

MEMORANDUM

DATE: October 15, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0015-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on October 14, 2014. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c:  Case File
Office of Administrative Hearings

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(1930 Brookdale Road)		
1 st Election District	*	OFFICE OF
1 st Councilmanic District		
Episcopal Church of Christ the King	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Episcopal Community Services of Md.	*	FOR BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	Case No. 2015-0015-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Episcopal Church of Christ the King, Legal Owner, and Episcopal Community Services of Md., Lessee ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a Boarding House in a DR 5.5 zone; and (2) or in the alternative, to permit accessory residential quarters on a property used as a church as a ministry of the church.

Numerous members of the church and community appeared in support of the requests. Lawrence E. Schmidt, Esquire, with Smith, Gildea & Schmidt, LLC represented the Petitioners. There were no Protestants in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) dated September 5, 2014, which did not oppose the requests.

The subject property is approximately 6 acres and is zoned DR 5.5. The property is improved with a large church building and a two-story single family dwelling. The single family dwelling historically was used to house church personnel, but in recent years the church has leased the dwelling to tenants. At present, Petitioners propose to use the dwelling to operate

ORDER RECEIVED FOR FILING

Date 9/12/14
By Sen

Jericho House, a program that will provide temporary housing for previously incarcerated men. At any one time, the dwelling will have six (6) live-in program participants, as well as a caretaker who will also reside on the premises. The single family dwelling has 4 bedrooms; two men will occupy each of the bedrooms, and the caretaker will have a separate bedroom.

The first issue involves identifying, in the argot of the Regulations, the proposed use. I believe the proposal constitutes a "boarding house," defined as a dwelling occupied by 3 or more unrelated individuals. B.C.Z.R. §101.1. Boarding houses are permitted in single family dwellings in D.R. zones, pursuant to B.C.Z.R. §408B. While that regulation contains quite a bit of detail concerning the approval and permit process for such a use, the primary legal requirement is that the proposed boarding house use satisfy the special exception standards found in B.C.Z.R. §502.1.

In that regard, the site is relatively large (6 acres) and is buffered from the adjoining residential and commercial uses. There is a 6' high stockade fence along the southern boundary of the site, which serves to screen the nearby residences on Brookdale and Greengate Roads. The Petitioners will use a detailed and thorough screening process to select candidates for the program, and do not admit those with violent criminal backgrounds or sex offenders. The facility is smoke free and alcohol free, and participants are subject to random testing. Most participants will reside at the site for between 6-12 weeks, and the goal is to assist participants to obtain job training and/or employment, which will enable them to then relocate to private housing within the community.

In light of the above, and given the absence of testimony and/or evidence to the contrary, I do not believe the proposed use will be detrimental to the health, safety and welfare of the community. The DOP did not object to the proposal, but requested an "on-site manager" to

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Date

9/12/14

By

Sen

• • • resolve community concerns. Petitioners stated there will be both a daytime case manager on site, as well as a live in caretaker at the facility. The DOP made reference in its ZAC comment to a continuation of the existing fence to screen the homes on Brookdale Road, but Petitioners stated that individual homeowners have their own fences at the rear of their yards, and thus I believe that existing conditions will suffice. The DOP also suggested sidewalks be installed along Brookdale Road, but based on aerial photos submitted it appears that sidewalks are in place on the east side of the road, which will allow pedestrians to safely reach Security Boulevard, which borders the site to the north.

THEREFORE, IT IS ORDERED this 12th day of September, 2014, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a Boarding House in a DR 5.5 zone, be and is hereby GRANTED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 9/12/14

By sln

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

September 12, 2014

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, Maryland 21204

RE: Petition for Special Hearing
Property: 1930 Brookdale Road
Case No.: 2015-0015-SPH

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure



0418072075

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 1930 Brookdale Road which is presently zoned D.R. 5.5Deed References: 05976/00737 10 Digit Tax Account # 0122250162Property Owner(s) Printed Name(s) Episcopal Church of Christ the King(SELECT THE HEARING(S) BY MARKING **X** 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 approve2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for3. ☐ 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)**TO BE PRESENTED AT HEARING**

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:**Episcopal Community Services of Maryland

Name- Type or Print

Nancy Lentm, Executive Director

Signature

1014 W. 36th Street Baltimore MD

Mailing Address City State

21211 410-467-1264

Zip Code Telephone # Email Address

Attorney for Petitioner:Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Lawrence E. Schmidt

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners): Episcopal Church of Christ the King

By:

Name #1 - Type or Print

Linda Depina

Signature #1

Name #2 - Type or Print

Marya Chist. Rector

Signature #2

1930 Brookdale Rd. Baltimore MD

Mailing Address City State

21244

Zip Code Telephone # Email Address

Representative to be contacted:Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Lawrence E. Schmidt

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

CASE NUMBER 2015-0015-SPHFiling Date 7/21/14

Do Not Schedule Dates

ORDER RECEIVED FOR FILING

Date 9/12/14By Sen

REV. 10/4/11

ATTACHMENT TO PETITION FOR
SPECIAL HEARING
1930 Brookdale Road

Special Hearing:

1. To permit a Boarding House in a D.R. 5.5 zone pursuant to BCZR § 408.B.1; or
2. Or in the alternative, to permit accessory residential quarters on a property used as a church as a ministry of the church; and
3. For such other relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.

Property Description

Beginning for the same at the beginning of the second or north 77 degrees 07 minutes 20 seconds west 74.59 foot line of division described in a deed from Ralph DeChiaro and wife to Dale Homes, Inc., dated November 29, 1961 and recorded among the Land Records of Baltimore County in Liber WJR No. 3930, folio 114, thence binding on said second line and on the third line of division of said conveyance, the two following courses and distances, (1) north 77 degrees 07 minutes 20 seconds west 74.59 feet, (2) north 56 degrees 44 minutes 33 seconds west 105.55 feet, thence running for new lines of division through the aforesaid land the twelve following courses and distances, (1) north 00 degrees 19 minutes 32 seconds east 79.19 feet, (2) north 48 degrees 55 minutes 40 seconds west 115.00 feet, (3) northeasterly along a curve to the left, having a radius of 735.00 feet, for a distance of 296.91 feet, (4) north 60 degrees 11 minutes 06 seconds east 33.62 feet, (5) southeasterly along a curve to the right having a radius of 1986.00 feet for a distance of 80.35 feet, (6) south 75 14 minutes 20 seconds east 431.20 feet, (7) south 30degrees 14 minutes 20 seconds east 35.36 feet (8) south 14 degrees 45 minutes 40 seconds west 349.44 feet, (9) southwesterly along a curve to the right having a radius of 238.40 feet fir a distance of 83.10 feet, (10) north 55 degrees 16 minutes 00 seconds west 73.74 feet, (11) 89 degrees 08 minutes 00 seconds west 126.45 feet, (12) north 77 degrees 07 minutes 20 seconds west 132.68 feet to the point of beginning. Containing 5.9727 acres of land more or less.



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

No. **115507**

Date: **7/21/14**

PAID RECEIPT

BUSINESS ACTUAL TIME
 7/21/2014 7/21/2014 10:18:10 3

REC MS03 WALKIN AOMA AND
 >> RECEIPT # 660037 7/21/2014 OFLN

5 528 ZONING VERIFICATION
 CR NO. 115507

Recpt Tot \$500.00
 \$500.00 CK 1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$ 500.00

Total: **\$ 500.00**

Rec From: **Smith Gideon & Schmidt LLC**

For: **Special Hearing**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

Item # 2015-0015

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2015-0015-SPH
Petitioner: Episcopal Community Services of MD
Address or Location: 1930 Brookdale Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence E. Schmidt, Esquire
Address: Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
Telephone Number: 410-821-0070



KEVIN KAMENETZ
County Executive

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

July 30, 2014

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: 2015-0015-SPH-

1930 Brookdale Road

SE corner of Security Blvd. and Greengage Road

1st Election District – 1st Councilmanic District

Legal Owners: Episcopal Church of Christ the King

Contract Purchaser/Lessee: Episcopal Community Services of Maryland

Special Hearing to permit a Boarding House in a DR 5.5 zone, or in the alternative, to permit accessory residential quarters on a property used as a church as a ministry of the church. For such other relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Monday, September 8, 2014 at 1:30 p.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: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Nancy Fenton, 1014 W. 36th Street, Baltimore 21211
Mary Eliot, 1930 Brookdale Road, Baltimore 21244

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 19, 2014.**
- (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.**



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

August 21, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on August 19, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

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

Case: #2015-0015-SPH

1930 Brookdale Road

SE corner of Security Blvd. and Greengage Road

1st Election District - 1st Councilmanic District

Legal Owner(s): Episcopal Church of Christ the King

Contract Purchaser/Lessee: Episcopal Community

Services of Maryland

Special Hearing to permit a Boarding House in a DR 5.5 zone, or in the alternative, to permit accessory residential quarters on a property used as a church as a ministry of the church. For such other relief as may be deemed necessary by the Administrative Law Judge for Baltimore County

Hearing: Monday, September 8, 2014 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

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

JT 8/738 August 19

990842

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 8/17/2014

Case Number: 2015-0015-SPH

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ.~NANCY FENTON

Date of Hearing (Closing): SEPTEMBER 8, 2014

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
1930 BROOKDALE ROAD

The sign(s) were posted on: AUGUST 17, 2014



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
1930 Brookdale; SE corner of Security		
Boulevard & Greengage Road	*	OF ADMINSTRATIVE
1 st Election & 1 st Councilmanic Districts		
Legal Owner(s): Episcopal Church of Christ	*	HEARINGS FOR
of the King		
Contract Purchaser(s): Episcopal Community	*	BALTIMORE COUNTY
Services of Maryland		
Petitioner(s)	*	2015-015-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

AUG 06 2014

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 6th day of August, 2014, a copy of the foregoing Entry of Appearance was mailed to Lawrence E. Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME Episcopal Community
CASE NUMBER 2015-15
DATE 7/8/14 SPH

