



KEVIN KAMENETZ
County Executive

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

February 17, 2015

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

RE: Petition for Special Hearing Special Exception and Variance
Property: 200 Ingleside Avenue
Case No. 2015-0138-SPHXA

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", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Nolen Null, 619 Southmont Road, Catonsville, Maryland 21228

IN RE: PETITIONS FOR SPECIAL HEARING, *	BEFORE THE
SPECIAL EXCEPTION & VARIANCE	
(200 Ingleside Avenue) *	OFFICE OF
1 st Election District	
1 st Council District *	ADMINISTRATIVE HEARINGS
Protestant Episcopal Church, <i>Legal Owner</i>	
Christian Athletic Association, *	FOR BALTIMORE COUNTY
<i>Contract Purchaser</i>	
Petitioners *	Case No. 2015-0138-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 Lawrence E. Schmidt, Esquire, on behalf of Protestant Episcopal Church, the legal owner, and the Christian Athletic Association (CAA), contract purchaser (“Petitioners”).

The Petition for Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) as follows: (1) to allow caretaker’s quarters as an accessory use to existing recreational uses; (2) to approve a modified parking plan pursuant to §409.12 so as to allow, among other things, the existing shared parking to continue; and (3) to confirm the existing parking arrangement as permitted in Case No. 70-92-SPH.

A Petition for Special Exception was filed pursuant to B.C.Z.R. §§ 1B01.1.C.4 & 204.3.B.1 to allow existing recreational uses (i.e. ball fields, tennis courts, etc.) in DR 5.5 and R.O. zones.

Finally, a Petition for Variance was filed pursuant to B.C.Z.R. §§1B01.2.C.1.a and 400.1 as follows: (1) for an existing church/school to permit a rear yard setback of 20 ft. in lieu of the required 30 ft.; (2) for the caretaker’s quarters a rear yard setback of 22 feet in lieu of the required 30 feet; and (3) to permit an existing garage to be located in the front yard.

Appearing at the public hearing in support of the requests was David Tracht, an employee

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Date 2/17/15
By Den

of the Christian Athletic Association, and John Mellema, a licensed surveyor who prepared the site plan. Lawrence E. Schmidt, Esq., with Smith, Gildea & Schmidt, LLC, appeared as counsel and represented the Petitioners. Mr. Null, a nearby resident, attended the hearing to obtain additional information about the requests and to voice concern over the current condition of the property.

The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Zoning Advisory Committee (ZAC) comments were submitted by the Department of Planning (DOP). That agency supports the requests and does not believe the grant of relief would be detrimental to the community.

The subject property is approximately 13 acres in size and is split zoned DR 5.5. and R.O. An Episcopal Church has for years operated on the property, which also contains athletic fields and a dwelling/parsonage.

SPECIAL HEARING

The Petition for Special Hearing seeks three aspects of relief. First, Petitioners seek approval of a caretaker's quarters as an accessory use to the existing recreation uses/facilities (i.e., athletic fields). A large dwelling exists on the property, which was formerly used as a parsonage for the church. The Church proposes to sell a portion of the property containing the recreation fields and the dwelling to CAA, and it will retain ownership of that portion of the site on which the Church is located. Mr. Tracht, CAA's only full-time employee, will reside in the home and will be both the caretaker of the property and the administrator for the athletic contests and events held at the location. The dwelling (constructed in 1850) is in the DR 5.5 zone, and the use as proposed is both reasonable and permitted in the zone.

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2 By den

The second element of special hearing relief pertains to a modified parking plan. While at present there are a sufficient number of spaces (according to the site plan, 163 spaces) on site for the existing uses, following the contemplated sale of a portion of the site, the majority of the parking spaces will be on CAA's property. However, Petitioners indicated there will be executed between the Church and the CAA a shared parking agreement, whereby the Church can use spaces on CAA property for its services (mainly on Sunday), and CAA representatives confirmed that there are no games or athletic events held at the site on Sunday. Conversely, the Church will allow CAA's patrons attending games/events to park on Church property, which will be primarily at times when there will be little or no activity at the Church. This will in essence merely formalize the practice that has been in place for years, and I believe (as did the DOP) that this arrangement will not be detrimental to the community and will otherwise satisfy the requirements of B.C.Z.R. §§409.12 and 409.8.B.1.

Finally, the Petition for Special Hearing seeks to "confirm" the parking arrangement validated in Case No. 70-92-SPH. Counsel presented a copy of the Order in that case (Petitioners' Exhibit 3), which permitted a certain number (34) of parking spaces on Church property to be utilized by the commercial enterprise located nearby at 640 Frederick Avenue. Deputy Zoning Commissioner Hardesty granted a use permit, which provided for commercial parking in a residential (DR 5.5) zone. None of the Church or CAA representatives in attendance could confirm whether business patrons still utilize these spaces, and it may be that a "use permit" would not run with the land or be perpetual in nature. Even so, the Order below will confirm the relief granted in that 1969 case, without opining (one way or the other) on the continued validity of that permit.

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By Sen

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. In this case, Mr. Mellema testified via proffer that the Petitioners satisfied the B.C.Z.R. §502.1 standards, and I concur. The athletic fields and facilities provide much-needed recreational opportunities for the community. As such, the Petition for Special Exception will be granted.

VARIANCES

Based upon the testimony and evidence presented, I will also grant the petition for variance.

To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

The Petitioners have met this test. The large site is split-zoned and irregularly shaped. It is therefore unique. If the B.C.Z.R. were strictly enforced, the Petitioners would suffer a practical difficulty, since they would be unable to consummate the proposed real estate transaction and continue using the property in the manner in which it has been used for many years. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the absence of community opposition and the support of the DOP.

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By Den

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the special hearing, special exception and variance relief requested shall be granted.

THEREFORE, IT IS ORDERED this 17th day of February, 2015, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R) as follows: (1) to allow caretaker's quarters as an accessory use to existing recreational uses; (2) to approve a modified parking plan pursuant to §409.12 so as to allow, among other things, the existing shared parking to continue; and (3) to confirm the existing parking arrangement as permitted in Case No. 70-92-SPH, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception filed pursuant to B.C.Z.R. §§ 1B01.1.C.4 & 204.3.B.1 to allow existing recreational uses (i.e. ball fields, tennis courts, etc.) in DR 5.5 and RO zones, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to B.C.Z.R. §§1B01.2.C.1.a and 400.1 as follows: (1) for an existing church/school to permit a rear yard setback of 20 feet in lieu of the required 30 feet; (2) for the caretaker's quarters a rear yard setback of 22 feet in lieu of the required 30 feet; and (3) to permit an existing garage to be located in the front yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners shall, within 90 days of the date hereof, remove from the property any junk, trash and debris, as shown on the photographs marked as Community Exhibit 1.

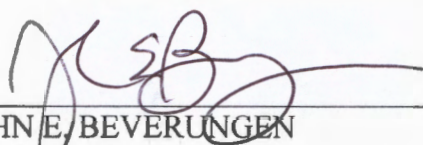
ORDER RECEIVED FOR FILING

Date 2/17/15

By Den

3. Petitioners shall within 90 days of the date hereof remove from the property the skateboard ramps or other structures/fixtures that constitute the skate park.
4. The lights illuminating one of the athletic fields shall be turned off every evening no later than 10 p.m.

