



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 10729 Park Heights Avenue, Owings Mills, MD 21117 which is presently zoned RC-2 / RC-5

Deed References: SM 16318 / 035 10 Digit Tax Account # 23-00-003036

Property Owner(s) Printed Name(s) Rainbow Hall, LLC

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve and/or amend previously approved zoning hearings and orders as needed.
2. ☒ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for a church or other building for religious worship per Section 1A01.2.C.6 of the Baltimore County Zoning Regulations.
3. ☐ a Variance from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Michael L. Snyder

Name- Type or Print

Signature

Coady & Farley, 400 Allegheny Avenue, Towson, MD

Mailing Address

City

State

21204

410-337-0200

msnyder@coadyandfarley.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Rainbow Hall, LLC, by Henry M. Wright, Jr.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

c/o 4804 Benson Avenue

Baltimore

MD

Mailing Address

City

State

21227

Zip Code

Telephone #

Email Address

Representative to be contacted:

Michael L. Snyder

Name - Type or Print

Signature

Coady & Farley, 400 Allegheny Avenue, Towson, MD

Mailing Address

City

State

21204

410-337-0200

msnyder@coadyandfarley.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2012-0144-SPHX Filing Date 12/5/11

Do Not Schedule Dates: Reviewer DT

Rainbow Hall
(Description for Zoning purposes only)

Beginning for a point located approximately 4 feet North of the centerline intersection of Velvet Valley Way and the eastern Right-of-Way line of Park Heights Avenue, Maryland State Route 129, thence running the following eleven courses and distances:

1. North 84°33'13" East 1100.00 feet to a point, thence
2. North 64°58'33" East 129.93 feet to a point, thence
3. South 31°11'48" East 1023.88 feet to a point, thence
4. South 72°25'35" West 72.30 feet to a point, thence
5. North 31°11'48" West 774.50 feet to a point, thence
6. South 64°58'33" West 141.49 feet to a point, thence
7. South 86°50'19" West 406.33 feet to a point, thence
8. South 02°57'01" East 1010.12 feet to a point, thence
9. South 61°00'45" West 599.54 feet to a point, thence
10. South 88°57'18" West 191.40 feet to a point, thence binding along westerly side of Park Heights Avenue, Maryland State Route 129,
11. North 02°57'00" East 1462.80 feet to the point of beginning.

Containing 27.53 acres more or less.

Located within the Second Councilmanic District and Third Election District of Baltimore County.



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: 2012-0144-SPHX

Petitioner: RAINBOW HALL, LLC

Address or Location: 10729 PARK HEIGHTS AVE., OWINGS MILLS
MD. 21117

PLEASE FORWARD ADVERTISING BILL TO:

Name: JEAN LUBKE / RAINBOW HALL / M.L. SNYDER / Coady & Farley

Address: 400 ALLEGHEE AVE.
TOWSON MD. 21204

Telephone Number: 410 337 0200

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

No. **74923**

Date: **12/5/11**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	2016	0000		6150				835.00

Total: **835.00**

Rec
From: **HENRY M. WRIGHT JR.**

For: **2012-0144-SPHX**
10729 PARK HEIGHTS AVE

D. THOMPSON

DISTRIBUTION

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

PAID RECEIPT

**CASHIER'S
 VALIDATION**

Hearing
2/20/12

RE: Case No.:

Petitioner/Developer:

Rainbow Hall

February 2, 2012

Date of Hearing/Closing: _____

Attn: Kristen Lewis:

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: _____

10729 Park Heights Ave

January 18, 2012

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

Sincerely,

January 18, 2012

(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)



**NOTICE OF ZONING
HEARING**

The Administrative Law Judges 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: #2012-0144-SPHX
10729 Park Heights Avenue
S/east corner of Park
Heights Avenue and Velvet
Valley Way
3rd Election District
2nd Councilmanic District
Legal Owner(s): Rainbow
Hall, LLC

Special Hearing: to ap-
prove and/or amend previ-
ously approved zoning
hearings and orders as
needed. **Special Exception**
to permit a church or other
building for religious wor-
ship, per Section
1A01.2.C.6.

**Hearing: Thursday, Febru-
ary 2, 2012 at 10:00 a.m.
in Room 205 Jefferson
Building, 105 West Chesa-
peake Avenue, Towson
21204.**

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

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Administrative Hearings Of-
fice at (410) 887-3868.

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

01/17/11 Jan. 19 295001

CERTIFICATE OF PUBLICATION

1/19/, 2012

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 1/19/, 2012.

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

S. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 19, 2012 Issue - Jeffersonian

Please forward billing to:
Jean Lubke
Coady & Farley
400 Allegheny Avenue
Towson, MD 21204

410-337-0200

NOTICE OF ZONING HEARING

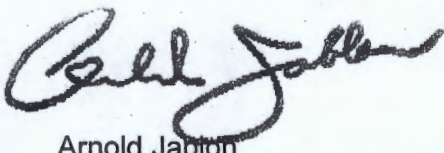
The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0144-SPHX

10729 Park Heights Avenue
S/east corner of Park Heights Avenue and Velvet Valley Way
3rd Election District – 2nd Councilmanic District
Legal Owners: Rainbow Hall, LLC

Special Hearing to approve and/or amend previously approved zoning hearings and orders as needed. Special Exception to permit a church or other building for religious worship, per Section 1A01.2.C.6.

Hearing: Thursday, February 2, 2012 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
January 13, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0144-SPHX

10729 Park Heights Avenue

S/east corner of Park Heights Avenue and Velvet Valley Way

3rd Election District – 2nd Councilmanic District

Legal Owners: Rainbow Hall, LLC

Special Hearing to approve and/or amend previously approved zoning hearings and orders as needed. Special Exception to permit a church or other building for religious worship, per Section 1A01.2.C.6.

Hearing: Thursday, February 2, 2012 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: Michael Snyder, Coady & Farley, 400 Allegheny Ave., Towson 21204
Henry Wright, Jr., 4804 Benson Avenue, Baltimore 21227

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., JANUARY 18, 2012.**
- (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.



KEVIN KAMENETZ
County Executive

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

January 18, 2012

Henry Wright, Jr.
4804 Benson Avenue
Baltimore, MD 21227

RE: Case Number 2012-0144-SPHX, 10729 Park Heights Avenue

Dear Mr. Wright, Jr.,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 5, 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
Michael Snyder, Coady & Farley, 400 Allegheny Avenue, Towson, MD 21204

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12-13-12

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

RE: Baltimore County
Item No. 2012-0144-SPHY
Rainbow Hall, LLC
Henry Wright Jr.
10729 Park Heights Avenue
MD 129

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 12-12-11. A field inspection and internal review reveals that an entrance onto MD129 consistent with current State Highway Administration guidelines is required. As a condition of approval for Special Exception Case Number 20120144 the applicant must contact the State Highway Administration to obtain an entrance permit.

Should you have any questions regarding this matter feel free to 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 attention.

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/rz

Cc: Mr. Michael Pasquariello, Utility Engineer, SHA
Mr. David Peake, District Engineer, SHA

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 19, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For December 26, 2011
Item Nos. 2012-138, 142,
And 144

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-12262011 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

FEB 16 2012

OFFICE OF ADMINISTRATIVE HEARINGS



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

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

DATE: February 16, 2012

SUBJECT: DEPS Comment for Zoning Item # 12-0144-SPHX
Address 10729 Park Heights Avenue
(Rainbow Hall, LLC Property)

Zoning Advisory Committee Meeting of December 12, 2011.

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

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

1. Environmental Impact Review (EIR) staff note that a variance request must be granted for the current proposal to be viable. – *Michael Kulis; Environmental Impact Review*
2. Rainbow Hall is currently served by a sewage disposal system and several water wells on the property. Prior to further consideration of the proposed 1,000 seat sanctuary a detailed usage letter must be submitted to this office. The water supply may be subject to additional requirements, depending on the information contained in the aforementioned usage letter. The operating condition of the existing sewage disposal system serving Rainbow Hall must be ascertained prior to consideration of using it to serve the proposed use. The owner will be required to obtain the services of a licensed sewage disposal contractor to evaluate the operational condition of all of the septic system components

with a representative of this office onsite at the time of the inspection. Past maintenance records for the sewage disposal system must be provided to this office for review. – *J. Robert Powell; Groundwater Management*

3. The proposed road access/parking lot for the sanctuary will negatively impact the sewage disposal repair area for one of the dwellings to remain. A suitable repair area for this dwelling, complete with soil percolation tests will be required. – *J. Robert Powell; Groundwater Management*

4. Additional comments regarding this proposal cannot be provided until the developer has addressed the above comments. – *J. Robert Powell; Groundwater Management*

5. The bottom portion of this property is within the Greenspring Valley Agricultural Preservation Area. That area has limited prime and productive soils for cropland but has extensive soils that have value for woodland production.

The development plan submitted shows extensive development of the site and to preclude future expansion of the site, it is recommended that the portion of the site currently covered by the private easement with Cody Property (Liber 26481/282) be placed in a protective easement either public or with a land trust that will maintain this area in permanent open space to preserve the soils consistent with its Master Plan designation. – *Wally Lippincott; Agricultural Preservation*

RE: PETITION FOR SPECIAL HEARING
AND SPECIAL EXCEPTION

10279 Park Heights Avenue; SE corner of
Park Heights Avenue & Velvet Valley Way
Legal Owner(s): Rainbow Hall, LLC
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-144-SPHX

* * * * *

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

DEC 14 2011

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 14th day of December, 2011, a copy of the foregoing Entry of Appearance was mailed to Michael L. Snyder, Esquire, Coady & Farley, 400 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

RECEIVED

MAR 20 2012

OFFICE OF ADMINISTRATIVE HEARINGS

March 15, 2012

Via Hand Delivery

Michael E. Field
County Attorney
Baltimore County Office of Law
400 Washington Avenue
Towson, Maryland, 21204

Re: *Rainbow Hall – 10729 Park Heights Avenue*
Zoning Case No. 2012-0091-X (filed 9/27/11; hearing scheduled for 5/2/12)
Development Plan PAI File: 03-393 (filed 12/7/11; no hearing scheduled)
Zoning Case No. 2012-0144-SPHX (filed 12/5/11; no hearing scheduled)

Dear Mike:

I write in response to Mr. Wyatt's letter dated March 9, 2012.

Mr. Wyatt states that his client was unaware, until your letter, that the County intended to "institute an enforcement action" and that he was informed by Mr. Kotroco that no code enforcement proceedings would be initiated "until the case was final including all appeals."

First, I think it's obvious from your letter, but the action that the County is now taking is not a code enforcement action. Rather, as I understand it, the County is simply complying with Section 32-4-114(c) of the Code which precludes the County from processing plans or permits if there is an existing violation of the code or zoning regulations. The Board of Appeals' decision, on its face, reflects that there are presently "zoning violations" at the property. Mr. Wyatt is misguided in his suggestion that there must be some "predicate violation" under "Title VI" of the County Code. Further, as you point out, Maryland Rule 7-205 explicitly states that Mr. Wyatt's filing of a petition for judicial review does not stay the Board's order or any administrative action by the County. Notably, Mr. Wyatt does not address Rule 7-205 in his letter.

Second, I believe Mr. Wyatt's memory regarding the history of code enforcement proceedings relating to this property is somewhat selective. Attached is a chart which

sets forth that history. As reflected in the chart, complaints regarding the multifamily use of the property in 2004 and 2008 were "closed" based on input from Arnold Jablon, who then represented the property owner and informed the County that the property had been used for apartments for many years and thus was a nonconforming use. We know now, as confirmed by both the Zoning Commissioner and the Board of Appeals, that these statements were not accurate and that the property was never used for apartments and is not a nonconforming use. In March 2009, my clients filed yet another complaint with code enforcement. The County cited the property owner for a "nonpermitted use in the RC2 zone" and explicitly instructed him to "desist use or seek special exception hearing for nonconforming apartment use." Attached is a copy of that citation. In response to the citation, Mr. Wyatt informed the County that his client was going to file a zoning petition and obtain permission for a nonconforming use. When Mr. Wyatt did not file such a petition, my clients, 13 months later, were forced to file one.

With respect to Mr. Wyatt's understanding from Mr. Kotroco that code enforcement proceedings would not be initiated until all appeals were exhausted, I also had a meeting with Mr. Kotroco immediately after Mr. Wyatt's meeting with him, the same day in fact. Mr. Kotroco simply stated that he was going to "table" the issue while the appeal before the Board of Appeals was pending. Mr. Kotroco did not state that there would be no enforcement until all appeals were exhausted. I'm sure if you check with Mr. Kotroco, he will tell you that.

Mr. Wyatt complains about your "unilateral deadline of March 23, 2012" and states that "even if the property owner attempted to comply with your directive, it would not be possible to do so in the time allotted.... Even through lawful process, it could take many months to effect the removal of these residents as your letter directs."

During the course of the hearings in this case, my clients obtained copies of the various lease agreements that the property owner has with its tenants. These agreements reflect that the leases are month-to-month and, therefore, it is safe to assume that the tenants fully understand the immediacy with which they might have to vacate. A few of these tenants, in fact, testified at the hearing before Mr. Wiseman and the Board and thus have been aware for as long as 15 months of the potential illegal uses of the property. Moreover, the Board of Appeals held its public deliberation nearly two months ago, on January 19, 2012, and made abundantly clear at that deliberation that the apartments were illegal. The property owner has had ample time to prepare for this inevitability. We believe that the deadline that you have imposed of March 23rd is entirely reasonable.

