

M E M O R A N D U M

DATE: February 21, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0494-SPHX - Appeal Period Expired

The appeal period for the above-referenced case expired on February 20, 2020. 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.'

/dlw

c:  Case File
Office of Administrative Hearings

**IN RE: PETITIONS FOR SPECIAL HEARING *
AND SPECIAL EXCEPTION**

(6433 Mt. Vista Road)
11th Election District
3rd Council District
Beachmont, Inc.
Legal Owner

Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2019-0494-SPHX

* * * * *

AMENDED OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Special Exception filed on behalf of Beachmont, Inc. legal owner ("Petitioner"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve all existing and proposed improvements. A Petition for Special Exception was filed pursuant to BCZR Section 1A04.2.B.4 to expand the previously approved special exception that permitted "community building, swimming pools, structural or land uses devoted to civic, social, recreational or education activities" that was granted in Case No. 1975-083-X and later modified in Case Numbers 89-489-SPH and 94-50-SPH.

Glenn Neumann, David Moyer, and Stewart Walker attended the public hearing in support of the requests on behalf of Beachmont, Inc. Lawrence E. Schmidt, Esq. represented the Petitioner. William Bafitis, the engineer that prepared and sealed the Plan, was also in attendance. Several residents from the surrounding communities appeared in opposition, including DeWitt Clark, the President of the Gunpowder Falls Watershed Preservation Association. The Petition was advertised as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning ("DOP") and the Department of Environmental Protection and

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Sustainability ("DEPS"). Neither agency opposed the requested relief.

SPECIAL HEARING

Petitioner has requested the following Special Hearing relief: "1. To approve all existing and proposed improvements, and, 2. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") of Baltimore County." The subject property is 46.16 acres in size and zoned RC-5. It is located on Mt. Vista Road near its intersection with Harford Road. As the DOP notes, "Mt. Vista is a County Scenic Byway; however, this property is not directly adjacent to the road and given the topography, for the most part, is not visible from the road." The Petitioner, Beachmont, has operated a non-denominational Christian Camp there since the 1980s with various activities year round, with its major focus being a 10 week summer day camp. The only other intensive use is a "corn maze" that they have held every fall since 2011 from mid-September thru the first week of November. The summer camp and corn maze are the principal revenue streams for Beachmont and fund its other Christian activities and programs.

At the hearing, Mr. Schmidt explained that there are several prior zoning Orders and a court of special appeals decision applicable to this property. He submitted the full text of these Orders and court opinion and they were admitted as Petitioner's Exhibit 3. Mr. Schmidt further explained, by way of background, that in or around 1999 Beachmont acquired an additional 15 acres of land on the western edge of the property which brought the parcel up to its current size. He further explained the various proposed improvements depicted on the Plan, including: an open air pavilion and teaching pool adjacent to the existing pool; an open air pavilion adjacent to an existing natural pond; and a one-story multi-purpose addition to the existing gymnasium. The multi-purpose room would be used primarily on rainy days during summer camp. These improvements will enhance the expanding camp activities. The community witnesses did not oppose these proposed

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improvements.

I find that the proposed improvement projects are a normal and appropriate expansion of Beachmont's existing facilities and programs and will not adversely impact the neighboring properties or the general health, safety and welfare. I further find that the requested Special Hearing relief can be granted within the spirit and intent of the BCZR.

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 *Attar v. DMS Tollgate, LLC*, 451 Md. 272, (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized 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 previous cases the Beachmont Camp has been determined to be a permitted special exception use under BCZR Sec. 1A04.2.B.4, which allows "community buildings, swimming pools, structural or land uses devoted to civic, social, recreational or education activities." In Case No. 94-50-SPH the Deputy Zoning Commissioner expanded various uses that had been approved in previous cases and approved a modified site plan. In granting this relief the DZC placed eleven (11) enumerated conditions on the special exception uses. They are set forth in the full text of the Order, which, as noted, is included in Petitioner's Exhibit 3. Petitioners now seek to expand and modify condition Nos. 2 and 3, which currently read as follows:

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2. The number of people permitted to occupy the new activity center shall be limited to 350 persons per day. In fact, throughout the entire year the total number of persons permitted to use the Camp facilities shall be limited to 350 persons daily, except during special events as provided for in Restriction 3.
3. The Petitioner shall be permitted to conduct special services four (4) times per year and a maximum of 700 persons shall be permitted to attend any one of the four special services.

Beachmont now asks that these conditions be modified as follows: Regarding No. 2, they ask that the limit on the number of persons permitted to attend the Summer Day Camp be increased from 350 to 500. Further, they request that the number of persons permitted to use the Camp facilities and grounds throughout the remainder of the year (except during the Corn Maze) be increased from 350 to 700. With respect to condition No. 3, they request that they be allowed to hold 10 special events each year with a maximum number of 1800 persons at each event.

Finally, Beachmont asks that the Corn Maze be considered to be a "regular camp program," *not* a special event, and they request the following limits be placed on that use:

- a. That the Corn Maze can operate a total of 32 days a year during the months of September, October, and November, as follows: Wednesday and Thursday from 8:00 a.m. – 4:00 p.m. with a maximum of 500 persons per day; Friday and Saturday from 8:00 a.m. – 10 p.m., with a maximum of 2500 persons per day on Friday and 3500 on Saturday.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Beachmont's Director of Operations, Stewart Walker, testified about the need for these modified conditions. First he gave some background about Beachmont's operations and programs. He explained that the primary activity conducted on the site is the 10 week summer camp which runs from mid-June until the end of August. The camp is state-licensed and fully insured. Children ages 4 to 13 from around the area, especially those from the surrounding communities, attend the camp. The core hours are Monday through Friday 10 a.m. until 4 p.m., with extended care hours of 8 a.m. until 6 p.m. There are no overnight hours or activities. It is a typical summer day camp, offering swimming, sports, archery, etc., as well as arts and crafts. There are no kitchen facilities

and no meals are prepared. This will not change. He explained that with the growth of population in the area and the increasing popularity of the camp that they want to expand capacity. Mr. Walker further explained that they have parking and traffic control systems in place that provide for smooth drop-off and pickup for all the campers in the mornings and afternoons and that there have been no complaints from the surrounding neighbors concerning traffic, parking or noise associated with the camp operations. He further explained that the increase in campers – if approved – would happen gradually over the next few years, and would have to be approved by the State's licensing agency. Further, the physical improvements discussed above will also be implemented over time as needs and funding dictate.