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 2/17/15
By Sen



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 200 Ingleside Avenue which is presently zoned D.R. 5.5
 Deed References: 34729/445 10 Digit Tax Account # 0119000270
 Property Owner(s) Printed Name(s) Convention of the Protestant Episcopal Church 0122258178

(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:

- ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See attached.

- ☒ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

See attached

- ☒ a **Variance** from Section(s)

See attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate 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:

Authorized Representative of Christian Athletic Association

Name Type or Print

Arthur Warshaw

Signature 2/14/2014 4:56:31 PM

2001A Frederick Road Catonsville MD

Mailing Address City State

21228

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

CASE NUMBER 2015-0138-SPHA Filing Date 12/19/14

Legal Owners (Petitioners):

Authorized Representative of the Convention of the Protestant Episcopal Church

Name Type or Print

Karen Stewart

Signature 2/14/2014 5:00:46 PM

4 E. University Pky Baltimore MD

Mailing Address City State

21218

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

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Do Not Schedule Dates: 2/17/15 Reviewer AT

By Den REV. 10/4/11

ATTACHMENT TO PETITION FOR ZONING HEARING

200 Ingleside Road
1st Election District
1st Councilmanic District

Special Exception:

1. To allow existing recreational uses (i.e. ball fields, tennis courts, etc.) in a DR 5.5 zone pursuant to BCZR § 1B01.1.C.4 and in an RO zone pursuant to BCZR § 204.3.B.1; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Special Hearing:

1. To allow caretaker's quarters as an accessory use to existing recreational uses pursuant to BCZR § 1B01.1.A.18(g);
2. To approve a modified parking plan pursuant to BCZR § 409.12 so as to allow, among other things, the existing shared parking to continue;
3. To confirm the existing parking arrangement as permitted in Case No. 70-92-SPH; and
4. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Variance:

1. 1B01.2.C.1.a of the BCZR to allow the following setbacks:
 - a. For an existing church/school to permit a rear yard setback of 20 ft in lieu of the required 30 feet.
 - b. For the caretaker's quarters a rear yard setback of 22 ft in lieu of the required 30 feet.
2. 400.1 of the BCZR to permit an existing garage to be located in the front yard; and
3. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2015-0138-SPHXA

JOHN C. MELLEMA SR., INC.
LAND SURVEYORS
5409 EAST DR. BALTO. MD. 21227
PHONE: 410-247-7488 FAX: 410-247-2507
DECEMBER 15, 2014

ZONING DESCRIPTION
#200 INGLESIDE VENUE

BEGINNING FOR THE SAME AT A POINT ON THE EAST SIDE OF INGLESIDE AVENUE
NORTHWESTERLY 215 FEET 4 INCHES FROM THE CENTERLINE OF FREDERICK ROAD,
THENCE BINDING ON THE EASTERLY SIDE OF INGLESIDE AVENUE NORTHWESTERLY
812.15 FEET, THENCE LEAVING THE EASTERLY SIDE OF INGLESIDE AVENUE AND RUNNING
NORTHEASTERLY 533.86 FEET, THENCE SOUTHEASTERLY 15.67 FEET, THENCE
NORTHEASTERLY 256.62 FEET, THENCE SOUTHEASTERLY 176.04 FEET, THENCE
NORTHEASTERLY 125.00 FEET, THENCE SOUTHEASTERLY 180.83 FEET, THENCE
SOUTHWESTERLY 87.64 FEET, THENCE SOUTHEASTERLY 27.29 FEET, THENCE
SOUTHWESTERLY 50.01 FEET, THENCE SOUTHEASTERLY 100.25 FEET, THENCE
SOUTHWESTERLY 180.09 FEET, THENCE SOUTHEASTERLY 326.29 FEET, THENCE
SOUTHWESTERLY 599.75 FEET TO THE PLACE OF BEGINNING AS DESCRIBED IN DEED
LIBER 34729 FOLIO 445 CONTAINING 13.8 ACRES OF LAND MORE OR LESS.



2015-0138-SHA

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2015-0138-SPHXA

Property Address: 200 Ingleside Avenue

Property Description: _____

Legal Owners (Petitioners): Convention of the Protestant Episcopal Church

Contract Purchaser/Lessee: Christian Athletic Association

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence E. Schmidt, Esquire

Company/Firm (if applicable): Smith, Gildea & Schmidt, LLC

Address: 600 Washington Avenue, Suite 200
Towson, MD 21204

Telephone Number: 410-821-0070

Revised 5/20/2014

2015-0138-SPHXA

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 1/23/2014

Case Number: 2015-0138-SPHXA

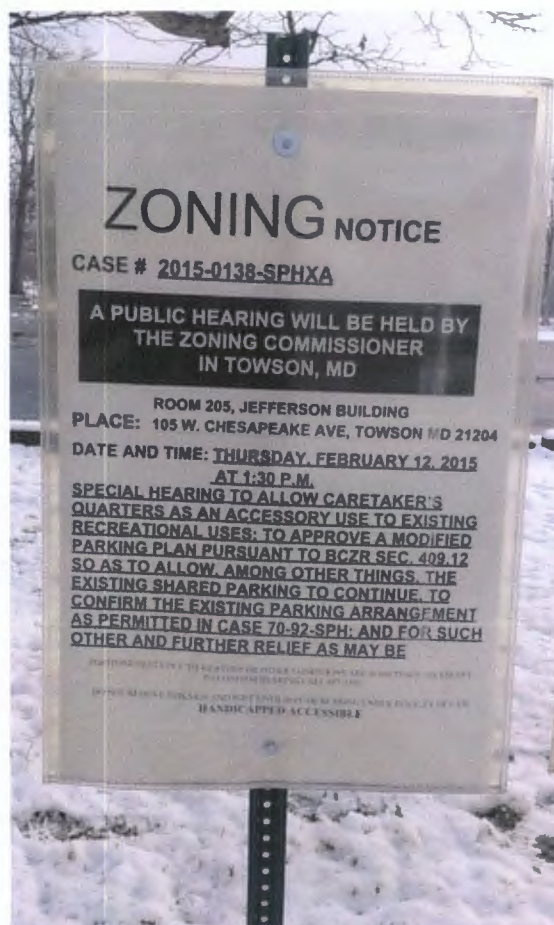
Petitioner / Developer: LAWRENCE SCHMIDT, ESQ.~