I should add that Mr. Wyatt's comment that "even if the property owner attempted to comply with your directive" is not a good sign and reflects some level of disrespect for your office and the County's authority. I have no doubt that vacating the apartments may present logistic difficulties, but the property owner has reaped the benefit of its illegal activity for far too long. Indeed, the evidence at the hearings established that Rainbow Hall, LLC has received more than \$1.24 million in rental income over the years.



CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER 56730	PROPERTY TAX ID 220000 3036	DATE ISSUED 3/5/19
NAME(S): Rainbow Hall Inc		
MAILING ADDRESS: RA: Henry M. Wright Jr		
CITY STATE ZIP CODE Balt MD 21227		
VIOLATION ADDRESS: 10729 Park Heights Ave		
CITY STATE ZIP CODE BALTIMORE MARYLAND 21117		

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

- ☐ DR1 ☐ DR2 ☐ DR3.5 ☐ DR5.5 ☐ DR10.5 ☐ DR16
☒ **RC7(1A01)** ☐ RC4(1A03) ☐ RC20 & 50 (1A05) ☐ RC6(1A07)
☐ RC3(1A02) ☐ RC5(1A04) ☐ RCC (1A06) ☐ RC7 (1A08)
☐ OTHER: _____

NON-RESIDENTIAL CLASSIFICATION

- ☐ BL (230) ☐ BR (236) ☐ BM (233)
☐ MR (240) ☐ ML (253) ☐ MH (256)
☐ OTHER: _____

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-114

- | | |
|---|--|
| ☐ 101; 102.1: Definitions; general use | ☐ 415A: License/ remove untagged recreation vehicle |
| ☐ 1B01.1: DR Zones-use regulations | ☐ 415A: Improperly parked recreation vehicle |
| ☐ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s) | ☐ 415A: One recreational vehicle per property |
| ☐ 1B01.1D: Remove open dump/ junk yard | ☐ 410: Illegal Class II trucking facility |
| ☐ 431: Remove commercial vehicle(s) | ☐ 400: Illegal accessory structure placement |
| ☐ 101; 102.1: Remove contractors equip. storage yard | ☐ 1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs |
| ☐ 101; 102.1; 7CPM: Cease service garage activities | ☐ 102.5: Residential site line violation /obstruction |
| ☒ 402: Illegal conversion of dwelling | ☐ 408B: Illegal rooming/ boarding house |
| ☐ 101; 102.1; ZCPM: Illegal home occupation. | ☐ BCC: 32-3-102; 500.9 BCZR; ZCPM:
Violation of commercial site plan and/or zoning order |

BALTIMORE COUNTY CODE (B.C.C.)

- | | |
|--|--|
| ☐ 13-7-112: Cease all nuisance activity | ☐ 35-2-301: Obtain building/ fence/ sign permit |
| ☐ 13-7-115: County to abate nuisance & lien costs | ☐ 18-2-601: Remove all obstruction(s) at street, alley, road |
| ☐ 13-7-310: Remove all trash & debris from property | ☐ 13-7-310(2): Remove bird seed / other food for rats |
| ☐ 13-7-312: Remove accumulations of debris, materials, etc | ☐ 32-3-102: Violation of development plan/ site plan |
| ☐ 13-7-201(2): Cease stagnant pool water | ☐ IBC 115; BCBC 115: Remove/ Repair unsafe structure board and secure all openings to premise |
| ☐ 12-3-106: Remove animal feces daily | ☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height |
| ☐ 35-5-208(a)(c): Seal exterior openings from rodents & pests | |
| ☐ 13-4-201(b)(d): Store garbage in containers w/tight lids | |

OWNER OCCUPIED HOUSING (B.C.C.)

- | | |
|---|--|
| ☐ 35-5-302(a)(1): Unsanitary conditions. | ☐ 35-5-302(a)(2): Store all garbage in trash cans |
| ☐ 35-5-302(a)(3): Cease _____ infestation from prop. | ☐ 35-5-302(b)(1): Repair exterior structure |
| ☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc | ☐ 35-5-302(b)(1)(3): Repair exterior extensions |
| ☐ 35-5-302(b)(1)(4): Repair chimney & similar extensions | ☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces |
| ☐ 35-5-302(b)(1)(6): Repair defective door(s) / window(s) | ☐ 35-5-302(b)(1)(7): Repair defective fence |

INVESTMENT PROPERTY (B.C.C.)

- | | |
|--|---|
| ☐ 35-2-404(a)(1)(i): Remove hazardous or unsafe condition | ☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members |
| ☐ 35-2-404(a)(1)(iii): Repair roof or horizontal members | ☐ 35-2-404(a)(1)(iv): Repair exterior chimney |
| ☐ 35-2-404(a)(1)(v): Repair ext. plaster or masonry | ☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof /foundations |
| ☐ 35-2-404(a)(1)(vii): Repair exterior construction (see below) | ☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris |
| ☐ 35-2-404(a)(1)(3): Repair /remove defective exterior sign(s) | ☐ 35-2-404(a)(4)(i)(ii): Board & secure. Material to match building color of structure |

OTHER VIOLATIONS OR REMARKS:

BCZR: 500.9
- Non Permitted apartment use in RC2 zone
- Cease + desist use or seek
special exception hearing for non
conforming use as apartment use
if applicable. Seek all proper permits
if applicable

☒ NOTICE POSTED AND MAILED

POTENTIAL FINE: ☐ \$200 ☐ \$500 ☒ \$1000 per day, per violation and to be placed as a lien upon your tax bill.

COMPLIANCE DATE: **4.5.19**

INSPECTOR NAME: **Risher, Ryan**

PRINT NAME (Rev 3/6)

AGENCY

PETITIONER'S

EXHIBIT NO. **20**

IN RE: RAINBOW HALL
Legal Owners ~~of~~ Rainbow Hall Inc.,
Rainbow Hall LLC

10729 Park Heights Ave.
12th Election District
3rd Councilmanic District

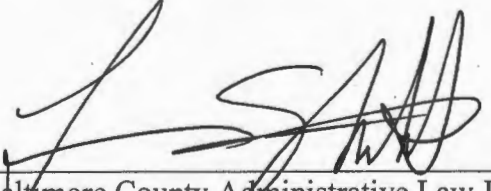
* BEFORE THE
* BALTIMORE COUNTY
* OFFICE OF ADMINISTRATIVE
* HEARINGS
* PAI No. 03-393
*

* * * * *

SUBPOENA DUCES TECUM

To: Custodian of Records
Attn: Mickey Cornelius
The Traffic Group
Suite H
9900 Franklin Square Dr.
Baltimore, Maryland 21236

You are hereby summoned and commanded to appear personally before the Baltimore County Zoning Commissioner, Jefferson Building, 105 W. Chesapeake Avenue, Room 205, Towson, Maryland, 21204 on the 2nd day of February, 2012 at 10:00 a.m., for the purpose of testifying at the hearing in the above-captioned case, at the request of Michael R. McCann, Michael R. McCann, P.A., 118 West Pennsylvania Avenue, Towson, Maryland 21204, 410-825-2150, on behalf of the Petitioner, and bring with you the documents identified in the below Schedule of Documents.


Baltimore County Administrative Law Judge

Dated:

SCHEDULE OF DOCUMENTS

1. All documents constituting, concerning, referring to, or relating to the traffic study done for the property located at 10729 Park Heights Avenue, Owings Mills, Maryland 21117.

*The term "documents" includes, without limitation, all papers, writings, drawings, graphs, charts, photographs, recordings, emails, and other data compilations from which information can be obtained, translated, if necessary, by you through detection devices into reasonably usable form.

Michael R. McCann, P.A.

118 W. Pennsylvania Avenue

Towson, Maryland 21204

Phone: (410) 825-2150

Facsimile: (410) 825-2149

michael@mmccannlaw.net

January 4, 2012

RECEIVED

JAN 04 2012

Office of Administrative Hearings
Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

OFFICE OF ADMINISTRATIVE HEARINGS

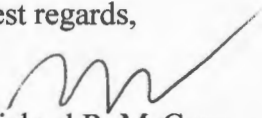
Re: 10729 Park Heights Ave, Rainbow Hall, LLC
PAI No. 03-393

To Whom It May Concern:

Enclosed please find a subpoena for issuance in the above matter.

Thank you for your cooperation.

Best regards,



Michael R. McCann

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

RECEIVED

JAN 20 2012

OFFICE OF ADMINISTRATIVE HEARINGS

January 20, 2012

Via Hand Delivery

Arnold Jablon, Director
Baltimore County Department of
Permits, Approvals, and Inspections
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: *Rainbow Hall - 10729 Park Heights Avenue*
Zoning Case No. 2012-0091-X (filed 9/27/11; hearing scheduled for 2/29/12)
Development Plan PAI File: 03-393 (filed 12/7/11; hearing scheduled for 2/2/12)
Zoning Case No: 2012-0144-SPIIX (filed 12/5/11; no hearing scheduled)

Dear Arnold:

I represent the Valleys Planning Council and neighbors of the subject property in the above-referenced matters. I write to address my clients' concerns regarding long-standing violations of the Zoning Regulations at this property and the County's continued processing of the development plan and zoning petitions.

By way of background, the current owner, Henry Wright, purchased this historic property in April 2002. Within months, Mr. Wright was hosting elaborate affairs at the property and subsequently, beginning in approximately February 2004, constructed and began renting apartments in the so-called McCormick wing of the main building. After several years, my clients discovered these illegal uses and filed a complaint with Baltimore County. On March 5, 2009, the County cited Mr. Wright for "illegal conversion of a dwelling" in violation of § 402 of the BCZR, and for "non-permitted apartments in the RC2 zone." The County informed Mr. Wright that he must "cease and desist [this] use or seek special exception hearing for non-conforming use if applicable [and][s]eek all proper permits if applicable." Mr. Wright did not cease and desist, and did not seek a hearing to establish a non-conforming use.

In April 2010, after my clients' efforts to persuade Mr. Wright to comply with the law were unsuccessful, we filed a Petition for Special Hearing asking then Zoning Commissioner William Wiseman to confirm that a multi-family use of the property was

not permitted. In a January 13, 2011 opinion, Mr. Wiscman agreed with my clients. The case was appealed to the Board of Appeals, which held a several day *de novo* hearing in October and November 2011.

Yesterday, we learned that the Board of Appeals has, likewise, held that the use of the property for apartments is not allowed, either by virtue of any previously approved special exception use or as a nonconforming use. The Board also determined that Mr. Wright's hosting of events and affairs is not permitted.

While these proceedings have been pending, Mr. Wright has filed (i) a petition for special exception seeking approval of a 156-seat church and 8 multi-family units in the existing building (the "First Zoning Petition"); (ii) a development plan proposing the construction of a 62,000 square-foot church as well as 8 multi-family units in the main building, and (iii) a petition for special hearing and special exception seeking (apparently, in the alternative) approval of the 62,000 square foot church and 8 multi-family units (the "Second Zoning Petition").

Given the Board's recent ruling, we believe that the County does not have authority to either process or hold a hearing on the development plan or the Second Zoning Petition. With respect to the development plan, section 32-4-114(c) of the County Code provides, as I'm sure you know, that the County "*may not process plans or permits for a proposed development if the applicant owns or has an interest in property located in the county upon which there exists, at the time of the application or during the processing of the application, a violation of the zoning or development regulations of the county.*"¹ As the Board of Appeals has indicated, Mr. Wright's continued rental of apartments violates the zoning regulations and, accordingly, his development plan cannot be processed by the County. The hearing scheduled for February 2, 2012 and any further processing or review of this plan should cease immediately.

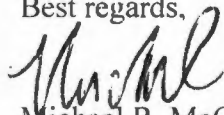
With respect to the Second Zoning Petition, section 500.12 of the Zoning Regulations states that when a petition for special exception is filed, a second petition relating to the same property may not be filed until 18 months after the final order is issued on the first petition. A final order has not been issued on the First Zoning Petition, which is not scheduled for hearing until February 29, 2012. The County should not have accepted the Second Zoning Petition for filing and should now cease any further processing of that petition.

¹ As stated in my letter to Daryl Putty dated December 30, 2011, the plan should never have been accepted for filing in the first instance. Section 32-4-225(a) of the Code provides that a development plan may not be accepted for filing if it is inconsistent with the concept plan and the revisions are "not related to the outcome of the community input meeting." There are substantial revisions reflected in this plan, which include (i) the plan identifies the proposed uses as including 4 single family and 8 multi-family dwellings, whereas the concept plan reflects only 3 single family dwellings and no multi-family dwellings, and (ii) the plan proposes the redevelopment of lots 4 and 5, whereas the concept plan proposed only the redevelopment of lot 5. These changes and others are clearly "not related to the outcome of the community input meeting." Indeed, the minutes of the CIM reflect that "100% of the attendees were opposed to this project."

We believe the time has come for the County, after many years, to put an end to the illegal use of this property and to Mr. Wright's multiple and alternative filings.

Please let me know your position on these issues. Thank you for your consideration.