Mr. Walker then explained the corn maze operations. Other than the summer camp it is Beachmont's largest source of revenue and the funds it generates are used to fund Beachmont's other Christian-based programs. As noted above, Beachmont acquired an additional 15 acres of land approximately twenty years ago and they have gradually expanded some camp programs onto this extra land. They started holding the corn maze in 2011 and it has expanded over time and is now the principal use on this 15 acre parcel. The maze is open only eight weeks a year, from mid-September through the first week of November, and has a Halloween theme. In addition to the maze itself there are other related family-friendly activities, including games and hayrides. Mr. Stewart explained that it is only open Wednesday through Saturday. Wednesday and Thursday offer only daytime hours and they largely cater to school groups on these days and these groups generally come by bus. The maximum number of people they expect on these days is 500. On Friday and Saturday they offer daytime and evening hours. However, per the existing 1994 Order, all operations must be shut down and all people must be off the premises by 10 p.m. In order to comply with this restriction Stewart explained that they do not sell any tickets after 9 p.m., and

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announcements are made over the public address system well in advance of 10 p.m. that all patrons must leave the premises. Stewart also explained that they have well organized parking and traffic control procedures in place that are conducted by volunteers under the direction of a former Maryland State Trooper. Stewart also explained that, as with the camp, there are no food services associated with the corn maze other than the sale of pre-packaged foods such as chips, candy and drinks. Further, they have "port-a-pots" set up during the corn maze event to accommodate the crowds. Stewart testified, without contradiction, that there have been no complaints about the corn maze operations from the immediately surrounding property owners. On cross-examination by Mr. Clark, Stewart acknowledged that the Gunpowder Falls Watershed Preservation Association had written a letter to Beachmont on June 19, 2018 concerning the corn maze operations, and that Beachmont's President, David Moyer, had further discussions with GFWPA during that summer. Mr. Stewart identified a letter from Mr. Moyer to Mr. Clark dated July 31, 2018, which was admitted as Protestants' Exhibit 1. In that letter Mr. Moyer acknowledges that Beachmont is mindful of the conditions placed on them by the 1994 Order, and he reiterates that Beachmont is "committed to taking the necessary steps to remain in compliance with the details of our zoning order." Mr. Moyer then goes on to state that:

"At this point, and after 25 years of the same daily usage restrictions, we feel that our best option is to continue formulating a detailed plan to submit to the Zoning Commission of Baltimore County seeking some modifications to the current caps on the number of people permitted to use our facilities on a daily basis. This would include specific proposals to address the number of people attending our annual Corn Maze." See, Protestant's Exhibit 1

Mr. Schmidt explained that this special exception Petition is Beachmont's attempt to follow through on the assurances that Mr. Moyer made in this letter.

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Mr. Dewey Clark then testified in opposition to the proposed relief. He stated that in the last several years the increasing development in the area has put "lots of pressure" on the valley and watershed. He acknowledged that he doesn't live in the immediate vicinity of Beachmont but was generally concerned about the increased traffic and noise associated with the Corn Maze. He stated that the residents of the new "Mount Vista" development across the road from Beachmont had problems with the noise from the Corn Maze. He acknowledged that none of them had appeared in person at the hearing to complain. Mr. Clark noted that when the prior Order was issued in 1994, that Beachmont had not yet acquired the 15 acre parcel upon which the Corn Maze is now operated. He further noted that the topography on the eastern side of the Beachmont property where the Camp facilities are located is a natural bowl which absorbs most of the noise from the Camp. Conversely, the 15 acre parcel on the western end of the property where the Corn Maze is operated sits up on a hill and there are no buffers for the noise. Mr. Dewey was also concerned that Beachmont is not taking any special measures to protect the environment from all the vehicles that are parked on open fields during the Corn Maze. However, he did not suggest just what measures he deemed necessary or appropriate.

Ms. Pat Garner testified next. She is the Treasurer for the Greater Kingsville Civic Association. She stated that the Board of that association had recently communicated via email about Beachmont's requested relief and that they had taken a "straw poll" by which they voted to oppose the relief. She acknowledged that the Beachmont summer camp had been a great asset to the surrounding community over the years. She stated that the only concern was that the Corn Maze was "getting out of hand" due to the volume of attendees; however, she offered no specific examples of any problems or incidents. As with Mr. Dewey, she acknowledged that she lived about

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2.5 miles away and had never been personally impacted by any noise or traffic associated with the camp or the Corn Maze.

In closing argument Mr. Schmidt pointed out that no residents of the immediately surrounding communities had come to voice any opposition to Beachmont's requested relief. He pointed out that Beachmont's activities and programs had already been determined to be a valid special exception use under the BCZR. He urged that the Corn Maze had evolved over time and was a natural extension of Beachmont's programs and was a "civic, social, and recreational" activity within the meaning of BCZR Sec. 1A04.2.B.4. He acknowledged that the Administrative Law Judge has the power to place reasonable limits on Beachmont's uses of their property, but *only if* such limits were based on specific detrimental impacts that had been proven at the hearing – and in this case no such detrimental impacts had been proven by direct testimony or evidence. Finally, he noted that although this site is in a more rural part of the County it is near Harford Road, a major arterial road, and that there was no testimony or evidence concerning any adverse traffic impacts associated with either the summer camp or the Corn Maze.

I find that Beachmont has been a responsible civic/religious organization and that they continue to operate their camp and related programs and activities in a thoughtful, lawful, and appropriate manner. I do believe that the Corn Maze event is in the nature of a regular program, as opposed to a "special event," which in the past have been one day "stand alone" type events, such as the sunrise Easter service.

Further, I believe the acquisition of the additional 15 acre western parcel (which increased the size of the Beachmont tract by approximately 50%) can accommodate the increased frequency and attendance limits that Beachmont is seeking without adversely impacting any of the factors set forth in BCZR Sec. 502.1. And, under *Schultz v. Pritts, supra*, I find that the anticipated impacts

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of the special exception uses in this case will not be above and beyond those inherently associated with the special exception use. Finally, I find that the relief requested can be granted within the spirit and intent of the BCZR and without causing harm to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED this 21st day of **January, 2020**, by this Administrative Law Judge that the Petition for Special Hearing to approve all existing and proposed improvements, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to expand the previously approved special exception that permitted "community building, swimming pools, structural or land uses devoted to civic, social, recreational or education activities" that was granted in Case No.: 1975-083-X and later modified in Case Numbers 89-489-SPH and 94-50-SPH, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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, Petitioner would be required to return the subject property to its original condition.
2. The number of people permitted to occupy the Activity Center (Summer Day Camp attendees) shall be limited to 500 persons per day (this number does not restrict the Seasonal Corn Maze Program attendees). The number of people permitted to occupy the Camp Facilities shall be limited to 750 persons per day throughout the entire year, except during special events as provided for in Restriction 3 (this number does not restrict the Seasonal Corn Maze Program attendees).
3. The Petitioner shall be permitted to conduct special services/events ten (10) times per year and a maximum of 1,800 persons shall be permitted to attend any one of the ten special services/events.
4. The Seasonal Corn Maze Program is classified as a regular camp program and not a special service/event. The Seasonal Corn Maze Program is permitted to operate for a total of thirty-two (32) days throughout the entire year. The Seasonal Corn Maze Program is

