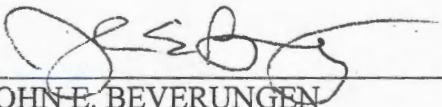
Date

7-1-11

By



Any appeal of this Order shall be taken in accordance with Baltimore County Code, Section 32-4-281.

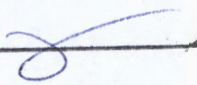


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

LMS:pz

ORDER RECEIVED FOR FILING

Date 7-1-11

By  10



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

July 1, 2011

DAVID KARCESKI, ESQUIRE
CHRISTOPHER D. MUDD, ESQUIRE
VENABLE, LLP
210 WEST PENNSYLVANIA AVENUE
SUITE 500
TOWSON, MD 21204

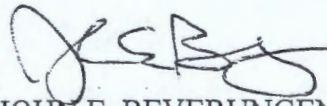
Re: Christian Life Church fka Deer Park Reserve
Case No. 02-705 and Zoning Case No. 2011-0311-SPHA

Dear Messrs. Karceski and Mudd:

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 with the Department of Permits, Approvals and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/pz

Enclosure

c: Lisa Heimlicher, Esquire, Winegrad, Hess, Friedman & Levitt LLC, 400 Redland Court,
Suite 201, Owings Mills MD 21117
Felicia Flourney, 6 Bannock Court, Randallstown MD 21133
Jay Burtis, 4208 Deer Park Road, Randallstown MD 21133



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at SW/S of Deer Park Road, ^{105 feet SE of} opposite connection with Winands Road
which is presently zoned BR, BL, DR3.5, RC5

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

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

(This box to be completed by planner)

See Attached

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bound 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:

David H. Karceski
Name - Type or Print _____
Signature David Karceski
Venable LLP
Company
210 W. Pennsylvania Ave., Suite 500 410-494-6285
Address _____ Telephone No. _____
Towson MD 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

Christian Life Church
Name - Type or Print _____
Signature [Signature]
Dr. Hugh Bair, Pastor
Name - Type or Print _____
Signature _____
6605 Liberty Road 410-298-5433
Address _____ Telephone No. _____
Randallstown MD 21207
City _____ State _____ Zip Code _____

Representative to be Contacted:

David H. Karceski
Name _____
210 W. Pennsylvania Ave., Suite 500 410-494-6285
Address _____ Telephone No. _____
Towson MD 21204
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2011-0311-SPH
REV 9/15/98

UNAVAILABLE FOR HEARING
Reviewed By JNP Date 4/15/2011

Attachment

Petition for Special Hearing SW/S of Deer Park Road, opposite connection with Winands Road

1. Petition for Special Hearing for a determination that Section 238C of the Baltimore County Zoning Regulations (BCZR) does not apply to the subject property or, in the alternative, for approval pursuant to Section 238C of a building that exceeds the height permitted in Section 238C.1.
2. Petition for Special Hearing, pursuant to Section 1B01.1.B.1.g(6) of the BCZR, for a finding that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at SW/S of Deer Park Road, opposite connection with Winands Road
which is presently zoned BR, BL, DR3.5, RC5

Deed Reference: 30-171 / 418 Tax Account # SEE ATTACHED

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

See Attached

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

To be determined at hearing

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:

David H. Karceski

Name - Type or Print

Signature

Venable LLP

Company

210 W. Pennsylvania Ave., Suite 500 410-494-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Christian Life Church

Name - Type or Print

Signature

Dr. Hugh Bair, Pastor

Name - Type or Print

Signature

6605 Liberty Road

410-298-5433

Address

Telephone No.

Randallstown

MD

21207

City

State

Zip Code

Representative to be Contacted:

David H. Karceski

Name

210 W. Pennsylvania Ave., Suite 500 410-494-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Case No.

2011-0311-SPHA

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by

JNP

Date 5/23/2011

REV 8/20/07

REVISED (Additional Petition)

Attachment

Petition for Variance

SW/S of Deer Park Road, opposite connection with Winands Road

Variance from Section 409.4 of the Baltimore County Zoning Regulations to allow parking spaces in an off-street parking facility to have direct access to a driveway.

REVISED (Additional Petition)

DEER PARK RESERVE TAX ACCOUNT NUMBERS

DISTRICT 02

<u>LOT #</u>	<u>ACCOUNT #</u>
HOA .2378Ac	25-00-004848
HOA .5969Ac	25-00-004847
SWM .4069Ac	25-00-004846
SWM .6959Ac	25-00-004844
SWM .8736Ac	25-00-004845
Lot 1	25-00-004802
Lot 2	25-00-004803
Lot 3	25-00-004804
Lot 4	25-00-004805
Lot 5	25-00-004806
Lot 6	25-00-004807
Lot 7	25-00-004808
Lot 8	25-00-004809
Lot 9	25-00-004810
Lot 10	25-00-004811
Lot 11	25-00-004812
Lot 12	25-00-004813
Lot 13	25-00-004814
Lot 14	25-00-004815
Lot 15	25-00-004816
Lot 16	25-00-004817
Lot 17	25-00-004818
Lot 18	25-00-004819
Lot 19	25-00-004820
Lot 20	25-00-004821
Lot 21	25-00-004822
Lot 22	25-00-004823
Lot 23	25-00-004824
Lot 24	25-00-004825
Lot 25	25-00-004826
Lot 26	25-00-004827
Lot 27	25-00-004828
Lot 28	25-00-004829
Lot 29	25-00-004830
Lot 30	25-00-004831
Lot 31	25-00-004832
Lot 32	25-00-004833
Lot 33	25-00-004834
Lot 34	25-00-004835
Lot 35	25-00-004836
Lot 36	25-00-004837
Lot 37	25-00-004838
Lot 38	25-00-004839
Lot 39	25-00-004840
Lot 40	25-00-004841

REUSED (Additional Petition)

March 9, 2011

**ZONING DESCRIPTION
for
Christian Life Church**

Beginning at a point on the west side of Deer Park Road which is a 60 feet wide at the distance of 105 feet +/- south of the centerline of the nearest improved intersecting street, Winands Road. Thence running along the following (23) courses and distances along a portion of the Record Plat for the subdivision of Deer Park Reserve as recorded in the Land Records of Baltimore County Maryland in Liber S.M. No. 78 folio 325.

1. South 17°25'55" East 99.63 feet, more or less, to a point; thence,
2. South 72°34'22" West 148.92 feet more or less, to a point; thence
3. South 17°18'58" East 99.90 feet more or less, to a point; thence,
4. North 72°34'09" East 149.12 feet more or less, to a point; thence
5. South 17°25'55" East 239.33 feet more or less, to a point; thence,
6. South 25°35'59" East 72.74 feet more or less, to a point; thence,
7. South 65°55'11" West 170.75 feet more or less, to a point, thence,
8. North 56°27'13" West 82.14 feet more or less, to a point; thence,
9. South 33°32'47" West 8.00 feet more or less, to a point; thence,
10. North 56°27'13" West 179.27 feet more or less, to a point; thence,
11. North 56°27'13" West 50.00 feet more or less, to a point; thence,
12. North 56°32'31" West 75.24 feet more or less, to a point; thence,
13. North 62°35'04" West 166.29 feet more or less, to a point; thence,

2011-0311-SPH

14. North 31°07'04" West 779.93 feet more or less, to a point; thence,
15. North 58°48'00" East 433.99 feet more or less, to a point; thence,
16. North 69°42'59" East 116.86 feet more or less, to a point; thence,
17. South 09°57'31" East 125.00 feet more or less, to a point; thence,
18. North 79°40'21" East 200.00 feet more or less, to a point; thence,
19. South 10°13'55" East 71.78 feet more or less, to a point; thence,
20. South 17°25'55" East 30.18 feet more or less, to a point; thence,
21. South 72°59'48" West 199.06 feet more or less, to a point; thence,
22. South 17°20'41" East 500.00 feet more or less, to a point; thence
23. North 72°38'27" East 199.82 feet more or less, to the point of beginning.

Containing 11.982 acres of land, more or less.

Located in the Second Election District and fourth Councilmanic District of
Baltimore County, Maryland.



May 16, 2011

ZONING DESCRIPTION 2
for
Christian Life Church

Beginning at a point on the west side of Deer Park Road which is a 60 feet wide at the distance of 395 feet +/- north of the centerline of the nearest improved intersecting street, Winands Road. Thence running along the following (5) courses and distances along a portion of the Record Plat for the subdivision of Deer Park Reserve as recorded in the Land Records of Baltimore County Maryland in Liber S.M. No. 78 folio 325.

1. South 72°59'48" East 199.06 feet, more or less, to a point; thence,
2. North 13°01'56" West 125.01 feet more or less, to a point; thence
3. North 79°40'21" East 200.00 feet more or less, to a point; thence,
4. South 10°13'55" East 71.78 feet more or less, to a point; thence
5. South 17°25'55" East 30.18 feet more or less, to the point of beginning.

Containing 0.5 acres of land, more or less.

Located in the Second Election District and fourth Councilmanic District of Baltimore County, Maryland.



REVISED (Additional Petition)
2011-0311-SPHA

REVISED NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2011-0311-SPHA

S/west side of Deer Park Road, 105 feet S/east of Winands Road.

2nd Election District — 4th Councilmanic District

Legal Owner(s): Christian Life Church

Special Hearing: for a determination that Section 238C of the BCZR does not apply to the subject property, or in the alternative, for approval pursuant to section 238C of a building that exceeds the height permitted in Section 238C. 1; for a finding that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

Variance: to allow parking spaces in an off-street parking facility to have direct access to a driveway.

Hearing: Friday, June 17, 2011 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations. Please Contact the Administrative Hearings Office at (410) 887-3868.

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

6/007 June 2

277241

CERTIFICATE OF PUBLICATION

6/2/ 2011

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 6/2/ 2011.