Best regards,



Michael R. McCann

cc: ✓ The Honorable Lawrence Stahl (*via* hand-delivery)
Michael Snyder, Esq. (*via* facsimile)
Michael Wyatt, Esq. (*via* facsimile)

COADY & FARLEY

ATTORNEYS AND COUNSELLORS AT LAW

400 ALLEGHENY AVENUE

TOWSON, MARYLAND 21204

(410) 337-0200

FACSIMILE (410) 337-0164

EMAIL: general@coadyandfarley.com

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

CHARLES P. COADY (1868-1934)
JOHN A. FARLEY (1893-1958)
CHARLES P. COADY, JR. (1901-1983)
JOHN A. FARLEY, JR. (1921-2005)
JOHN T. COADY (1925-2011)

January 23, 2012

VIA HAND DELIVERY

Arnold Jablon, Director
Baltimore County Department of
Permits, Approvals and Inspections
111 W. Chesapeake Avenue
Towson, Maryland 21204

RECEIVED
JAN 26 2012
OFFICE OF ADMINISTRATIVE HEARINGS

Re: **Rainbow Hall – 10729 Park Heights Avenue**
Zoning Case No: 2012-0091-X
Development Plan PAI File: 03-393
Zoning Case No: 2012-0144-SPHX

Dear Mr. Jablon:

This firm represents Rainbow Hall, LLC and its owner, Henry M. Wright, Jr. I am writing this in response to Mr. McCann's January 20, 2012 letter.

First of all, I disagree with many of Mr. McCann's characterizations regarding the property. While I realize it may be his client's position that virtually everything Mr. Wright has ever done at the property since April 2002 is illegal and that his clients are cloaked in private zoning enforcement authority, this is far from the reality in the zoning matter initiated by his clients some time ago (for convenience the private "VPC zoning case"). Importantly, Baltimore County's own zoning enforcement file in this case indicates that there have been no zoning violations arising out of Mr. Wright's uses beyond the issuance of a few enforcement notices. Therefore, Mr. McCann is patently wrong when he claims that there exists, under § 32-4-114(c) of the Baltimore County Code, "a violation of the zoning or development regulations of the County".

I would add that the County Board of Appeals has not rendered a final decision or issued an order with respect to the VPC zoning case, although one is expected shortly. Upon the parties' review of that decision, appellate rights will be evaluated just as they were over a year ago when then- Zoning Commissioner William Wiseman issued his decision in the VPC zoning case. Therefore, even if Mr. McCann's interpretation regarding "open violations" is correct, *i.e.* that same applies to a private zoning enforcement proceeding initiated under § 500.7 of the BCZR, (which it most respectfully is not), that VPC zoning case is likely to be on appeal for some time, either by the urging of Mr. McCann's clients, Rainbow Hall, LLC or both.



Representing Our Clients In The Practice of Law For More Than 100 Years

Est. 1894

Arnold Jablon, Director
Baltimore County Department of
Permits, Approvals and Inspections
January 23, 2012
Page 2

It is also worth reviewing the longstanding Baltimore County policy with respect to the property. A review of the pertinent Department of Permits and Development Management file (now Department of Permits, Approvals and Inspections) reflects quite the opposite from what Mr. McCann represents. For your ease of reference, I am enclosing pertinent copies of the zoning history indicating no open violations.

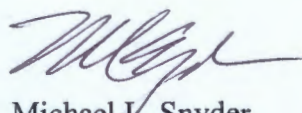
It is with great restraint that I will resist the temptation to respond more fully to Mr. McCann's precipitous letter. Suffice it to say he and his clients' broadside campaign against Rainbow Hall, LLC knows no bounds and the extraordinary relief requested by Mr. McCann in his January 20, 2012 letter is not available to his clients. Rainbow Hall, LLC has a vested right in the property. The Baltimore County Code and BCZR authorize the owner to seek lawful alternative uses to those assailed at every turn by Mr. McCann and his clients. Neither fairness or justice would be served by the grant of administrative fiat for that which is sought by Mr. McCann and his clients – that the property be depopulated in its entirety and all human activity ground to a halt.

In any event, I submit Mr. McCann is "jumping the gun" and in the final analysis, if there is determined to be an "open violation" in any of the subsequent proceedings, Mr. Wright has the option to comply with any lawful order requiring the cessation of such activities. This compliance would remove the impediment complained about by Mr. McCann in his letter.

In summary, we request that we be permitted to continue processing the two captioned zoning cases and the captioned development plan. The church uses requested by these two cases and the development plan are not in any way dependent upon the continuance of the contested apartments.

Thank you for your anticipated attention to this matter. We will be pleased to meet with you to discuss this matter if you so desire.

Very truly yours,



Michael L. Snyder

MLS/sjm

cc: Mr. Henry M. Wright, Jr.
Michael T. Wyatt, Esquire
Michael R. McCann, Esquire
David S. Thaler, P.E.
The Honorable Lawrence M. Stahl ✓

Enclosures

John Beverungen - Opposition to request for special exception for a church at Rainbow Hall - Re: Case #: 2012-0091-X

From: Elliott Haut <ehaut1@jhmi.edu>
To: "jbeverungen@baltimorecountymd.gov" <jbeverungen@baltimorecountymd.gov>
Date: 04/22/12 4:43 PM
Subject: Opposition to request for special exception for a church at Rainbow Hall - Re: Case #: 2012-0091-X
CC: Elliott Haut <ehaut1@jhmi.edu>

Opposition to request for special exception for a church at Rainbow Hall

Dear Judge Beverungen:

I am writing to express my opposition to the special exception request for a 156-seat church at the property known as Rainbow Hall at 10729 Park Heights Avenue. Over the years, this property has been subdivided and transformed and does not have the carrying capacity for an institutional use.

For more than 40 years (1971-1960), the property was used as a single-family residence and was once the home of General Douglas MacArthur. Subsequently, the Baptist Home of Maryland used the property as a non-profit nursing home. When the nursing home faltered, a subdivision plan was approved, and several lots were sold off to help the home raise funds to pay off debts. Three homes that were accessory to the nursing home were converted to rental homes to earn additional income. The nursing home closed its doors in 2001 and the property was sold to Henry Wright in 2002.

What Mr. Wright purchased was a property much-changed from when the Baptist Hope first acquired it and obtained permission for an institutional use. Today, the principal lot is 19 acres, less than half of the 41-acre size utilized by the Home. In addition, 6 of those 19 acres are under a restrictive easement granted by Mr. Wright in an exchange with an adjacent property owner. That leaves only 13 acres on the principal lot, which currently supports four single-family homes. There is also now a relatively new executive home within a few hundred feet of the mansion, built on one of the subdivided lots.

The site has been substantially changed and diminished in size. In addition, this is a fragile environmental site on the wall of the historic Greenspring Valley. All the surrounding residents are on well and septic, and the property is outside the URDL. There are steep slopes on site as well as specimen trees. The community is extremely worried about water and septic impacts, as well as traffic. Site lines are already difficult at this location, and additional traffic would exacerbate problems.

Given its historical significance, conservation zoning, and location outside the URDL on a designated scenic route, I feel strongly that the special exception request should be denied. The use of the property to support four single-family homes on one lot with 13 acres of RC2 is already quite intensive. The opportunity to rent these four dwellings as single-family homes offers the potential for a significant income stream from a use consistent with the current zoning and site conditions. I urge you to deny the special exception request.

Sincerely,

Elliott R. Haut, MD, FACS
2307 Velvet Ridge Drive

John Beverungen - Re: Rainbow Hall code enforcement case - Thursday, May 3

From: Adam Rosenblatt
To: Zook, Patricia
Date: 04/26/12 11:17 AM
Subject: Re: Rainbow Hall code enforcement case - Thursday, May 3
CC: Beverungen, John; Wiley, Debra
Attachments: 2012 04 23 Order imposing Stay.pdf

I was just about to email you and Debbie. The Circuit Court issued a "stay" that effectively bars the County from prosecuting the code enforcement case. I am attaching the court's order, which should indefinitely postpone the code enforcement proceedings. You can take it off your calendar for now and I will make sure that we talk to Kristen and schedule a new date if the stay is ever lifted. I have already discussed this with the attorneys for Rainbow Hall so you do not need to issue any kind of notice postponing the hearing. Maybe just add a copy of the attached order to the file.

Hope all is well,

Adam M. Rosenblatt
Assistant to the Director and
Assistant County Attorney
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building
111 W. Chesapeake Avenue
Suite 105
Towson, Maryland 21204
(410) 887-3353

This email contains information from the Baltimore County Department of Permits, Approvals and Inspections which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this email in error, please notify the Baltimore County Department of Permits, Approvals and Inspections by telephone immediately.

>>> Patricia Zook 4/26/2012 11:05 AM >>>
Good morning Adam -

The Rainbow Hall code enforcement matter is scheduled before Judge Beverungen on Thursday, May 3 at 10:00 am. Please provide our Office with copies of the citation and any other pertinent paperwork as soon as possible.

Thank you.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

Lisa K. Levin
6 Celadon Road
Owings Mills, Maryland 21117

RECEIVED

April 25, 2012

MAY 01 2012

John E. Beverungen
Administrative Law Judge
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

OFFICE OF ADMINISTRATIVE HEARINGS

Re: **Case #: 2012-0091-X**
OPPOSITION to request for special exception for a church at Rainbow Hall

Dear Judge Beverungen:

I am writing to express my **opposition** to the special exception request for a 156-seat church at the property known as Rainbow Hall at 10729 Park Heights Avenue. Over the years, this property has been subdivided and transformed and does not have the carrying capacity for an institutional use.

For more than 40 years (1971-1960), the property was used as a single-family residence and was once the home of General Douglas MacArthur. Subsequently, the Baptist Home of Maryland used the property as a non-profit nursing home. When the nursing home faltered, a subdivision plan was approved, and several lots were sold off to help the home raise funds to pay off debts. Three homes that were accessory to the nursing home were converted to rental homes to earn additional income. The nursing home closed its doors in 2001 and the property was sold to Henry Wright in 2002.

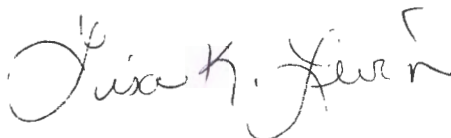
What Mr. Wright purchased was a property much-changed from when the Baptist Hope first acquired it and obtained permission for an institutional use. Today, the principal lot is 19 acres, less than half of the 41-acre size utilized by the Home. In addition, 6 of those 19 acres are under a restrictive easement granted by Mr. Wright in an exchange with an adjacent property owner. That leaves only 13 acres on the principal lot, which currently supports four single-family homes. There is also now a relatively new executive home within a few hundred feet of the mansion, built on one of the subdivided lots.

The site has been substantially changed and diminished in size. In addition, this is a fragile environmental site on the wall of the historic Greenspring Valley. All the surrounding residents are on well and septic, and the property is outside the URDL. There are steep slopes on site as well as specimen trees. The community is extremely worried about water and septic impacts, as well as traffic. Site lines are already difficult at this location, and additional traffic would exacerbate problems.

Given its historical significance, conservation zoning, and location outside the URDL on a designated scenic route, I feel strongly that the special exception request should be denied. The use of the property to support four single-family homes on one lot with 13 acres of RC2 is already quite intensive. The opportunity to rent these four dwellings as single-family homes offers the potential for a significant income stream from a use consistent with the current zoning and site conditions. I urge you to deny the special exception request.

Sincerely,

Lisa K. Levin



ERIN SHER SMYTH, ESQ.
2303 VELVET RIDGE DRIVE
OWINGS MILLS, MD 21117
ERINSHERSMYTH@LIVE.COM
443-691-3027

April 30, 2012

The Honorable John E. Beverungen
Administrative Law Judge
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

Re: Case #: 2012-0091-X
Opposition to request for special exception for a church at Rainbow Hall

Dear Judge Beverungen:

I am writing to express my vehement opposition to the special exception request for a 156-seat church at the property known as Rainbow Hall at 10729 Park Heights Avenue. Over the years, this property has been subdivided and transformed and does not have the carrying capacity for an institutional use.

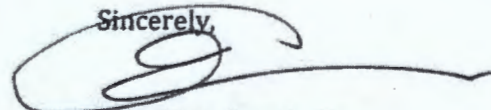
For more than 40 years (1917-1960), the property was used as a single-family residence and was once the home of General Douglas MacArthur. Today, the principal lot is 19 acres, less than half of the 41-acre size of the original residence. In addition, 6 of those 19 acres are under a restrictive easement granted by the owner, Mr. Wright, in an exchange with an adjacent property owner. That leaves only 13 acres on the principal lot, which currently supports four single-family homes. There is also now a relatively new executive home within a few hundred feet of the mansion, built on one of the subdivided lots.

The site has been substantially changed and diminished in size. In addition, this is a fragile environmental site on the wall of the historic Greenspring Valley. All the surrounding residents are on well and septic, and the property is outside the URDL. There are steep slopes on site as well as specimen trees. The community is extremely worried about water and septic impacts, as well as traffic. Site lines are already difficult at this location, and additional traffic would exacerbate problems.

Given its historical significance, conservation zoning, and location outside the URDL on a designated scenic route, my family and I feel strongly that the special exception request should be denied. The use of the property to support four single-family homes on one lot with 13 acres of RC2 is already quite intensive. The opportunity to rent these four dwellings as single-family homes offers the potential for a significant income stream from a use consistent with the current zoning and site conditions.

I urge you to deny the special exception request.

Sincerely,



Erin Sher Smyth, Esq.

JB 205

THURSDAY

2

FEBRUARY

DATE: 2/2/2012	PROJECT: RAINBOW HALL REDEVELOPMENT OF LOT	PIA NO: 03-393
TIME: 10:00 AM	LOCATION: 10729 PARK HEIGHTS AV	RECEIVED DEC 27 2011 OFFICE OF ADMINISTRATIVE HEARINGS
MEETING LOCATION: Room 205, Jefferson Building; 105 West Chesapeake Avenue; Towson, MD 21204		
MANAGER: Darryl Putty	PHONE #: 410-887-3321	
COUNCIL DISTRICT: 2	DEVELOPER'S ENGINEER: DS THALER & ASSOCS INC	

Note:

Agencies are not required to attend.