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
LAURENCE F. SCHMIDT	600 WASHINGTON Ave	Towson MD 21204	lschmidt@sgs-law.com
THOMAS O. GAMPER, AIA	1016 MORTON ST.	BALTIMORE, MD. 21201	tgamper@smp-architects.com
Lenita Depina	239 Blakeney Rd	Catonville Md 21228	
The Rev. Mary Eliot	1930 Brookdale Rd	Baltimore, MD 21244	Reumeliot@gmail.com
KERRY SCHMIDT	12 Dorsey Ct.	Windsor Mill, MD 21244	kschmidt989@gmail.com
Nancy Fenton	1212 Charmuth Rd.	Lutherville, MD 21093	nfenton1021@gmail.com
Paulette Hammond	401 Westshire Rd.	Baltimore, MD 21229	phamm001@earthlink.net
Veronica Tucker-Scott	901 N. Milton Ave	Balt. md 21205	vtucker@ecsm.org
Andrea Harrison	901 N. Milton Ave Suite 340	Balto MD 21205	aharrison@ecsm.org
Lauren Sampson	1014 W. 36th St. Ba	Baltimore, MD 21211	lsampson@ecsm.org
Chuck Adkins	1014 W 36th Street	Baltimore MD 21211	CADKINS@ecsm.org
Sean E. Meryman	4101 Galloway Ave 21205	Baltimore, MD	smeryman@ecsm.org
Lauren Redman	901 N. Milton Ave 21205	Baltimore, MD 21205	Lredman@ecsm.org
Beth Evans	1014 W. 36th Street	Baltimore 21211	beth@ecsm.org
CHARLENE KNOTT	901 N. MILTON AVENUE	BALTIMORE, MD 21205	cknott@ecsm.org
DONALD F WALLACE	901 N. Milton Ave.	Balt., MD 21205	dwallace@ecsm.org
GREGORY CARPENTER	901 N. MILTON AVE	BALTO. MD 21205	gcarpenter@ecsm.org
MARY BUCHANAN	1014 W. 36th St. 21211	BALT. MD 21211	mbuchanan@ecsm.org

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

8/1/14

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

N/C

DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

9/5

PLANNING
(if not received, date e-mail sent _____)

C

7/31

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

8/19

SIGN POSTING

Date:

8/17

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any:

Support ltr from Evangelical Lutheran Church in America

E-mail forwarded from Tom Quirk
in re: to Mary Ellen Smith



JB 9-8-14 1:30 PM
2015-0015-SPH

Delaware Maryland SYNOD

EVANGELICAL LUTHERAN CHURCH IN AMERICA

August 6, 2014

The Honorable John E. Beverungen

Baltimore County

Historic Courthouse

400 Washington Avenue

Towson, MD 21204

RECEIVED

AUG 14 2014

OFFICE OF ADMINISTRATIVE HEARINGS



Dear Jude Beverungen,

We of the Delaware Maryland Synod of the Evangelical Lutheran Church in America celebrate the new lives, behaviors, and attitudes of the many people who have been influenced by the ministry of our St. Dysmas Community. St. Dysmas is an actual Lutheran congregation, made up of incarcerated individuals in correctional facilities in the state of Maryland. Imagine being a prisoner and discovering the good news that there are fellow prisoners who are connecting with God and changing their lives. Imagine the hope and joy a prisoner might find in a group like this. We believe St. Dysmas is not only a connection with God, but also a connection with other men who are trying to repair and rebuild their lives in the hope of a future release into society.

We support the transitional housing planned for the parish house on the grounds of Christ the King Church, 1930 Brookdale Road in Woodlawn. This building would offer that all important step between prison and society. It would be a place men could continue to support and nurture each other as they pursue the same goal.

And we stand behind Rev. Gerry Rickel and support him when he says it is the intention of the St. Dysmas Community to work in partnership with the residents of the house to help them rebuild their lives. We will support him as he and his staff support the men with services such as case management, educational referrals, mentoring, job training, employment readiness and health care services.

Sincerely,

The Rev. Ron Schlak, Assistant to the Bishop

575 South Charles Street
Suite 202
Baltimore, MD 21201-2482

Walking together in Christ:
Evangelism. Leadership. Mission

410-230-2860
Fax: 410-230-2871
www.demdsynod.org

Sherry Nuffer - Fwd: RE: Internet Inquiry

From: John Beverungen
To: Debra Wiley; Sherry Nuffer
Date: 9/3/2014 3:24 PM
Subject: Fwd: RE: Internet Inquiry

this is for a hearing on September 8...I don't know the case #, but it looks like it involves Christ the King Church. Can you please put this in the file. John.

>>> Arnold Jablon 9/3/2014 2:25 PM >>>

Ms Smith, I am forwarding your email, below, to the Office of Administrative Hearings. Your concerns as set forth will be in the case file for the review and consideration by the judge.

>>> County Council District 1 9/3/2014 1:28 PM >>>

Ms. Smith,

I am copying Arnold Jablon - Director of Permits, Approvals and Inspections -- for his review. His email is ajablon@baltimorecountymd.gov

Sincerely,
 Tom Quirk

Councilman 1st District
 Baltimore County Council
 754 Frederick Road
 Catonsville, Maryland 21228
 District Office Phone: 410-887-0896
 Towson Office Phone: 410-887-3386

>>> Mary Ellen Smith <maryellensmith5@comcast.net> 09/03/14 12:02 PM >>>

I received details on the zoning hearing. However, I am not sure that my views will be considered at the hearing. Who do I email about that?

From: County Council District 1 [council1@baltimorecountymd.gov]

Sent: Wednesday, September 03, 2014 11:12 AM

To: maryellensmith5@comcast.net

Subject: RE: Internet Inquiry

Thank you for your concerns and email. I wanted to make sure you received the email from Carl Richards. Please email me back if you didn't receive details.

Sincerely,
 Tom Quirk
 Councilman 1st District
 Baltimore County Council
 754 Frederick Road
 Catonsville, Maryland 21228

District Office Phone: 410-887-0896
 Towson Office Phone: 410-887-3386

>>> Mary Ellen Smith <maryellensmith5@comcast.net> 09/02/14 10:39 PM >>>
 Thank you for any help you are able to give.

From: County Council District 1 [<mailto:council1@baltimorecountymd.gov>]

Sent: Tuesday, September 02, 2014 11:27 AM

To: maryellensmith5@comcast.net

Cc: Arnold Jablon; Margaret Stokes

Subject: Re: Internet Inquiry

Ms. Smith,

Thank you for your email. I will forward your concerns to the Director of Permits, Approvals and Inspections -- Arnold Jablon -- for his review. I will also copy my legislative aide for your area, Margaret Stokes.

Sincerely,
 Tom Quirk
 Councilman 1st District
 Baltimore County Council
 754 Frederick Road
 Catonsville, Maryland 21228
 District Office Phone: 410-887-0896
 Towson Office Phone: 410-887-3386

>>> Mary Ellen Smith <maryellensmith5@comcast.net> 08/30/14 12:46 AM >>>

Where can I go to register concerns about plans for the use of a church facility being used as a half-way house for ex-convicts? Christ the King Church is planning to use its rectory to house ex-convicts as part of the Jericho Project. The House, the first of its kind, will house 6 ex-convicts and a resident counselor. According to a community meeting held at the Church on Thursday, August 28th, a hearing to determine whether or not these plans meet zoning regulations is to be held on September 8th. The Chadwick community has had many challenges over the years, but I am not sure that it can withstand another large challenge. These streets have seen too much gang and drug activity. Our youth are exposed to far more temptations than they can handle responsibly and many of the homes are in foreclosure. Property values have gone down. The one shining spot is our elementary school. Chadwick Elementary School enjoys an excellent reputation, which shows that the children in this community begin as young, bright minds, capable of reaching their dreams. But, somewhere along the way, exposure to other elements has kept them from reaching their full potential and has left many of them in trouble with the law.

As I sat in this meeting, I listened to supporters of this program tell a tale of how they would like the ex-convicts to hear the birds singing? in their

backyard and to be away from the drugs and the crime that existed in their lives, giving them hope for the future??. But Chadwick does not meet this criteria. Drug dealers are literally in their back yard. The proposed spot for this House is at the intersection of the criminal activity. The Jericho House is being set up to fail, and to bring more problems to the community in the process.

I favor the possibility of rehabilitation, but I do not believe that one can be rehabilitated in the same climate where one got in trouble in the first place. I come to this as a parent. My children are grown and no longer live in this community, but they had their share of problems in the Chadwick Community. The community is not to blame for their problems, but it was only in getting away and experiencing other lifestyles that prepared them to be productive citizens. And, I believe, the same needs to be done for these ex-convicts.

While I am not in a position to attend this meeting, I would like my concerns as a resident of Chadwick to be heard. If you are not in a position to represent these concerns, I would appreciate it if you could direct me to someone who can do something about it.

This location for the Jericho House is not only a disservice to the community, but a disservice to the Jericho Project. It is my hope that the zoning commission declines this request.