ARTHUR WARSHAW~KAREN STEWART

Date of Hearing (Closing): FEBRUARY 12, 2015

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:
200 INGLESIDE AVENUE

The sign(s) were posted on: JANUARY 22, 2015



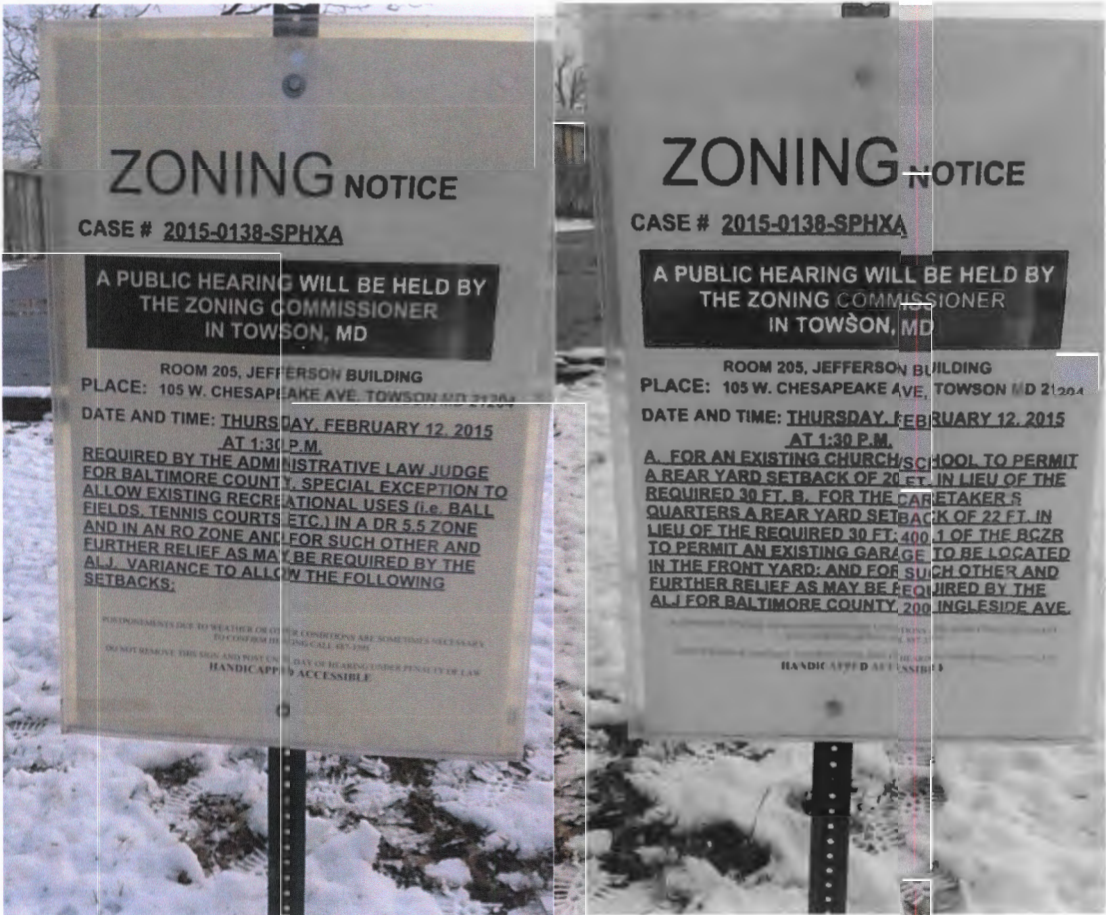
Linda O'Keefe
(Signature of Sign Poster)

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)





KEVIN KAMENETZ
County Executive
January 7, 2015

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

NOTICE OF ZONING HEARING

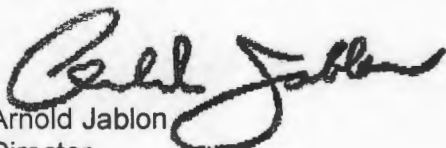
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2015-0138-SPHXA

200 Ingleside Avenue
E/s Ingleside Avenue, 215 ft. NW of the centerline of Frederick Road
1st Election District – 1st Councilmanic District
Legal Owners: Convention of the Protestant Episcopal Church
Contract Purchaser: Christian Athletic Association

Special Hearing to allow caretaker's quarters as an accessory use to existing recreational uses; to approve a modified parking plan pursuant to BCZR sec. 409.12 so as to allow, among other things, the existing shared parking to continue. To confirm the existing parking arrangement as permitted in Case 70-92-SPH; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County. **Special Exception** to allow existing recreational uses (i.e. ball fields, tennis courts, etc.) in a DR 5.5 zone and in an RO zone and for such other and further relief as may be required by the ALJ. **Variance** to allow the following setbacks: A. For an existing church/school to permit a rear yard setback of 20 ft. in lieu of the required 30 ft. B. For the caretaker's quarters a rear yard setback of 22 ft. in lieu of the required 30 ft.; 400.1 of the BCZR to permit an existing garage to be located in the front yard; and for such other and further relief as may be required by the ALJ for Baltimore County.

Hearing: Thursday, February 12, 2015 at 1:30 p.m., Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Arthur Warshaw, 2001A Frederick Road, Catonsville 21228
Karen Stewart, 4 E. University Pkwy., Baltimore 21218

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 23, 2015.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Zoning Review | County Office Building
111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 2977499

Sold To:

GILDEA & SCHMIDT L SMITH - CU00172003
600 Washington Ave
Ste 200
Towson, MD 21204-1301

Bill To:

GILDEA & SCHMIDT L SMITH - CU00172003
600 Washington Ave
Ste 200
Towson, MD 21204-1301

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Jan 22, 2015

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

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: # 2015-0138-SPHXA
200 Ingleside Avenue
E/s Ingleside Avenue, 215 ft. NW of the centerline of Frederick Road
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Legal Owner(s) Convention of the Protestant Episcopal Church
Contract Purchaser(s): Christian Athletic Association

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Special Exception: to allow existing recreational uses (i.e. ball fields, tennis courts, etc.) in a DR 5.5 zone and in an RO zone and for such other and further relief as may be required by the ALJ. Variance: to allow the following setbacks: A. For an existing church/school to permit a rear yard setback of 20 ft. in lieu of the required 30 ft. B. For the caretaker's quarters a rear yard setback of 22 ft. in lieu of the required 30 ft.; 400.1 of the BCZR to permit an existing garage to be located in the front yard; and for such other and further relief as may be required by the ALJ for Baltimore County.

Hearing: Thursday, February 12, 2015 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.

J 1/352 January 22 2977499

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 22, 2015 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2015-0138-SPHXA

200 Ingleside Avenue

E/s Ingleside Avenue, 215 ft. NW of the centerline of Frederick Road

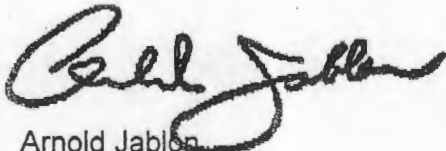
1st Election District – 1st Councilmanic District

Legal Owners: Convention of the Protestant Episcopal Church

Contract Purchaser: Christian Athletic Association

Special Hearing to allow caretaker's quarters as an accessory use to existing recreational uses; to approve a modified parking plan pursuant to BCZR sec. 409.12 so as to allow, among other things, the existing shared parking to continue. To confirm the existing parking arrangement as permitted in Case 70-92-SPH; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County. **Special Exception** to allow existing recreational uses (i.e. ball fields, tennis courts, etc.) in a DR 5.5 zone and in an RO zone and for such other and further relief as may be required by the ALJ. **Variance** to allow the following setbacks: A. For an existing church/school to permit a rear yard setback of 20 ft. in lieu of the required 30 ft. B. For the caretaker's quarters a rear yard setback of 22 ft. in lieu of the required 30 ft.; 400.1 of the BCZR to permit an existing garage to be located in the front yard; and for such other and further relief as may be required by the ALJ for Baltimore County.

Hearing: Thursday, February 12, 2015 at 1:30 p.m., 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.