Hearing will be opened, and continued. The continued date is not set.

CASE NUMBER: 2012-0144-SPHX

10729 Park Heights Avenue

Location: SE corner of Park Heights Avenue and Velvet Valley Way.

3rd Election District, 2nd Council District

Legal owner: Rainbow Hall, LLC

SPECIAL HEARING to permit and/or amend previously approved zoning hearings and orders as needed.

SPECIAL EXCEPTION to permit a church or other building for religious worship per Section 1A01.2.C.6 of the BCZR.

Hearing: Thursday, 2/2/2012, 10:00:00 AM Jefferson Building, 105 West Chesapeake Avenue, Room 205, Towson, MD 21204

2/2 Per John, Wyatt + McCann attended and they talked about this date as well as 2/29 + item before BOA. This had to be opened due to 45 days after DPC. John instructed them to set in for continuance.

9/17/12
Companion
Case 0091-X
2012 be before
BOA on 9/25/12
and 9/26/12

RAINBOW HALL ZONING CHRONOLOGY (as of January, 2011)

Zoning Chronology

Date & Case No(s)	Zoning	Request / Petition Request	Action / Order
1957	R-40	Reclassification from "A" Residential to R-40	Comprehensive Rezoning by County Council
11/26/63 63-152-X	R-40	Special Exception for a "boarding house for the aged" (40 Units/Persons)	Granted by Zoning Commissioner John G. Rose
1969	R-40	Approval of the McCormick Wing addition (24 Units/Persons) to "boarding house for the aged"	
12/01/75 76-89-SPH	RDP	Special Hearing to approve the construction of a new infirmary wing on an existing boarding home for the Elderly. Proposed Infirmary Wing (25 Units/Persons)	Granted with restrictions
10/08/76	RC 2 and RC5	Reclassification from RDP to RC 2 and RC 5	Comprehensive Rezoning by County Council
Between 10/13/88 & 04/03/90	RC 2, RC 3 and RC 5	Reclassification of a portion of RC 2 to RC 3	Cycle Rezoning, Out-of-Cycle Rezoning or Map Correction
10/16/91 91-166-SPHX	RC 2, RC 3 and RC 5	Special Exception for an addition to an existing convalescent home as a use permitted by special exception in an RC 3 zone pursuant to BCZR 1A02.2.B.16. Special Hearing to approve an amendment to the special exception and site plan in Case No. 63-152-X to construct two additions to the existing facility.	Granted by Board of Appeals. While the legality of the existing convalescent home or nursing home use was not confirmed in the order itself, the legality was confirmed in the opinion of the Board that accompanied the order.
06/03/97 97-230-SPH & PDM # III-393	RC 2, RC 3 and RC 5	Five Lot Development Plan approved for three additional single family dwellings. Special Hearing to approve the creation of three undersized RC 5 non-density and one RC 2 non-density parcels, and to approve the removal of existing special exception from a portion of the tract.	Granted in Part and Dismissed as Moot in Part by Lawrence E. Schmidt as Hearing Officer
11/2004	RC 2 and RC 5	Reclass. RC 3 portion of property to RC 2	Comprehensive Rezoning by County Council
04/16/2010 2010-0280-SPH	RC 2 and RC 5	Special Hearing to determine the uses of the property that comply with the BCZR and previous approvals, and whether the property is and has been used in violation or non-compliance with same.	Petitioners' (Valleys Planning Council, Inc.) request for Special Hearing is granted and that the subject property may be only used in accordance with the terms set forth in the Order's memorandum and opinion.

Debra Wiley - Re: Fwd:

From: Darryl Putty
To: Wiley, Debra
Date: 12/22/2011 11:01 AM
Subject: Re: Fwd:

Yes it is.

Darryl

>>> Debra Wiley 12/22/2011 11:00 AM >>>
Darryl,

Is the hearing for Rainbow Hall at 10 AM and Room 205 ?

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 12/19/2011 3:55 PM >>>
Hi Darryl,

Patti advised you just called. Please take a look at the attached. I know they reference two different matters; however, the information supplied are both for Rainbow Hall.

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

From: Mark Levi <malevi@comcast.net>
To: <jbeverungen@baltimorecountymd.gov>
Date: 02/15/12 2:49 PM
Subject: Rainbow Hearing Feb 29

Your Honor,

I am a resident in the Velvet Valley area. Unfortunately, my wife and I can't be at the hearing regarding Rainbow Hall hearing on February 29. We would like to explain our protest to the rezoning of this facility to accommodate a 1000 seat sanctuary.

I am sure more credible people will show how the water table and septic systems would not be proper for a 1000 seat sanctuary. I am concerned about the traffic, especially on the weekends, which would be a hazard to the numerous bicyclists that use Park Heights Avenue.

I also can not imagine having such an edifice in the Greenspring Valley area. The current owner is out of compliance in zoning which unfortunately is not being enforced. I would hope that common sense (and legal sense) will prevail.

I thank you for your consideration

Mark and Susan Levi
15 Bucksway Road
Owings Mills, MD. 21117

410-653-1657

Debra Wiley - Rainbow Hall

From: Tammy McDiarmid
To: Wiley, Debra
Date: 10/20/2014 8:56 AM
Subject: Rainbow Hall
Attachments: CCT Opinion & Order.pdf

Debbie,

Attached is a copy of the Circuit Court Opinion and Order issued April 22, 2014 in the matter of Rainbow Hall, LLC, Board of Appeals Case No. 12-091-X / Circuit Court Case no. C-13-3597.

Please let us know if you have any questions.

Sincerely,

Tammy A. McDiarmid, Legal Secretary
Board of Appeals of Baltimore County
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180

John,

10-20-14

Please see attached in ref to
Rainbow Hall. (12-091-X)

How will (does this affect
Rainbow Hall (03-393 &
2012-0144-SPHx) ?

Deb

Case No.
12-091-X**Debra Wiley - Fwd: Rainbow Hall**

From: Tammy McDiarmid
To: Wiley, Debra
Date: 10/20/2014 8:57 AM
Subject: Fwd: Rainbow Hall
Attachments: CCT Opinion & Order.pdf

One more thing - the Circuit Court decision was not appealed.

Enjoy your day.

>>> Tammy McDiarmid 10/20/2014 8:56 AM >>>
 Debbie,

Attached is a copy of the Circuit Court Opinion and Order issued April 22, 2014 in the matter of Rainbow Hall, LLC, Board of Appeals Case No. 12-091-X / Circuit Court Case no. C-13-3597.

Please let us know if you have any questions.

Sincerely,

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 Board of Appeals of Baltimore County
 Jefferson Building, Suite 203
 105 W. Chesapeake Avenue
 Towson, Maryland 21204
 (410) 887-3180

1-17-13 BOA issued
 Order granting

12-091-X appealed to CC - Order
 issued 4-22-14 affirming ^{BOA} ~~order~~
 order Judge Souder

hemmike Develop case 03-393 +
 2012-0144-SM set for 2-12-12
 John Holding since

RAINBOW HALL

Letter to counsel

oral MTD

(1) no processing b/c of "zoning violations"

(2) Opponents want the expansion case --
opened on 2-2 -- to go 1ST

→ (3) NO MULTIPLE SX cases per 500.12 --

BLL 32-3-102 Director of PAI interprets + enforces BCZR
32-3-601 et. seq.

BUT... BCZR § 500.6? ↓

→ 32-3-103(2) says BLL trumps BCZR.

N/A BC
no SX
has
ever
been
denied

§ 32-4-114. COMPLIANCE WITH OTHER LAWS AND REGULATIONS.

(a) *Compliance with other county laws required.* Except as otherwise provided in this title, all development shall comply with this title and all other applicable laws or regulations of the county.

(b) *Laws not superseded by this title; exception.* Other laws or regulations of the county that affect development are not superseded ~~by~~ this title unless specifically stated in this title.

(c) *County prohibited from processing if violations exist.* The county may not process plans or permits for a proposed development if the applicant owns or has an interest in property located in the county upon which there exists, at the time of the application or during the processing of the application, a violation of the zoning or development regulations of the county.

(1988 Code, § 26-180) (Bill No. 18, 1990, § 2; Bill No. 79-01, § 2, 7-1-2004)

OFFICE OF ADMINISTRATIVE HEARINGS

THURSDAY, FEBRUARY 2, 2012
ROOM 205, 2ND FLOOR
10:00 AM

Hearing Officer's Hearing

CASE NO.: 03-393

Project: Rainbow Hall Redevelopment of Lot

A CHURCH
(EXPANSION OF
SANCTUARY)

and

CASE NO.: 2012-0144-SPHX

10729 Park Heights Avenue

Location: SE corner of Park Heights Avenue and Velvet Valley Way.

3rd Election District, 2nd Council District

Legal owner: Rainbow Hall, LLC

SPECIAL HEARING to permit and/or amend previously approved zoning hearings and orders as needed.

SPECIAL EXCEPTION to permit a church or other building for religious worship per Section 1A01.2.C.6 of the B.C.Z.R.

OX → CHURCH IN KSTING BLDG.

RC2 →

JB 2/2 @ 10 AM
Rm 205

HEARING OFFICER'S HEARING SCHEDULE

DATE: 2/2/2012 PROJECT: RAINBOW HALL REDEVELOPMENT OF LOT PIA NO: 03-393
AND: if needed
TIME: 10:00 AM LOCATION: 10729 PARK HEIGHTS AV
MEETING LOCATION: Room 205, Jefferson Building; 105 West Chesapeake
Avenue; Towson, MD 21204
MANAGER: Darryl Putty PHONE #: 410-887-3321
COUNCIL DISTRICT: 2 DEVELOPER'S ENGINEER: DS THALER & ASSOCS INC

RECEIVED
DEC 27 2011
OFFICE OF ADMINISTRATIVE HEARINGS

Note:

Agencies are not required to attend.

Hearing will be opened, and continued. The continued date is not set.

FOR MORE INFORMATION PLEASE CALL THE PROJECT MANAGER LISTED.

Debra Wiley - Fwd: Hearing Summary - Rainbow Hall

From: Darryl Putty
To: Wiley, Debra
Date: 12/14/2011 3:39 PM
Subject: Fwd: Hearing Summary - Rainbow Hall

Debbie,

Here is a summary of the upcoming hearing for Rainbow Hall.

Darryl

Name:.....**Rainbow Hall**
Date:.....Thursday, February 2, 2012
Owner/Dev:.....Rainbow Hall, Inc.
Location:.....10729 Parks Heights Avenue
Proposal:.....1,000 seat Church & 250 parking spaces
Engineer:.....D. S. Thaler, Inc.
Attorney:.....Coady & Farley - Michael Snyder
Outstanding Issues:.....No outstanding issues that I am aware of. A stack of letters from the public is in the file. The letter is a form letter. The biggest issue seems to be traffic.
The developer intends to open the hearing and then continued it on another date.
No testimony will taken at this first hearing.

12-091-X
RECEIVED
MAY 05 2014
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER
OF
THE VALLEYS PLANNING
COUNCIL, INC., *et al.*

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* CASE NO.: C-13-3597
* * * * *

MEMORANDUM OPINION AND ORDER

This matter comes before the Court on the timely Petition for Judicial Review filed by the Valleys Planning Council, Inc., Mark Wilson, and Harlan Zinn (collectively, "Petitioners"), seeking review of the January 17, 2013 decision of the Baltimore County Board of Appeals ("Board") and the subsequent denial by the Board of Petitioner's Motion for Reconsideration on March 20, 2013. The Board's decisions affirmed the May 7, 2012 decision by an Administrative Law Judge granting a special exception to Rainbow Hall, LLC ("Respondent") to utilize the property located at 10709 Park Heights Avenue ("the Property") for "churches and other buildings of worship." Following the filing of Petitioners' Petition, Respondent, the owner of the Property, timely filed a Response in Opposition to the Petition. This Court held a hearing on this matter on April 17, 2014. For the reasons set forth below, the decision of the Board is AFFIRMED.

BACKGROUND

The Property is a 19-acre parcel of land situated in the Greenspring Valley area of Baltimore County. The Property contains a main house, constructed in approximately 1917, that was once occupied by General Douglas MacArthur and his family. The Property also contains a small cottage and two ranch-style houses built in the 1970s. The instant case involves only the use of the main house, which Respondent previously

FILED MAY 1 2014

3/20/13

IN THE MATTER OF
RAINBOW HALL, LLC – Legal Owner/Petitioner
10729 Park Heights Avenue
Baltimore, MD 21117

RE: Petition for Special Exception to use the property
for a church and buildings for religious worship
pursuant to BCZR

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* Case No. 12-091-X

* * * * *

RULING ON MOTION FOR RECONSIDERATION

On January 17, 2013, the Board issued an Order and Opinion in the above matter granting "the Special Exception to use the property herein for "churches and other buildings for religious worship per Baltimore County Zoning Regulations ("B.C.Z.R.") § 1A01.2.C.6 and 502 with certain conditions".

On January 31, 2013, the Protestants filed a timely Motion for Reconsideration. In their Motion, the Protestants contended that the Order of the Board did not address any limitations on the use of the property. In the Motion, the Protestants stated:

"Protestants submit that it would be in the interests of all parties concerned if the Board's Order made clear that the property shall only be used for a single church with 212 folding chairs. From an enforcement prospective, it would also be in the interest of Baltimore Count, and its citizens at large, to know more specifically the scope of the use allowed at the property."