CONNECT WITH BALTIMORE COUNTY



When you think Baltimore County, think, www.baltimorecountymd.gov

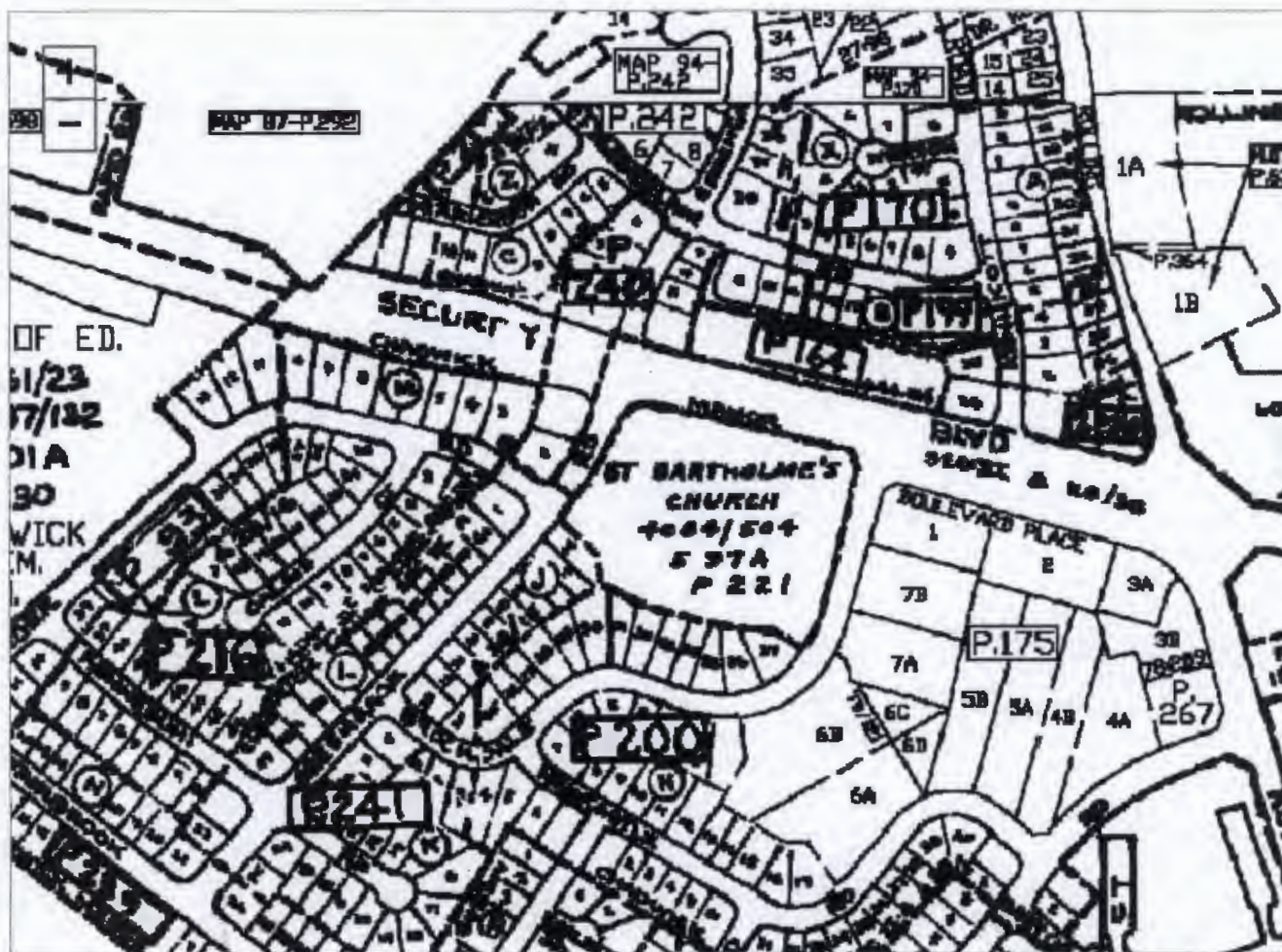
Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 01 Account Number - 0122250162		
Owner Information		
Owner Name:	EPISCOPAL CHURCH OF CHRIST THE KING	Use: EXEMPT COMMERCIAL NO
Mailing Address:	1930 BROOKDALE RD BALTIMORE MD 21244-	Principal Residence: /05976/ 00737
Location & Structure Information		
Premises Address:	1930 BROOKDALE RD BALTIMORE 21244-	Legal Description: 5.9727 AC SES CHURCH EXEMPT BROOKDALE RD SE COR GREENGAGE RD
Map:	Grid:	Parcel:
0094	0005	0242
Sub District:	Subdivision:	Section:
	0000	
Block:	Lot:	Assessment Year:
		2013
Plat No:	Plat Ref:	
Special Tax Areas:	Town:	NONE
	Ad Valorem:	
	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1963	6807	
Property Land Area	County Use	
5.9700 AC	01	
Stories	Basement	Type
		CHURCH
Exterior	Full/Half Bath	Garage
Last Major Renovation		
Value Information		
	Base Value	Value As of 01/01/2013
Land:	1,194,500	1,194,500
Improvements	960,600	960,600
Total:	2,155,100	2,155,100
Preferential Land:	0	0
	Phase-in Assessments As of 07/01/2014	As of 07/01/2015
	2,155,100	2,155,100
		0
Transfer Information		
Seller: VESTRY ST BARTHO LOMEWS CHURCH	Date: 01/04/1979	Price: \$17,500
Type: ARMS LENGTH IMPROVED	Deed1: /05976/ 00737	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2014
County:	700	2,155,100.00
State:	700	2,155,100.00
Municipal:	700	0.00/0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

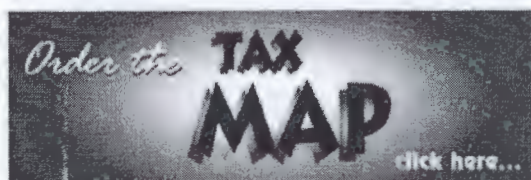
New Search (<http://sdat.resiusa.org/RealProperty/>)District: **01** Account Number: **0122250162**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

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KEVIN KAMENETZ
County Executive

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

September 3, 2014

Episcopal Church of Christ the King
Linda Deponai
1930 Brookdale Road
Baltimore MD 21244

RE: Case Number: 2015-0015 SPH, Address: 1930 Brookdale Road

Dear Ms. Deponai:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 21, 2014. 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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Lawrence E Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204
Nancy Fenton, Executive Director, Episcopal Community Services of Maryland, 1014 W 36th Street
Baltimore MD 21211

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 7/31/14

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

RE: Baltimore County

Item No 2015-0015-SPH

Special Hearing
Episcopal Church of Christ the
King, Linda Deponai and
Marty Elst
1930 Brookdale

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2015-0015-SPH.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steven D. Foster'.

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

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

INTER-OFFICE CORRESPONDENCE

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

DATE: September 5, 2014

FROM: Andrea Van Arsdale
Director, Office of Planning

SUBJECT: 1930 Brookdale

RECEIVED

SEP 05 2014

INFORMATION:

Item Number: 15-015

Petitioner: Episocopal Church of Christ the King

Property Size: 5.9 ac

Zoning: DR 5.5

Requested Action: Special Hearing

Hearing Date:

OFFICE OF ADMINISTRATIVE HEARINGS

The petitioner is seeking a Special Hearing to permit a boarding house in a DR 5.5 zone. In the alternative the petitioner is also seeking to permit an accessory residential quarters on a property used as a church as a ministry of the church.

SUMMARY OF RECOMMENDATIONS:

The Department of Planning does not object to the workforce development program. Should the use be approved as a Community Care Center, the Department of Planning requests there be an on-site manager to be able to directly respond to any future community concerns and to make the following site improvements:

- the existing fence should be continued along the southern property boundary to screen the existing houses along Brookdale Road;
- provide sidewalks along Brookdale Drive and the existing sidewalk along Brookdale Drive should be continued to the existing sidewalk along Security Boulevard.

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

Prepared By: _____

Section Chief:
AFK/LL:DZ

BALTIMORE COUNTY, MARYLAND

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Inspections & Approvals

DATE: September 5, 2014

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Director, Office of Planning

RECEIVED

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Section Chief:
AFK/LL:DZ

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Inspections & Approvals

DATE: September 5, 2014

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Director, Office of Planning

SUBJECT: 1930 Brookdale

RECEIVED

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Prepared By: _____

Section Chief:
AFK/LL:DZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 1, 2014

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

SUBJECT: Zoning Advisory Committee Meeting
For August 04, 2014
Item No. 2015- 0013, 0014, 0015, 0016, 0017 and 0019

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\ZAC08042014 -.doc

Case No.:

2015-0015-SPH

Exhibit Sheet

9-12-14
Sen

Petitioner/Developer

19th
10-15-14

Protestants

No. 1	Plan	
No. 2	2A Order in No. 2013- 2B 0103-SPHXA	
No. 3	Facts @ Jericho House	
No. 4	4A-4I color photos	
No. 5	5A+5B Aerial photos	
No. 6	6A-6C Color photos	
No. 7	Episcopal Diocese Letter 8-7-14	
No. 8	Red Line Map	
No. 9		
No. 10		
No. 11		
No. 12		

JB

1-31-13

Feb 24

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(2829 Lodge Farm Road) *
15th Election District *
7th Councilmanic District *
Associated Catholic Charities, Inc. *
Legal Owner/Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2013-0103-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed by Patricia A. Malone, Esquire, on behalf of the legal owner, Associated Catholic Charities, Inc. The Petition for Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to: (1) authorize the continuation of the existing non-conforming building setbacks; (2) approve use of the former convent building as a boarding or rooming house; and (3) confirm that the population of the proposed community residential facility in the former convent building meets the definition of a "family".

A Petition for Special Exception was filed pursuant to § 1B01.1.C.5 of the B.C.Z.R., to permit a community care center in the former convent building.

Finally, a Petition for Variance was filed pursuant to the B.C.Z.R. as follows: (1) To permit 6 parking spaces to be provided in lieu of the required 16 parking spaces; (2) To amend the prior relief in Case No. 92-80-XA to permit 6 of the 70 parking spaces approved for the adjacent senior housing facility to be used in conjunction with the proposed use; (3) If necessary, pursuant to B.C.Z.R. sections 1B01.2.C.1.a and 307.1, to approve the existing front yard setbacks of 20 ft. and 18 ft., respectively, in lieu of the required 40 ft. and 20 ft.

of the community attended the hearing and opposed the petitions, citing concerns with the proposed facility being located adjacent to the St. Luke's preschool, attended by approximately 40 children. Community members expressed concern about the safety of their children, and they believed parents would remove their children from the preschool, threatening its viability.

The petition for Special Hearing, which is akin to a complaint for declaratory judgment, seeks approval for the proposed facility under two theories: (1) as a "boarding house"; or (2) as a residence for a "family" as that term is defined in the B.C.Z.R. Under the regulations (in particular, based on the definition of "family") these terms are mutually exclusive. Having reviewed the exhibits and the testimony, I believe the proposed facility is properly characterized as a "boarding house," which is a building occupied, "for compensation, by three or more individuals who are 18 years old or older and not related to each other by blood, marriage or adoption" B.C.Z.R. §101.1. The approval process for a boarding house is set forth in B.C.Z.R. §408B.