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

S. Wilkinson

LEGAL ADVERTISING

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

No. **69226**

Date: 5/23/2011

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 5/23/2011 5/23/2011 11:39:46 2
 REG #505 MAIL DDOL DHD
 >>RECEIPT # 576766 5/23/2011 DFLH
 Dept 5 528 ZONING VERIFICATION
 CR NO. 069226

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	206	0000		6150				250.00

Recpt Tot \$250.00
 \$250.00 CK \$0.00 CA
 Baltimore County, Maryland

Total: 250.00

Rec From: Venable, LLC

For: Revised (Additional) Petition - Variance
SW/S of Deer Park Road, 105' SE of Winands Road
2011-0311-SPHA (Christian Life Church)

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

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

No. **67422**
 Date: **4/15/2011**

PAID RECEIPT

BUSINESS DATE TIME SW
 4/19/2011 4/15/2011 14:14:51 2

NO: NS05 WALKIN BDR 000
 RECEIPT # 522746 4/15/2011 0711
 5 520 ZONING VERIFICATION
 CR NO. 067422

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	206	0000		6150				385.00

Total: **385.00**

Rec From: **Wenable, LLC**

For: **Special Hearing - 245 of Deer Park Road, 105 tract**
SE of 4 of Winand Road
2011-0311-SPH (Christian Life Church)

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

2011-0311-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Christian Life Church

June 17, 2011

Date of Hearing/Closing: _____

02-705

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 123
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Colleen Kelly:

Ladies and Gentlemen:

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

Deer Park Road SW Winands Road

June 2, 2011

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

 **June 2, 2011**

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE #20110311 SPHA

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

Room 205, JEFFERSON BUILDING 21204
105 WEST CHESAPEAKE AVENUE, TOWSON

PLACE

DATE AND TIME: FRIDAY, JUNE 17, 2011 AT 10:00 AM

REQUEST: SPECIAL HEARING FOR A DETERMINATION THAT SECTION

238C OF THE ZONING CODE DOES NOT APPLY TO THE SUBJECT PROPERTY
OR IN THE ALTERNATIVE FOR APPROVAL PURSUANT TO SECTION 238C
OF A BUILDING THAT EXCEEDS THE HEIGHT PERMITTED IN SECTION
238C.1. FOR A FINDING THAT THE PROPOSED IMPROVEMENTS ARE
PLANNED IN SUCH A WAY THAT COMPLIES WITH THE EXTENT PERMITTED
WITH RESIDE USE REQUIREMENTS WILL BE MAINTAINED AND THAT
SUCH FINDING CAN OTHERWISE BE EXPECTED TO BE COMPATIBLE WITH THE
CHARACTER AND GENERAL WELFARE OF THE SURROUNDING NEIGHBORHOOD
VARIABLE TO ALLOW PARKING SPACES IN AN OFF-STREET
PARKING FACILITY TO HAVE DIRECT ACCESS TO A DRIVEWAY

IMPROVEMENTS ARE TO WEATHER OR TO PROVIDE ANY OTHER NECESSARY
TO COMPLY WITH THE ZONING CODE

NO ONE REMOVE THIS SIGN AND POSTER, BE IT OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



Board of Appeals of Baltimore County

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

December 16, 2011

NOTICE OF DELIBERATION

CASE #: 11-311-SPHA *IN THE MATTER OF:* CHRISTIAN LIFE CHURCH / (FKA DEER
PARK RESERVE; IRON HORSE
PROPERTIES, LLC); W/S DEER PARK
ROAD, AT W END OF WINANDS ROAD
3rd Election District; 2nd Councilmanic District

With

CASE #: CBA-12-012 *IN THE MATTER OF:* CHRISTIAN LIFE CHURCH / (FKA DEER
PARK RESERVE; IRON HORSE
PROPERTIES, LLC); W/S DEER PARK
ROAD, AT W END OF WINANDS ROAD
3rd Election District; 2nd Councilmanic District

Having concluded this matter on 12/13/11 a public deliberation has been scheduled for the following:

DATE AND TIME: TUESDAY, JANUARY 10, 2012 at 9:15 a.m.

LOCATION : Jefferson Building - Second Floor - Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

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

Theresa R. Shelton
Administrator

c: Counsel for Petitioner/Developer	: David Karceski, Esquire
	: Patricia A. Malone, Esquire
	Venable, LLP
Owner/Petitioner/Developer	: Christian Life Church, c/o Dr. Hugh Bair, c/o Venable, LLP
Counsel for Appellants /Protestants	: Lisa C. Heimlicher, Esquire
	Winegrad, Hess, Friedman & Levitt, LLC
Appellants /Protestants	: The Hampton Utilities Company, LLC

PAGE 2

CASE #: CBA-12-012IN THE MATTER OF: CHRISTIAN LIFE CHURCH / (FKA DEER

CASE #: 11-311-SPHA

**PARK RESERVE; IRON HORSE
PROPERTIES, LLC); W/S DEER PARK
ROAD, AT W END OF WINANDS ROAD
3rd Election District; 2nd Councilmanic District**

Distribution List (con't)

David Thaler, P.E. and Brian Childress/D.S. Thaler & Associates, Inc.

Stephen Carroll/Rardin & Carroll Architects

Mickey Cornelius, P.E./The Traffic Group

Felicia Flourney

Jay Burtis

Betty L. Oglesby

Henry and Shanon Cameron

Chris and Yvette Jackson

Carolyn and Paul Samuels, Jr.

Rose Garland

Thelma Robinson

Vida L. Willis

Dennis William

Rev. B. Womack

Erika Morgan

Ellison L. Dicky

Carmen Brightful

Maxizine Smith

Office of People's Counsel

Lawrence M. Stahl, Managing Administrative Judge

John Beverungen, Administrative Law Judge

Arnold Jablon, Director/PAI

Colleen Kelly, Project Manager/PAI

Darryl Putty, Project Manager/PAI

Dennis Kennedy, Development Plans Review/PAI

Andrea Van Arsdale, Director/Office of Planning

Lloyd Moxley/Office of Planning

Vincent Gardina, Director/EPS

Jeff Livingston, EPS/Development Coordination

Bruce Gill, Recreation and Parks

Brad Knatz, Real Estate Complianace

Jeff Perlow, Zoning Review

Nancy C. West, Assistant County Attorney

Michael E. Field, County Attorney



Board of Appeals of Baltimore County

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

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

October 13, 2011

NOTICE OF ASSIGNMENT

CASE #: 11-311-SPHA *IN THE MATTER OF:* CHRISTIAN LIFE CHURCH / (FKA DEER
PARK RESERVE; IRON HORSE
PROPERTIES, LLC); W/S DEER PARK
ROAD, AT W END OF WINANDS ROAD
3rd Election District; 2nd Councilmanic District

Re: Petition for Special Hearing:

- a) for a determination that the BCZR does not apply to the subject property or, in the alternative, for approval of a building that exceeds the height restrictions;
- b) for a finding that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

Petition for Variance to allow parking spaces in an off-street parking facility to have direct access to a driveway.

7/1/11 Opinion and Order of Administrative Law Judge APPROVING
the Special Hearing Relief with conditions. *****

***** The Petition for Variance was withdrawn at the hearing.

with

CASE #: CBA-12-012 *IN THE MATTER OF:* CHRISTIAN LIFE CHURCH / (FKA DEER
PARK RESERVE; IRON HORSE
PROPERTIES, LLC); W/S DEER PARK
ROAD, AT W END OF WINANDS ROAD
3rd Election District; 2nd Councilmanic District

Re: DRC – to approve a Development Plan for a 2100 seat church building and 553
parking spaces on approximately 12.35 acres +/-, split zoned B.R., D.R.3.5, B.L.
and R.C.5.

7/1/11 - Opinion and Order of Administrative Law Judge APPROVING the
redlined Development Plan.

CONTINUED

PAGE 2

CASE #: CBA-12-012
CASE #: 11-311-SPHA

IN THE MATTER OF: CHRISTIAN LIFE CHURCH / (FKA DEER
PARK RESERVE; IRON HORSE
PROPERTIES, LLC); W/S DEER PARK
ROAD, AT W END OF WINANDS ROAD
3rd Election District; 2nd Councilmanic District

ASSIGNED FOR: TUESDAY, DECEMBER 13, 2011 at 10:00 a.m.

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

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

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

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

Theresa R. Shelton, Administrator

c: Counsel for Petitioner/Developer	: David Karceski, Esquire
	: Patricia A. Malone, Esquire
	Venable, LLP
Owner/Petitioner/Developer	: Christian Life Church, c/o Dr. Hugh Bair, c/o Venable, LLP
Counsel for Appellants /Protestants	: Lisa C. Heimlicher, Esquire
	Winegrad, Hess, Friedman & Levitt, LLC
Appellants /Protestants	: The Hampton Utilities Company, LLC

David Thaler, P.E.
Brian Childress
D.S. Thaler & Associates, Inc.

Stephen Carroll
Rardin & Carroll Architects

Mickey Cornelius, P.E.
The Traffic Group

PAGE 3

CASE #: CBA-12-012
CASE #: 11-311-SPHA

**IN THE MATTER OF: CHRISTIAN LIFE CHURCH / (FKA DEER
PARK RESERVE; IRON HORSE
PROPERTIES, LLC); W/S DEER PARK
ROAD, AT W END OF WINANDS ROAD
3rd Election District; 2nd Councilmanic District**

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Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Judge
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Lloyd Moxley/Office of Planning
Vincent Gardina, Director/EPS
Jeff Livingston, EPS/Development Coordination
Bruce Gill, Recreation and Parks
Brad Knatz, Real Estate Complianace
Jeff Perlow, Zoning Review
Nancy C. West, Assistant County Attorney
Michael E. Field, County Attorney

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 2, 2011 Issue - Jeffersonian

Please forward billing to:

Kedrick Whitmore
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6200

REVISED NOTICE OF ZONING HEARING

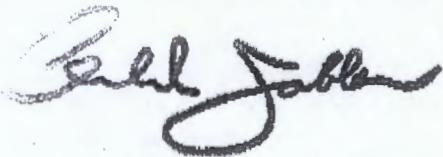
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0311-SPHA

S/west side of Deer Park Road, 105 feet S/east of Winands Road
2nd Election District – 4th Councilmanic District
Legal Owners: Christian Life Church

Special Hearing for a determination that Section 238C of the BCZR does not apply to the subject property, or in the alternative, for approval pursuant to section 238C of a building that exceeds the height permitted in Section 238C.1; for a finding that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. Variance to allow parking spaces in an off-street parking facility to have direct access to a driveway.