Wilson Jan 2011

IN RE: PETITION FOR SPECIAL HEARING *

E/S of Park Heights Avenue,
170' S of Velvet Valley Way
(10729 Park Heights Avenue)

3rd Election District
2nd Council District

Rainbow Hall, Inc.,
Legal Owner/Respondent

Valleys Planning Council, Inc., et al
Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2010-0280-SPH

* * * * *

ZONING COMMISSIONER'S ORDER AND OPINION

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by Michael R. McCann, Esquire, on behalf of the Petitioners, Valleys Planning Council, Inc., (VPC) et al.¹ The Petitioners have requested the special hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to determine whether the present uses of the subject property are in conformance with the B.C.Z.R., including any activities that may be permitted as a non-conforming use.

The hearing in this case lasted four (4) days and it is perhaps an understatement to say that emotions are charged on both sides of this dispute.² More than 10 witnesses testified at the public hearing and more than 60 exhibits were received into evidence. Given the extent of the oral testimony and the voluminous nature of the documentary evidence, I will not belabor the point by

¹ The Petition was amended over Respondent's objection to allow the inclusion of Valleys Planning Council members Mark Wilson and Harlan Zinn as party Petitioners. Further attempts to amend the Petition to add Henry Rosenberg, Jr., David & Suzi Cordish, Blake & Angie Cordish, Reed & Maggie Cordish and Anne Brooks at the conclusion of Petitioners' case was denied.

² Numerous individuals appeared and/or wrote letters as interested citizens either in support or in opposition to the request. Due to limitations of time and space, a complete listing of all those individuals cannot be set out here; however, the sign-in sheets circulated at the hearing reflect their names and are contained in the case file as part of the record along with letters, e-mails and petitions received from many of the affected residents.

<u>Case No./Date</u>	<u>Violation</u>	<u>Status</u>
03-9092	hosting of auctions, fundraisers, etc.	owner warned that proper permits needed for any activity
04-1423	multiple dwelling units/renting apts.	closed out "because of input from Arnold Jablon, Esq. that the site is a nonconforming use because apartments have always been in the building" (Memo dated March 4, 2009 from J. Thompson to D. Rascoe) "Spoke with Arnold Jablon 410 494-6298, this property is a non-conforming use, always had apts. in buildings, no violations...closed"
06-9342	no activity of business from residence	"permit on file to sell clothing for this house for 3 days only. Close. (11/17/06)
08-591910	illegal conversion to apts.	"Spoke to representative of owner. This property has been apartments for years now. It was once a medical facility which had around 100 rooms each with its own bathroom. It has since been converted to 7-10 apt. units. Work that is currently being done includes fixing plumbing, reflooring, and general cleanup. No violation as facility is equipped and specifically designed for multi-unit use. Case closed."
09-56730	"nonpermitted use in RC2. cease and desist use or seek special exception hearing for nonconforming apartment use"	"Letter from representative of owner (attorney Michael Wyatt) has been added to the file. The letter states use as the intentions of the owner to seek a special zoning hearing to acquire permission for nonconforming use." "Closed for inactivity 1/14/10"

Case No: 03-9092Address: 10729 PARK HEIGHTS AVE 21117Insp Area: 010 Dist: 000 Date Rcv: 11/24/2003 Grp: ENF Intk: MSKInspec: _____ Inspec2: _____ Date Inspec: 11/25/2003Close: 11/26/2003 Activity: _____ Delete: XProblem: ILLEGAL COMM. ACTIVITY, ZONE RC 5;CL Name: ZINN HARLINCL Address: 10628 PARK HEIGHTS AVE
21117CL Home Phone: 410-486-2899 CL Work Phone: _____ Tax Acct. 2300003036

Owner: _____

Enter=Continue F12=Cancel

Case No: 03-9092

Notes: 11/26/03 MR.ZINN IS THE PRESIDENT OF THE NEIGHBORHOOD ASSOC. & THE OWNER OF THE MANSION ACCASIONALLY RUNS AUCTIONS, FUNDRAISERS, ETC. FROM THE PROP. I M GOING TO POST THE PROPERTY AS A WARNING, LETTING HIM KNOW THAT HE NEEDS PROPER PERMITS FOR ANY ACTIVITY. COMPL .UPDATED (J.S/SS) ***

Enter=Continue F12=Cancel

Case No: 04-1423Address: 10729 PARK HEIGHTS AVE 21117Insp Area: 003 Dist: 000 Date Rcv: 2/26/2004 Grp: ENF Intk: LSInspec: _____ Inspec2: _____ Date Inspec: 7/21/2004Close: 7/27/2004 Activity: _____ Delete: X

Problem: MULTIPLE DWELLING UNITS; **SEE LAVETTE PRIOR TO INSPECTION**REOPEN -
RENTING 3 APTS OUT OF 2ND STRUCTURE, RENTING OUT FARM HOUSE, SAME COMPL

CL Name: ZENN HARLONCL Address: 00000 _____CL Home Phone: 410-486-2899 CL Work Phone: _____ Tax Acct. 2300003036Owner: RAINBOW HALL INC, 8717 MARBURG MANOR DR, LUTHERVILLE TIMONIUM, MD 21093

Enter=Continue F12=Cancel

Case No: 04-1423

Notes: ***3/1/04 MAIN STRUCTURE W/3 GUEST HOUSES ARE ALL ON 1 LOT. & ARE NOT
OCCUPIED. CALLED COMPL. AM & PM, LEFT V-MAIL, PROP. IS ALSO POSTED, FOR REZONIN
GSIGN, 2-063, 2-065 FOR RENT SIGN, 410-382-2294. ON 3/1/04 PROPS. ARE SHOWNS ON
1953 ZONING MAP CALLED COMPL. & AGAIN LEFT V-MAIL (P.C/SS)***
****7/21/04, REOPEN - RENTING 3 APTS OUT OF 2ND STRUCTURE, RENTING OUT FARM
HOUSE, JRA/CP****
**7/23/04, SPOKE WITH ARNOLD JABLON 410-494-6298, THIS PROP IS A "NON-CONFORMIN
G USE", ALWAYS HAD APTS IN BUILDINGS, NO VIOLATION, COMPL UPDATED BY VOICE
MESSAGE, CLOSED KW/WRKD**

Enter=Continue F12=Cancel

March 4, 2009

To: Donald Rascoe

From: Jim Thompson

Re: Valleys Planning Council Complaint
10729 Park Heights Avenue

Teresa Moore, Executive Director of the Valleys Planning Council sent an e-mail concerning the use of Rainbow Hall for Apartments. In response to that correspondence, I performed a drive-thru of the property (19.6 acres) noting possible violations and forwarding my findings onto Code Enforcement.

Surprisingly, this building gave the appearance of in fact being vacant. Research was performed to learn the zoning history of this land. Enclosed are the public hearing decisions in case 63-152-X; 76-76-89-SPH; 91-166-SPHX and III-393/97-230-SPH. Further, per the ASA 400 notes this site has had enforcement complaints since November 2003 case 03-9092; 04-1423; and 06-9342. (Enclosed)

Most recently, as of October 6, 2008, an inspection was made pertaining to apartments and closed because "the facility is equipped and specifically designed for multi-unit use." (Case c-00051910/Enclosed)

The building known as Rainbow Hall was once a boarding house for the aged. Special Exception case number 63-152-x established this use on November 26, 1963. Over time, this operation was interpreted per the zoning regulations as a convalescent home. Today, the current code views it as a nursing home.

In case 04-1423, inspector Kim Wood, closed out the multiple dwelling units complaint. This action was taken because of input from Arnold Jablon, Esquire that the site is a non-conforming use because apartments have always been in the building. Inspector Ryan Fischer appears to have applied the same logic in closing out his case on October 6, 2008. Baltimore County should consider requiring the property owner Rainbow Hall, Inc. to file for a special hearing petition to legally establish a non-conforming use. Otherwise, this building should have the apartments removed since an RC-2 zoning only permits one-family detached dwellings.

Don, if you agree please share your thoughts with Mike Mohler and myself. Teresa Moore just contacted me and wants an answer for her group.

CC: Tim Kotroco

Case No: 06-9342Address: 10729 PARK HEIGHTS AVE 21117Insp Area: 003 Dist: 000 Date Rcv: 11/03/2006 Grp: ENF Intk: MGInspec: TURNER Inspec2: Date Inspec: 11/15/2006Close: 11/17/2006 Activity: Delete: X

Problem: HOLDING A SALE BY A PRIVATE CO FOR 3 DAYS ON NOV 16,17,18 FOR CLOTH
ING SALES FROM A RES ZONED PROP, RC5

CL Name: ZINN HARLINCL Address: 10628 PARK HEIGHTS AVE
OWINGS MILLS MD 21117CL Home Phone: 410-486-2899 CL Work Phone: Tax Acct. 2300003036Owner: RAINBOW HALL, INC, 8717 MARBURG MANOR DR, LUTH-TIMONIUM MD 21093-4779

Enter=Continue F12=Cancel

Case No: 06-9342

Notes: ***11/8/06, NO ACTIVITY OF A BUSINESS FROM A RESIDENCE, P/U 11/16/06 TO
REINSPECT, RT/CP***

***11/17/06, PERMIT ON FILE TO SELL CLOTHING FROM THIS HOUSE FOR 3 DAYS ONLY,
CLOSE, RT/CP***

Enter=Continue F12=Cancel

Envision [CMOSCATI - EnvPDMPro - BCGSOLV]

File Edit Applications Reports Tools Setup Window Help

Comments [FAC053810 - PDM 2300003036]

Page	Type	Comment	Fac
0		ILLEGAL CONVERSION - APTS	FAC
0		**10/6/08 SPOKE TO REPRESENTATIVE OF OWNER. THIS PROPERTY HAS BEEN APTS FOR YEARS NOW. IT WAS ONCE A MEDICAL FACILITY WHICH HAD AROUND 110 ROOMS EACH WITH ITS OWN BATHROOM. IT HAS SINCE BEEN CONVERTED TO 7-10 APT UNITS. WORK THAT IS CURRENTLY BEING DONE INCLUDES FIXING PLUMBING, REFLOORING/TILING, AND GENERAL CLEANUP. NO VIOLATION AS FACILITY IS EQUIPPED AND SPECIFICALLY DESIGNED FOR MULTI-UNIT USE. CASE CLOSED. /RF**	FAC

Comment Type

Text Multimedia

Comments Events Involved People

start Envision BYMO Baltimore Cou... 11:32 AM



CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER 56730	PROPERTY TAX ID 220000 3036	DATE ISSUED 3/5/19
NAME(S) Rainbow Hall Inc		
MAILING ADDRESS RA: Henry M. Wright Jr		
4804 Benson Ave		
CITY Balt	STATE MD	ZIP CODE 21227
VIOLATION ADDRESS 10729 Park Heights Ave		
CITY BALTIMORE	STATE MARYLAND	ZIP CODE 21117