Mr. Martin, a landscape architect admitted as an expert, opined that this facility would constitute a boarding house. He testified that the structure was a single family dwelling that functioned as a boarding house, where communal kitchen and bathroom facilities are provided for the residents, each of whom would reside in separate bedrooms. This was the same floor plan and layout used by the assisted living facility which occupied this building from 1994 through 2011, at which point the building became vacant. Mr. Martin also testified that the building is served by a single water meter, which he indicated was further evidence the structure was operated and oriented as a single family dwelling. Mr. Martin further opined that the use would in no way be detrimental to the safety and welfare of the community.

difficulty if relief were denied, given it would be unable to establish the Hosanna House operation and serve a vulnerable group of County residents. The Variance relief requested is modest (i.e., approving existing building setbacks and permitting a reduction in the number of required parking spaces) and will not have a detrimental impact upon the community.

THEREFORE, IT IS ORDERED this 15th day of February, 2013, by this Administrative Law Judge, that Petitioner's request for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve use of the former convent building as a boarding or rooming house, and for issuance of a use permit under B.C.Z.R. §408 B, be and is hereby GRANTED.

IT IS FURTHER ORDERED that Petitioner's request for Special Exception filed pursuant to § 1B01.1.C.5 of the B.C.Z.R., to permit a community care center in the former convent building, be and is hereby DISMISSED without prejudice.

IT IS FURTHER ORDERED that Petitioner's request for Variance relief: (1) To permit 6 parking spaces to be provided in lieu of the required 16 parking spaces; (2) To amend the prior relief in Case No. 92-80-XA to permit 6 of the 70 parking spaces approved for the adjacent senior housing facility to be used in conjunction with the proposed use; and (3) pursuant to sections 1B01.2.C.1.a and 307.1, to approve the existing front yard setbacks of 20 ft. and 18 ft., respectively, in lieu of the required 40 ft. and 20 ft., be and is hereby GRANTED

The relief granted herein shall be subject to the following:

1. Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Residency at the proposed Hosanna House shall be restricted to women ages 50 and over.

Ref 25

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
SPECIAL EXCEPTION AND VARIANCE *
Associated Catholic Charities, Inc * BOARD OF APPEALS
- *Legal Owner, Petitioner/Appellant* * OF
2829 Lodge Farm Road *
15th Election District * BALTIMORE COUNTY
7th Councilmanic District *
CASE NO.: 13-103-SPHXA

* * * * *

OPINION

This matter comes before the Board of Appeals for Baltimore County (the "Board") as an Appeal from Administrative Law Judge's February 15, 2013 decision which granted a Petition for Special Hearing to approve the use of a former convent building as a boarding or rooming house and for issuance of a use permit and granted a request for variance relief: (1) To permit 6 parking spaces to be provided in lieu of the required 16 parking spaces; (2) To amend the prior relief in Case No. 92-80-XA to permit 6 of the 70 parking spaces approved for the adjacent senior housing facility to be used in conjunction with the proposed use; and (3) Pursuant to B.C. Z.R. sections 1B01.2.C.1.a and 307.1, to approve the existing front yard setbacks of 20 ft and 18 ft., respectively, in lieu of the required 40 ft. and 20 ft.

The ALJ dismissed, without prejudice, the Petition for Special Exception which was filed pursuant to 1B01.1.C.5 of the B.C.Z.R., to permit a community care center in the former convent building.

HEARING

The hearing was attended by Harry Wujek and Francis Taylor of the North Point Peninsula Civic Organization and Robert Zacherl, President of the School Board for St. Luke's Church, who testified against the petition in their individual and representative capacities.

Mary Ann O'Donnell, Director of Community Service for Associated Catholic Charities, Inc. ("ACC") Benton Berman, Program Coordinator of ACC, and Dale McArdle, Director of Housing Services for St. Luke Apartments testified in support of the petition. Ms. Mary Ann O'Donnell was the first witness. She described for the Board the program that will be implemented at the Hosanna House. Similar to other programs run by ACC, the Hosanna House will provide supportive housing to the homeless. The objective of the Hosanna House is to provide a stable living environment and to improve self esteem and health of its residents. She described the very stringent interview process to screen potential residents. HUD requirements demand that each resident must be certified as homeless and disabled. Most importantly, to address the concerns of the community, the Hosanna House will not accept residents convicted of violent crimes, sexual abuse or current drug users. In addition, there would also be a zero tolerance policy for any use of alcohol and drugs. The other concession made for the community is that only women over age 50 will be residents of Hosanna House. No children will live there.

Benton Berman also testified in support of the petition. He will be directly responsible for the oversight of Hosanna House, which will have between fourteen (14) to sixteen (16) female residents; all residents will undergo background checks. There will be a security system installed and residents will be made to volunteer in the community and be employed. Mr. Berman also testified that only one or two of the residents will have a car and the Hosanna House will have a van and provide a driver to all residents so they may get to their place of employment. Similar to other projects supervised by ACC, the premises will be monitored using current technology twenty four hours a day.

Dale McArdle, Director of Housing Services for St. Luke Apartments, a 125 Unit Complex for Low Income Seniors that shares a parking lot with Hosanna House, also testified in

favor of the petition. He testified that the Senior Apartments have been operating since 1995 and he welcomes the Hosanna House as a neighbor. He further testified that they have Seventy (70) parking spaces, of which only Thirty-Seven (37) residents have cars. He foresees no parking issues with the addition of the Hosanna House in that St. Luke's agreed to allow Hosanna House to use 33 parking spaces if needed. St. Luke's Apartments provides an access easement from St. Luke's property to Hosanna House.

David Martin was admitted as an expert in landscape architect, land planner and application of zoning regulations. Mr. Martin described the current lot as a 1.6 acre parcel, which is already improved and part of a larger complex which includes the St. Luke Church, St. Luke Senior Housing and the former pre-school. There will be minimal changes to the internal layout of the current improvements. Mr. Martin testified that the applicable zoning that best fits this project is that of a Boarding House. The Boarding House Regulations are found in 101.1 of BCZR.

Mr. Martin further testified that the project could also be considered a Community Residential Facility or a Community Care Center under the BCZR. He stated the analysis would be the same as found under Boarding House requirements and in his expert opinion would yield the same results. The final part of his testimony was to address the setback of the building, which was granted previous approval as a non-conforming use. The existing church contains no setback and the proposed project will have an Eighteen (18) foot setback. The building which will operate the Hosanna House was built in 1994. There are no plans to improve the exterior of the existing structure. He testified that the property is unique as it is an institutional campus and the facilities are inter-related with a connection to charitable programs of the Church. To require a Forty foot setback would create an undue hardship and practical difficulty as the existing

structure would need to be either moved or destroyed and rebuilt.

Kristopher Lindh-Payne, Director of Neighbor to Neighbor, Mary Gunning, Director of St. Jerome Headstart, Gary Quatmann, a resident of St. Luke Senior Apartments, Mary Chestnut of YWCA in Arbutus and Sherrie Watts, a resident of YWCA in Arbutus, all testified on behalf of the petition.

Francis Taylor of North Point Peninsula Council, Inc. was the first witness to testify against the petition. His primary concern was that the residents would be properly vetted and supervised. He further testified that in his opinion the project is not a Boarding House under BCZR, but should be considered an Assisted Living Project. There was no expert testimony provided by Appellant on this matter.

Harry Wujek was the second witness that opposed the project. He lives four (4) miles from the project and was concerned about parking and traffic problems. There was no expert testimony which supported his claim of traffic congestion or parking issues.

Robert Zacherl also testified against the petition. He is concerned that the project does not fit within the community because public transportation is inadequate and there are very few job opportunities for its residents.

THE LAW

1. Boarding House.

BCZR §101.1.A.2. provides in pertinent part:

BOARDING OR ROOMING HOUSE

A. A Building:

* * * *

2. Which is not the owner's domicile and which is occupied in its entirety, for compensation, by three or more individuals who are 18 years old or older and not related to each other by blood, marriage or adoption.

Section 408B of the BCZR specifies that Boarding or Rooming Houses are permitted in D.R. zones. Section 408B.1. provides the permitting procedure and regulations as follows:

§408B.1. Permit procedure; regulations.

Notwithstanding any provision in these regulations to the contrary, boarding or rooming houses are permitted in D.R. Zones, subject to the provisions of this section.

A. Upon application to the Department of Permits, Approvals and Inspections, the Director may issue a use permit for a boarding or rooming house under the following procedure:

* * * *

2. Notice and hearing.

* * * *

e. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:

- (1) Findings following the public hearing.
- (2) The character of the surrounding community and the anticipated impact of the proposed use on that community.
- (3) The manner in which the requirements of this section and Section 502.1 and other applicable requirements are met and any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the use will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of this section and Section 502.1 of these regulations.

Section 502.1 are the special exceptions standards and provide that:

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air;

- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.

2. Community Residential Facility.

The Zoning Commissioner's Policy Manual has a provision for "Community Residential Facilities for Other Special Populations" and states that:

* * * *

D. A Special Hearing may also be held to determine whether a facility can be considered a

Family: Any number of individuals lawfully living together as a single house-keeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.

* * * *

E. Eligibility: For a Community Residential Facility to meet the definition of "family", the Zoning Commissioner must be satisfied that a sufficient number but not necessarily all of the following apply:

- i. A continuous and uninterrupted occupancy by residents;
- ii. The facility is used for treatment of residents only;
- iii. The residents must generally live and eat together as a family.

The term "family" is defined in BCZR, §101.1 as:

Any number of individuals lawfully living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.

3. Community Care Center.

A "Community Care Center" is also defined in BCZR, §101.1 as:

A small-scale facility, sponsored or operated by a private

charitable organization or by a public agency and licensed by the Maryland State Department of Health and Mental Hygiene or by the Maryland State Department of Social Services, for the housing, counseling, supervision or rehabilitation of alcoholics or drug abusers or of physically or mentally (including emotionally) handicapped or abused individuals who are not subject to incarceration or in need of hospitalization.

DECISION

The Petitioner proposes to operate a facility deemed as "permanent supportive housing" for women with disabilities. Several representatives from ACC testified that this is not a traditional "homeless shelter", as tenants will have a lease and make rental payments. The plan is that eventually the tenants will be able to move on to market rate housing in the community. Testimony supported that homelessness is an especially acute problem in eastern Baltimore County, and that there is a strong need for such housing.