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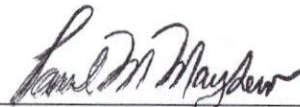
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permitted to operate on Wednesdays & Thursdays between 8:00 AM-4:00 PM and is limited to 500 persons per day. The Seasonal Corn Maze Program is permitted to operate on Fridays between 8:00 AM-10:00 PM and is limited to 2,500 persons per day. The Seasonal Corn Maze Program is permitted to operate on Saturdays between 8:00 AM-10:00 PM and is limited to 3,500 persons per day.

5. Petitioners shall take steps to establish protocol to limit ticket sales so as to be compliant with the daily maximum attendance numbers as provided for in Restrictions 2, 3, and 4. In addition, Petitioner will track and record daily ticket sales and attendance for all days of operation for such uses. These records shall be made available for review by the designated Baltimore County oversight department, as requested.
6. During such times as a special service/event may be taking place at the Property, the Petitioner shall provide private parking attendants to assist with the safe flow of traffic to and from the site.
7. All services and activities that are conducted on site must be concluded by 10:30 PM on any given day.
8. The Petitioner will make every effort to reduce the amount of noise generated by the uses on the property. Furthermore, the Petitioner shall adjust the amplified speaking system to reduce all noise and to deflect same away from any adjacent property owners.
9. All hayrides or wagon rides shall be rerouted to lessen their infringement upon the privacy of adjoining residential property owners.
10. The Petitioner shall eliminate or relocate camp fires and outdoor barbecuing facilities to reduce the effects of smoke and to keep any smoke from drifting onto adjacent residential properties.
11. The Petitioner shall rearrange or relocate the vespers area located on the southern portion of the site in a manner that will direct all singing, chanting, and praying away from adjoining residential properties to lessen the impact that these services have upon the neighbors' quiet enjoyment of their property.
12. The Petitioner is prohibited from providing overnight camping facilities at this time. However, in the event the Petitioner desires to provide overnight camping facilities in the future, it has the right to request a special hearing to amend this restriction.
13. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

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At the hearing, Mr. Schmidt explained that there are several prior zoning Orders and a court of special appeals decision applicable to this property. He submitted the full text of these Orders and court opinion and they were admitted as Petitioner's Exhibit 3. Mr. Schmidt further explained, by way of background, that in or around 1999 Beachmont acquired an additional 15 acres of land on the western edge of the property which brought the parcel up to its current size. He further explained the various proposed improvements depicted on the Plan, including: an open air pavilion and teaching pool adjacent to the existing pool; an open air pavilion adjacent to an existing natural pond; and a one-story multi-purpose addition to the existing gymnasium. The multi-purpose room would be used primarily on rainy days during summer camp. These improvements will enhance the expanding camp activities. The community witnesses did not oppose these proposed

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Finally, Beachmont asks that the Corn Maze be considered to be a "regular camp program," *not* a special event, and they request the following limits be placed on that use:

- a. That the Corn Maze can operate a total of 32 days a year during the months of September, October, and November, as follows: Wednesday and Thursday from 8:00 a.m. – 4:00 p.m. with a maximum of 500 persons per day; Friday and Saturday from 8:00 a.m. – 10 p.m., with a maximum of 2500 persons per day on Friday and 3500 on Saturday.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Beachmont's Director of Operations, Stewart Walker, testified about the need for these modified conditions. First he gave some background about Beachmont's operations and programs. He explained that the primary activity conducted on the site is the 10 week summer camp which runs from mid-June until the end of August. The camp is state-licensed and fully insured. Children ages 4 to 13 from around the area, especially those from the surrounding communities, attend the camp. The core hours are Monday through Friday 10 a.m. until 4 p.m., with extended care hours of 8 a.m. until 6 p.m. There are no overnight hours or activities. It is a typical summer day camp, offering swimming, sports, archery, etc., as well as arts and crafts. There are no kitchen facilities

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"At this point, and after 25 years of the same daily usage restrictions, we feel that our best option is to continue formulating a detailed plan to submit to the Zoning Commission of Baltimore County seeking some modifications to the current caps on the number of people permitted to use our facilities on a daily basis. This would include specific proposals to address the number of people attending our annual Corn Maze." See, Protestant's Exhibit 1

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By Sen

2.5 miles away and had never been personally impacted by any noise or traffic associated with the camp or the Corn Maze.

In closing argument Mr. Schmidt pointed out that no residents of the immediately surrounding communities had come to voice any opposition to Beachmont's requested relief. He pointed out that Beachmont's activities and programs had already been determined to be a valid special exception use under the BCZR. He urged that the Corn Maze had evolved over time and was a natural extension of Beachmont's programs and was a "civic, social, and recreational" activity within the meaning of BCZR Sec. 1A04.2.B.4. He acknowledged that the Administrative Law Judge has the power to place reasonable limits on Beachmont's uses of their property, but *only if* such limits were based on specific detrimental impacts that had been proven at the hearing – and in this case no such detrimental impacts had been proven by direct testimony or evidence. Finally, he noted that although this site is in a more rural part of the County it is near Harford Road, a major arterial road, and that there was no testimony or evidence concerning any adverse traffic impacts associated with either the summer camp or the Corn Maze.

I find that Beachmont has been a responsible civic/religious organization and that they continue to operate their camp and related programs and activities in a thoughtful, lawful, and appropriate manner. I do believe that the Corn Maze event is in the nature of a regular program, as opposed to a "special event," which in the past have been one day "stand alone" type events, such as the sunrise Easter service.