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE		
200 Ingleside Avenue; E/S Ingleside Avenue,	*	OF ADMINISTRATIVE
215' NW of c/line Frederick Road		
1 st Election and 1 st Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Convention of		
Protestant Episcopal Church by Karen Stewart		
Contract Purchaser(s): Christian Athletic	*	BALTIMORE COUNTY
Association by Arthur Warshaw		
Petitioner(s)	*	2015-138-SPHXA

* * * * *

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

JAN 1 2015

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 January, 2015, a copy of the foregoing Entry of Appearance was mailed to Lawrence 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

M E M O R A N D U M

DATE: March 20, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0138-SPHXA – Appeal Period Expired

The appeal period for the above-referenced case expired on March 19, 2015. 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

CASE NAME _____
CASE NUMBER 2015-0138-SPTXA
DATE 2-12-2015

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
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[illegible]

PLEASE PRINT CLEARLY

CASE NAME C.A.A.
CASE NUMBER 08-138-SPK
DATE 2/12/15 XA

PETITIONER'S SIGN-IN SHEET

[illegible]

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
1/9/15	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	N/C
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
1/16/15	PLANNING (if not received, date e-mail sent _____)	C
1/5/15	STATE HIGHWAY ADMINISTRATION	No Ob
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. _____)		
NEWSPAPER ADVERTISEMENT	Date: 1/22/15	
SIGN POSTING	Date: 1/22/15	by O'Keefe
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

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 - 0119000270							
Owner Information									
Owner Name:		CONVENTION OF THE PROTESTANT EPISCOPAL CHURCH				Use: Principal Residence:		EXEMPT COMMERCIAL NO	
Mailing Address:		C/O REV EUGENE TAYLOR SUTTON 4 E UNIVERSITY PKY BALTIMORE MD 21218-				Deed Reference:		/34729/ 00445	
Location & Structure Information									
Premises Address:		200 INGLESIDE AVE 0-0000				Legal Description:		3 AC ES INGLESIDE CHURCH EXEMPTION W FREDERICK RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0101	0008	0323		0000				2013	
Special Tax Areas:					Town: Ad Valorem: Tax Class:		NONE		
Primary Structure Built		Above Grade Enclosed Area 6448			Finished Basement Area		Property Land Area 3.0000 AC		County Use 01
Stories	Basement	Type CHURCH	Exterior	Full/Half Bath	Garage	Last Major Renovation			
Value Information									
			Base Value		Value As of 01/01/2013		Phase-in Assessments As of 07/01/2014		
							As of 07/01/2015		
Land:			600,000		600,000				
Improvements			618,700		602,300				
Total:			1,218,700		1,202,300		1,202,300		
Preferential Land:			0				0		
Transfer Information									
Seller:			Date: 02/28/2014				Price: \$0		
Type: NON-ARMS LENGTH OTHER			Deed1: /34729/ 00445				Deed2:		
Seller:			Date:				Price:		
Type:			Deed1:				Deed2:		
Seller:			Date:				Price:		
Type:			Deed1:				Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class			07/01/2014		07/01/2015		
County:		700			1,202,300.00		1,202,300.00		
State:		700			1,202,300.00		1,202,300.00		
Municipal:		700			0.00 0.00		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: **0119000270**



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/>)

☐ Loading... Please Wait. Loading... Please Wait.

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KEVIN KAMENETZ
County Executive

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

February 5, 2015

Karen Stewart
4 E University Parkway
Baltimore MD 21218

RE: Case Number: 2015-0138 SPHXA, Address: 200 Ingleside Avenue

Dear Ms. Stewart:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 19, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Arthur Warshaw, 2001 A Frederick Road, Catonsville MD 21228
Lawrence E Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

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



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

Date: 1/5/15

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

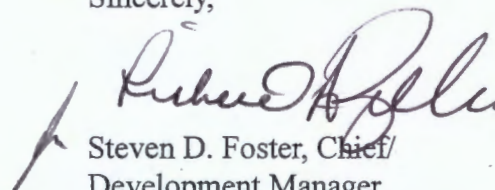
RE: Baltimore County
Item No 2015-0138-SPHKA
Special Exception Special Hearing
Variance
Karen Stewart
200 Ingleside Avenue

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. 2015-0138-SPHKA.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,


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

SDF/raz

2/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: January 16, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 200 Ingleside Avenue

RECEIVED

INFORMATION:

JAN 22 2015

Item Number: 15-138

Petitioner: Karen Stewart

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: DR 5.5, RO

Requested Action: Variance, Special Hearing, Special Exception

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan.

The petitioner is seeking multiple variances for the following:

1. Relief from Section 1B01.2.C.1.a of the BCZR to allow the following:
 - a. For an existing church/school to permit a rear yard setback of 20 feet in lieu of the required 30 feet.
 - b. For the caretaker's quarters a rear yard setback of 22 feet in lieu of the required 30 feet.
2. To permit an existing garage to be located in the front yard.

The petitioner is seeking a Special Hearing for the following:

3. To allow caretaker's quarters as an accessory use to existing recreational uses pursuant to BCZR 1B01.A.A.18(g).
4. To approve a modified parking plan pursuant to BCZR 409.12 so as to allow, among other things, the existing shared parking to continue.
5. To confirm the existing parking arrangement as permitted in Case No. 70-92-SPH.

The petitioner is seeking a Special Exception for the following:

6. To allow existing recreational uses (i.e. ball fields, tennis courts, etc.) in a DR 5.5 zone pursuant to BCZR 1B01.1.C.4 and in an RO zone pursuant to BCZP 204.3.B.1

SUMMARY OF RECOMMENDATIONS:

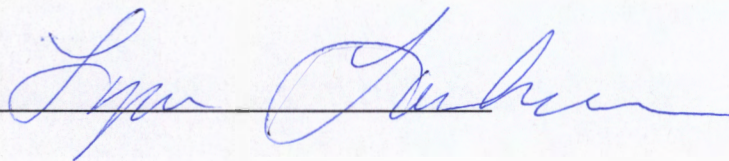
The Department of Planning supports the petitioner's requests and finds that the requested relief will not be detrimental to the health, safety or welfare of the community.

The petitioner was provisionally granted a lot line adjustment (32-4-106 (a) (1) (viii), BCC) by PAI, Zoning on December 23, 2014 to reconfigure the parcels subject to this zoning case. St Timothy's Episcopal Church plans to sell the athletic fields to the Christian Athletic Association (CAA) who has

been leasing the facilities for many years. There is no development proposed on either parcel and uses will continue as they do currently. The CAA, a non-profit organization, provides recreational opportunities to the youth in the area.