Hearing: Friday, June 17, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 24, 2011

REVISED NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2011-0311-SPHA

S/west side of Deer Park Road, 105 feet S/east of Winands Road

2nd Election District – 4th Councilmanic District

Legal Owners: Christian Life Church

Special Hearing for a determination that Section 238C of the BCZR does not apply to the subject property, or in the alternative, for approval pursuant to section 238C of a building that exceeds the height permitted in Section 238C.1; for a finding that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. Variance to allow parking spaces in an off-street parking facility to have direct access to a driveway.

Hearing: Friday, June 17, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Avenue, #500, Towson 21204
Dr. Hugh Bair, 6605 Liberty Road, Randallstown 21207

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JUNE 2, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Zoning Review | County Office Building

111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048

www.baltimorecountymd.gov

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 2, 2011 Issue - Jeffersonian

Please forward billing to:

Kedrick Whitmore
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6200

NOTICE OF ZONING HEARING

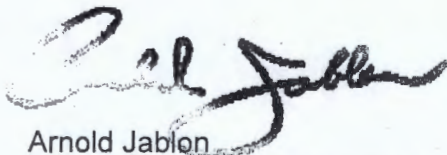
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0311-SPH

S/west side of Deer Park Road, 105 feet S/east of Winands Road
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Hearing: Friday, June 17, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 11, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2011-0311-SPH

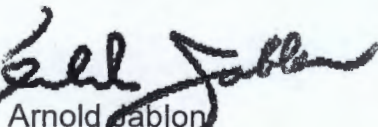
S/west side of Deer Park Road, 105 feet S/east of Winands Road

2nd Election District – 4th Councilmanic District

Legal Owners: Christian Life Church

Special Hearing for a determination that Section 238C of the BCZR does not apply to the subject property, or in the alternative, for approval pursuant to section 238C of a building that exceeds the height permitted in Section 238C.1; for a finding that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

Hearing: Friday, June 17, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Avenue, #500, Towson 21204
Dr. Hugh Bair, 6605 Liberty Road, Randallstown 21207

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JUNE 2, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2011-0311-SPH

Petitioner: CHRISTIAN LIFE CHURCH

Address or Location: SW/S OF DEER PARK ROAD, 105 FEET SE OF
WINNANDS RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: KEDNICK WHITMORE

Address: 240 W. PENNSYLVANIA AVE.

SUITE 500

TOWSON, MD 21207

Telephone Number: 410-494-6200



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

June 6, 2010

Dr. Hugh Bair
6605 Liberty Road
Randallstown, MD 21133

RE: Case Number 2011-0311 SPHA, S/west side of Deer Park Road, 105 feet s/east of Winands Road

Dear Dr. Bair,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 23, 2011. 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
David Karceski, 210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

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



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

Maryland Department of Transportation

Date: 5-5-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

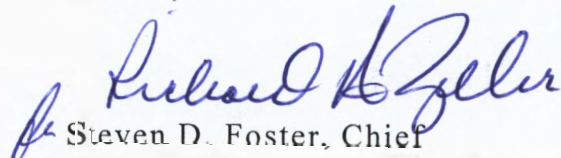
RE: Baltimore County
Item No. 2011-0311-SPH
Special Hearing
Christian Life Church / Dr. Hug Baird
SW/S Deer Park Road, SE Winands Rd

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. 2011-0311-SPH

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 5-31-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

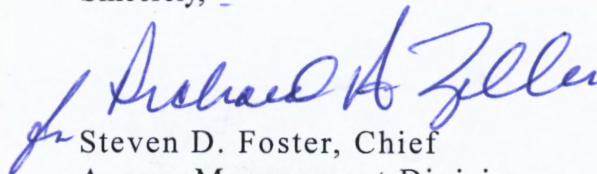
RE: Baltimore County
Item No. 2011-0311-SPHA
Special Hearing Variance
Christian Life Church/Dr. Hugh
Deer Park Road. Bair

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. 2011-0311-SPHA.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For May 16, 2011
Item Nos. 2011- 309, 311, 312, 313,
314, 315, 317, and 318

DATE: May 11, 2011

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05162011 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For June 13, 2011
Item No. 2011-311

DATE: May 31, 2011

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

We oppose granting the requested variance to allow perpendicular parking to have access to a driveway for the following reasons:

1. A vehicle backing out of a space will cause other vehicles entering the site from Deer Park Rd to stop and wait. If more than 5 vehicles try to enter the site when the vehicle is backing out, traffic on Deer Park Road will be stopped, increasing the chances for accidents.
2. The parking being provided is 28 spaces more than is required by zoning. Therefore the 22 spaces being proposed on the driveway are not required.
3. Eliminating the parking spaces along the driveway would allow for more screening of the adjacent residences and would therefore contribute to compliance with RTA to the extent possible.

DAK:CEN

cc: File

ZAC-ITEM NO 11-311-06132011.doc



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

April 28, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **May 2, 2011**

Item No.:

Administrative Variance: 2011-0312A, 2011-0317A – 0318A

Special Hearing: 2011-0311-SPH, 2011-0313-SPHX, 2011-0314-SPHA – 0316-SPHA

Special Exception: 2011-0313-SPHX

Variance: 2011- 0309A-0310A, 2011-0314-SPHA – 0316-SPHA, 2011-

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

May 26, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **May 30, 2011**

Item No.:

Special Hearing: 2011-0311-SPHA, 2011-0342-SPHA.

Administrative Variance: 2011-0336A, 2011-0338A.

Variance: 2011-0311-SPHA, 2011-0337A, 2011-0341A, 2011-0342-SPHA, 2011-0343A.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

JB 6/17 10 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: June 6, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-311-SPH
Address SW/S Deer Pk Rd, SE Winands Rd
(Christian Life Church Property)

Zoning Advisory Committee Meeting of May 2, 2011.

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

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

JUN 06 2011

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

DATE: June 13, 2011

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

*Hearing date
6/17/11*

SUBJECT: Zoning Advisory Committee Meeting
For Item No. 2011-0311, SPHA

On behalf of the Director of Public Works, I have reviewed the site plan and conferred with him. We have no concerns with respect to this proposal exceeding the height and area standards, and therefore its compatibility.

DAK
cc:file

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
SW/S deer Pk, SE Winands Road; S/W side	*	ZONING COMMISSIONER
of Deer Park Rd., 105ft. SE of centerline	*	
Winands Road	*	FOR
2 nd Election & 4 th Councilmanic District	*	
Legal Owner(s): Christian Life Church/	*	BALTIMORE COUNTY
Dr. Hug Bair	*	
Petitioner(s)	*	2011-0311-SPH

* * * * *

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.

RECEIVED
APR 28 2011
[Signature]

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of April, 2011, a copy of the foregoing Entry of Appearance was mailed to David H. Karceski, Venable LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: June 13, 2011

RECEIVED

FROM: Andrea Van Arsdale
Director, Office of Planning

JUN 16 2011

OFFICE OF ADMINISTRATIVE HEARINGS

SUBJECT: Christian Life Church (f.k.a. Deer Park Reserve)
W/S Deer Park Road @ End Winands Road

INFORMATION: *addendum (to comments offered in Development Plan Comments)*

Item Number: 11-311

Petitioner: Christian Life Church

Zoning: BR, BL, DR 3.5 and RC 5

Requested Action: Special Hearing

Section 238.C.2.C of the Baltimore County Zoning Regulations ("BCZR") requires that the Director of the Office of Planning make compatibility recommendations to the Hearing Officer for a plan which exceeds the height and/or area standards contained in BCZR Section 238.C.1. Here, the Developer proposes a church building with a height in excess of the 35-foot limitation. Because the proposal exceeds the height limitation, Section 238.C.2.C requires the Hearing Officer to determine, based upon agency recommendations, that the proposed use is compatible with the existing uses of the contiguous RC zone.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petition's request for Special Hearing and site plan filed in Case No. 2011-0311-SPH, a landscape plan for the site, architectural elevations, photographic perspectives and cross-sections of the proposed church, and aerial photographs of the subject property and surrounding area.

The property is primarily split-zoned BR and DR 3.5, with slivers of BL and RC 5 zoning, it is located northwest of the intersection of Liberty Road and Deer Park Road. Liberty Road, as it heads west from I-695, is a primarily commercial corridor. There is a significant amount of commercially zoned properties just to the east of the subject property, including an existing shopping center east of the intersection of Liberty and Deer Park Roads. Immediately to the west of that intersection is a volunteer fire company and 50± foot tall water tower. As Liberty Road continues further west from the fire company, there are some additional parcels that are commercially zoned (including the subject property), and some residential zoning that begins to appear. Past the subject property, much of the corridor contains RC zoning, including the properties that are contiguous to and west of the subject property.

The subject property represents the last line of commercial zoning before the RC zone becomes more prevalent. As such, the applicant's desire to develop the subject property with a transitional use (proposed church) will provide a buffer between the commercial uses to the east and the existing uses of the contiguous RC zone to the west.