Further, I believe the acquisition of the additional 15 acre western parcel (which increased the size of the Beachmont tract by approximately 50%) can accommodate the increased frequency and attendance limits that Beachmont is seeking without adversely impacting any of the factors set forth in BCZR Sec. 502.1. And, under *Schultz v. Pritts, supra*, I find that the anticipated impacts

ORDER RECEIVED FOR FILING

Date 11/9/20
By Den

of the special exception uses in this case will not be above and beyond those inherently associated with the special exception use. Finally, I find that the relief requested can be granted within the spirit and intent of the BCZR and without causing harm to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED this **9th** day of **January, 2020**, by this Administrative Law Judge that the Petition for Special Hearing to approve all existing and proposed improvements, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to expand the previously approved special exception that permitted "community building, swimming pools, structural or land uses devoted to civic, social, recreational or education activities" that was granted in Case No.: 1975-083-X and later modified in Case Numbers 89-489-SPH and 94-50-SPH, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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, Petitioner would be required to return the subject property to its original condition.
2. The number of people permitted to occupy the Activity Center (Summer Day Camp attendees) shall be limited to 500 persons per day (this number does not restrict the Seasonal Corn Maze Program attendees). The number of people permitted to occupy the Camp Facilities shall be limited to 750 persons per day throughout the entire year, except during special events as provided for in Restriction 3 (this number does not restrict the Seasonal Corn Maze Program attendees).
3. The Petitioner shall be permitted to conduct special services/events ten (1) times per year and a maximum of 1,800 persons shall be permitted to attend any one of the ten special services/events.
4. The Seasonal Corn Maze Program is classified as a regular camp program and not a special service/event. The Seasonal Corn Maze Program is permitted to operate for a total of thirty-two (32) days throughout the entire year. The Seasonal Corn Maze Program is

ORDER RECEIVED FOR FILING

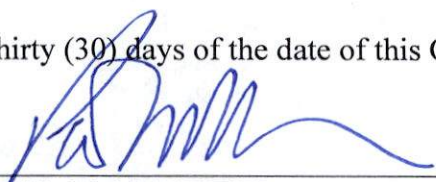
Date

By

permitted to operate on Wednesdays & Thursdays between 8:00 AM-4:00 PM and is limited to 500 persons per day. The Seasonal Corn Maze Program is permitted to operate on Fridays between 8:00 AM-10:00 PM and is limited to 2,500 persons per day. The Seasonal Corn Maze Program is permitted to operate on Saturdays between 8:00 AM-10:00 PM and is limited to 3,500 persons per day.

5. Petitioners shall take steps to establish protocol to limit ticket sales so as to be compliant with the daily maximum attendance numbers as provided for in Restrictions 2, 3, and 4. In addition, Petitioner will track and record daily ticket sales and attendance for all days of operation for such uses. These records shall be made available for review by the designated Baltimore County oversight department, as requested.
6. During such times as a special service/event may be taking place at the Property, the Petitioner shall provide private parking attendants to assist with the safe flow of traffic to and from the site.
7. All services and activities that are conducted on site must be concluded by 10:30 PM on any given day.
8. The Petitioner will make every effort to reduce the amount of noise generated by the uses on the property. Furthermore, the Petitioner shall adjust the amplified speaking system to reduce all noise and to defect same away from any adjacent property owners.
9. All hayrides or wagon rides shall be rerouted to lessen their infringement upon the privacy of adjoining residential property owners.
10. The Petitioner shall eliminate or relocate camp fires and outdoor barbecuing facilities to reduce the effects of smoke and to keep any smoke from drifting onto adjacent residential properties.
11. The Petitioner shall rearrange or relocate the vespers area located on the southern portion of the site in a manner that will direct all singing, chanting, and praying away from adjoining residential properties to lessen the impact that these services have upon the neighbors' quiet enjoyment of their property.
12. The Petitioner is prohibited from providing overnight camping facilities at this time. However, in the event the Petitioner desires to provide overnight camping facilities in the future, it has the right to request a special hearing to amend this restriction.
13. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 11/9/20
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 6433 Mt. Vista Road which is presently zoned RC 5 and RC 2
Deed References: 6471/676; 26532/312; 5504/685 10 Digit Tax Account # 1900008190; 2500003542;
Property Owner(s) Printed Name(s) Beachmont, Inc. 1900008189; & 1700001086

(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 approve

Please see the attached.

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

Please see the attached.

3. ☐ a **Variance** from Section(s)

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

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:

Name- Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print _____
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):

Beachmont, Inc.

Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 _____ Signature #2 _____
6433 Mt. Vista Road Kingsville MD
Mailing Address _____ City _____ State _____
21087 _____
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name - Type or Print _____
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 2019-0494-SPHX

Filing Date 10/18/19

Do Not Schedule Dates: _____

Reviewer JS

ATTACHMENT TO PETITION FOR ZONING HEARING

6433 Mt. Vista Road

Special Hearing relief:

1. To approve all existing and proposed improvements; and
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

Special Exception relief:

1. Pursuant to BCZR § 1A04.2.B.4., to expand the previously approved special exception that permitted "community buildings, swimming pools, structural or land uses devoted to civic, social, recreational or education activities" that was granted in Case No. 1975-083-X and later modified in Case Nos. 89-489-SPH and 94-50-SPH; and.
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

2019-0494-SPHX



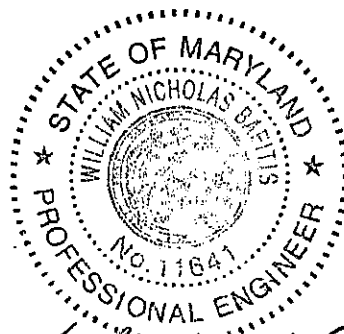
Bafitis & Associates

ZONING DESCRIPTION
FOR
BEACHMONT PROPERTIES
#6433 MT. VISTA ROAD
KINGSVILLE, MARYLAND 21087
ELECTION DISTRICT 11TH

BEGINNING AT A POINT 494'± SOUTHWESTERLY FROM THE CENTERLINE OF MT. VISTA ROAD 70' WIDE; AND 1,782'± SOUTHEASTERLY FROM THE CENTERLINE INTERSECTION OF HARFORD ROAD 60' WIDE; THENCE LEAVING THE POINT OF BEGINNING THE FOLLOWING (11) COURSES AND DISTANCES:

- 1) THENCE SOUTH 73°-39'-08" EAST 974.07' TO A POINT;
- 2) THENCE SOUTH 18°-10'-16" WEST 365.67' TO A POINT;
- 3) THENCE SOUTH 32°-10'-13" WEST 267.01' TO A POINT;
- 4) THENCE SOUTH 43°-54'-24" WEST 775.33' TO A POINT;
- 5) THENCE NORTH 40°-20'-36" WEST 978.57' TO A POINT;
- 6) THENCE NORTH 75°-28'-51" WEST 425.22' TO A POINT;
- 7) THENCE NORTH 76°-26'-45" WEST 641.00' TO A POINT;
- 8) THENCE NORTH 00°-40'-29" EAST 555.64' TO A POINT;
- 9) THENCE SOUTH 88°-20'-26" EAST 1,096.47' TO A POINT;
- 10) THENCE SOUTH 74°-39'-17" EAST 414.36' TO A POINT;
- 11) THENCE SOUTH 67°-43'-36" EAST 27.47' TO THE POINT OF BEGINNING;

CONTAINING: 2,011,103 SQUARE FEET OR 46.16 ACRES MORE OR LESS



William N. Bafitis, P.E.
WILLIAM N. BAFITIS, P.E.

Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.
License No. 11641 Expiration Date: 09/09/2021

2019-0494-SPHX

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND SPECIAL EXCEPTION		
6433 Mt. Vista Road; SW/S of Mt. Vista Road,*		OF ADMINISTRATIVE
1782' SE of intersection with Harford Road		
11 th Election & 3 rd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Beachmont, Inc.		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2019-494-SPHX

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

OCT 23 2019

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 23rd day of October, 2019, 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

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

11/22/2019

Order #: 11814345
Case #: 2019-0494-SPHX
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0494-SPHX



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2019-0494-SPHX

6433 Mt. Vista Road

S/westside of Mt. Vista Road, southeast of the intersection of Harford Road

11th Election District - 3rd Councilmanic District

Legal Owners: Benchmark, Inc.

Special Hearing to approve all existing and proposed improvements; and for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County. Special Exception to expand the previously approved special exception that permitted "community building, swimming pools, structural or land uses devoted to civic, social, recreational or education activities" that was granted in Case Number 1975-083-X and later modified in Case Number 89-489-SPH and 94-50-SPH. For such other and further relief as may be deemed necessary by the Administrative Law Judge (ALJ) for Baltimore County.

Hearing: Friday, December 13, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

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.

n22



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

November 7, 2019

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: 2019-0494-SPHX

6433 Mt. Vista Road

S/west side of Mt. Vista Road, southeast of the intersection of Harford Road

11th Election District – 3rd Councilmanic District

Legal Owners: Beachmont, Inc.

Special Hearing to approve all existing and proposed improvements; and for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County. Special Exception to expand the previously approved special exception that permitted "community building, swimming pools, structural or land uses devoted to civic, social, recreational or education activities" that was granted in Case Number 1975-083-X and later modified in Case Number 89-489-SPH and 94-50-SPH. For such other and further relief as may be deemed necessary by the Administrative Law Judge (ALJ) for Baltimore County.

Hearing: Friday, December 13, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Michael Mallinoff
Director

MM:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Beachmont, Inc., 6433 Mt. Vista Road, Kingsville 21087

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, NOVEMBER 23, 2019.**
- (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.

TO: THE DAILY RECORD
Friday, November 22, 2019 – Issue

Please forward billing to:

Lawrence Schmidt
Smith, Gildea & Schmidt
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: 2019-0494-SPHX

6433 Mt. Vista Road

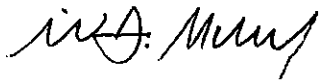
S/west side of Mt. Vista Road, southeast of the intersection of Harford Road

11th Election District – 3rd Councilmanic District

Legal Owners: Beachmont, Inc.

Special Hearing to approve all existing and proposed improvements; and for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County. Special Exception to expand the previously approved special exception that permitted "community building, swimming pools, structural or land uses devoted to civic, social, recreational or education activities" that was granted in Case Number 1975-083-X and later modified in Case Number 89-489-SPH and 94-50-SPH. For such other and further relief as may be deemed necessary by the Administrative Law Judge (ALJ) for Baltimore County.

Hearing: Friday, December 13, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff
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.

Sherry Nuffer

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Thursday, December 12, 2019 8:28 PM
To: Administrative Hearings
Subject: Certification Case # 20190494-SPHX Mt. Vista Rd.
Attachments: Mt. Vista Rd. Cert. .jpeg; Mt. Vista Rd. Photos.docx

CAUTION: This message from luckylinda1954@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hi Debbie,

I am attaching the second Certification along with photos for Case # 2019-0494-SPHX for your records.

Have a nice day,

Linda

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com



SECOND CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER

DATE: 12/12/2019

Case Number: 2019-0494-SPHX

**Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~
BEACHMONT, INC.**

Date of Hearing: DECEMBER 13, 2019

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:
6433 MT. VISTA ROAD

The sign(s) were posted on: NOVEMBER 23, 2019

The sign(s) were re-photographed on: DECEMBER 12, 2019



1 SET SIGNS @ 6433 MT. VISTA ROAD

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

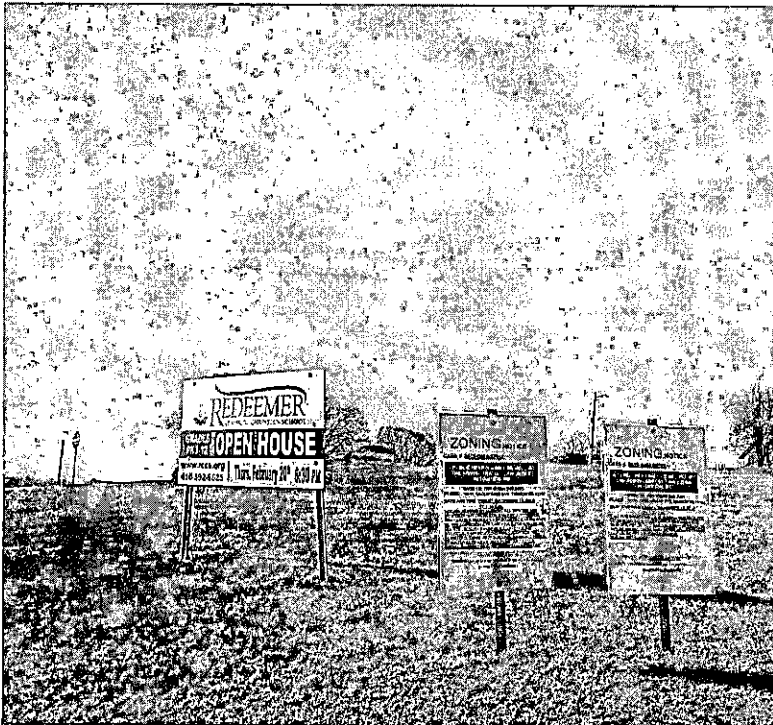
523 Penny Lane
(Street Address of Sign Poster)