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

Division Chief:
AVA/LL

A handwritten signature in blue ink, appearing to read "Lynn D. Zeigler", is written over a horizontal line.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For January 12, 2015
Item No. 2015-0136, 0138 and 0139

DATE: January 9, 2015

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\ZAC01122015 -.doc

Case No.: 2015-0138-SPHXA 2-17-15
sln

Exhibit Sheet

Petitioner/Developer

192
3-2-13

~~Protestant~~ community

No. 1	Plan	Photos
No. 2	Photos of site	
No. 3	Order in No. 70-92	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



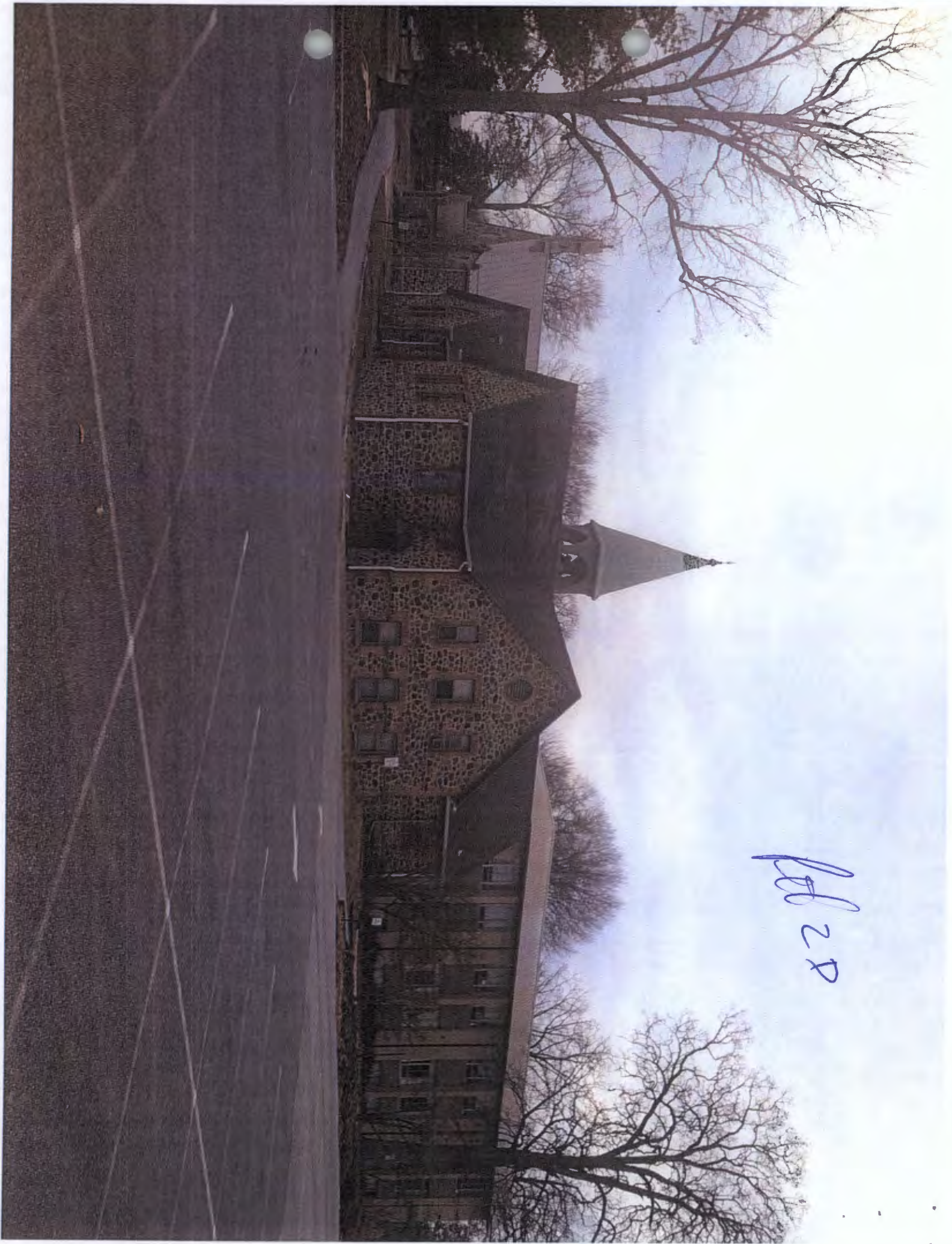
Det A.