Originally, the Petitioner proposed to provide housing for men. After concerns were raised by the community, the Petitioner agreed to provide single gender housing for women 50 years of age and older only. Even after this concession several members of the community attended the hearing and opposed the petition, citing concerns with the proposed facility being located too close to the St. Luke's preschool. Community members expressed concern about the safety of their children, and they believed parents would remove their children from the preschool, threatening its viability. That issue is now moot as the preschool has relocated.

The petition seeks approval for the proposed facility under three theories: (1) as a "boarding house" under BCZR §101.1 and §408B.1; (2) as a Community Residential Facility for Other Special Populations pursuant to the Zoning Commissioner's Policy Manual; and (3) as a Community Care Center under BCZR, §101.1.

Having reviewed the exhibits and the testimony, we believe the proposed facility is

properly characterized as a “boarding house”, under BCZR, §101.1. The Petitioner provided this Board with ample evidence that the proposed use constitutes a “boarding house”, which is a building occupied, “for compensation, by three or more individuals who are 18 years old or older and not related to each other by blood, marriage or adoption” B.C.Z.R. §101.1.” The Petitioner further provided evidence sufficient for issuance of a use permit for the boarding house B.C.Z.R. §408B by the testimony of Mr. Martin who provided the factual basis for each of the §502.1 factors for special exceptions.

Specifically, the testimony of Mr. Martin was that the proposed use would not be detrimental to the community as no new development would take place and the site conditions were appropriate for this use. As to the impact on roads, he testified that there are no alleys, no impact on traffic through intersections and parking on-site is minimal based on the 6 spaces needed. There is no potential hazard from fire or safety issues. The Baltimore County Fire Department reviewed the plans and required closing off the door between the former school and the facility. There was no impact on population as this is a small building with 14 residents on 1.6 acres and the use is similar to previous uses. The remaining portion of the site is wooded.

There is no impact on schools because the residents are not permitted to have children live at the facility. There is no impact on adequate light or air as it is a 2 story building with a small footprint which does not block the view or air circulation of any other building around it. The use is consistent with the DR 5.5 zoning classification as it will function as a single family home which permits this use by right. Because there is no new development, there is no new impact on impermeable surfaces and no impact on the environment as this use will function like previous uses of the building.

Mr. Martin clearly articulated that this facility would constitute a boarding house. He

testified that the structure was a single family dwelling that functioned as a boarding house, where communal kitchen and bathroom facilities are provided for the residents, each of whom would reside in separate bedrooms. This was the same floor plan and layout used by the assisted living facility which occupied this building from 1994 through 2011, at which point the building became vacant. Mr. Martin also testified that the building is served by a single water meter, which he indicated was further evidence the structure was operated and oriented as a single family dwelling. Mr. Martin further opined that the use would in no way be detrimental to the safety and welfare of the community.

We are very respectful of the community's concerns, however, we believe the Petitioner has addressed the communities concerns by restricting occupancy to women aged 50 and over. Also, we found especially convincing the testimony of Mr. Berman, who operates on behalf of Petitioner the Holden Hall facility in Baltimore City, a similar facility as Hosanna House. Mr. Berman testified about the stringent tenant selection procedures used by Petitioner, and noted that no problems have been experienced at Holden Hall. In fact, Mr. Berman stated that the Holden Hall facility, which is occupied by men only, is immediately adjacent to the Head Start program with over 100 children enrolled, and that the uses have peacefully and cooperatively coexisted for several years.

After considering all the testimony, we do not believe that the proposed Hosanna House facility would be detrimental to the health, safety or general welfare of the community, and would satisfy the requirements set forth in B.C.Z.R. 502.1, as articulated in *People's Counsel v. Loyola*, 406 Md. 54 (2008).

While we have found that the proposed use meets the definition of "boarding house", we believe it is appropriate to address the Petitioner's alternative use theories. With regard to the

Petitioner's request that the proposed use be approved as a "Community Residential Facility" for Other Special Populations" under the Zoning Commissioner's Policy Manual and specifically that the women residing at Hosanna House can be considered a "family" as that term is defined in BCZR, §101.1, we do not agree.

Based on the evidence presented, the residents will not be "living together as a single house-keeping unit..." While there may be one kitchen for the residents to share, they have separate individual bedrooms – much like an apartment with a toilet or kitchen. The residents will come and go from the facility for the purpose of employment or volunteer work and therefore by design, would not be operating as a family house-keeping unit. There was no requirement in this proposal for the residents to live and eat together as a "family" as that term is defined in the Zoning Commissioner's Policy Manual, §2.E iii. Further, we did not find evidence that the facility would be used solely for the purpose of "treatment of residents" as required by Zoning Commissioner Policy Manual, §2.E ii but rather as supportive housing. Accordingly, the facility is not eligible to be considered a Community Residential Facility.

Finally, the Petitioner contends that the proposed use could also be approved as a "Community Care Center" under BCZR, §101.1. We do not find, based on the evidence, that the proposed use meets this definition because, as testified to by Mr. Martin, although a Community Care Center is permitted by special exception in a DR 5.5 zone, it is not licensed by the State of Maryland. As a result, this theory has not been met.

Based on evidence and testimony, we also find that the variance relief for both setbacks and parking can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v Ward*, 102 Md. App. 691 (1995). The property has irregular dimensions, and contains an older, 2-story building that has historically been used for

communal living, first as a convent and then as an assisted living facility. These factors make the property unique. Petitioner would experience practical difficulty if relief were denied, given it would be unable to establish the Hosanna House operation and serve a vulnerable group of County residents. The Variance relief requested is modest (i.e., approving existing building setbacks and permitting a reduction in the number of required parking spaces) and will not have a detrimental impact upon the community.

ORDER

THEREFORE, IT IS ORDERED THIS 25th day of September, 2013, by the Board of Appeals of Baltimore County, that Petitioner's request pursuant to 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve the former convent building as a boarding or rooming house, and for issuance of a use permit under B.C.Z.R. §408 B, be and his hereby **GRANTED** which shall be restricted to women ages 50 and older who qualify; and

IT IS FURTHER ORDERED that Petitioner's request for Special Hearing to approve the use as "Community Residential Facility for Other Special Populations" such that the facility meets the definition of "family" under the Zoning Commissioner's Policy Manual is hereby **DENIED**; and

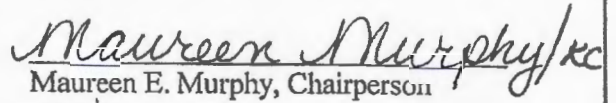
IT IS FURTHER ORDERED that Petitioner's request for Special Exception filed pursuant to 1B01.1.C.5. of the B.C.Z.R., to permit a community care center in the former convent building, be and is hereby **DENIED**; and

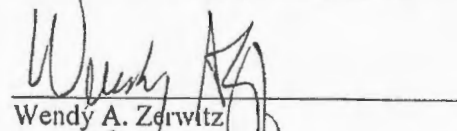
IT IS FURTHER ORDERED that Petitioner's request for Variance relief: (1) To permit 6 parking spaces to be provided in lieu of the required 16 parking spaces; (2) To amend the prior relief in Case No. 92-80-XA to permit 6 of the 70 parking spaces approved for the adjacent senior housing facility to be used in conjunction with the proposed use; and (3) pursuant

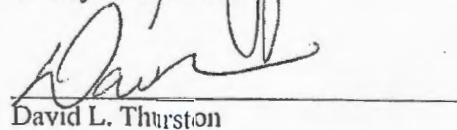
In the Matter of: Associated Catholic Charities, Inc - Legal Owner/Case No.: 13-103-SPHXA

to sections 1B01.2.C.1. and 307.1, to approve the existing front yard setbacks of 20 ft. and 18 ft., respectively, in lieu of the required 40 ft. and 20 ft., be and is hereby **GRANTED**.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairperson


Wendy A. Zerwitz


David L. Thurston

Ref No 3

Facts About Jericho House at Christ the King

WHAT IS JERICHO?

Jericho Reentry is a highly regarded workforce development and support services program for previously incarcerated men and women. Jericho is managed by Episcopal Community Services of Maryland (ECSM).

WHO DOES JERICHO SERVE?

Jericho clients are women and men who have made a commitment to changing their lives following their incarceration. Obtaining sustainable employment is at the core of Jericho's wrap-around reentry services. The program is dedicated to job skills training and readiness, while overcoming the obstacles that keep many formerly incarcerated people from moving beyond their prior mistakes.

JERICHO HOUSE AT CHRIST THE KING

Jericho has a well-documented success rate of helping clients move forward in their determination to avoid returning to prison. Next to employment, stable and secure housing is one of the most important factors in preventing recidivism. Jericho's transitional housing center will **provide this vital assistance to six carefully screened men already enrolled in Jericho Reentry**. While living at Jericho House at Christ the King, these men will be live in a structured environment and be **closely monitored by a live-in house manager** and on-site case manager. Neither drug nor alcohol treatment will be provided at Jericho House.

Only Jericho clients with non-violent convictions are eligible for housing at Christ the King; sex offenders are not eligible for any Jericho services. The six Jericho clients selected to live at Christ the King would each be working towards sustainable employment and benefit from the supportive fellowship and counseling offered through shared and supervised housing. The men selected to live at Jericho House will have demonstrated their commitment to learning necessary workplace skills by participating in training and mentoring. They will be active in job skills training, counseling and mentoring. The complete Jericho House management plans are included on the second page.

WHO IS ECSM?

Since 1927, Episcopal Community Services of Maryland has served and supported people in need and crisis. Jericho has a dedicated staff of excellent case managers who work closely with the Maryland Dept. of Public Safety and Correctional Services to ensure that former inmates never return to prison. Our partners in the faith community have pledged their support and attention to make this program a success.

Jericho House will allow ECSM to offer a true reentry support program that rebuilds lives, reconnects families, and reduces recidivism – goals that **benefit all of us in the community**. Jericho House will also restore Christ the King's under-utilized parish house by returning it to use as a home. In addition, clients will perform basic repairs and minor renovations on the home that will prevent further deterioration and deter vandalism.