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

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



Re-Photographed 1st set of signs @ 6433 Mt. Vista Road ~ 12/12/2019



Re-Photographed 2nd set of signs @ 6433 Mt. Vista Road ~ 12/12/2019

CASE # 2019-0494-SPHX

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/23/2019

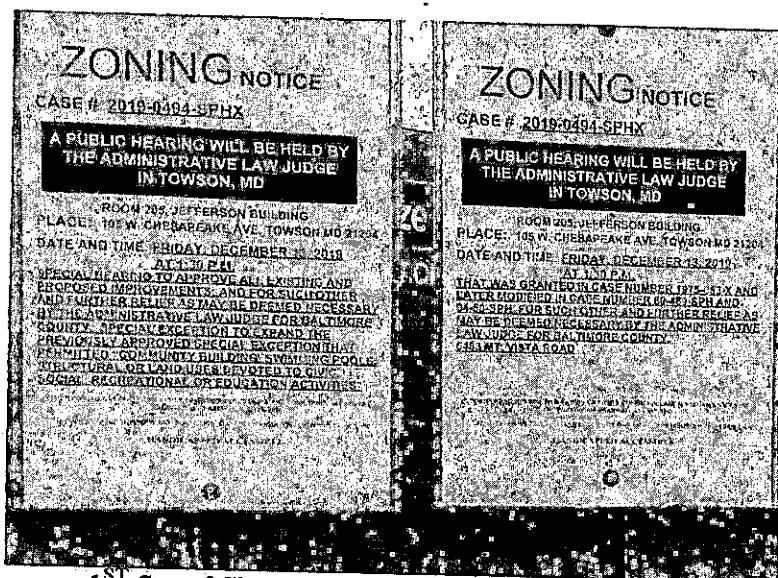
Case Number: 2019-0494-SPHX

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~
BEACHMONT, INC.

Date of Hearing: DECEMBER 13, 2019

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:
6433 MT. VISTA ROAD

The sign(s) were posted on: NOVEMBER 23, 2019



1st Set of Signs @ 6433 Mt. Vista Rd.

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)

ZONING NOTICE

CASE # 2019-0494-SPHX

A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

ROOM 205, JEFFERSON BUILDING

PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: FRIDAY, DECEMBER 13, 2019

AT 1:30 P.M.

SPECIAL HEARING TO APPROVE ALL EXISTING AND
PROPOSED IMPROVEMENTS AND FOR SUCH OTHER
AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY
BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE
COUNTY. SPECIAL EXCEPTION TO EXPAND THE
PREVIOUSLY APPROVED SPECIAL EXCEPTION THAT
PERMITTED "COMMUNITY BUILDING, SWIMMING POOLS,
STRUCTURAL OR LAND USES DEVOTED TO CIVIC,
SOCIAL, RECREATIONAL OR EDUCATION ACTIVITIES"

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 410-336-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 2019-0494-SPHX

A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

ROOM 205, JEFFERSON BUILDING

PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: FRIDAY, DECEMBER 13, 2019

AT 1:30 P.M.

THAT WAS GRANTED IN CASE NUMBER 1975-083-X AND
LATER MODIFIED IN CASE NUMBER 89-489-SPH AND
94-50-SPH. FOR SUCH OTHER AND FURTHER RELIEF AS
MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE
LAW JUDGE FOR BALTIMORE COUNTY,
6433 MT. VISTA ROAD

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 410-336-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

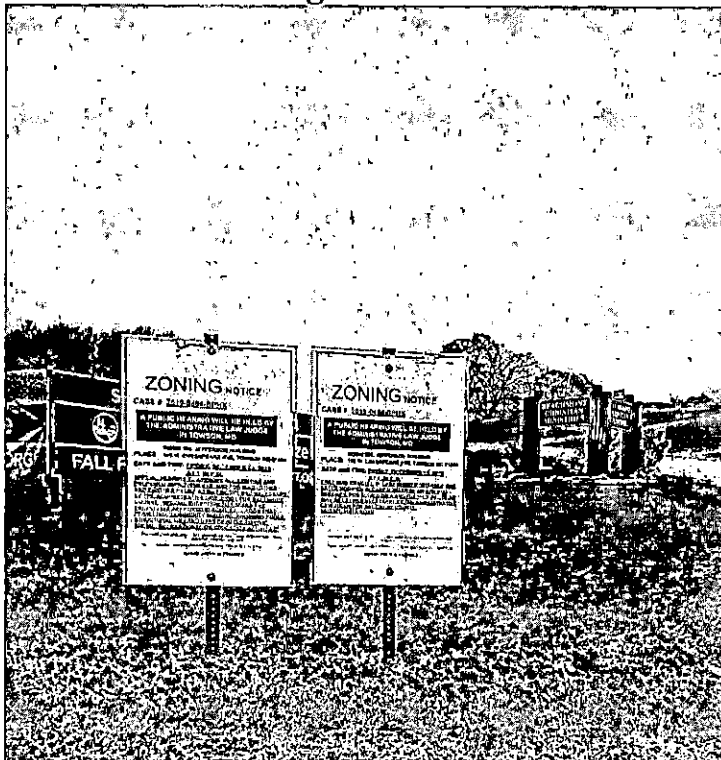
HANDICAPPED ACCESSIBLE

2nd Set of Signs @ 6433 Mt. Vista Rd.

CASE # 2019-0494-SPHX



Background Photo 1st Set Signs @ 6433 Mt. Vista Rd. ~ 11/23/2019



Background Photo 2nd Set Signs @ 6433 Mt. Vista Rd. ~ 11/23/2019

CASE # 2019-0494-SPHX

**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: 2019-0494-SPHX

Property Address: 6433 Mt. Vista Road

Property Description: _____

Legal Owners (Petitioners): Beachmont, Inc.

Contract Purchaser/Lessee: _____

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

12-13-19

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 11/15/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-494



INFORMATION:

Property Address: 6433 Mt. Vista Road
Petitioner: Beachmont, Inc.
Zoning: RC 5, RC 2
Requested Action: Special Hearing, Special Exception

The Department of Planning has reviewed the petition for a special hearing under section 500.7 of the BCZR to determine whether or not the administrative law judge should: approve all existing and proposed improvements; and for such other and further relief as may be deemed necessary by the administrative law judge.

Special exception relief is sought pursuant to Baltimore County Zoning Regulations (BCZR) §1A04.2.B.4., to expand the previously approved special exception that permitted "community buildings, swimming pools, structural or land uses devoted to civic, social, recreational or education activities" that was granted in Case No. 1975-083-x and later modified in Case Nos. 89-489-SPH and 94-50-SPH; and for such other further relief as may be deemed necessary by the administrative law judge.

A site visit was conducted on October 28, 2019. The property is well maintained. The property adjacent to the north is a church and related school. The surrounding uses are agricultural and rural residential. The property has been operated as a camp for over 40 years. The representative of the petitioner indicated that the structures proposed are the only structures planned for the next several years.