A review of the materials submitted by the applicant suggests that the proposed layout and design for the church contribute to the transitional nature of the use and assure the use is compatible with the existing uses in the contiguous RC zone. This office offers the following points:

- The church building as proposed is close to the business-zoned property to the south and east of the site, thereby maintaining a sizeable buffer between the building and the existing RC zone to the west.
- Architectural materials provided shows that the building materials appear to be consistent with other architecture in the area, including the type of stonework that is prevalent in the greater Randallstown area.
- There is a 22+ acre-forested area immediately to the west of the subject property, which is reserved for open space pursuant to the record plat entitled "Section Four Twelve Trees" (Plat Book 44, folio 60). This area provides an additional buffer between the church use and the uses farther west in the RC zone. When examining these additional uses in the RC zone, this Office recognizes that there are some single family detached dwellings, some non-conforming commercial uses, as well as an existing church. The proposed church, as designed, is compatible with this existing mix of uses in the contiguous RC zone for the above-stated reasons.

In summary, based on how the subject site will be used, the surrounding uses and the general character of the area the Office of Planning finds that the project meets the compatibility objectives contained in Baltimore County Code Section 32-4-402 with regard to the adjacent RC zoned property.

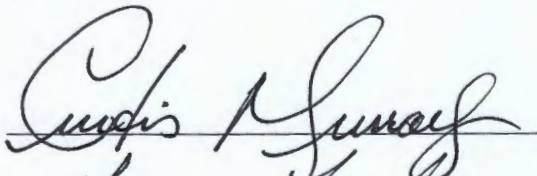
It is the opinion of the Office of Planning that the proposed church would be compatible with the adjacent residential uses. Therefore, the Office of Planning recommends approval of the requested special hearing provided the applicant:

Provide decorative privacy fencing (in addition to the proposed evergreen screening) along the property's northern boundary wherever the property abuts existing residential uses to further mitigate the impact of the proposed parking lots, storm water management facility and private driveways. This fence should be constructed prior to petitioner receiving a use and occupancy permit for the proposed church.

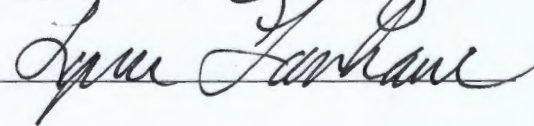
Additionally the recommendations listed in the Development Plan Comments dated May 25, 2011(see attached) are also conditions of the aforementioned position on the special hearing request.

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

Prepared by:



Division Chief:
AVA/LL: CM



Cc: Lawrence Stahl, Managing Administrative Law Judge

Attachment:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DEVELOPMENT PLAN CONFERENCE

TO: Arnold Jablon, Director - Department of Permits, Approvals and Inspections

FROM: Andrea Van Arsdale, Director - Office of Planning

DATE: May 25, 2011

PROJECT NAME: Christian Life Church (fka: Deer Park Reserve)

PROJECT NUMBER: II-705

PROJECT PLANNER: Curtis Murray

GENERAL INFORMATION:

Applicant Name: Christian Life Church
Attn: Dr. Hugh Bair
6605 Liberty Road
Randallstown, MD 21207

Location: W/S Deer Park Road @ End Winands Road

Councilmanic District: 4th

Growth Management Area: Community Conservation

Zoning: BR, DR 3.5, BL

Acres: 12.55± acres

Surrounding Zoning and Land Use:

North:	DR 3.5, RC 5	Single Family Residential
South:	BL, BR	Commercial
East:	DR 3.5	Single Family Residential
West:	BR, DR 3.5	Vacant

Project Proposal:

The applicant proposes a 2,100 seat church building and 553 parking spaces on approximately 12.35± acres of land zoned BR, DR 3.5, BL and RC 5. The site is unimproved and has an open pasture type setting.

Project History:

The subject property was before Development Review Committee in which the development plan for Deer Park Reserve (proposal for 41 residential lots) received a material change to the development plan on November 16, 2010.

Other Anticipated Actions and Additional Review Items:

- | | | |
|--|---|--|
| ☐ Special Exception | ☒ Special Hearing | ☐ PUD |
| ☐ Variance | ☐ Compatibility | ☐ Design Review Panel |
| ☐ Waiver | ☐ Scenic Route | ☐ Other – R-O-W |
| ☐ RTA Modification | ☐ Referral to Planning Board | |

MEETINGS:

Concept Plan Conference	<u>01/23/06</u>	Community Input Meeting	<u>03/08/06</u>
1 st Development Plan	<u>11/15/06</u>	1 st Hearing Officer's	<u>12/08/06</u>
2 nd Development Plan	<u>05/25/11</u>	2 nd Hearing Officer's	<u>06/02/11</u>
Planning Board			

PARTIES TO BE NOTIFIED BY APPLICANT:

1. All adjacent property owners.
2. The Community Associations listed below:

Village of Twelve Trees
Sandra Steward, President
Ojibway Road
Randallstown, MD 21133

Liberty Road Community Council
Windall Sisler, President
3243 Charmill Drive
Manchester, MD 21102

Hernwood Heights
Danny Blount, President
30 Millstorm Road
Randallstown, MD 21133

Renew
Bill Bravelove, President
4272 Mary Ridge Road
Randallstown, MD 21133

Holbrook Chapeldale Community
Association
Joel Margolis/Barbara Hartman
4325 Holbrook Road
Randallstown, MD 21133

Plain of Perran
Dena Jackson, President
4215 Herrera Court
Randallstown, MD 21133

Village of King Park Association
Otis Jackson, President
9712 Marriotsville Road
Randallstown, MD 21133

MASTER PLAN:

The *Master Plan 2010* Land Management Area Plan designation for the subject area is "Community Conservation Area." The proposed use as indicated on the Proposed Land Use Map of Baltimore County is "Mixed-Use Commercial, Agriculture/Open Space and Single-Family Detached."

ZONING ADVISORY COMMITTEE(ZAC):

Special Hearing 2011-0311-SPH

The petitioner requests a Special Hearing for a determination that Section 238C of the Baltimore County Zoning Regulations (BCZR) does not apply to the subject property or, in the alternative, for approval pursuant to Section 238C of a building that exceeds the height permitted in Section 238C.1;

Additionally the petitioner requests a Special Hearing, pursuant to Section 1B01.1.B.1.g(6) of the BCZR, for a finding that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

The Office of Planning has reviewed the petitioner's requests and recommends approval of the requested relief subject to the following:

Provide privacy fencing (in addition to the proposed evergreen screening) along the property's northern boundary wherever the property abuts existing residential uses to mitigate the impact of the proposed parking lots, storm water management facility and private driveways. This fence should be constructed prior to petitioner receiving a use and occupancy permit for the proposed church.

Compatibility:

The principal zoning on the subject site is BR. The principal land uses abutting the proposed site are commercial. These commercial uses include and RV sales and storage facility, an animal hospital and kennel, and a volunteer fire department along the sites southern property line.

Ingress and egress to the subject property is from 2 private driveways on Deer Park Road (a collector road) approximately 1000 feet west of Liberty Road (a major arterial road). Eight single-family residences abut the property's northern property line.

Based on what/how the subject site has been used and the surrounding uses and the general character of the area, it is the opinion of the Office of Planning that the proposed church would be compatible with the adjacent residential uses; with the requested screening and fencing.

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Christian Life Church 11-311-SPHA and CBA-12-012

DATE: January 10, 2012

BOARD/PANEL: Lawrence S. Wescott, Panel Chair
Maureen E. Murphy
David L. Thurston

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Petitioner's request to approve a Development Plan for a 2100 seat church building and 553 parking spaces on approximately 12.35 acres +/-, split zoned B.R., D.R.3.5, B.L. and R.C.5.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board discussed the history of this matter. This matter originally came before the Deputy Zoning Commissioner in 2006 wherein a Development Plan was proposed for the construction of 40 houses on the subject property. The homes were never constructed. The property owners/Developer requested a material change to the Development Plan to approve a 2100 seat church building and parking spaces. The Administrative Law Judge approved the material change.
- At the hearing before the Administrative Law Judge, Protestants, The Hampton Utilities Company, LLC presented a Covenant agreement. The Developer indicated that they do not recognize the Covenant. The Administrative Law Judge determined that he was not authorized to rule on the issue of the Covenant. The Protestants appealed this matter to the Board of Appeals.
- The Protestants provided 5 issues to the Board for consideration: a) The Petitioner failed to provide a note on the Development Plan concerning private utility assessments or fees as required by the Baltimore County Code; b) The Development Plan did not comply with other county laws as required by the Baltimore County Code; c) The Baltimore County Code requires that the Development Plan contain a certification under oath that there are no delinquent accounts for any other development with respect to: 1) the applicant, 2) a person with a financial interest in the proposed development; d) Approval of the Development Plan's special exceptions and the Development Plan was contrary to the purpose and intent of the BCZR to provide "greater certainty about dwelling types and densities within existing communities: as required by the BCZR; e) Approval of the Development Plan was contrary to the purpose of development plans to "protect those

who have made decisions based on such plans from inappropriate changes therein" as required by the BCZR.

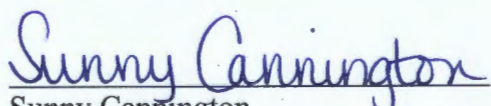
- The Board determined that in order to make any decisions as to the issues raised by the Protestants, they must determine that the Covenant is valid. The Board determined upon reviewing the Covenant that there is a section in the Covenant with regard to the enforcement of the Covenant which states that the matter must be pursued at the Circuit Court level. The Board therefore, determined that they do not have jurisdiction over the Covenant. The Board determined that the issues raised by the Protestant on appeal are contingent on finding the Covenant valid and since they do not have jurisdiction over the Covenant they therefore dismiss the appeal.

DECISION BY BOARD MEMBERS: The Board of Appeals does not have jurisdiction over the Covenant at issue in this matter. Therefore the Board is dismissing the appeal in this matter.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DISMISS the appeal.