ECSM and Jericho depends on honest, open and direct communication with its community partners. Our staff will be accessible to the community through phone, email and in-person visits. Please contact Nancy Fenton, ECSM Executive Director, 410-467-1264 ext. 502, nfenton@ecsm.org, at any time with concerns or questions you may have about Jericho House at Christ the King.

ECSM is committing to following all county housing regulations in renovation and habitation of the facility, and we welcome questions and feedback about the program from fellow District One residents. **Thank you for opening your doors and your hearts to us.**

JERICO HOUSE MANAGEMENT PLAN:

1. A live-in house manager will be on-site at Jericho House during morning, evening, and night residential hours. A Jericho case manager will conduct counseling and support meetings on-site with clients during the day. Jericho clients are not allowed to remain alone or unsupervised in the Jericho House at any time.
2. Clients residing at Jericho House at Christ the King will participate in regular training and programming during the day. Clients with employment responsibilities will share their work schedule with the housing and case managers.
3. Guest visit requests from clients' friends or family must be made at least 24 hours in advance with the House Manager. Overnight guests are not permitted.
4. ECSM, Jericho, and Jericho clients living at Jericho House at Christ the King will assume responsibility for the basic maintenance of the house and surrounding property and act as live-in caretakers for the property.
5. Jericho House will be internally renovated to meet all ADA building accessibility requirements. All applicable zoning, building and occupancy codes will be fully satisfied by ECSM.

Housing for Clients:

1. A maximum of six men enrolled in the Jericho Reentry program may be housed at Jericho House at Christ the King any given time. Clients' eligibility for living at Jericho House at Christ the King will be evaluated and determined by ECSM staff and Jericho case managers.
2. Clients will be responsible for maintaining a clean and well-organized household. Clients will learn housekeeping, landscaping and budgeting skills as part of living at Jericho House at Christ the King.
3. All clients will engage in a personal improvement plan that may include taking an active role in case management, job-training, employment search, or paid work. Clients are encouraged to engage in neighborhood community service in partnership with Christ the King's congregation.
4. The length of stay for each client at Jericho House will be determined by ECSM. Current projections are between 6-12 weeks of housing for each client.
5. Clients are responsible for prompt monthly payment of their portion of rent, per their admission to live at Jericho House.
6. Jericho has a zero-tolerance policy for criminal activity for all clients. This policy will also be fully enforced at Jericho House at Christ the King. When Jericho becomes aware of any illegal activity by a client living at Jericho House, that client will be immediately removed from the housing center and risks losing his place in the program.
7. Jericho House at Christ the King will be smoke- and alcohol-free. Any violation of this policy could result in the client's removal from the housing center.

COMMUNITY PARTNERS

ECSM values the strength that comes from working with other individuals and groups in community. The Jericho transitional housing program will seek partners that can support the needs of clients, including faith communities, AA and NA, and community volunteers to serve as mentors. To date, Jericho House supporters include:

- Episcopal Diocese of Maryland
- Christ the King Episcopal Church
- St. Dysmas Lutheran Congregation
- Living Word Cathedral Ministries

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4I









Act No 7



THE EPISCOPAL DIOCESE OF MARYLAND

August 7, 2014

Councilman Tom Quirk
Baltimore County District One
754 Frederick Road
Catonsville, MD 21228

Dear Mr. Quirk,

I am writing on behalf of the Episcopal Diocese of Maryland in support of the transitional housing facility planned for the former parish house on the grounds of Christ the King Church, 1930 Brookdale Road in Woodlawn, MD.

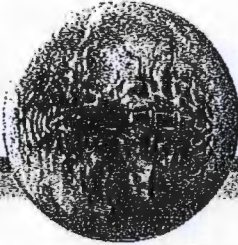
The Diocese shares and supports Episcopal Community Services of Maryland's vision to create a supportive transitional housing environment for formerly incarcerated men affiliated with ECSM's Jericho Reentry program. These men are actively working to rebuild their lives through fellowship, self-examination, job-training, employment, and other day-to-day residential responsibilities that will lead to independent living.

As people of faith, it is both our responsibility and pleasure to support all people in our communities. We have reviewed the project proposal and specifications and firmly believe it should be made a reality, with your support and in accordance with the county's zoning approval. We are committed to working with the communities of Christ the King and Episcopal Community Services of Maryland-Jericho Reentry on this carefully planned project. Diocesan members will be invited to work in fellowship with the Jericho residents to help them take the necessary steps towards finding permanent employment and housing. We will offer support to residents while they receive a full range of services at the facility, including case management, educational referrals, mentoring, job training, employment readiness, and health care services.

Sincerely,

+ *Eugene Taylor Sutton*

The Rt. Rev. Eugene Taylor Sutton
Bishop of the Diocese of Maryland



LIVING WORD MINISTRIES CATHEDRAL | BISHOP DARNEAL F. JOHNSON, III, SENIOR PASTOR
6709 Whitestone Road, Baltimore, MD 21207 | www.lwmcathedral.com | info@lwmcathedral.com
fax 1.443.773.1699 | phone 410.265.6586

LIVING WORD
MINISTRIES

August 8, 2014

The Honorable John E. Beverungen
Baltimore County
Historic Courthouse
400 Washington Avenue
Towson, MD 21204

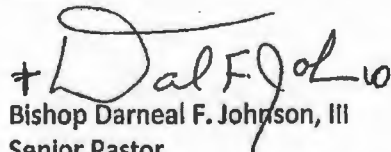
Dear Judge Beverungen,

I am writing on behalf of Living Word Ministries Cathedral to support the transitional housing planned for the parish house on the grounds of Christ the King Church located at 1930 Brookdale Road in Woodlawn, Maryland.

We are looking forward to working with the communities of Christ the King and Episcopal Community Service of Maryland / Jericho Reentry. Our intention is to work in partnership with the residents to help them rebuild their lives. We will offer support to men while they receive a full range of services including case management, educational referrals, mentoring, job training, employment readiness, and health care services. Some of the clients may also be employed while in transitional housing.

Should you require any additional information, you may contact me at (410) 265-6586. Thank you for graciously considering this matter.

Sincerely,


Bishop Darneal F. Johnson, III
Senior Pastor

Living Word Ministries Cathedral

CHANGING THE WAY A GENERATION
EXPERIENCES **GOD**



ECSM

EPISCOPAL COMMUNITY SERVICES OF MARYLAND

August 5, 2014

Councilman Tom Quirk
Baltimore County District One
754 Frederick Road
Catonsville, MD 21228

Dear Mr. Quirk,

I am writing on behalf of Episcopal Community Services of Maryland as Chair of ECSM's Board of Trustees in support of the transitional housing facility planned for the former parish house on the grounds of Christ the King Church, 1930 Brookdale Road in Woodlawn, MD. The full ECSM Board of Trustees is united in our support and vision for this important initiative to develop, staff, and fund transitional housing for clients participating in ECSM's Jericho Reentry workforce development program. I have been active with ECSM for several years and witnessed the difference that the organization's reentry support services have made in the lives of formerly incarcerated men. We would greatly appreciate your support for ECSM's effort to extend those services to providing transitional housing at Christ the King Church.

Secure and supportive residential housing is an essential component to rebuilding lives following incarceration. The six Jericho clients selected to live at Christ the King would each be working towards sustainable employment and benefit from the supportive fellowship and case management offered through transitional housing. ECSM is committed to working in close partnership with individuals and businesses located in District One.

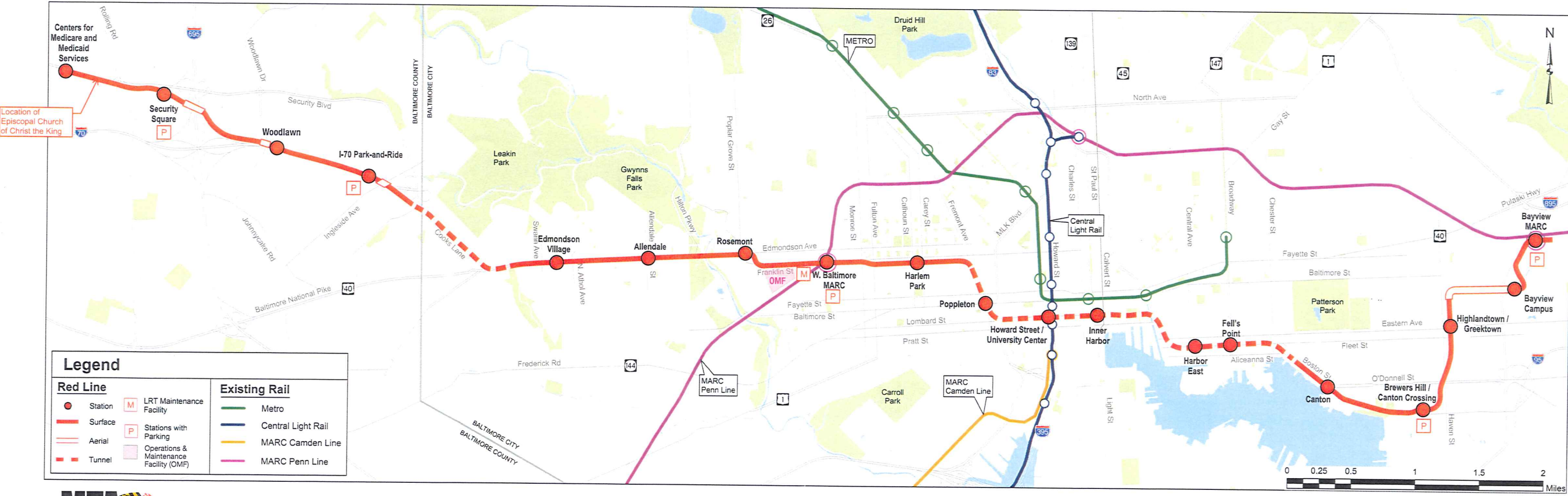
Since 1927, ECSM has served and supported people in need and crisis. Jericho has a dedicated staff of excellent case managers who work closely with clients. Our partners in the faith community have pledged their support and attention to make this program a success for all involved, including neighbors of Christ the King Church. I deeply appreciate your consideration for ECSM's zoning appeal in your district.