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

- ☐ DR1 ☐ DR2 ☐ DR3 ☐ DR4 ☐ DR5 ☐ DR6 ☐ DR7 ☐ DR8 ☐ DR9 ☐ DR10 ☐ DR11 ☐ DR12 ☐ DR13 ☐ DR14 ☐ DR15 ☐ DR16 ☐ DR17 ☐ DR18 ☐ DR19 ☐ DR20 ☐ DR21 ☐ DR22 ☐ DR23 ☐ DR24 ☐ DR25 ☐ DR26 ☐ DR27 ☐ DR28 ☐ DR29 ☐ DR30 ☐ DR31 ☐ DR32 ☐ DR33 ☐ DR34 ☐ DR35 ☐ DR36 ☐ DR37 ☐ DR38 ☐ DR39 ☐ DR40 ☐ DR41 ☐ DR42 ☐ DR43 ☐ DR44 ☐ DR45 ☐ DR46 ☐ DR47 ☐ DR48 ☐ DR49 ☐ DR50 ☐ DR51 ☐ DR52 ☐ DR53 ☐ DR54 ☐ DR55 ☐ DR56 ☐ DR57 ☐ DR58 ☐ DR59 ☐ DR60 ☐ DR61 ☐ DR62 ☐ DR63 ☐ DR64 ☐ DR65 ☐ DR66 ☐ DR67 ☐ DR68 ☐ DR69 ☐ DR70 ☐ DR71 ☐ DR72 ☐ DR73 ☐ DR74 ☐ DR75 ☐ DR76 ☐ DR77 ☐ DR78 ☐ DR79 ☐ DR80 ☐ DR81 ☐ DR82 ☐ DR83 ☐ DR84 ☐ DR85 ☐ DR86 ☐ DR87 ☐ DR88 ☐ DR89 ☐ DR90 ☐ DR91 ☐ DR92 ☐ DR93 ☐ DR94 ☐ DR95 ☐ DR96 ☐ DR97 ☐ DR98 ☐ DR99 ☐ DR100 ☐ DR101 ☐ DR102 ☐ DR103 ☐ DR104 ☐ DR105 ☐ DR106 ☐ DR107 ☐ DR108 ☐ DR109 ☐ DR110 ☐ DR111 ☐ DR112 ☐ DR113 ☐ DR114 ☐ DR115 ☐ DR116 ☐ DR117 ☐ DR118 ☐ DR119 ☐ DR120 ☐ DR121 ☐ DR122 ☐ DR123 ☐ DR124 ☐ DR125 ☐ DR126 ☐ DR127 ☐ DR128 ☐ DR129 ☐ DR130 ☐ DR131 ☐ DR132 ☐ DR133 ☐ DR134 ☐ DR135 ☐ DR136 ☐ DR137 ☐ DR138 ☐ DR139 ☐ DR140 ☐ DR141 ☐ DR142 ☐ DR143 ☐ DR144 ☐ DR145 ☐ DR146 ☐ DR147 ☐ DR148 ☐ DR149 ☐ DR150 ☐ DR151 ☐ DR152 ☐ DR153 ☐ DR154 ☐ DR155 ☐ DR156 ☐ DR157 ☐ DR158 ☐ DR159 ☐ DR160 ☐ DR161 ☐ DR162 ☐ DR163 ☐ DR164 ☐ DR165 ☐ DR166 ☐ DR167 ☐ DR168 ☐ DR169 ☐ DR170 ☐ DR171 ☐ DR172 ☐ DR173 ☐ DR174 ☐ DR175 ☐ DR176 ☐ DR177 ☐ DR178 ☐ DR179 ☐ DR180 ☐ DR181 ☐ DR182 ☐ DR183 ☐ DR184 ☐ DR185 ☐ DR186 ☐ DR187 ☐ DR188 ☐ DR189 ☐ DR190 ☐ DR191 ☐ DR192 ☐ DR193 ☐ DR194 ☐ DR195 ☐ DR196 ☐ DR197 ☐ DR198 ☐ DR199 ☐ DR200 ☐ DR201 ☐ DR202 ☐ DR203 ☐ DR204 ☐ DR205 ☐ DR206 ☐ DR207 ☐ DR208 ☐ DR209 ☐ DR210 ☐ DR211 ☐ DR212 ☐ DR213 ☐ DR214 ☐ DR215 ☐ DR216 ☐ DR217 ☐ DR218 ☐ DR219 ☐ DR220 ☐ DR221 ☐ DR222 ☐ DR223 ☐ DR224 ☐ DR225 ☐ DR226 ☐ DR227 ☐ DR228 ☐ DR229 ☐ DR230 ☐ DR231 ☐ DR232 ☐ DR233 ☐ DR234 ☐ DR235 ☐ DR236 ☐ DR237 ☐ DR238 ☐ DR239 ☐ DR240 ☐ DR241 ☐ DR242 ☐ DR243 ☐ DR244 ☐ DR245 ☐ DR246 ☐ DR247 ☐ DR248 ☐ DR249 ☐ DR250 ☐ DR251 ☐ DR252 ☐ DR253 ☐ DR254 ☐ DR255 ☐ DR256 ☐ DR257 ☐ DR258 ☐ DR259 ☐ DR260 ☐ DR261 ☐ DR262 ☐ DR263 ☐ DR264 ☐ DR265 ☐ DR266 ☐ DR267 ☐ DR268 ☐ DR269 ☐ DR270 ☐ DR271 ☐ DR272 ☐ DR273 ☐ DR274 ☐ DR275 ☐ DR276 ☐ DR277 ☐ DR278 ☐ DR279 ☐ DR280 ☐ DR281 ☐ DR282 ☐ DR283 ☐ DR284 ☐ DR285 ☐ DR286 ☐ DR287 ☐ DR288 ☐ DR289 ☐ DR290 ☐ DR291 ☐ DR292 ☐ DR293 ☐ DR294 ☐ DR295 ☐ DR296 ☐ DR297 ☐ DR298 ☐ DR299 ☐ DR300 ☐ DR301 ☐ DR302 ☐ DR303 ☐ DR304 ☐ DR305 ☐ DR306 ☐ DR307 ☐ DR308 ☐ DR309 ☐ DR310 ☐ DR311 ☐ DR312 ☐ DR313 ☐ DR314 ☐ DR315 ☐ DR316 ☐ DR317 ☐ DR318 ☐ DR319 ☐ DR320 ☐ DR321 ☐ DR322 ☐ DR323 ☐ DR324 ☐ DR325 ☐ DR326 ☐ DR327 ☐ DR328 ☐ DR329 ☐ DR330 ☐ DR331 ☐ DR332 ☐ DR333 ☐ DR334 ☐ DR335 ☐ DR336 ☐ DR337 ☐ DR338 ☐ DR339 ☐ DR340 ☐ DR341 ☐ DR342 ☐ DR343 ☐ DR344 ☐ DR345 ☐ DR346 ☐ DR347 ☐ DR348 ☐ DR349 ☐ DR350 ☐ DR351 ☐ DR352 ☐ DR353 ☐ DR354 ☐ DR355 ☐ DR356 ☐ DR357 ☐ DR358 ☐ DR359 ☐ DR360 ☐ DR361 ☐ DR362 ☐ DR363 ☐ DR364 ☐ DR365 ☐ DR366 ☐ DR367 ☐ DR368 ☐ DR369 ☐ DR370 ☐ DR371 ☐ DR372 ☐ DR373 ☐ DR374 ☐ DR375 ☐ DR376 ☐ DR377 ☐ DR378 ☐ DR379 ☐ DR380 ☐ DR381 ☐ DR382 ☐ DR383 ☐ DR384 ☐ DR385 ☐ DR386 ☐ DR387 ☐ DR388 ☐ DR389 ☐ DR390 ☐ DR391 ☐ DR392 ☐ DR393 ☐ DR394 ☐ DR395 ☐ DR396 ☐ DR397 ☐ DR398 ☐ DR399 ☐ DR400 ☐ DR401 ☐ DR402 ☐ DR403 ☐ DR404 ☐ DR405 ☐ DR406 ☐ DR407 ☐ DR408 ☐ DR409 ☐ DR410 ☐ DR411 ☐ DR412 ☐ DR413 ☐ DR414 ☐ DR415 ☐ DR416 ☐ DR417 ☐ DR418 ☐ DR419 ☐ DR420 ☐ DR421 ☐ DR422 ☐ DR423 ☐ DR424 ☐ DR425 ☐ DR426 ☐ DR427 ☐ DR428 ☐ DR429 ☐ DR430 ☐ DR431 ☐ DR432 ☐ DR433 ☐ DR434 ☐ DR435 ☐ DR436 ☐ DR437 ☐ DR438 ☐ DR439 ☐ DR440 ☐ DR441 ☐ DR442 ☐ DR443 ☐ DR444 ☐ DR445 ☐ DR446 ☐ DR447 ☐ DR448 ☐ DR449 ☐ DR450 ☐ DR451 ☐ DR452 ☐ DR453 ☐ DR454 ☐ DR455 ☐ DR456 ☐ DR457 ☐ DR458 ☐ DR459 ☐ DR460 ☐ DR461 ☐ DR462 ☐ DR463 ☐ DR464 ☐ DR465 ☐ DR466 ☐ DR467 ☐ DR468 ☐ DR469 ☐ DR470 ☐ DR471 ☐ DR472 ☐ DR473 ☐ DR474 ☐ DR475 ☐ DR476 ☐ DR477 ☐ DR478 ☐ DR479 ☐ DR480 ☐ DR481 ☐ DR482 ☐ DR483 ☐ DR484 ☐ DR485 ☐ DR486 ☐ DR487 ☐ DR488 ☐ DR489 ☐ DR490 ☐ DR491 ☐ DR492 ☐ DR493 ☐ DR494 ☐ DR495 ☐ DR496 ☐ DR497 ☐ DR498 ☐ DR499 ☐ DR500 ☐ DR501 ☐ DR502 ☐ DR503 ☐ DR504 ☐ DR505 ☐ DR506 ☐ DR507 ☐ DR508 ☐ DR509 ☐ DR510 ☐ DR511 ☐ DR512 ☐ DR513 ☐ 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DR889 ☐ DR890 ☐ DR891 ☐ DR892 ☐ DR893 ☐ DR894 ☐ DR895 ☐ DR896 ☐ DR897 ☐ DR898 ☐ DR899 ☐ DR900 ☐ DR901 ☐ DR902 ☐ DR903 ☐ DR904 ☐ DR905 ☐ DR906 ☐ DR907 ☐ DR908 ☐ DR909 ☐ DR910 ☐ DR911 ☐ DR912 ☐ DR913 ☐ DR914 ☐ DR915 ☐ DR916 ☐ DR917 ☐ DR918 ☐ DR919 ☐ DR920 ☐ DR921 ☐ DR922 ☐ DR923 ☐ DR924 ☐ DR925 ☐ DR926 ☐ DR927 ☐ DR928 ☐ DR929 ☐ DR930 ☐ DR931 ☐ DR932 ☐ DR933 ☐ DR934 ☐ DR935 ☐ DR936 ☐ DR937 ☐ DR938 ☐ DR939 ☐ DR940 ☐ DR941 ☐ DR942 ☐ DR943 ☐ DR944 ☐ DR945 ☐ DR946 ☐ DR947 ☐ DR948 ☐ DR949 ☐ DR950 ☐ DR951 ☐ DR952 ☐ DR953 ☐ DR954 ☐ DR955 ☐ DR956 ☐ DR957 ☐ DR958 ☐ DR959 ☐ DR960 ☐ DR961 ☐ DR962 ☐ DR963 ☐ DR964 ☐ DR965 ☐ DR966 ☐ DR967 ☐ DR968 ☐ DR969 ☐ DR970 ☐ DR971 ☐ DR972 ☐ DR973 ☐ DR974 ☐ DR975 ☐ DR976 ☐ DR977 ☐ DR978 ☐ DR979 ☐ DR980 ☐ DR981 ☐ DR982 ☐ DR983 ☐ DR984 ☐ DR985 ☐ DR986 ☐ DR987 ☐ DR988 ☐ DR989 ☐ DR990 ☐ DR991 ☐ DR992 ☐ DR993 ☐ DR994 ☐ DR995 ☐ DR996 ☐ DR997 ☐ DR998 ☐ DR999 ☐ DR1000 ☐ DR1001 ☐ DR1002 ☐ DR1003 ☐ DR1004 ☐ DR1005 ☐ DR1006 ☐ DR1007 ☐ DR1008 ☐ DR1009 ☐ DR1010 ☐ DR1011 ☐ 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DR1123 ☐ DR1124 ☐ DR1125 ☐ DR1126 ☐ DR1127 ☐ DR1128 ☐ DR1129 ☐ DR1130 ☐ DR1131 ☐ DR1132 ☐ DR1133 ☐ DR1134 ☐ DR1135 ☐ DR1136 ☐ DR1137 ☐ DR1138 ☐ DR1139 ☐ DR1140 ☐ DR1141 ☐ DR1142 ☐ DR1143 ☐ DR1144 ☐ DR1145 ☐ DR1146 ☐ DR1147 ☐ DR1148 ☐ DR1149 ☐ DR1150 ☐ DR1151 ☐ DR1152 ☐ DR1153 ☐ DR1154 ☐ DR1155 ☐ DR1156 ☐ DR1157 ☐ DR1158 ☐ DR1159 ☐ DR1160 ☐ DR1161 ☐ DR11

FA - 0053810

AS/400: ***3/1/04 MAIN STRUCTURE W/3 GUEST HOUSES ARE ALL ON 1 LOT. & ARE NOT OCCUPIED. CALLED COMPL. AM & PM, LEFT V-MAIL. PROP. IS ALSO POSTED, FOR REZONINGSIGN, 2-063, 2-065 FOR RENT SIGN, 410-382-2294. ON 3/1/04 PROPS. ARE SHOWN ON 1953 ZONING MAP CALLED COMPL. & AGAIN LEFT V-MAIL (P.C/SS)***
7/21/04, REOPEN - RENTING 3 APT'S OUT OF 2ND STRUCTURE, RENTING OUT FARM HOUSE, JRA/CP* **7/23/04. SPOKE WITH ARNOLD JABLON 410-494-6298, THIS PROP IS A "NON-CONFORMING USE", ALWAYS HAD APTS IN BUILDINGS, NO VIOLATION, COMPL UPDATED BY VOICE MESSAGE. CLOSED KW/WRKD**

AS/400: ***11/8/06, NO ACTIVITY OF A BUSINESS FROM A RESIDENCE, P/U 11/16/06 TO REINSPECT, RT/CP*** **11/17/06, PERMIT ON FILE TO SELL CLOTHING FROM THIS HOUSE FOR 3 DAYS ONLY. CLOSE, RT/CP***

10/6/08 SPOKE TO REPRESENTATIVE OF OWNER. THIS PROPERTY HAS BEEN APTS FOR YEARS NOW. IT WAS ONCE A MEDICAL FACILITY WHICH HAD AROUND 110 ROOMS EACH WITH ITS OWN BATHROOM. IT HAS SINCE BEEN CONVERTED TO 7-10 APT UNITS. WORK THAT IS CURRENTLY BEING DONE INCLUDES FIXING PLUMBING, REFLOORING/TILING, AND GENERAL CLEANUP. NO VIOLATION AS FACILITY IS EQUIPPED AND SPECIFICALLY DESIGNED FOR MULTI-UNIT USE. CASE CLOSED. /RF

3/4/09 OBSERVED 'FOR RENT' SIGN ON PARK HTS AVE OUTSIDE OF THE ENTRANCE TO 10729. PHOTOS TAKEN. THERE IS NO SIDEWALK, AND I WAS UNSURE IF THE SIGN WAS ON PUBLIC OR PRIVATE PROPERTY SO A NOTICE WAS ISSUED BY MAIL. P/U 3/17 /RF

3/17/09 LETTER FROM REPRESENTATIVE OF OWNER (ATTORNEY MICHAEL WYATT) HAS BEEN ADDED TO THE FILE. THE LETTER STATES THE INTENTIONS OF THE OWNER TO SEEK A SPECIAL ZONING HEARING TO ACQUIRE PERMISSION FOR NON-CONFORMING USE. /RF

04/16/09 CORRECTION NOTICE ISSUED KO
05/29/09 CITATION ISSUED. HEARING 7/28/09 KO

06/25/09 SEE LETTER IN FILE.. K.O.