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

Respectfully Submitted,


Sunny Cannington



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

October 11, 2011

David Karceski
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

Dear Mr. Karceski:

RE: Case: 2011-0311-SPHA, Christian Life Church fka Deer Park Reserve

Please be advised that an appeal of the above-referenced case was filed in this office on July 28, 2011 by Lisa Heimlicher and a subsequent protective notice of appeal was filed on September 2, 2011 also by Lisa Heimlicher. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

c: Administrative Hearing Office
Arnold Jablon, Director of PAI
People's Counsel
Lisa Heimlicher
Felicia Flourney
Mr. & Mrs. Burtis
Dr. Hugh Bair

RECEIVED

OCT 11 2011

BALTIMORE COUNTY
BOARD OF APPEALS

APPEAL

Petition for Special Hearing and Variance
Christian Life Church fka Deer Park Reserve
SW/s of Deer Park Road 105 ft. s/e of Winands Road
2nd Election District – 4th Councilmanic District
Legal Owners: Christian Life Church, Dr. Hugh Bair

Case No.: 2011-0311-SPHA

Petition for Special Hearing & Variance (April 15, 2011)

Zoning Description of Property

Notice of Zoning Hearing (May 24, 2011)

Certification of Publication (The Jeffersonian – June 2, 2011)

Certificate of Posting (June 2, 2011) by Robert Black

Entry of Appearance by People's Counsel (April 28, 2011)

Petitioner(s) Sign-In Sheet – 3 Sheets

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – 1 Sheet

County Representative Sign- In Sheet – 1 Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. 200 scale Zoning Map
2. Development Plan, Schematic Landscape Plan and Plat to accompany petition

Protestants' Exhibits – None

County Exhibits –

1. Inter-Office Correspondence dated June 15, 2011 from Vincent Gardinia
2. Inter-Office Correspondence dated June 13, 2011 from Dennis Kennedy
3. Inter-Office Correspondence dated June 16, 2011 from Carl Richards

Miscellaneous (Not Marked as Exhibit)

1. Labeled Exhibit A – Declaration of Covenants and Lien for Water and Sewer
2. Labeled Exhibit B – Map of Deer Park Reserve

Administrative Law Judges Order (GRANTED – July 1, 2011)

Request for Motion for Reconsideration – July 27, 2011 from Mr. & Mrs. Burtis

Notice of Appeal received July 28, 2011 from Lisa Heimlicher to Administrative Hearings Office

Comment on Motion for Reconsideration dated July 28, 2011 from Peter Zimmerman, People's Counsel

Letter dated August 2, 2011 on Motion for Reconsideration from Venable for Mr. & Mrs. Burtis

Order on Motion for Reconsideration (DENIED – August 11, 2011)

Protective Notice of Appeal – September 2, 2011 from Lisa Heimlicher

c: People's Counsel of Baltimore County, MS #2010
See cover letter

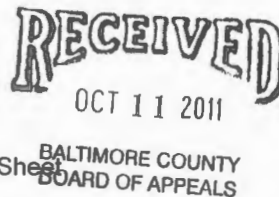
date sent October 11, 2011, kl

APPEAL

Petition for Special Hearing and Variance
Christian Life Church fka Deer Park Reserve
SW/s of Deer Park Road 105 ft. s/e of Winands Road
2nd Election District – 4th Councilmanic District
Legal Owners: Christian Life Church, Dr. Hugh Bair

Case No.: 2011-0311-SPHA

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- ✓ Entry of Appearance by People's Counsel (April 28, 2011)
- ✓ Petitioner(s) Sign-In Sheet – 3 Sheets
- ✓ Protestant(s) Sign-In Sheet - (None)
- ✓ Citizen(s) Sign-In Sheet – 1 Sheet
- ✓ County Representative Sign- In Sheet – 1 Sheet
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- Petitioners' Exhibit
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- ✓ Order on Motion for Reconsideration (DENIED – August 11, 2011)
- ✓ Protective Notice of Appeal – September 2, 2011 from Lisa Heimlicher
- c: People's Counsel of Baltimore County, MS #2010
See cover letter



date sent October 11, 2011, kl

Address List

Petitioner:

David Karceski, Esquire
Venable, LLP
210 W. Pennsylvania Ave, Ste 500
Towson, MD 21204

Patricia A. Malone, Esquire
Venable, LLP
210 W. Pennsylvania Ave, Ste 500
Towson, MD 21204

**Christian Life Church
c/o Dr. Hugh Bair
6605 Liberty Road
Randallstown, MD 21207**

**(mail returned 9/2 – send c/o
Karceski)**

Dr. Hugh Bair/Christian Life
Church
c/o David Karceski, Esquire
Venable, LLP
210 W. Pennsylvania Ave, Ste 500
Towson, MD 21204

David Thaler, P.E.
Brian Childress
D.S. Thaler & Associates, Inc.
7115 Ambassador Road
P.O. Box 47428
Baltimore, MD 21244

Stephen Carroll
Rardin & Carroll Architects
6105 Preservation Drive
Chattanooga, TN 37416

Mickey Cornelius, P.E.
The Traffic Group
9900 Franklin Square Drive, Ste 8
Baltimore, MD 21236

Protestant/Appellant:

Lisa C. Heimlicher, Esquire
Winegrad, Hess, Friedman &
Levitt, LLC
400 Redland Court, Suite 212
Owings Mills, MD 21117
(Attorney for Appellant)

The Hampton Utilities Company,
LLC
525 E. Seminary Avenue
Baltimore, MD 21286

Interested Parties

Felicia Flourney
6 Bannock Court
Randallstown, MD 21133

Jay Burtis
4208 Deer Park Road
Randallstown, MD 21133

Betty L. Oglesby
3912 Annellen Road
Baltimore, MD 21215

Henry and Shanon Cameron
5536 Lynview Avenue
Baltimore, MD 21215

Chris and Yvette Jackson
3302 Royal Fern Way
Windsor Mill, MD 21244

Carolyn and Paul Samuels, Jr.
3816 Janbrook Road
Randallstown, MD 21133

Rose Garland
2508 Perring Woods Road
Baltimore, MD 21234

Thelma Robinson
3408 Croydson Road
Baltimore, MD 21207

Vida L. Willis
2469 Shirley Avenue
Baltimore, MD 21215

Dennis William
19910 Mikes Way
Parkton, MD 21120

Rev. B. Womack
604 Queensgate Road
Baltimore, MD 21129

Erika Morgan
3717 Valley Hill Drive
Randallstown, MD 21133

Ellison L. Dicky
7813 Jody Knoll Road
Windsor Mill, MD 21244

Carmen Brightful
8215 Stone Crop Drive
Ellicott City, MD 21043

Maxizine Smith
1000 W. 41st Street, Apt 2 Side
Baltimore, MD 21211

Interoffice:

Office of People's Counsel
John Beverungen, Administrative Law Judge
Colleen Kelly, Project Manager/PAI
Dennis Kennedy, Development Plans Review/PAI
Lloyd Moxley/Department of Planning
Jeff Livingston, EPS/Development Coordination
Brad Knatz, Real Estate Compliance
Nancy C. West, Assistant County Attorney

Lawrence M. Stahl, Managing Administrative Judge
Arnold Jablon, Director/PAI
Darryl Putty, Project Manager/PAI
Andrea Van Arsdale, Director/Department of Planning
Vincent Gardina, Director/EPS
Bruce Gill, Recreation and Parks
Jeff Perlow, Zoning Review
Michael E. Field, County Attorney

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

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[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 02 Account Number - 2500004846

Owner Information

Owner Name: CHRISTIAN LIFE CHURCH **Use:** RESIDENTIAL
Mailing Address: 7127 LONG VIEW RD **Principal Residence:** NO
COLUMBIA MD 21044- **Deed Reference:** 1) /30378/ 00418
2)

Location & Structure Information

Premises Address **Legal Description**
DEER PARK RD .4069A BAL CO SWMR C
RANDALLSTOWN MD 21133-0000 DEER PARK RD SS
DEER PARK RESERVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0066	0023	0681		0000				1	Plat Ref: 0078/0325

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		0.4100 AC	04

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2010	07/01/2011
Land	410	400		
Improvements:	0	0		
Total:	410	400	400	400
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
Type: ARMS LENGTH MULTIPLE	12/23/2010	\$1,900,000
	Deed1: /30378/ 00418	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: * NONE *

John Beverungen - Christian Life Church

From: John Beverungen
To: David H. Karceski; Peter Zimmerman; lheimlicher@whfl-law.com
Date: 07/29/11 1:29 PM
Subject: Christian Life Church
CC: Debra Wiley; Patricia Zook

Counsel,

As you know, Mr. Burtis filed on July 27, 2011, a motion for reconsideration in the above case. Thereafter, on July 28, Ms. Heimlicher noted an appeal to the Board of appeals.

In these circumstances, Rule 4K of the hearing officer's rules provides that the timely filing of a motion for reconsideration stays all further proceedings, including the time limits for filing an appeal. If the appeal was noted first, I believe the Office of Administrative Hearings would be divested of jurisdiction, See Building Owners and Managers Ass'n v. PSC, 93 Md. App. 741, 749-50 (1992), but since the motion for reconsideration was filed first, I believe that I must rule on that motion.

I will wait to receive Mr. Karceski's response to the motion and then I will issue an order.

Thanks,

John Beverungen.

Debra Wiley - Re: Christian Life Church 02-705 and 2011-0311-SPHA

From: Peter Zimmerman
To: Beverungen, John; Karceski, David H.
Date: 7/28/2011 10:22 AM
Subject: Re: Christian Life Church 02-705 and 2011-0311-SPHA
CC: Wiley, Debra; Zook, Patricia; jayburtis@hotmail.com

Dear Judge Beverungen,

Thank you for the opportunity to comment on the motion for reconsideration filed by Jay Burtis and Theresa Burtis. In light of the motion and your inquiry, I have looked carefully at the site plan and reviewed the July 1, 2011 opinion. The purpose of this response is to identify promptly the zoning issues to which the motion may be relevant, and possible questions for review:

The main zoning issue appears to relate to the encroachment into the residential transition area (RTA), especially with respect to the access, driveway, and parking area at Deer Park Road, enveloping the properties of Mr. Burtis at 4208 and Mr. Harkness at 4204 (and, as well, the additional parking which abuts the rear of a line of single-family dwelling lots). Based on my reading of the site plan, ordinarily, this would appear to involve setback variances of about 20 feet (where a line of trees are provided) instead of the basic 75 feet setback and 50 feet of landscape buffer. However, the law provides a number of exceptions, among which is the exception for churches. BCZR Section 1B01.1.B.1.g.(6) allows a new church in the RTA, if there is a finding "... that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises."