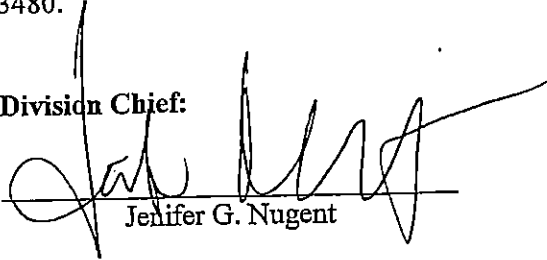
The property is located in the Kingsville Community Plan. This plan references that the streams in the area flow into the Gunpowder River and should be protected. The Plan further recommends on page 27 that in cases of "special forms of development such as churches, day camps, and recreational facilities...special consideration should be given to the protection of adjacent environmental features and of neighboring properties." Mt. Vista Road is a County Scenic Byway; however, this property is not directly adjacent to the road and given the topography, for the most part, is not visible from the road.

The planner does not object to the petitioned relief. It is recommended that the proposed structures be constructed with complimentary materials to the other structures on site.

Date: 11/15/2019
Subject: ZAC # 19-494
Page 2

For further information concerning the matters stated herein, please contact Megan Benjamin at 410-887-3480.

Division Chief:



Jenifer G. Nugent

CPG/JGN/LTM

c: Megan Benjamin
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

12-13-19

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: November 18, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0494-SPHX
Address 6433 Mount Vista Road
(Beachmont, Inc. Property)

Zoning Advisory Committee Meeting of **October 18, 2019**.

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

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

Reviewer: Regina Esslinger

Date: 10/23/19

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2019-0494-SPHX.

*Special Hearing, Special Exception
Beachwood, Inc.
6433 Mt Vista Road.*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

Sherry Nuffer

From: Zachary J. Wilkins <zwilkins@sgs-law.com>
Sent: Monday, January 20, 2020 8:10 AM
To: Paul Mayhew
Cc: Sherry Nuffer
Subject: RE: Case No.: 2019-0494-SPHX (Beachmont) Order Clarification

CAUTION: This message from zwilkins@sgs-law.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Judge Mayhew:

Thank you for the email!

Zachary J. Wilkins | Esquire
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
zwilkins@sgs-law.com | www.sgs-law.com

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From: Paul Mayhew <pmayhew@baltimorecountymd.gov>
Sent: Monday, January 20, 2020 8:08 AM
To: Zachary J. Wilkins <zwilkins@sgs-law.com>
Cc: Sherry Nuffer <snuffer@baltimorecountymd.gov>
Subject: Re: Case No.: 2019-0494-SPHX (Beachmont) Order Clarification

Mr Wilkins:

Yes this was obviously a typo.

I have copied my paralegal and she will correct it and send the parties a revised Order which will be re-filed.

Thank you for bringing this to my attention.

Paul M. Mayhew

ALJ

Sent using OWA for iPhone

From: Zachary J. Wilkins <zwilkins@sgs-law.com>
Sent: Friday, January 17, 2020 2:54:03 PM
To: Paul Mayhew; 'dwylie@baltimorecountymd.gov'
Cc: Lawrence Schmidt; Kelly Benton
Subject: Case No.: 2019-0494-SPHX (Beachmont) Order Clarification

CAUTION: This message from zwilkins@sgs-law.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Judge Mayhew:

Good afternoon. I apologize for the informality, but you had recently issued a decision in **Case No.: 2019-0494-SPHX** (please see attached) regarding the Beachmont property located at 6433 Mt. Vista Road and attached conditions with the approval.

Among the several conditions, Condition 3 reads: "The Petitioner shall be permitted to conduct special services/events **ten (1)** times per year and a maximum of 1,800 persons shall be permitted to attend any one of the **ten** special services/events."

The "(1)" instead of "(10)" would seem to be a typo as the word "ten" appears twice in the condition and the intent of the sentence purports to allow 10 special services/events per year. With regard to typo mistakes, depending on the ALJ in the past, some have required a simple email to the ALJ, while others required a formal Motion for Clarification or Motion for Revisory.

Again, I apologize for the informality, however, I just wanted to clear up this typo in your Order and determine your preference in moving forward if such a typo clarification is necessary!

When you get a chance, please advise! Thank you! Have a great weekend.

Zachary J. Wilkins | Esquire

SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070

zwilkins@sgs-law.com | www.sgs-law.com

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**CENSUS
2020**

EVERYONE COUNTS

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

CASE NAME Beachmont
CASE NUMBER 2019-494-SR/ky
DATE 12/13/19

[illegible]

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW

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

11/18

DEPS

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

Comment

FIRE DEPARTMENT

PLANNING

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

11/15

No Objection
w/ comment

10/23

STATE HIGHWAY ADMINISTRATION

No Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

11/22/19

SIGN POSTING (1st)

Date:

11/23/19

by O'Keefe

SIGN POSTING (2nd)

Date:

12/12/19

by O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration			
Tax Exempt: None		Special Tax Recapture: None					
Exempt Class: None							
Account Identifier:		District - 11		Account Number - 1900008190			
Owner Information							
Owner Name:		BEACHMONT INC		Use: EXEMPT			
				Principal Residence: NO			
Mailing Address:		6433 MT VISTA RD KINGSVILLE MD 21087		Deed Reference: /06471/ 00676			
Location & Structure Information							
Premises Address:		MT VISTA RD 0-0000		Legal Description: 7.6 AC SW MT VISTA R RER 500 FT 1740 SE HARFORD RD			
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:		
0054	0016	0528	11080067.04	0000	2018		
Special Tax Areas: None		Town:		None			
		Ad Valorem:		None			
		Tax Class:		None			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use			
			7.6000 AC	01			
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
Value Information							
		Base Value	Value	Phase-in Assessments			
			As of	As of		As of	
			01/01/2018	07/01/2019		07/01/2020	
Land:		76,000	76,000				
Improvements		0	0				
Total:		76,000	76,000	76,000	76,000		
Preferential Land:		0			0		
Transfer Information							
Seller: FOARD AIMEE B		Date: 12/30/1982		Price: \$0			
Type: NON-ARMS LENGTH OTHER		Deed1: /06471/ 00676		Deed2:			
Seller:		Date:		Price:			
Type:		Deed1:		Deed2:			
Seller:		Date:		Price:			
Type:		Deed1:		Deed2:			
Exemption Information							
Partial Exempt Assessments:		Class	07/01/2019	07/01/2020			
County:		750	76,000.00	76,000.00			
State:		750	76,000.00	76,000.00			
Municipal:		750	0.00/0.00	0.00/0.00			
Tax Exempt: None		Special Tax Recapture: None					
Exempt Class: None							
Homestead Application Information							
Homestead Application Status: No Application							