lot 25





Place



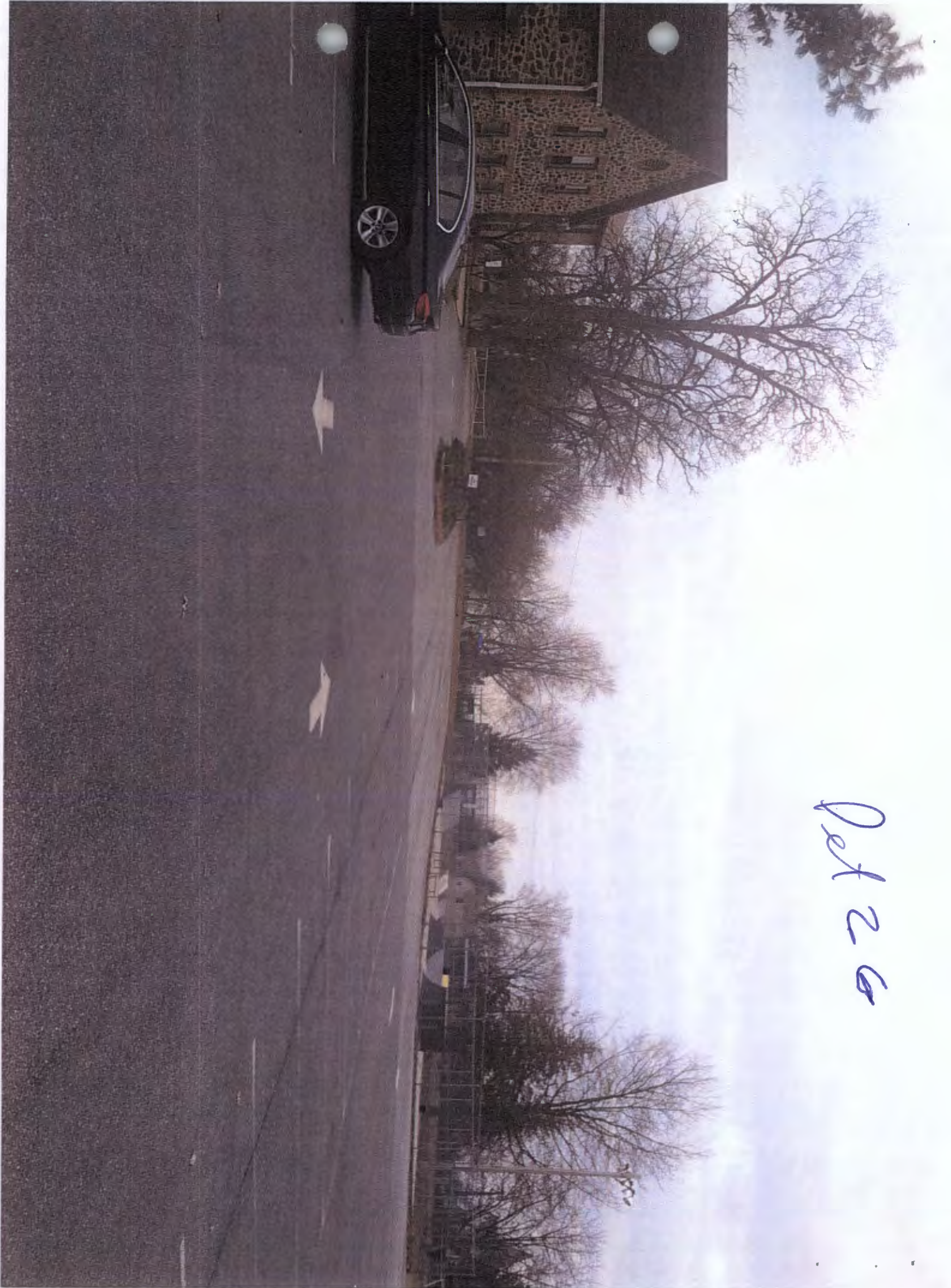
Feb 28

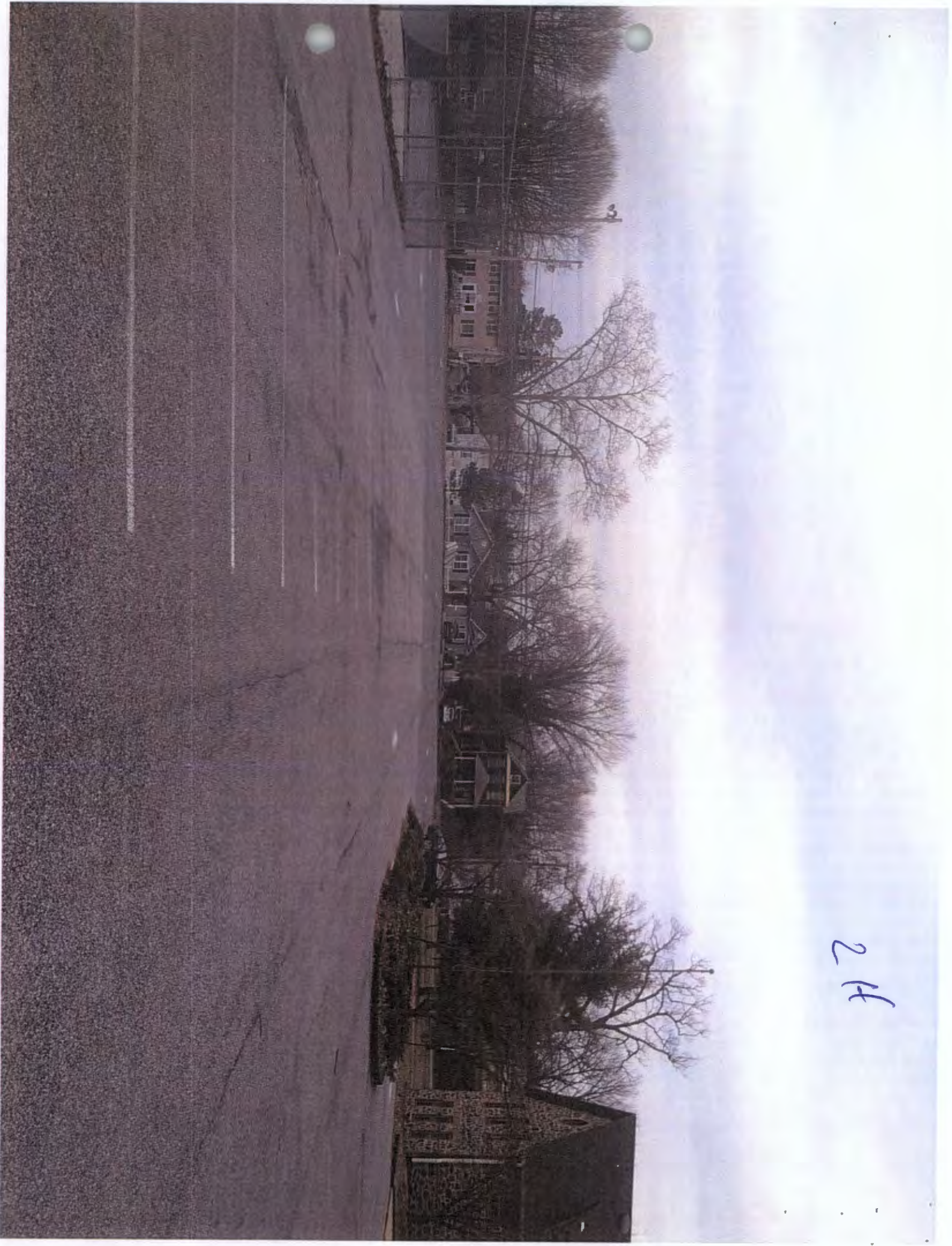


128
24



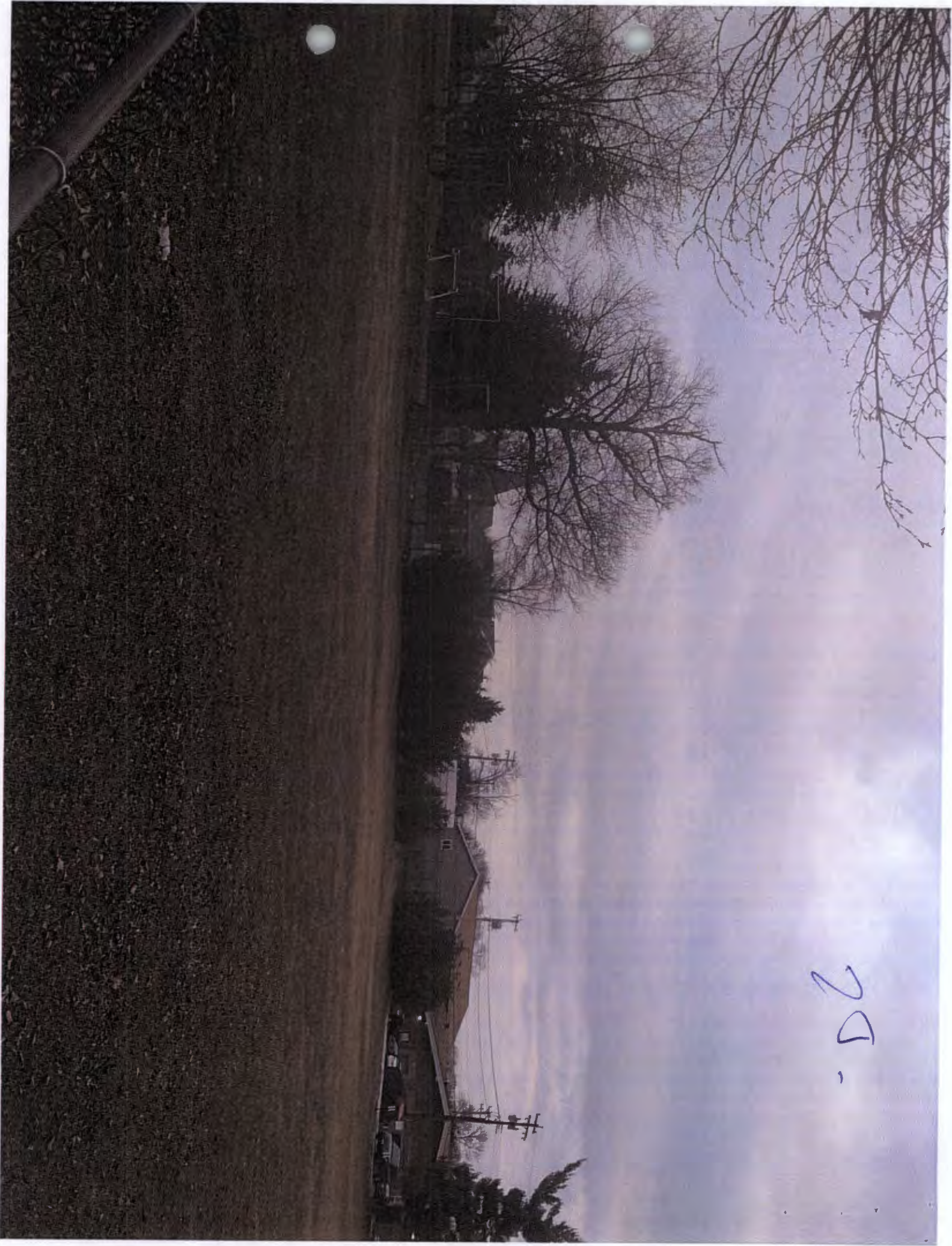
Det 26







25



25.