Sincerely,

Conan Dickson, Ph.D.
Chair, ECSM Board of Trustees

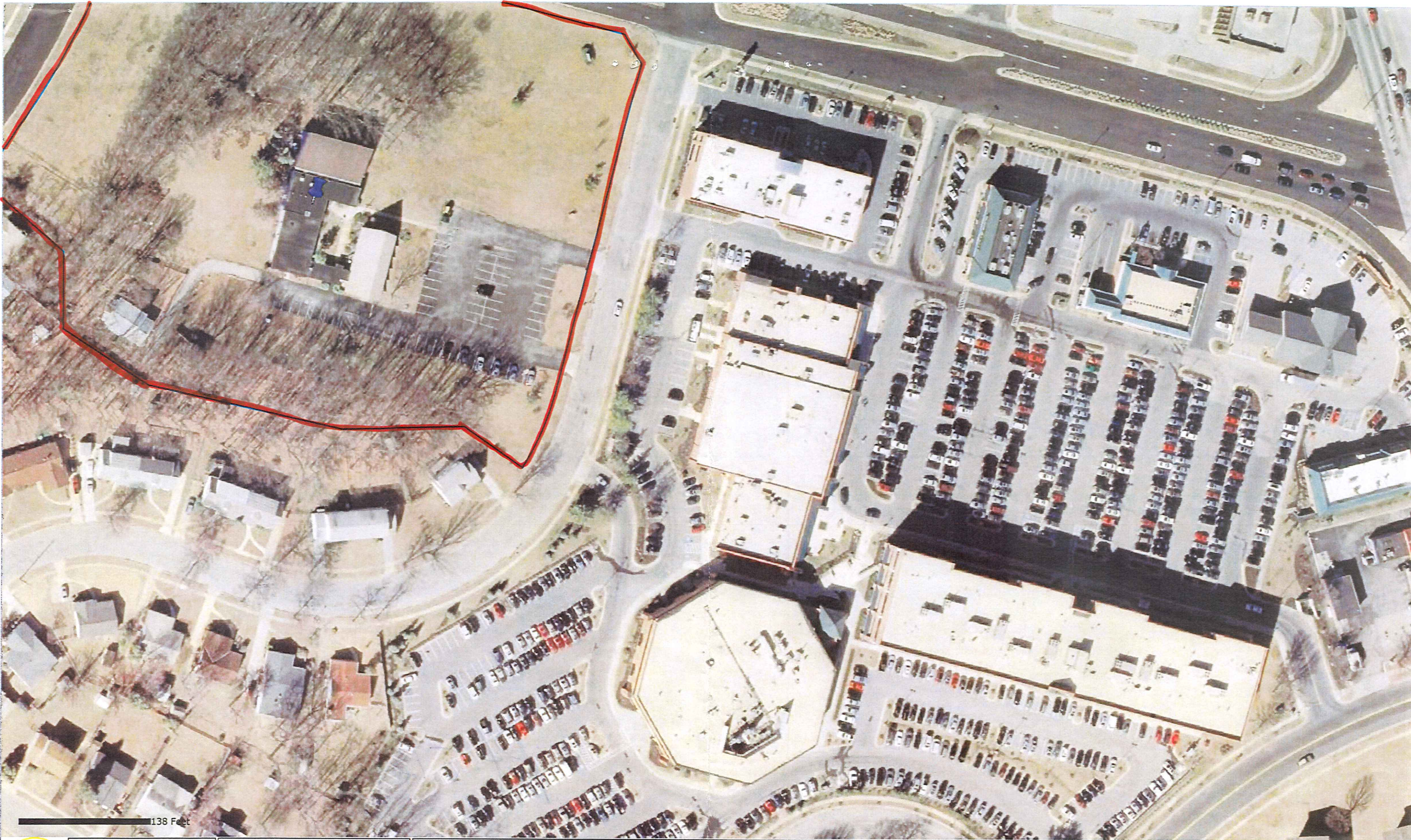
Feb 8

Baltimore Red Line



May 2014





My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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Printed 9/8/2014



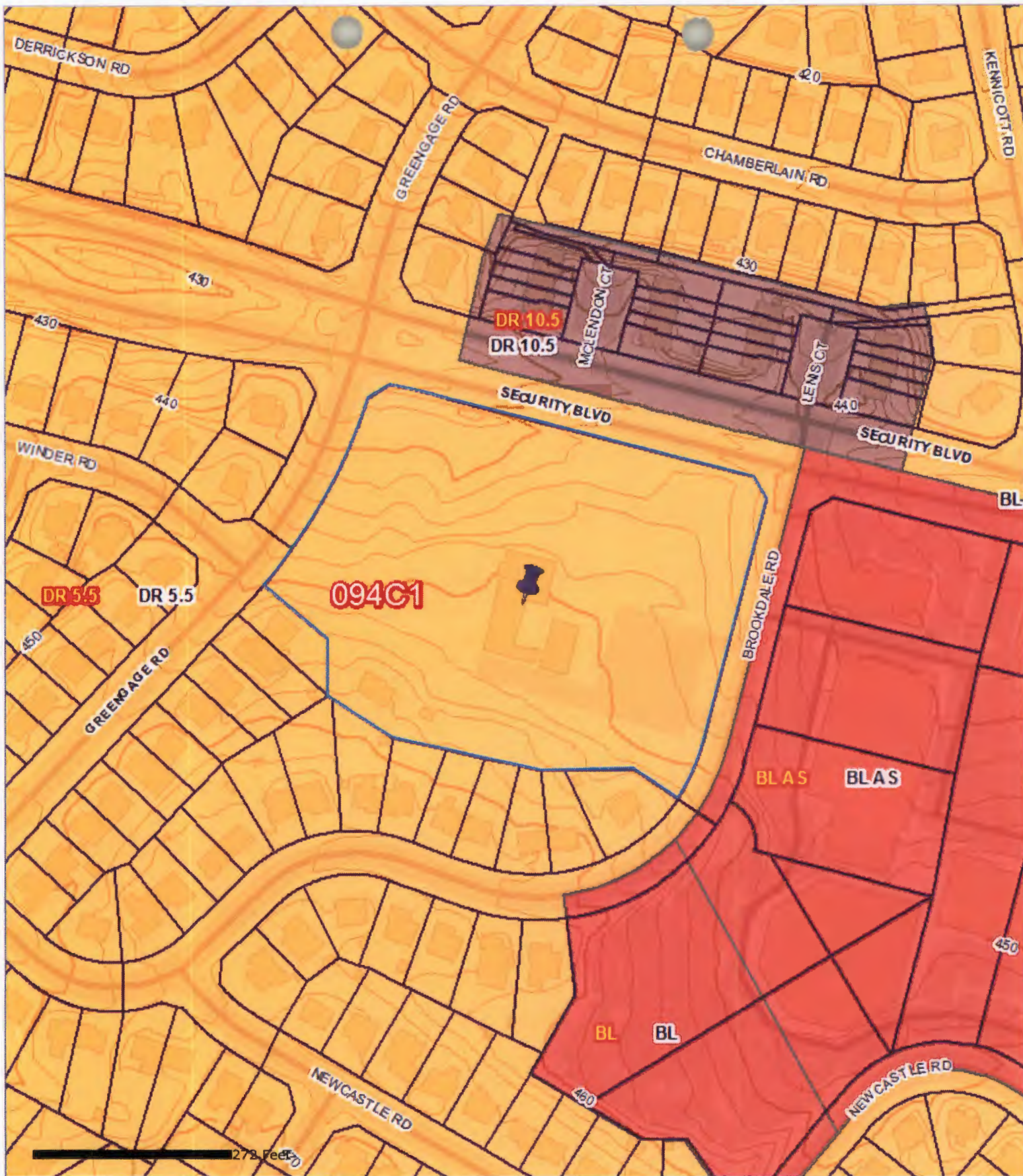
My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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Printed 9/8/2014