The questions which occur to me are as follows, subject to the facts presented at the hearing and your judgment:

1. The overriding zoning question would be whether the site plan for the proposed church, which includes a large building (which I scale at about 350' x 250', somewhat segmented), a 2100-seat worship center, an education building, a ministries building, an administration wing, 553 parking spaces, and a paucity of open space, is compatible with the adjoining and surrounding Deer Park Road residences, especially where the RTA setback is relatively minimal for the entire length of the Burtis and Harkness lots, (and as well for the rear of the line of all the adjoining Deer Park Road lots)? (I assume that the church cannot reduce the size of the planned facility, although I cannot help asking whether there could there be a smaller church, with less parking area, so that some additional setbacks and buffer are provided? I was going to ask whether the number of parking spaces could be reduced, but the proposed parking, at 553 spaces for 2100 seats, is minimal, even though it meets technical BCZR 409.6 requirements of 1 space per 4 seats, and there could be a worry about overflow into the residential area. Obviously, there was a previous plan approved for residential uses, which did not pose these RTA issues.)
2. If the church needs the size as planned, and the RTA setbacks are considered compatible for the Deer Park line of dwellings, could the site plan nevertheless be designed with an access and parking lots which do not envelop the Burtis and Harkness lots? For example, could there be an access at the corner of the property close to the Liberty Road Volunteer Fire Company property and the Deer Park Plaza commercial uses across Deer Park Road?
3. The July 1, 2011 opinion describes on page 5 Mr. Carroll's testimony about compatibility and about a "rural feel" to the development, and on page 6 Mr. Thaler's testimony that churches are transitional uses and that the proposal is compatible. Nevertheless, the size, scale, and impact on the RTA and the surrounding dwellings must be considered in each case.

The opinion goes on at pages 7-8 to observe that the architect designed the church's massing and layout to look like 3 harmoniously adjoining pieces, and took steps to soften the impact of the roof height of 61 feet; and, according to Mr. Moxley of the Planning Office, there would be "pedestrian scale" lighting. The opinion then goes on at page 8 to find that the plan satisfies BCC Section 32-4-228 and all development standards.

There is no explicit discussion or finding on Page 8, however, with respect to the BCZR Section 1B01.1.B.1.g. (6) standard, the RTA setback deviations, and the proximity of the access and parking to the various dwellings, of which the Burtis and Harkness dwellings are the most heavily affected. Perhaps it is implicit. In any event, it would appear reasonable, upon reconsideration, for there to be a further finding as to whether, upon this record, the proposed site plan does satisfy the RTA standard and/or whether some modification of the plan should be considered or may be warranted.

4. This is one of several cases in recent years involving the establishment of large new churches with associated facilities in residential areas. Our office is sympathetic to the interests and needs of religious organizations, and to the leeway provided for some relaxation of the strict RTA standards. Each case must be reviewed to determine whether there is a reasonable accommodation of the plan with the surrounding residential community.

I hope that this prompt response will afford Petitioner's counsel an opportunity to focus again on some of the key zoning issues, and will be helpful to you, as administrative law judge, in evaluating the motion for reconsideration.

I am sending a copy of this e-mail to David Karceski, attorney for Petitioner, and to Jay Burtis.

Sincerely,
Peter Max Zimmerman

>>> John Beverungen 7/27/2011 11:48 AM >>>
Gentlemen,

I received today in the above matter a motion for reconsideration, filed by Mr. and Mrs. Burtis.

As you know, I am obliged to rule on the motion within 30 days. Can you please let me know if you intend to respond to the motion, and if so, I'd appreciate receiving your response in the near future so I can resolve this pending matter.

Thanks,

John Beverungen

Debra Wiley - RE: Christian Life Church 02-705 and 2011-0311-SPHA

From: "Karciski, David H." <DKarciski@Venable.com>
To: 'John Beverungen' <jbeverungen@baltimorecountymd.gov>, Peter Zimmerman <...
Date: 7/28/2011 10:28 AM
Subject: RE: Christian Life Church 02-705 and 2011-0311-SPHA
CC: Debra Wiley <dwiley@baltimorecountymd.gov>, Patricia Zook <pzook@baltimo...

Judge Beverungen,

We will file a response to the motion.

Thank you, David

David Karciski, Esq. | Venable LLP
 t 410.494.6285 | f 410.821.0147 | m 443.956.7425
 210 W. Pennsylvania Avenue, Towson, MD 21204

DKarciski@Venable.com | www.Venable.com

From: John Beverungen [mailto:jbeverungen@baltimorecountymd.gov]
Sent: Wednesday, July 27, 2011 11:49 AM
To: Peter Zimmerman; Karciski, David H.
Cc: Debra Wiley; Patricia Zook
Subject: Christian Life Church 02-705 and 2011-0311-SPHA

Gentlemen,

I received today in the above matter a motion for reconsideration, filed by Mr. and Mrs. Burtis.

As you know, I am obliged to rule on the motion within 30 days. Can you please let me know if you intend to respond to the motion, and if so, I'd appreciate receiving your response in the near future so I can resolve this pending matter.

Thanks,

John Beverungen

 U.S. Treasury Circular 230 Notice: Any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (a) avoiding penalties that may be imposed under the Internal Revenue Code or by any other applicable tax authority; or (b) promoting, marketing or recommending to another party any tax-related matter addressed herein. We provide this disclosure on all outbound e-mails to assure compliance with new standards of professional practice, pursuant to which certain tax advice must satisfy requirements as to form and substance.

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Debra Wiley - Motion for Reconsideration - 02-705 & 2011-0311-SPHA

From: Debra Wiley
To: Campbell, Rose; Kelly, Colleen; Lewis, Kristen; Putty, Darryl
Date: 7/27/2011 11:53 AM
Subject: Motion for Reconsideration - 02-705 & 2011-0311-SPHA
CC: Zook, Patricia

Good Morning,

John has just received a Motion for Reconsideration for the above and has requested both the HOH and zoning files. The Order was issued on July 1st.

Thank you very much.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Debra Wiley - Christian Life Church 02-705 and 2011-0311-SPHA

From: John Beverungen
To: David H. Karceski; Peter Zimmerman
Date: 7/27/2011 11:48 AM
Subject: Christian Life Church 02-705 and 2011-0311-SPHA
CC: Debra Wiley; Patricia Zook

Gentlemen,

I received today in the above matter a motion for reconsideration, filed by Mr. and Mrs. Burtis.

As you know, I am obliged to rule on the motion within 30 days. Can you please let me know if you intend to respond to the motion, and if so, I'd appreciate receiving your response in the near future so I can resolve this pending matter.

Thanks,

John Beverungen

Debra Wiley - Christian Life Church HOH on Friday, June 17

From: Patricia Zook
To: Beverungen, John
Date: 6/15/2011 9:30 AM
Subject: Christian Life Church HOH on Friday, June 17
CC: Wiley, Debra

Good morning -

Just to let you know that Dave Lykens with DEPS is preparing a finding for the hearing on Friday.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

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Debra Wiley - Christian Life Zoning Case Posting

From: "Whitmore, Kedrick N." <KNWhitmore@Venable.com>
To: "Debra Wiley" <dwiley@baltimorecountymd.gov>
Date: 6/15/2011 5:29 PM
Subject: Christian Life Zoning Case Posting
Attachments: Fax-Jun-15-2011-17-02-26-6831.pdf

Debbie - Attached is the certification and photo (and invoice - you don't need to pay it!) for the zoning case. Let me know if you need anything else, thanks!

Kedrick N. Whitmore, Esq. | Venable LLP
 t 410.494.6204 | f 410.821.0147 | m 703.598.7266
 210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

KNWhitmore@Venable.com | www.Venable.com

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Code or by any other applicable tax authority; or (b) promoting, marketing or recommending to another party any tax-related matter addressed herein. We provide this disclosure on all outbound e-mails to assure compliance with new standards of professional practice, pursuant to which certain tax advice must satisfy requirements as to form and substance.

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RECEIVED

JUN 16 2011

OFFICE OF ADMINISTRATIVE HEARINGS

David H. Karceski
T 410.494.6285
F 410.821.0147
DHKarceski@Venable.com

November 30, 2011

HAND DELIVERED

Ms. Theresa R. Shelton, Administrator
County Board of Appeals of
Baltimore County
The Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

Re: *In the Matter of Christian Life Church*
Case Nos. CBA 12-012 & 2011-0311-SPHA
PAI No. 02-705

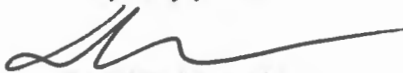
Dear Ms. Shelton:

This firm represents the Applicant/Petitioner Christian Life Church in the above-referenced matter. At issue is zoning relief and development plan approval Christian Life Church obtained for a new church building on property it owns in the Randallstown area of Baltimore County. Appeals were filed both to the grant of the Petition for Special Hearing (Case No. 2011-0311-SPHA) and to the approval of the development plan (Case No. CBA 12-012). A combined *de novo* zoning appeal and "on the record" development appeal hearing is scheduled before the Board of Appeals on December 13, 2011.

Since the filing of the Petition for Special Hearing and issuance of an order by the Administrative Law Judge, granting the requested zoning relief, the Baltimore County Council has passed legislation that eliminates the need for the zoning relief requested in Case No. 2011-0311-SPHA. See Council Bill No. 68-11. Because the requested zoning relief is no longer needed to pursue development of the property as shown on the approved development plan, Christian Life Church, by way of this letter, withdraws its Petition for Special Hearing, without prejudice.