24



723

RE: PETITION FOR SPECIAL HEARING : BEFORE THE
N/S of Orban Lane, 165' E of Ingle- : DEPUTY ZONING
side Avenue - 1st District : COMMISSIONER
St. Timothy's Episcopal Church - :
Petitioner : OF
NO. 70-92-SPH (Item No. 61) : BALTIMORE COUNTY

*** **

The Petitioner seeks permission to use the residential tract for off-street parking. The public health, safety and general welfare of the locality involved not being adversely affected, a use permit for parking in a residential zone should be granted.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 19 day of November, 1969, that permission to use the residential tract for parking in accordance with the plat dated August 4, 1969, revised October 16, 1969, and approved November 5, 1969, by George E. Gavrellis, Director of the Office of Planning and Zoning for Baltimore County, said plat having been filed as Exhibit "A" in this proceeding, and which is incorporated by reference hereto as a part of this Order, is GRANTED.

Edward D. Hardisty
Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
DATE 11/19/69
BY J. C. Harris
ADMINISTRATIVE ASSISTANT



~~PROTESTANTS~~
COMMUNITY
EXHIBIT NO. 1





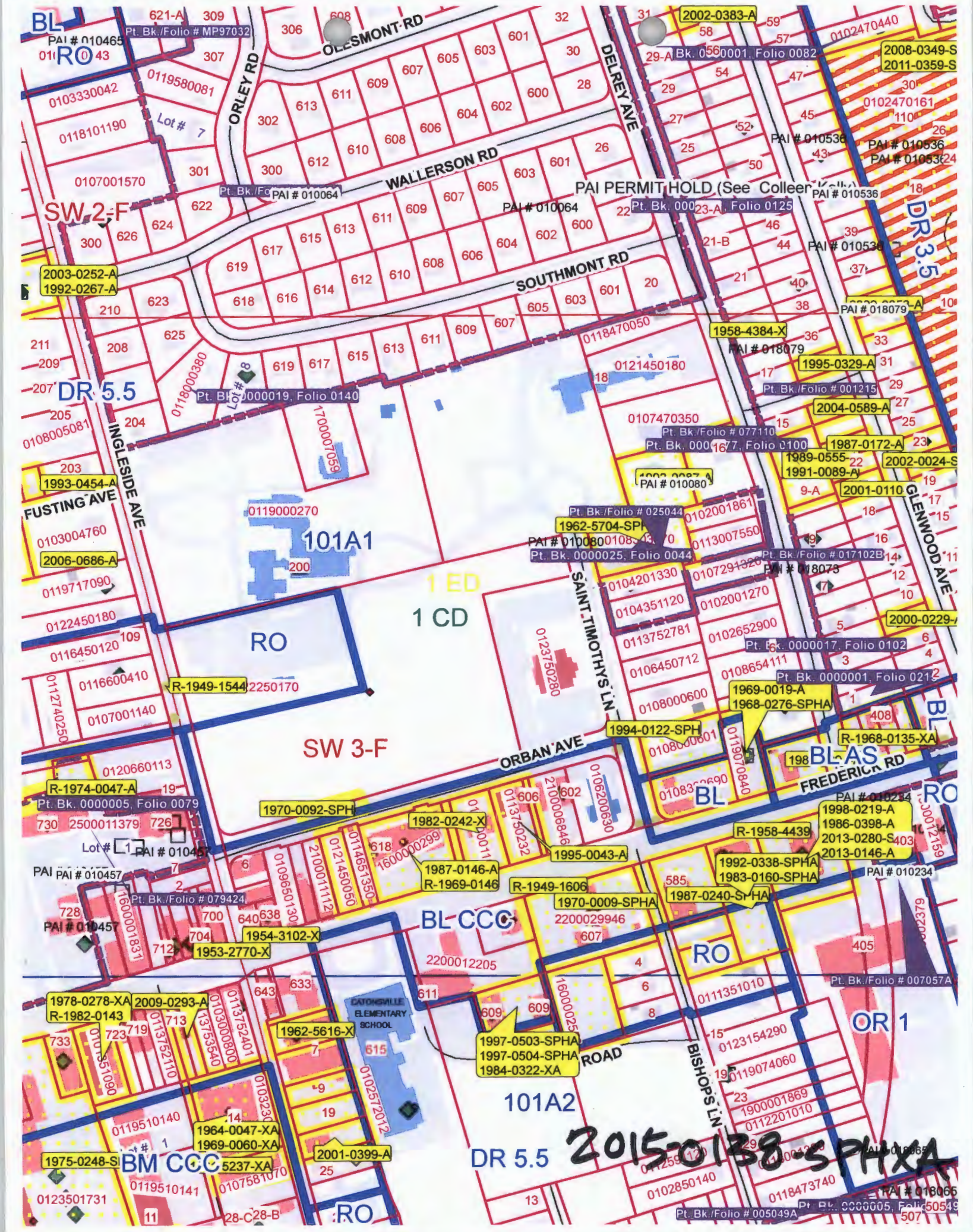




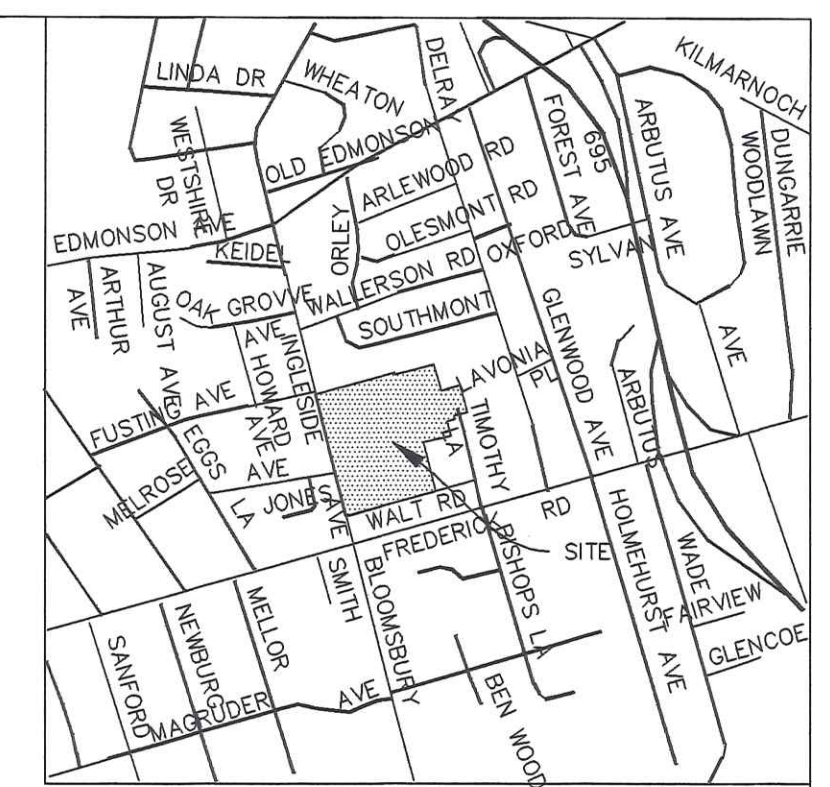
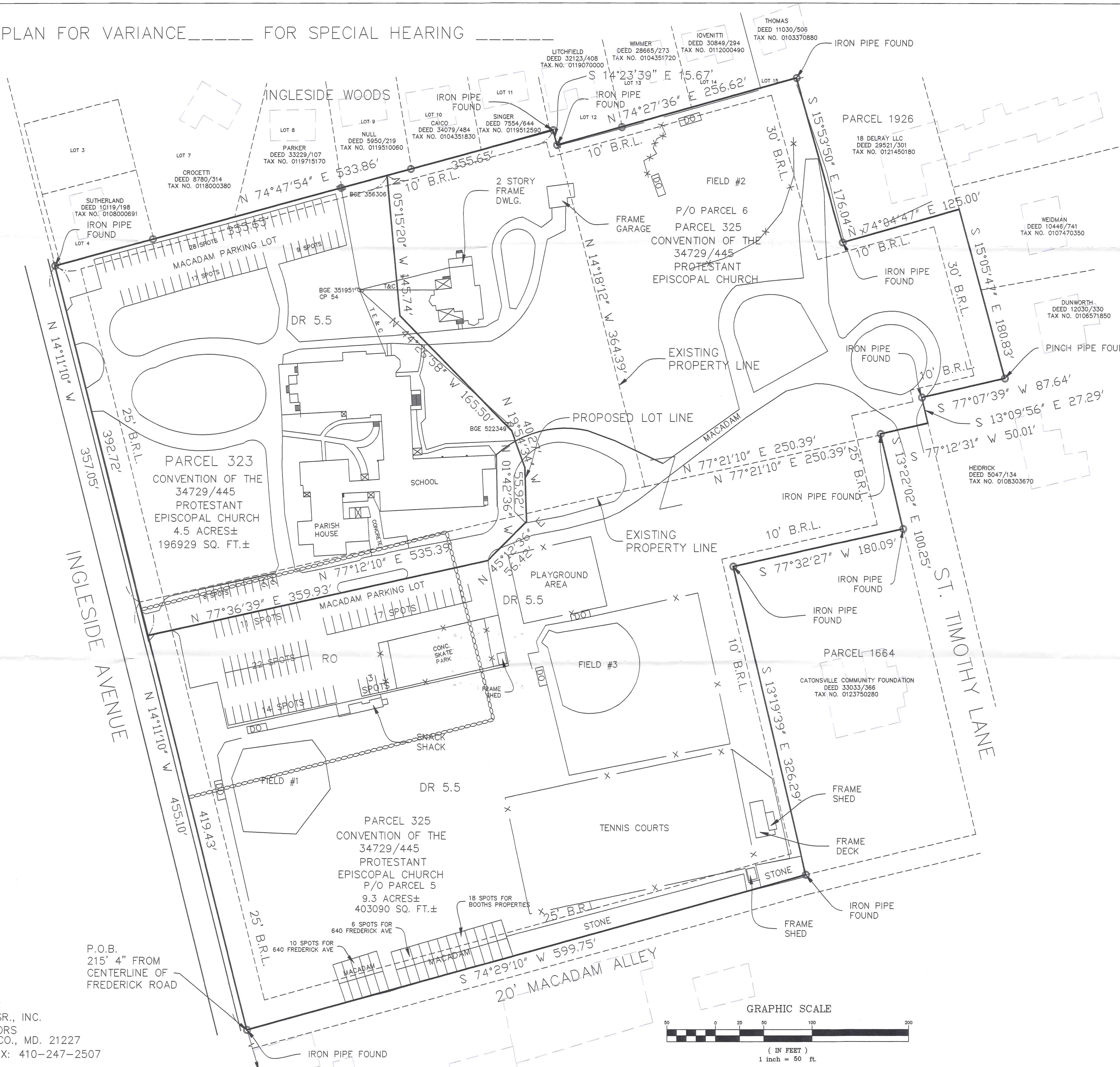








ZONING HEARING PLAN FOR VARIANCE_____ FOR SPECIAL HEARING