March 4, 2009

To: Donald Rascoe

From: Jim Thompson

Re: Valleys Planning Council Complaint
10729 Park Heights Avenue

Teresa Moore, Executive Director of the Valleys Planning Council sent an e-mail concerning the use of Rainbow Hall for Apartments. In response to that correspondence, I performed a drive-thru of the property (19.6 acres) noting possible violations and forwarding my findings onto Code Enforcement.

Surprisingly, this building gave the appearance of in fact being vacant. Research was performed to learn the zoning history of this land. Enclosed are the public hearing decisions in case 63-152-X; 76-76-89-SPH; 91-166-SPHX and III-393/97-230-SPH. Further, per the ASA 400 notes this site has had enforcement complaints since November 2003 case 03-9092; 04-1423; and 06-9342. (Enclosed)

Most recently, as of October 6, 2008, an inspection was made pertaining to apartments and closed because "the facility is equipped and specifically designed for multi-unit use." (Case c-00051910/Enclosed)

The building known as Rainbow Hall was once a boarding house for the aged. Special Exception case number 63-152-x established this use on November 26, 1963. Over time, this operation was interpreted per the zoning regulations as a convalescent home. Today, the current code views it as a nursing home.

In case 04-1423, inspector Kim Wood, closed out the multiple dwelling units complaint. This action was taken because of input from Arnold Jablon, Esquire that the site is a non-conforming use because apartments have always been in the building. Inspector Ryan Fischer appears to have applied the same logic in closing out his case on October 6, 2008. Baltimore County should consider requiring the property owner Rainbow Hall, Inc. to file for a special hearing petition to legally establish a non-conforming use. Otherwise, this building should have the apartments removed since an RC-2 zoning only permits one-family detached dwellings.

Don, if you agree please share your thoughts with Mike Mohler and myself. Teresa Moore just contacted me and wants an answer for her group.

CC: Tim Kotroco

Finally, Mr. Wyatt states that "[o]ne could easily argue that it is disingenuous for the County to now impose a bar to the prosecution of these alternate plans for religious worship (particularly in light of established federal law and precedent)." This is such a bizarre statement that it hardly merits a response. However, I read the statement, as I'm sure you did, as a veiled threat of a federal religious discrimination lawsuit. A similar threat was made at the Community Input Meeting many months ago when someone, assumedly from the property owner's camp, left copies of a newspaper article regarding a religious discrimination lawsuit in a neighboring jurisdiction. In any event, there is no specific religion or religious affiliation mentioned in any of the documents filed with the County in connection with these various plans, so it is unclear how any action the County takes could remotely be considered discriminatory.

Thank you, once again, for your consideration.

Best regards,

A handwritten signature in black ink, appearing to be 'M. McCann', with a stylized flourish at the end.

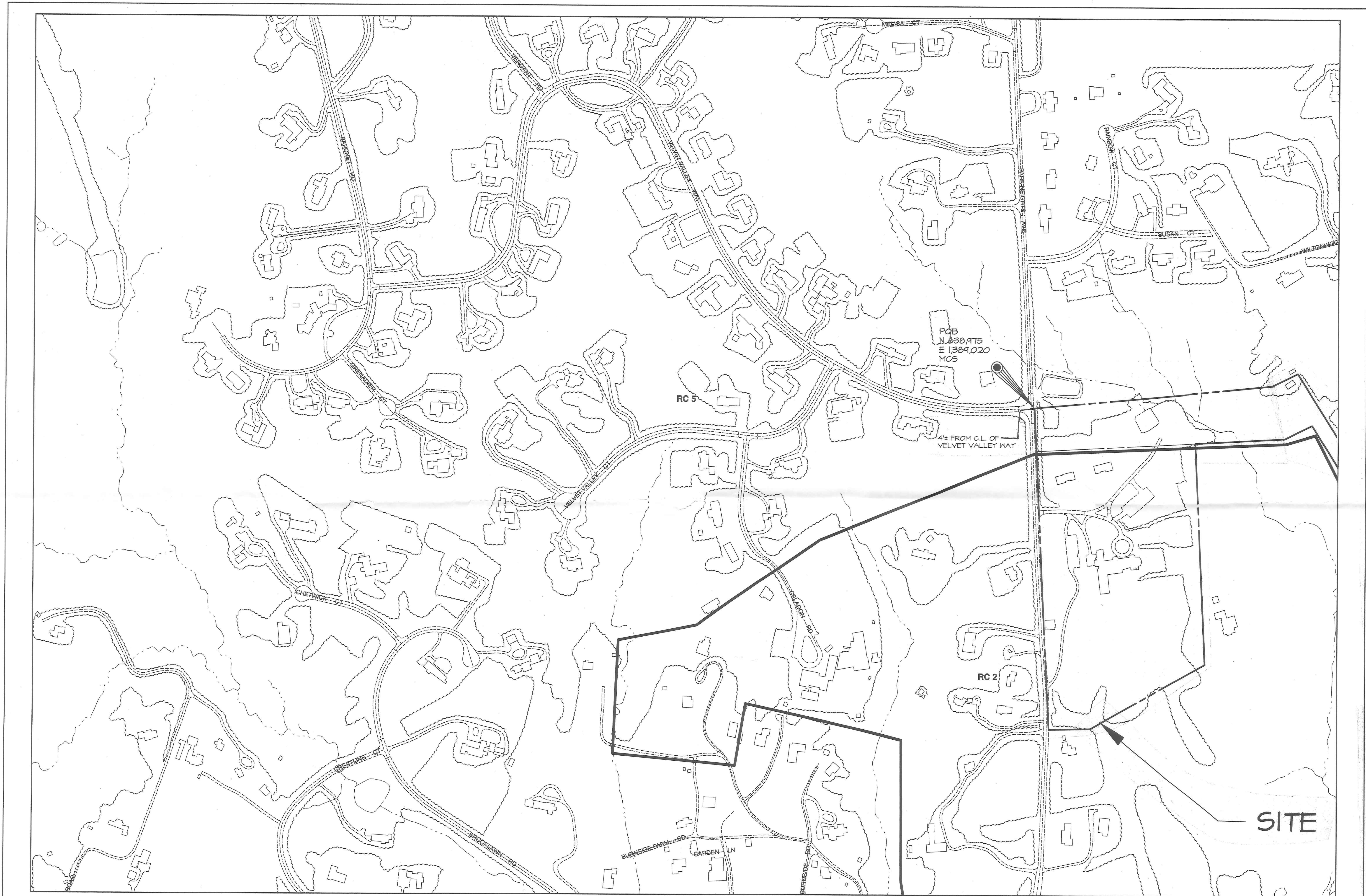
Michael R. McCann

Enclosures

cc: The Honorable Lawrence Stahl
Colleen Kelly
Lionel van Dommelen
Kevin Kamenetz
Vicki Almond
Adam Rosenblatt, Esq.
Michael Snyder, Esq.
Michael Wyatt, Esq.

History of Code Enforcement Actions
10729 Park Heights Avenue

<u>Case No./Date</u>	<u>Violation</u>	<u>Status</u>
03-9092	hosting of auctions, fundraisers, etc.	owner warned that proper permits needed for any activity
04-1423	multiple dwelling units/renting apts.	closed out "because of input from Arnold Jablon, Esq. that the site is a nonconforming use because apartments have always been in the building" (Memo dated March 4, 2009 from J. Thompson to D. Rascoe) "Spoke with Arnold Jablon 410 494-6298, this property is a non-conforming use, always had apts. in buildings, no violations...closed"
06-9342	no activity of business from residence	"permit on file to sell clothing for this house for 3 days only. Close. (11/17/06)
08-591910	illegal conversion to apts.	"Spoke to representative of owner. This property has been apartments for years now. It was once a medical facility which had around 100 rooms each with its own bathroom. It has since been converted to 7-10 apt. units. Work that is currently being done includes fixing plumbing, reflooring, and general cleanup. No violation as facility is equipped and specifically designed for multi-unit use. Case closed."
09-56730	"nonpermitted use in RC2. cease and desist use or seek special exception hearing for nonconforming apartment use"	"Letter from representative of owner (attorney Michael Wyatt) has been added to the file. The letter states use as the intentions of the owner to seek a special zoning hearing to acquire permission for nonconforming use."



Plan Sheet: 059A3

Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

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

Baltimore County Office of Planning and Zoning Official Zoning Map

058B2	058C2	059A2	059B2	059C2
058B3	058C3	059A3	059B3	059C3
067B1	067C1	068A1	068B1	068C1

Scale
1" = 200'
0 100 200 400 Feet



Data Sources:
Planometric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008

200 SCALE BALTIMORE COUNTY ZONING MAP
TO ACCOMPANY ZONING PETITION

RAINBOW HALL

DSthaler
& ASSOCIATES, INC.

CIVIL AND ENVIRONMENTAL ENGINEERS, SURVEYORS
LANDSCAPE ARCHITECTS & LAND PLANNERS

1115 AMBASSADOR ROAD
SUITE 100
BALTIMORE, MARYLAND 21244-7429
410-944-3647
www.dsthaler.com

FILING DATE: 12.5.11



Plan Sheet: 059B3

Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

Buildings
 Streams
 Vegetation
 Zoning
 Roads
 Rail Lines

Baltimore County Office of Planning and Zoning Official Zoning Map

059C2	059A2	059B2	059C2	060A2
058C3	059A3	059B3	059C3	060A3
067C1	068A1	068B1	068C1	069A1

Scale

1" = 200'

0 100 200 400
Feet



Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008

200 SCALE BALTIMORE COUNTY ZONING MAP
TO ACCOMPANY ZONING PETITION

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BALTIMORE, MARYLAND 21244-7428
410-444-3641
www.dsthaler.com

FILING DATE: 12.5.11

2/12 - 0144 SP14

GENERAL NOTES

- DEVELOPMENT NAME: RAINBOW HALL
(RE-DEVELOPMENT OF LOTS #4 AND #5, BAPTIST HOME OF MD/DE, INC.)
- OWNER: RAINBOW HALL, LLC
4804 DENSON AVE.
BALTIMORE, MD 21227
- PLAN PREPARED BY: D.S. THALER & ASSOCIATES, INC.
7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-4742
ATTN: Stacey A. McArthur, R.L.A.
(410) 444-3641
- PROPERTY REFERENCES:

PARCEL	LOT	PLAT	DEED	TAX AGCT. #	HELD SINCE	TAX MAP SHEET	ADC MAP
210	5	10-45	16389 / 35	23000003036	SR / 30	25-F3	25-F3
210	4	10-45	23414646	23000003035	see parcel sheet	25-F2	25-F3

- PROPERTY REFERENCES:

BOUNDARY	RECORD PLAT FOR BAPTIST HOME OF MD/DE, INC. 10-45 (B.J.H.R.) AND D.S. THALER & ASSOCIATES, INC. 2020-4
Topography:	Baltimore County GIS Site No. 05943
Utilities:	Baltimore County Key Map (11-582)
Zoning:	Baltimore County 200 Scale Zoning Map, 615 The No. 05943
Soils:	U.S.D.A. Web Soil Survey (Accessed September 2010)
Riverine:	Record Plat for Baptist Home of MD/DE, Inc. 10-45 (B.J.H.R.)
Floodplain:	Record Plat for Baptist Home of MD/DE, Inc. 10-45 (B.J.H.R.)
Forest Buffer:	Record Plat for Baptist Home of MD/DE, Inc. 10-45 (B.J.H.R.)
Forest Conservation:	Record Plat for Baptist Home of MD/DE, Inc. 10-45 (B.J.H.R.)
Easement:	Record Plat for Baptist Home of MD/DE, Inc. 10-45 (B.J.H.R.)
Notes:	Record Plat for Baptist Home of MD/DE, Inc. 10-45 (B.J.H.R.)

- GENERAL DATA:

LOCATION DISTRICT:	3rd	Holmesville, James Falls
CENSUS TRACT:	40384	Regional Planning District, 313
COUNCILMANIC DISTRICT:	2nd	Severnahead 61-N

SCHOOL INFORMATION: (2010-2011)	Net State Acres	Actual Projected Acres	Projected Acres	Projected Acres	Total Acres	Capacity Above	Projected Acres
School District	431	431	431	431	431	25	431
Fort Garrison Elementary	431	431	431	431	431	25	431
Plumtree Middle	431	431	431	431	431	25	431
Plumtree High	431	431	431	431	431	25	431

* PER BALTIMORE COUNTY - MARYLAND, 2010-2011 ENROLLMENT DATA (ENROLLMENT DATA) DATED 10/1/11
(http://www.baltimorecountymd.gov/index.cfm?view=31234)

- SITE INFORMATION:

ACREAGE	20.06 Acre
NET	1462.0 LF ² x 1/2 of Ex. RVN + 23,266.62 SF ² or 0.33 AC ²
GRASS	213.0 AC

- B. Existing Zoning: RG-2 and RG-5
- C. Density Calculations:

Zone	Zone Area A-1	Allowed	Existing	Per Proposed Dev. Plan	Proposed
RG-2	14.83	2 lots	3 SFD 8 Multi-Family Units	1 SFD	CHURCH 1000 SEATS
RG-5	0.23	4 lots	1 SFD		

USE	REQUIRED	EXISTING (to remain)	PROPOSED	TOTAL
4 SINGLE FAMILY	2 split or 8 spots	-	2 sp ²	8 sp
8 MULTI FAMILY	2 split or 16 spots	-	16 sp	16 sp
CHURCH	1 split or 25 spots	-	250 sp	250 sp
TOTAL	214 SF	6 sp	268 sp	214 sp

* per previously approved Development Plan

- E. Open Space:
"All Open Space shall be in compliance with the Local Open Space Manual, Latest Edition."