Having withdrawn the request for zoning relief, the *de novo* portion of the December 13, 2011 hearing involving Case No. 2011-0311-SPHA should now be canceled, and the "on the record" development plan hearing should go forward as scheduled on that date.

Very truly yours,



David H. Karceski

DHK/cdm

cc: Lisa C. Heimlicher, Esquire
Daniel P. Moylan, Esquire

RECEIVED

NOV 30 2011

BALTIMORE COUNTY
BOARD OF APPEALS

RECEIVED

NOV 30 2011

BALTIMORE COUNTY
BOARD OF APPEALS

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2011, Legislative Day No. 15

Bill No. 68-11

Councilmembers Oliver, Huff & Almond

By the County Council, September 19, 2011

A BILL
ENTITLED

AN ACT concerning

Regulations for New Churches Constructed in the B.R. Zone

FOR the purpose of limiting the application of certain zoning regulations to new churches under certain circumstances.

BY adding

Section 1B01.1.B.g(16)
Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments

Section 238C
Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Zoning Regulations permit B.L., B.M., and B.R. zoned properties to be improved with uses permitted and as limited in the residential zone immediately adjoining such properties; and

WHEREAS, in 2004, the Baltimore County Council passed Bill 8-04 in order to clarify that the Residential Transition Area provisions did not apply to ~~residential~~ uses developed in zones other than D.R. zones, including B.L., B.M., and B.R. zones, but, rather, were to be applied only in the D.R. zone; and

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

WHEREAS, to clarify further the applicability of the Residential Transition Area provisions, the Council now seeks to adopt an additional exception to the application of the Residential Transition Area provisions that would, under certain circumstances, exempt certain tracts that contain both B.R. zoning and D.R. zoning; and

WHEREAS, the Council also intends to exempt new churches and other buildings for religious worship from certain special regulations applicable in the B.R. zone, under certain circumstances.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY,
2 MARYLAND, that Section 1B01.1.B.1.g(16) be and it is hereby added to the Baltimore County Zoning
3 Regulations, as amended, to read as follows:

4 §1B01.1. General use regulations in D.R. Zones.

5 B. Dwelling-type and other supplementary use restrictions based on existing subdivisions and
6 development characteristics.

7 1. Residential transition areas and uses permitted therein.

8 g. Exceptions to residential transition. The restrictions contained in Paragraphs
9 a through e above, of this Subsection B.1, do not apply to:

10 (16) A NEW CHURCH BUILDING OR OTHER BUILDING FOR
11 RELIGIOUS WORSHIP, INCLUDING ANY REQUIRED PARKING, DRIVEWAYS,
12 STORMWATER MANAGEMENT FACILITIES, AND OTHER RELATED INFRASTRUCTURE,
13 LOCATED ON A TRACT ZONED D.R., IN PART, AND B.R., IN PART, WHERE THE FOOTPRINT
14 OF THE BUILDING IS LOCATED ENTIRELY WITHIN THE B.R. ZONED PORTION OF THE
15 TRACT.

1 SECTION 2. AND BE IT FURTHER ENACTED, that Section 238C of the Baltimore County
2 Zoning Regulations, as amended, be and it is hereby repealed and re-enacted, with amendments to read
3 as follows:

4 §238C. Special Regulations for B.R. lots within 750 feet of an R.C. Zone.

5 Notwithstanding other provisions of these zoning regulations to the contrary, if the exterior wall of any
6 proposed building located on a B.R. lot is within 750 feet of an R.C. Zone, the provisions of this section
7 apply to the entire lot. The provisions of this section do not apply (A) if, as of October 5, 1998, the lot
8 is governed by a C.R., I.M., C.T. or C.C.C. District or is located in a planned unit development or in the
9 White Marsh or Owings Mills growth areas, OR (B) IF THE PROPOSED BUILDING IS A NEW
10 CHURCH OR OTHER BUILDING FOR RELIGIOUS WORSHIP TO BE LOCATED NO CLOSER
11 THAN 150 FEET TO THE R.C. ZONE. (All aspects not governed by the provisions of this section are
12 governed by all other applicable provisions of these zoning regulations.)

13 SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by the
14 affirmative vote of five members of the County Council, shall take effect on October 28, 2011.

t 410.494.6365
f 410.821.0147
cdmudd@venable.com

November 10, 2011

HAND-DELIVERED

W. Carl Richards, Jr., Supervisor
Zoning Review Office
County Office Building - Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: **Request for Zoning Verification**
Christian Life Church
PDM No. 02-705/ Zoning Case No. 2011-0311-SPHA
2nd Election District, 4th Councilmanic District

I am writing to request zoning confirmation related to Baltimore County Council Bill No. 68-11 (the "Legislation"), a copy of which is enclosed. Through passage of Bill No. 68-11, the Council amended the Baltimore County Zoning Regulations ("B.C.Z.R.") in two respects, both dealing with churches. The Legislation became effective on October 28, 2011.

First, the Council added a new exception to residential transition area requirements ("R.T.A."). The new Section 1B01.1.B.1.g(16) specifically exempts from the application of R.T.A. requirements "a new church building or other building for religious worship, including any required parking, driveways, stormwater management facilities, and other related infrastructure, located on a tract zoned D.R., in part, and B.R., in part, where the footprint of the building is located entirely within the B.R. zoned portion of the tract."

Second, the Council amended B.C.Z.R. Section 238C (Special Regulations for B.R. Lots Within 750 Feet of an R.C. Zone) to eliminate certain new church buildings from the applicability of this section. Specifically, notwithstanding general language in Section 238C that would indicate these special regulations apply to any building located within 750 feet of an R.C. zone, the Legislation makes it clear that such restrictions do not apply "if the proposed building is a new church or other building for religious worship to be located no closer than 150 feet to the R.C. zone."

I am asking you to review Bill No. 68-11 and the recently approved Christian Life Church Development Plan (PAI No. 02-705) and confirm that the zoning relief requested by way of the Petition for Special Hearing in relation to that Development Plan is no longer necessary in light of the passage of Bill No. 68-11.

By way of brief background, Christian Life Church submitted a Development Plan for review and approval by Baltimore County for a 12.35± parcel located on the southwest side of Deer

W. Carl Richards, Jr., Supervisor

November 10, 2011

Page 2

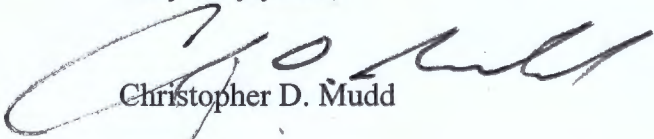
Park Road, west of the intersection of Deer Park Road and Liberty Road, in the Randallstown area of Baltimore County. Christian Life Church also filed a Petition for Special Hearing, seeking verification that: (1) the new church building is "planned in such a way that compliance, to the extent possible with R.T.A. requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises," consistent with B.C.Z.R. Section 1B01.1.B.1.g.6; and (2) the new church building, which will exceed 35 feet in height and be located within 750 of an R.C. zone, may be approved under B.C.Z.R. Section 238C.2. After a hearing, the A.L.J. approved the Development Plan and granted the Special Hearing relief. This decision is now on appeal before the Board of Appeals, with a hearing scheduled for December 13, 2011.

Applying Bill No. 68-11 to the approved Development Plan, relief from residential transition area requirements is not needed because the development tract is, in fact, zoned B.R. and D.R., and the footprint of the church building is located entirely within the B.R. zoned portion of the tract. Furthermore, because the new church building will be located more than 150 feet from the adjacent R.C. zone, the relief requested under Section 238C.2 also is no longer needed.

If you are in agreement that the Petition for Special Hearing previously requested and granted is no longer needed, following the passage of Bill No. 68-11, please indicate your confirmation by signing below. With your confirmation, Christian Life Church intends to withdraw the Petition for Special Hearing and defend the Development Plan approval before the Board of Appeals.

If you require any further information in order to issue your confirmation, please feel free to contact me.

Very truly yours,



Christopher D. Mudd

CDM
Enclosures

AGREED AND ACCEPTED:

 11/10/11

W. Carl Richards, Jr., Supervisor
Zoning Review Office

JB 6/17 10am

Jay and Theresa Burtis
4208 Deer Park Road
Randallstown, Maryland 21133

July 27, 2011

Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED

JUL 27 2011

OFFICE OF ADMINISTRATIVE HEARINGS

ATTN: Judge John E. Beverungen

RE: Christian Life Church
Case No. 02-705 and Zoning Case No. 2011-0311-SPHA

Dear Sirs,

We are writing to request a "motion for reconsideration" regarding your decision in the case referenced above. In your opinion, the only concern attributed to me is in relation to the potential impact of a proposed stormwater management facility on my drinking water well. While this issue was discussed at the hearing, it does not adequately represent my position.

At the hearing, I trusted that you were carefully considering the concerns voiced by the residents in making your decision in this case. With the hours of testimony recorded by court stenographer, I am reasonably confident that these concerns are well documented. However, upon reviewing your opinion, it is apparent that certain concerns and key issues that we discussed have been omitted. Specifically:

1. The residential lot P.196 Lot 74 is zoned residential and is adjacent to my property. The approved Deer Park Reserve development includes a single family home to be built on this lot. As we discussed, and in speaking for the local residents, I stated that only a residential home will be acceptable to the community as an improvement to this lot. The developer proposes to use the residential lot for a paved roadway and for extension of sewer and water utilities. Although convenient for the developer, this is not an acceptable use of this residential lot, and this is in no way "compatible with the character and general welfare of the surrounding residential premises."
2. I raised an issue regarding the partially constructed stormwater management facility that was excavated for the Deer Park Reserve project. The construction for this project began a few years back and failed. The approved plans include a stormwater management facility in the rear portion of residential Lot 74 which was excavated and then left unfinished. This large existing excavation is alongside my property and is about 6-ft. deep, 50-ft. across, and extends nearly the full width of the 100-ft. wide residential lot. As you know stormwater management construction is regulated by the County and State, and certification of these facilities is required.