AVAILABLE PARKING = 163 SPACE
2 HANDICAP
J.C. Mellema
4/12/15

LOCATION INFORMATION
COUNCILMANIC DISTRICT: 1
ELECTION DISTRICT: 1
ZONING: D.R. 5.5
1"=200' SCALE MAP: 101A1
TAX ACCOUNT NUMBERS: PARCEL 323=0119000270
PARCEL 325=0122250170

AREA TABULATION

PARCEL 323 BEFORE ADJUST. = 4.5 AC.± OR 196929 SQ. FT. ±
PARCEL 323 AFTER ADJUST. = 3.5 AC.± OR 150393 SQ. FT. ±
PARCEL 325 BEFORE ADJUST. = 9.3 AC.± OR 403090 SQ. FT. ±
PARCEL 325 AFTER ADJUST. = 10.3 AC.± OR 449755 SQ. FT. ±

	YES	NO
PUBLIC SEWER	☒	☐
PUBLIC WATER	☒	☐
CHESAPEAKE BAY CRITICAL AREA	YES ☐	NO ☒
HISTORIC	YES ☐	NO ☒
IN CBCA	YES ☐	NO ☒
FOOD PLAIN	YES ☐	NO ☒

	YES	NO
PRIOR ZONING HEARING	☒	☐

1970-0092-SPH WHICH APPROVED THE REQUEST TO USE THE RESIDENTIAL TRACT FOR OFF-STREET PARKING ON THE SOUTH PORTION OF PARCEL 325

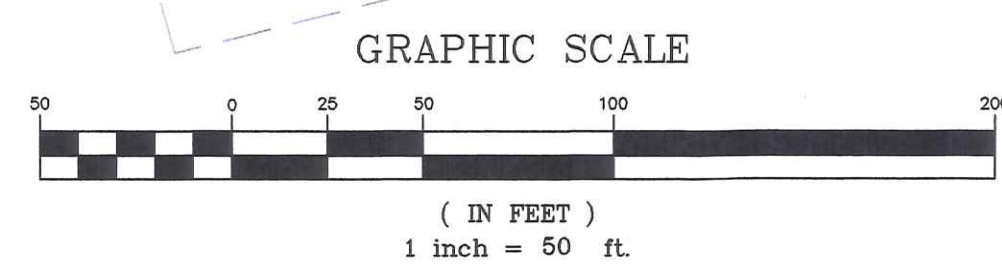
THERE IS A PENDING DRC APPLICATION FOR LIMITED EXEMPTION (DRC-2014-00178) SCHEDULED FOR DECEMBER 23, 2014)

NOTE: NO PROPOSED SIGNAGE, AND THE EXISTING SIGN IS IN COMPLIANCE WITH BCZR SECTION 450

200 INGLESIDE AVENUE
ST. TIMOTHY'S CHURCH OF
BALTIMORE COUNTY
TAX MAP 101 PARCEL 323 AND 325
DEED REF.: 34729/445
SCALE: 1"=50' JUNE, 2014

PETITIONER'S
EXHIBIT NO. 1

PREPARED BY:
JOHN C. MELLEMA SR., INC.
LAND SURVEYORS
5409 EAST DR. BALTO. CO., MD. 21227
PHONE: 410-247-7488 FAX: 410-247-2507



2015-0138-SPHXA