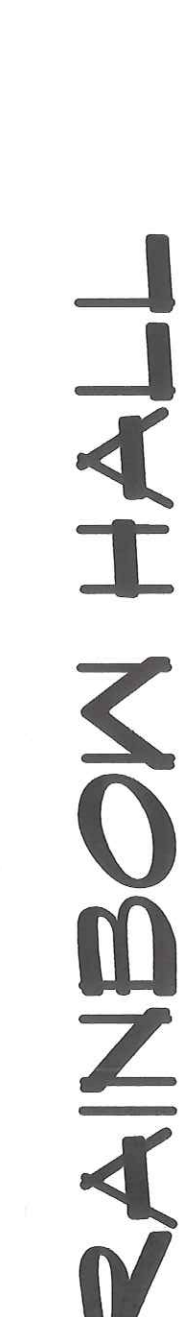
- F. Landscape Requirements as specified in the Baltimore County Landscape Manual, adopted August 1, 2008, and as amended:
Note: Schematic Landscape Plan shown is preliminary in nature and is to show compliance with the Baltimore County Landscape Manual. The Schematic Landscape Plan is subject to a Final Landscape Plan.

- Planting List (P.L.):
1. major deciduous trees (2-1/2" cal) or
2. minor deciduous trees (1-1/2" cal) or
3. evergreen trees (6" ht) or
4. shrubs or
5. class B, 10" ht.
500 SF of ground cover or
25 grasses, herbaceous perennials (1 gal/100)
*To meet Class B screening requirements only.

LANDSCAPE REQUIREMENTS	Required	Proposed
A. STREET FRONTAGE: (Condition A)		
Adjacent Road # 1 RW40 LF.	1462.0 LF/40' = 36.6 P.U.	36.6 P.U.
Interior Road # 1 RW20 LF.	1555 LF/20' = 77.8 P.U.	77.8 P.U.
B. PARKING LOTS: (Condition B)		
Interior Landscaping - Reserve 75% of Parking Area and Plant # 1 RW1/2 Parking Spaces	252 sp/12' = 21 P.U.	21 P.U.
Parking Screen # 1 RW1/2 LF	1040 LF/45' = 23.1 P.U.	23.1 P.U.
C. DUMPSTERS AND GROUND-MOUNTED HVAC: (Condition H)		
Dumpster Enclosure # 1 RW1/2 LF	60 LF/15' = 4.0 P.U.	4.0 P.U.
D. SIGN: (Condition I)		
1 RW1/2 LF	1018 LF/15' = 67.2 P.U.	67.2 P.U.
E. RESIDENTIAL REAR AND SIDE YARDS: (Condition J)		
Class 'A' Screen: Minimum installed height of 30" for shrubs and 6' for evergreen trees.	390 LF ² = 26.5 P.U.	26.5 P.U.
Rear and Side Yard Screening: 1 P.U. / 15 LF	90 LF ² = 13.2 P.U.	13.2 P.U.
Rear Yard (Sec. 260.24 BCZR)		
TOTAL:	314.6 P.U.	320 P.U.

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

- UTILITIES:
Private well and septic will be provided.
- USE:
Existing use: Residential
Proposed use: Residential and Church
- AVERAGE DAILY TRIPS (ADTS):
Dwellings:
Church:
TOTAL:
Average daily trips as calculated from the Baltimore County Comprehensive Manual of Development Policy:
5 ADT / 10 ADT / 15 ADT / 20 ADT / 25 ADT / 30 ADT / 35 ADT / 40 ADT / 45 ADT / 50 ADT / 55 ADT / 60 ADT / 65 ADT / 70 ADT / 75 ADT / 80 ADT / 85 ADT / 90 ADT / 95 ADT / 100 ADT / 105 ADT / 110 ADT / 115 ADT / 120 ADT / 125 ADT / 130 ADT / 135 ADT / 140 ADT / 145 ADT / 150 ADT / 155 ADT / 160 ADT / 165 ADT / 170 ADT / 175 ADT / 180 ADT / 185 ADT / 190 ADT / 195 ADT / 200 ADT / 205 ADT / 210 ADT / 215 ADT / 220 ADT / 225 ADT / 230 ADT / 235 ADT / 240 ADT / 245 ADT / 250 ADT / 255 ADT / 260 ADT / 265 ADT / 270 ADT / 275 ADT / 280 ADT / 285 ADT / 290 ADT / 295 ADT / 300 ADT / 305 ADT / 310 ADT / 315 ADT / 320 ADT / 325 ADT / 330 ADT / 335 ADT / 340 ADT / 345 ADT / 350 ADT / 355 ADT / 360 ADT / 365 ADT / 370 ADT / 375 ADT / 380 ADT / 385 ADT / 390 ADT / 395 ADT / 400 ADT / 405 ADT / 410 ADT / 415 ADT / 420 ADT / 425 ADT / 430 ADT / 435 ADT / 440 ADT / 445 ADT / 450 ADT / 455 ADT / 460 ADT / 465 ADT / 470 ADT / 475 ADT / 480 ADT / 485 ADT / 490 ADT / 495 ADT / 500 ADT / 505 ADT / 510 ADT / 515 ADT / 520 ADT / 525 ADT / 530 ADT / 535 ADT / 540 ADT / 545 ADT / 550 ADT / 555 ADT / 560 ADT / 565 ADT / 570 ADT / 575 ADT / 580 ADT / 585 ADT / 590 ADT / 595 ADT / 600 ADT / 605 ADT / 610 ADT / 615 ADT / 620 ADT / 625 ADT / 630 ADT / 635 ADT / 640 ADT / 645 ADT / 650 ADT / 655 ADT / 660 ADT / 665 ADT / 670 ADT / 675 ADT / 680 ADT / 685 ADT / 690 ADT / 695 ADT / 700 ADT / 705 ADT / 710 ADT / 715 ADT / 720 ADT / 725 ADT / 730 ADT / 735 ADT / 740 ADT / 745 ADT / 750 ADT / 755 ADT / 760 ADT / 765 ADT / 770 ADT / 775 ADT / 780 ADT / 785 ADT / 790 ADT / 795 ADT / 800 ADT / 805 ADT / 810 ADT / 815 ADT / 820 ADT / 825 ADT / 830 ADT / 835 ADT / 840 ADT / 845 ADT / 850 ADT / 855 ADT / 860 ADT / 865 ADT / 870 ADT / 875 ADT / 880 ADT / 885 ADT / 890 ADT / 895 ADT / 900 ADT / 905 ADT / 910 ADT / 915 ADT / 920 ADT / 925 ADT / 930 ADT / 935 ADT / 940 ADT / 945 ADT / 950 ADT / 955 ADT / 960 ADT / 965 ADT / 970 ADT / 975 ADT / 980 ADT / 985 ADT / 990 ADT / 995 ADT / 1000 ADT / 1005 ADT / 1010 ADT / 1015 ADT / 1020 ADT / 1025 ADT / 1030 ADT / 1035 ADT / 1040 ADT / 1045 ADT / 1050 ADT / 1055 ADT / 1060 ADT / 1065 ADT / 1070 ADT / 1075 ADT / 1080 ADT / 1085 ADT / 1090 ADT / 1095 ADT / 1100 ADT / 1105 ADT / 1110 ADT / 1115 ADT / 1120 ADT / 1125 ADT / 1130 ADT / 1135 ADT / 1140 ADT / 1145 ADT / 1150 ADT / 1155 ADT / 1160 ADT / 1165 ADT / 1170 ADT / 1175 ADT / 1180 ADT / 1185 ADT / 1190 ADT / 1195 ADT / 1200 ADT / 1205 ADT / 1210 ADT / 1215 ADT / 1220 ADT / 1225 ADT / 1230 ADT / 1235 ADT / 1240 ADT / 1245 ADT / 1250 ADT / 1255 ADT / 1260 ADT / 1265 ADT / 1270 ADT / 1275 ADT / 1280 ADT / 1285 ADT / 1290 ADT / 1295 ADT / 1300 ADT / 1305 ADT / 1310 ADT / 1315 ADT / 1320 ADT / 1325 ADT / 1330 ADT / 1335 ADT / 1340 ADT / 1345 ADT / 1350 ADT / 1355 ADT / 1360 ADT / 1365 ADT / 1370 ADT / 1375 ADT / 1380 ADT / 1385 ADT / 1390 ADT / 1395 ADT / 1400 ADT / 1405 ADT / 1410 ADT / 1415 ADT / 1420 ADT / 1425 ADT / 1430 ADT / 1435 ADT / 1440 ADT / 1445 ADT / 1450 ADT / 1455 ADT / 1460 ADT / 1465 ADT / 1470 ADT / 1475 ADT / 1480 ADT / 1485 ADT / 1490 ADT / 1495 ADT / 1500 ADT / 1505 ADT / 1510 ADT / 1515 ADT / 1520 ADT / 1525 ADT / 1530 ADT / 1535 ADT / 1540 ADT / 1545 ADT / 1550 ADT / 1555 ADT / 1560 ADT / 1565 ADT / 1570 ADT / 1575 ADT / 1580 ADT / 1585 ADT / 1590 ADT / 1595 ADT / 1600 ADT / 1605 ADT / 1610 ADT / 1615 ADT / 1620 ADT / 1625 ADT / 1630 ADT / 1635 ADT / 1640 ADT / 1645 ADT / 1650 ADT / 1655 ADT / 1660 ADT / 1665 ADT / 1670 ADT / 1675 ADT / 1680 ADT / 1685 ADT / 1690 ADT / 1695 ADT / 1700 ADT / 1705 ADT / 1710 ADT / 1715 ADT / 1720 ADT / 1725 ADT / 1730 ADT / 1735 ADT / 1740 ADT / 1745 ADT / 1750 ADT / 1755 ADT / 1760 ADT / 1765 ADT / 1770 ADT / 1775 ADT / 1780 ADT / 1785 ADT / 1790 ADT / 1795 ADT / 1800 ADT / 1805 ADT / 1810 ADT / 1815 ADT / 1820 ADT / 1825 ADT / 1830 ADT / 1835 ADT / 1840 ADT / 1845 ADT / 1850 ADT / 1855 ADT / 1860 ADT / 1865 ADT / 1870 ADT / 1875 ADT / 1880 ADT / 1885 ADT / 1890 ADT / 1895 ADT / 1900 ADT / 1905 ADT / 1910 ADT / 1915 ADT / 1920 ADT 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/ 5565 ADT /



SOILS CHART							
SYMBOL	NAME	MOHS HARDNESS	MOHS HARDNESS	STREET & PARKING LOTS	AGRICULTURAL CAPABILITY	BC FACTOR	SEPTIC TANK AREA
0a0	Boile silt loam, 0 to 6 percent silts	VERY LIMITED	VERY LIMITED	VERY LIMITED	4a	0.37	VERY LIMITED
0a1	Bollinger gravelly loam, 0 to 30 percent silts	SOMEWHAT LIMITED	SOMEWHAT LIMITED	SOMEWHAT LIMITED	2a*	0.30	SOMEWHAT LIMITED
0a2	Glean loam, 0 to 15 percent silts	SOMEWHAT LIMITED	SOMEWHAT LIMITED	SOMEWHAT LIMITED	5a	0.20	VERY LIMITED
0a3	Gleany loam, 5 to 6 percent silts	NOT LIMITED	NOT LIMITED	SOMEWHAT LIMITED	2a*	0.20	VERY LIMITED
0a4	Granville silt loam, 0 to 15 percent silts	VERY LIMITED	VERY LIMITED	VERY LIMITED	5a	0.49	VERY LIMITED
0a5	Granville silt loam, 0 to 15 percent silts	VERY LIMITED	SOMEWHAT LIMITED	VERY LIMITED	5a	0.49	VERY LIMITED
0a6	Granville silt loam, 0 to 15 percent silts	SOMEWHAT LIMITED	SOMEWHAT LIMITED	SOMEWHAT LIMITED	5a	0.20	VERY LIMITED
0a7	Honor loam, 15 to 25 percent silts	VERY LIMITED	VERY LIMITED	VERY LIMITED	4a	0.20	VERY LIMITED
0a8	Honor loam, 15 to 25 percent silts	VERY LIMITED	VERY LIMITED	VERY LIMITED	7a	0.20	VERY LIMITED
0a9	Honor-Driskill complex, 25 to 40 percent silts, very noddy	VERY LIMITED	VERY LIMITED	VERY LIMITED	7a	0.20	VERY LIMITED
0b1	Quarry Horrible, Ashville/schistose	NOT RATED	NOT RATED	NOT RATED	0	---	NOT RATED
0b2	Reliable silt loam, 3 to 8 percent silts	VERY LIMITED	SOMEWHAT LIMITED	VERY LIMITED	2a*	0.30	NOT RATED