The developer proposes to build a roadway through the residential lot and across this large excavation where the stormwater management facility is presently located. This is an unusual circumstance that will require *filling in* the existing stormwater facility excavation. My questions and concerns are with the process and methods that will be used to achieve this revision to the approved design. Has this revision been properly considered by the Engineer, designed in accordance with current stormwater management regulations, and reviewed and approved by the County and SCD? How will the excavation be filled in and with what?

3. I asked the Engineer if he could indicate the location of my drinking water well on the site plan. He could not. In fact, the Engineer was not certain if the adjacent residential homes along Deer Park Road were on private wells for drinking water or not. The Engineer was not familiar with the depth of the groundwater, but he stated that the function of the proposed stormwater facilities is to filter pollutants and recharge the groundwater. The Engineer was also uncertain if the residential homes were on septic systems or sanitary sewer.

My concern is with the lack of regard and consideration for the adjacent residential community that is utilizing groundwater as the water supply for our homes and for drinking water. Has the Engineer or the County considered the potential impact of the proposed development upon the regional groundwater system and the effect upon all of the nearby residential wells? How does the proposed development, and in particular the large impervious area created by the extensive paved parking lot and roadways, affect groundwater recharge and the quality and quantity of our well water? Will this issue be addressed?

4. I questioned the need for screening and "privacy" fencing, in light of the repeated statements regarding the proposed development being designed "holistically" and with "sensitivity" to the adjacent residential area. The Architect stated that the proposed development is designed with the purpose of "enhancing" the residential area. I mentioned that most of the residential homes along Deer Park Road do not have fences, and that there is an openness to the neighborhood. The requirement for screening and "privacy" fencing is tacit substantiation that the proposed development is not compatible with the residential area.

Please honor our request for reconsideration of your ruling in this case. We look forward to your response and we anticipate the proper resolution of these issues.

Sincerely,



James Jay Burtis III



Theresa Rauseo Burtis

c: Mr. David Karceski, Esquire
Mr. Peter Zimmerman

PLEASE PRINT CLEARLY

CASE NAME CHRISTIAN LIFE CHURCH
CASE NUMBER 02-705
DATE 6/17/2011

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Stephen Carroll	6105 Preservation Drive	Chattanooga, TN 37416	steve@churchdesigners.com
D.S. THALER	Box 47428	BALTIMORE MD 21244-7428	dsthaler@dsthaler.com
BRIAN CHILDRESS	"	"	
Thy L. Oglesby	3912 Annellen Rd B	Balto., MD 21215-7215	02BSVD4EVR@AOL.com
Henry Cameron	5536 Lynview Ave	Baltimore MD 21215	
Sharon Cameron	5536 Lynview Ave	Baltimore MD 21215	
Yvette Jackson	3302 Royal Fern Way	Windsor Mill, MD 21244	
CAADLYN Samuels	3816 Janbrook Rd.	Randallstown MD 21133	
Paul Samuels, Jr.	3816 Janbrook Rd. &	Randallstown MD 21133	psamuelsjr@gmail.com
Rose Garland	2508 Perring Woods Rd	Baltimore MD 21234	
MICKEY CORNELIUS	9900 FRANKLIN SQ DR STE H	Balto MD 21236	
Thelma Robinson	3408 Croydon Rd.	Balt. MD 21207	
Vida L. Willis	2469 Shirley Ave.	Balto., MD 21215	
High Blair	4328 Dunaster Drive	Ellicott City 21043	
Dennis William	15910 McKee Way 1	Parkton MD 21120	Dennis.Williams 46@Gmail.
Rev. B L Wornack	604 Quincegate Rd	Balt. MD 21229	BLWornack@CCL128.org
Erika Morgan	3717 Valley Hill Dr.	Randallstown MD 21133	Erika.morgan@carefirst.com
Chris Jackson	3302 Royal Fern Way	Balt. MD 21244	GrestChargell@version.net
Allison L. Dickson	7813 JODY KNOW RD 21244	WINDSOR MILL, MD 21244	eagle messenger @ verizon.net

CASE NAME Christian Life Chrt
CASE NUMBER 02-705
DATE 6/17/2011

[illegible]

CASE NAME Christian Life Church
CASE NUMBER 02-705
DATE 6/17/11

[illegible]

CASE NAME CHRISTIAN LIFE COUNSEL
CASE NUMBER 02-705
DATE 6/17/2011

[illegible]

CASE NAME CHRISTIAN LIFE CHURCH
CASE NUMBER 02-705
DATE 6/17/2011

[illegible]

MR./MADAM CLERK
PLEASE INDEX THE NAME OF EACH
PARTY, AND THE SUBDIVISION
NAME, IN BOTH THE GRANTOR
AND GRANTEE INDEXES.

**DECLARATION OF COVENANTS AND LIEN FOR
WATER AND SEWER FACILITIES CHARGES**

THIS DECLARATION OF COVENANTS AND LIEN FOR WATER AND SEWER
FACILITIES CHARGES (hereinafter referred to as "Declaration") is made this 23 day of
SEPTEMBER, 2009, by P&S BUILDERS, INC., a Maryland corporation, the developer
(hereafter referred to as "Declarant") and THE HAMPTON UTILITY COMPANIES, LLC, a
Maryland limited liability company (hereinafter referred to as "Utility Company").

WHEREAS, Declarant is the owner in fee simple of real property described in Exhibit A
attached hereto and incorporated herein by reference (hereinafter referred to as "Property"); and

WHEREAS, Declarant intends to create on the Property a community consisting of
approximately forty (40) lots, which are shown on the subdivision plats entitled, "DEER PARK
RESERVE", and recorded among the Land Records of Baltimore County, Maryland in Plat Book
S.M. 78, folio 325 et seq. (each hereinafter referred to individually as the "Lot" and collectively as
the "Lots" or the "Development"); and

WHEREAS, Declarant has determined that public sewer and public water will benefit the
Lots and, upon subdivision of the Property (hereinafter referred to as the "Subdivision"), will
benefit each Owner of the Lots within the Development generally; and

WHEREAS, the design, development and construction of a gravity sewer line and water
main, and lateral lines pumping equipment or facilities and other related equipment (hereinafter
referred to as "Facilities") is necessary to provide the Lots with public water and sewer service;
and

EXHIBIT A

Case No: 11-311 SPHA

Case Name: Christian Life Church

Exhibit List

Party: Christian Life Church

Date: 12-13-2011

Exhibit No:	Description:
✓ 1	Transcript - 6/17/11 Development Plan Hearing
VERIFIED BY <u>KLC</u> DATE: <u>12/13/11</u>	

1 IN RE: CHRISTIAN LIFE CHURCH
2 LOCATION: DEER PARK ROAD
3 DEVELOPMENT PLAN HEARING
4 PDM No. 02-705
5 SPECIAL HEARING FOR VARIANCE RELIEF
6 Case No.: 2011-0311 SPHA

7
8
9
10 The Development Plan Hearing and Special
11 Hearing for Variance Relief was held on Friday, June
12 17, 2011, commencing at 10:10 a.m., at the Jefferson
13 Building, 105 West Chesapeake Avenue, Room 205, Towson,
14 Maryland 21204, before JOHN E. BEVERUNGEN,
15 Administrative Law Judge and Susan A. Kambouris, Notary
16 Public.

17
18
19
20
21 REPORTED BY: Susan A. Kambouris

1. DEVELOPMENT NAME: CHRISTIAN LIFE CHURCH
2. APPLICANT :

- [illegible]

*Credit may be applied for at time of Final Landscape Plan submittal.
The Final Landscape Plan will be approved prior to grading permit application..



ORDER CASE #84-341-A

ORDER OF DISMISSAL
DO 341 CIV 1A

ORDER CODE #12-270-7

0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99
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[illegible]

NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA
 My commission expires: 01/01/2014
 I, _____, County of _____, State of California, do hereby certify that _____ is the true and correct owner of the above described property, and that the same is not subject to any lien or encumbrance in favor of any person or entity other than the above named owner.
 Witness my hand and the seal of my office this _____ day of _____, 2013.

 Notary Public
 My commission expires: _____

[illegible][illegible]

DEVELOPMENT PLAN, SCHEMATIC
LANDSCAPE PLAN AND PLAT TO
ACCOMPANY ZONING PETITION

CHRISTIAN LIFE CHURCH

CERTIFICATE OF DELINQUENT ACCOUNT

DR. HELEN BAIR CERTIFY UNDER OATH THAT THESE
NAME NO PREJUDICIAL ACCOUNTS FROM ANY OTHER DEVELOPMENT
RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A
FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO
WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED
DEVELOPMENT.

Helen Bair Aug 19 2010

SIGNATURE OF PROFESSIONAL DATE

HEARING OFFICERS HEARING AND ZONING HEARINGS TO BE COMBINED

DEVELOPMENT PLAN,
SCHEMATIC LANDSCAPE PLAN
AND PLAN TO ACCOMPANY
ZONING EDITION

REGIONAL PLANNING DISTRICT, 311
PROJECT MANAGER:
PDM #02-105

PROFESSIONAL CERTIFICATION

DR. DAVID KARCESKI
VIBRAVE, LLC
210 ALLEGHENY AVE.
TOWSON, MD. 21204

**CIVIL ENGINEERS
LANDSCAPE ARCHITECTS
SURVEYORS
LAND PLANNERS**

P.O. BOX 41425
BALTIMORE, MARYLAND 21244-7428
(410) 944-ENGR, (410) 944-3647

DATE: 01/06
SCALE: AS 5
C.I.: 2'
PROJ. NO.: 05
SHEET 2 OF 2