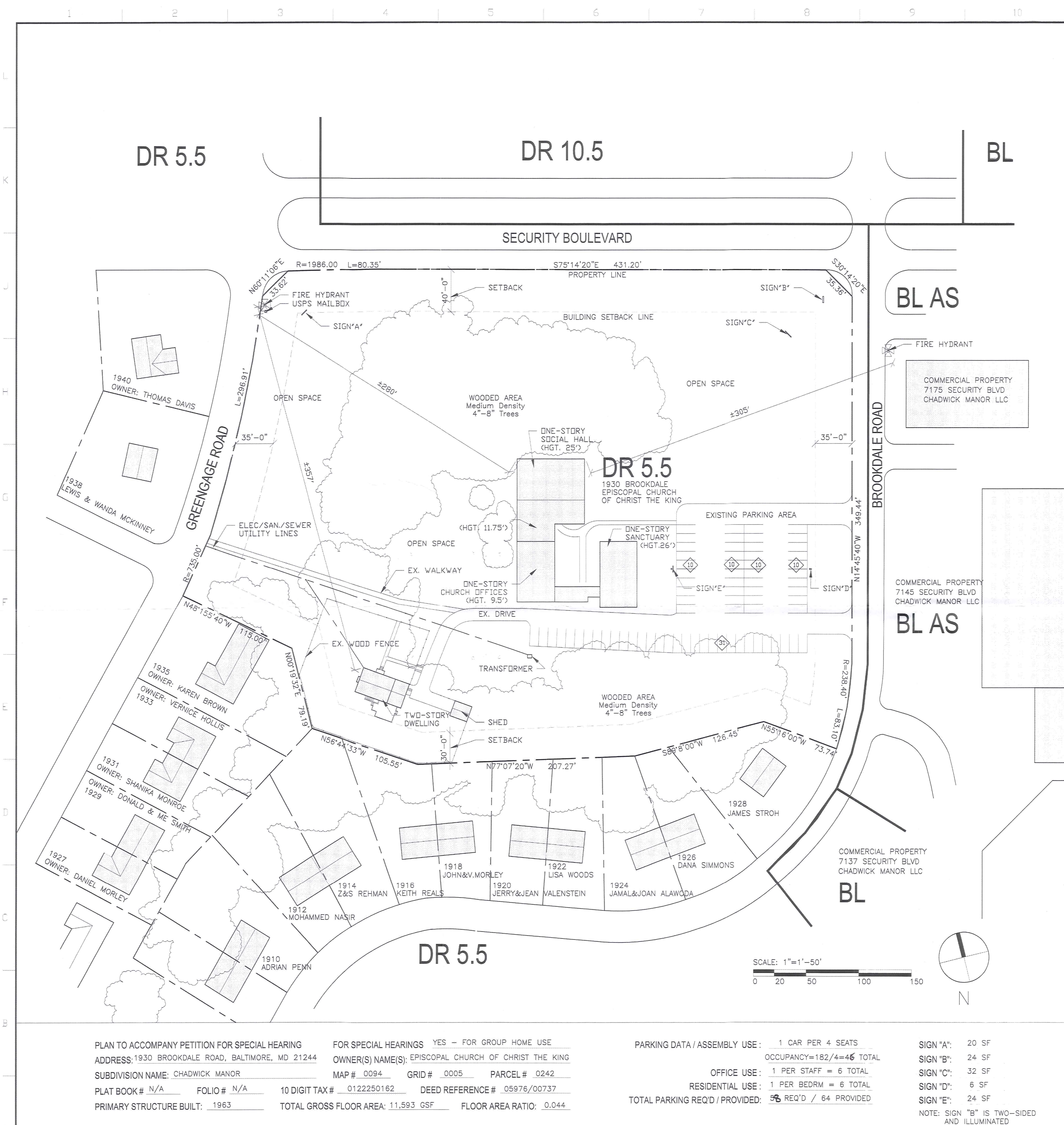
Find Tile Map

Created By
Baltimore County
My Neighborhood



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Printed 7/21/2014



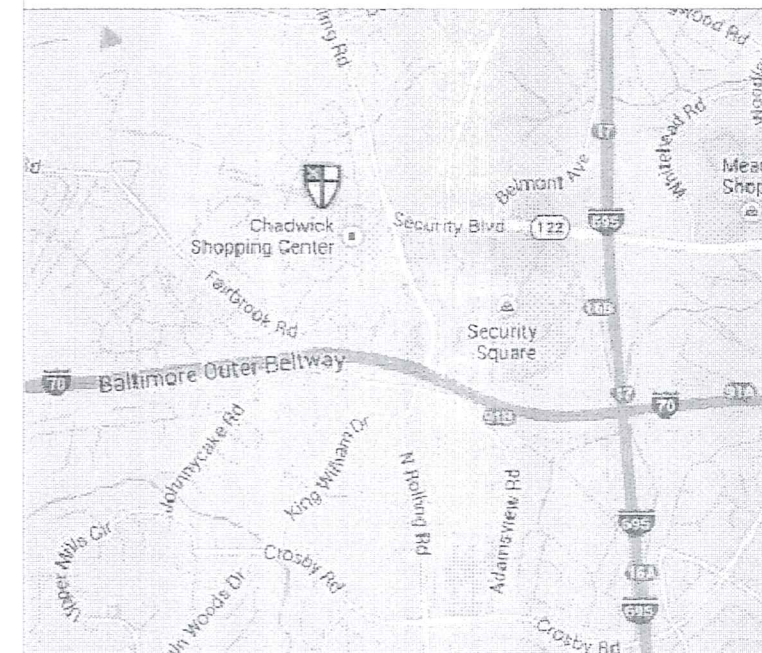
PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING
ADDRESS: 1930 BROOKDALE ROAD, BALTIMORE, MD 21244
SUBDIVISION NAME: CHADWICK MANOR
PLAT BOOK # N/A FOLIO # N/A 10 DIGIT TAX # 0122250162 DEED REFERENCE # 05978/00737
PRIMARY STRUCTURE BUILT: 1963 TOTAL GROSS FLOOR AREA: 11,593 GSF FLOOR AREA RATIO: 0.044

FOR SPECIAL HEARINGS YES - FOR GROUP HOME USE
OWNER(S) NAME(S): EPISCOPAL CHURCH OF CHRIST THE KING
MAP # 0094 GRID # 0005 PARCEL # 0242

PARKING DATA / ASSEMBLY USE: 1 CAR PER 4 SEATS
OCCUPANCY=182/4=46 TOTAL
OFFICE USE: 1 PER STAFF = 6 TOTAL
RESIDENTIAL USE: 1 PER BEDRM = 6 TOTAL
TOTAL PARKING REQ'D / PROVIDED: 96 REQ'D / 64 PROVIDED

SIGN "A": 20 SF
SIGN "B": 24 SF
SIGN "C": 32 SF
SIGN "D": 6 SF
SIGN "E": 24 SF
NOTE: SIGN "B" IS TWO-SIDED AND ILLUMINATED

SITE VICINITY MAP

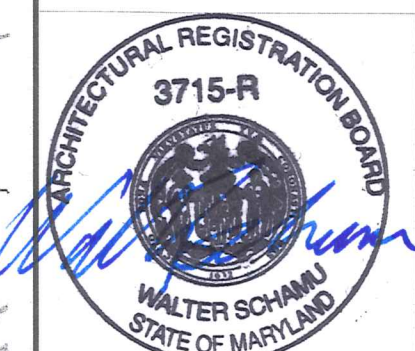
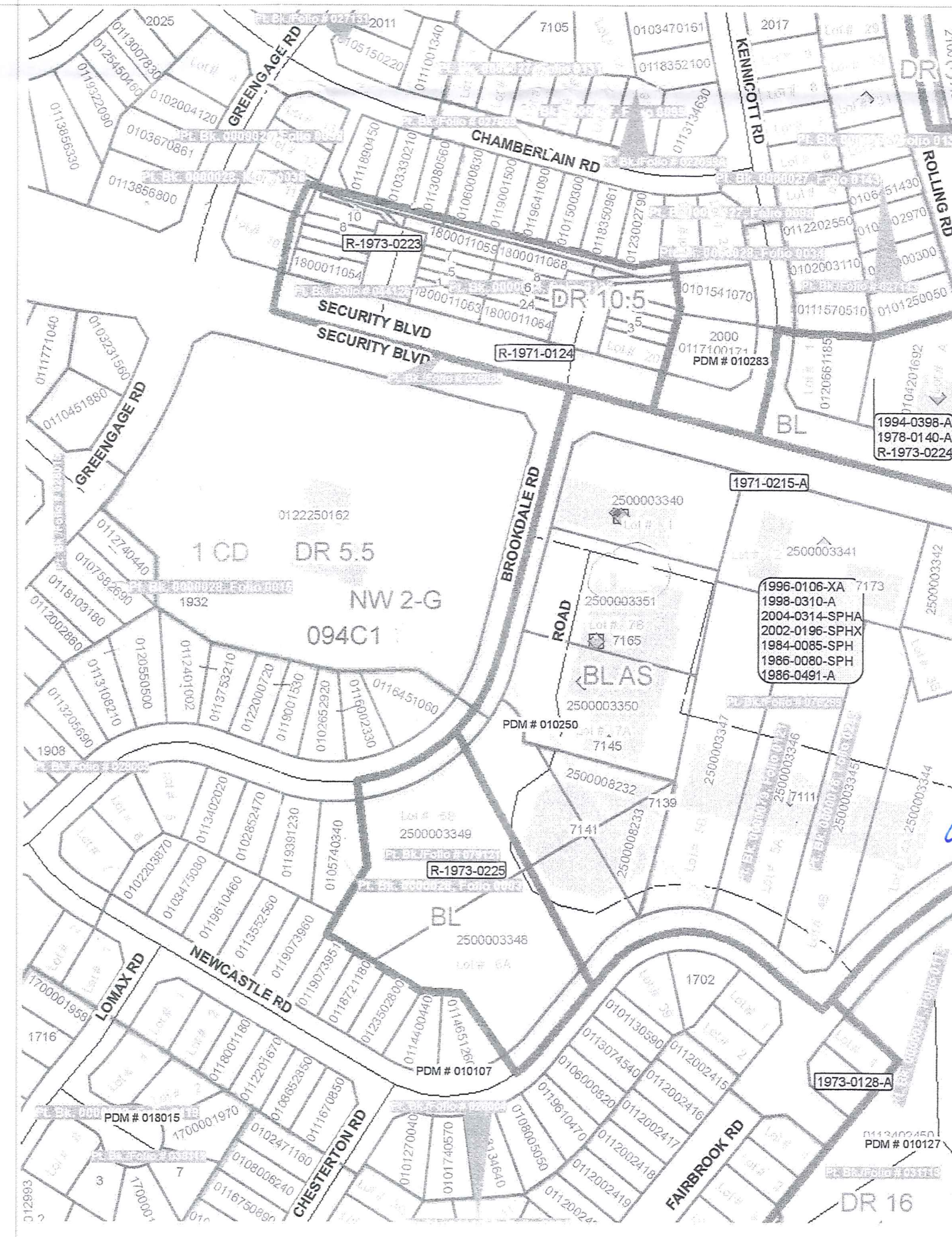


AERIAL VIEW OF SITE



ZONING INFORMATION

ZONING MAP #	OLD: NW2-G NEW: 094C1
SITE ZONED:	D.R. 5.5
ELECTION DISTRICT:	01
COUNCIL DISTRICT:	01
LOT AREA ACREAGE:	5.9727 ACRES
OR SQUARE FEET:	260,170 SF
HISTORIC?	NO
IN CBCA?	NO
IN FLOOD PLAIN?	NO
UTILITIES:	
WATER IS:	PUBLIC
SEWER IS:	PUBLIC
PRIOR HEARING:	NO
CASE NUMBER AND RESULT:	N/A
VIOLATION CASE INFO:	N/A



EPISCOPAL CHURCH OF CHRIST OUR KING
JERICHO REENTRY RESIDENCE
1906 BROOKDALE ROAD
BALTIMORE, MD 21244

PROJECT # 14009.00
DATE MAY 15, 2014
DRAWING #

SITE PLAN

2015-015