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration			
Tax Exempt: None		Special Tax Recapture: None					
Exempt Class: None							
Account Identifier:		District - 11 Account Number - 1900008189					
Owner Information							
Owner Name:		BEACHMONT INC		Use:	EXEMPT		
Mailing Address:		6433 MT VISTA RD KINGSVILLE MD 21087		Principal Residence:	NO		
				Deed Reference:	/06471/ 00676		
Location & Structure Information							
Premises Address:		MT VISTA RD 0-0000		Legal Description:	2.56 AC SW MT VISTA RER 500 FT 1740 SE HARFORD RD		
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:		
0054	0016	0527	11080067.04	0000	2018		
Special Tax Areas: None				Town:	None		
				Ad Valorem:	None		
				Tax Class:	None		
Primary Structure Built		Above Grade Living Area		Finished Basement Area	Property Land Area		
					2.5600 AC		
					County Use		
					01		
Stories	Basement	Type	Exterior /	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
Value Information							
		Base Value		Value		Phase-in Assessments	
				As of 01/01/2018		As of 07/01/2019	
						As of 07/01/2020	
Land:		25,600		25,600			
Improvements		0		0			
Total:		25,600		25,600		25,600	
Preferential Land:		0				0	
Transfer Information							
Seller: FOARD AIMEE B		Date: 12/30/1982		Price: \$0			
Type: NON-ARMS LENGTH OTHER		Deed1: /06471/ 00676		Deed2:			
Seller:		Date:		Price:			
Type:		Deed1:		Deed2:			
Seller:		Date:		Price:			
Type:		Deed1:		Deed2:			
Exemption Information							
Partial Exempt Assessments:		Class		07/01/2019		07/01/2020	
County:		750		25,600.00		25,600.00	
State:		750		25,600.00		25,600.00	
Municipal:		750		0.00/0.00		0.00/0.00	
Tax Exempt: None		Special Tax Recapture: None					
Exempt Class: None							
Homestead Application Information							
Homestead Application Status: No Application							

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration			
Tax Exempt: None		Special Tax Recapture: None					
Exempt Class: None							
Account Identifier:		District - 11 Account Number - 2500003542					
Owner Information							
Owner Name:		BEACHMONT INC		Use:	EXEMPT		
Mailing Address:		6433 MOUNT VISTA RD KINGSVILLE MD 21087-1342		Principal Residence:	NO		
				Deed Reference:	/26532/ 00312		
Location & Structure Information							
Premises Address:		MT VISTA RD 0-0000		Legal Description:	15AC CHAR SS/R MOUNT VISTA RD COR HARFORD RD		
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:		
0054	0016	0620	11060050.04	0000	2018		
Special Tax Areas: None		Town:		None			
		Ad Valorem:		None			
		Tax Class:		None			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use			
			15.0000 AC	01			
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
			/				
Value Information							
		Base Value	Value	Phase-in Assessments			
			As of	As of		As of	
			01/01/2018	07/01/2019		07/01/2020	
Land:		150,000	150,000				
Improvements		0	0				
Total:		150,000	150,000	150,000	150,000		
Preferential Land:		0			0		
Transfer Information							
Seller: REDEEMER PRESBYTERIAN CHURCH INC		Date: 12/31/2007		Price: \$150,000			
Type: ARMS LENGTH VACANT		Deed1: /26532/ 00312		Deed2:			
Seller:		Date:		Price:			
Type:		Deed1:		Deed2:			
Seller:		Date:		Price:			
Type:		Deed1:		Deed2:			
Exemption Information							
Partial Exempt Assessments:		Class	07/01/2019		07/01/2020		
County:		870	150,000.00		150,000.00		
State:		870	150,000.00		150,000.00		
Municipal:		870	0.00 0.00		0.00 0.00		
Tax Exempt: None		Special Tax Recapture: None					
Exempt Class: None							
Homestead Application Information							

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration			
Tax Exempt: None			Special Tax Recapture: None						
Exempt Class: None									
Account Identifier:		District - 11 Account Number - 1700001086							
Owner Information									
Owner Name:		BEACHMONT INC		Use:		COMMERCIAL			
				Principal Residence:		NO			
Mailing Address:		6433 MT VISTA RD KINGSVILLE MD 21087-1342		Deed Reference:		/05504/ 00685			
Location & Structure Information									
Premises Address:		6433 MT VISTA RD KINGSVILLE 21087-1342		Legal Description:		20.71AC SWR MT VISTA PART EXEMPTION RER 725 FT 1850 SE HARFORD RD			
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0054	0016	0096	10000.04	0000				2019	Plat Ref:
Special Tax Areas: None				Town:				None	
				Ad Valorem:				None	
				Tax Class:				None	
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1930		16474				20.7100 AC		06	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements		
2	YES	STANDARD UNIT	FRAME/	4	4 full/ 1 half	1 Attached			
Value Information									
			Base Value	Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2019		07/01/2019		07/01/2020	
Land:			284,100	284,100					
Improvements			1,898,500	2,023,000					
Total:			2,182,600	2,307,100		2,224,100		2,265,600	
Preferential Land:			0					0	
Transfer Information									
Seller: FOARD AIMEE B				Date: 01/23/1975			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /05504/ 00685			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2019		07/01/2020			
County:		750		1,913,467.00		1,913,467.00			
State:		750		1,913,467.00		1,913,467.00			
Municipal:		750		0.00 0.00		0.00 0.00			

Tax Exempt: None

Special Tax Recapture: None

Exempt Class: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No
Application**Date:**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

December 2, 2019

Lawrence E. Schmidt
600 Washington Ave Suite 200
Towson MD 21204

RE: Case Number: 2019-0494-SPHX, 6433 Mt Vista Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 18, 2019. 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, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Beachmont Inc 6433 Mt Vista Road Kingsville MD 21087

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

Pet No 3

75-23-4
(Item No. 11)

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Beachmont, Inc., legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone, for the following reasons:

(See attached description)

Map	23
Section	4
Block	11
Lot	6872
File	
Map	36
Section	11
Block	11
Lot	11

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for community buildings, swimming pools, structural or land uses devoted to civic, social, recreational, or educational activities.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

ORDER RECEIVED FOR FILING

DATE October 29, 1967

Contract purchaser

Ernest C. Trimble, Petitioner's Attorney
305 W. Pennsylvania Avenue
Address: Towson, Maryland 21204

BEACHMONT, INC.
By: Paul Twining
Paul Twining, Legal Owner
President
Address: 305 W. Pennsylvania Avenue
Towson, Maryland 21204

Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of October, 1967, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of October, 1967 at 2:00 clock P.M.

[Signature]
Zoning Commissioner of

PETITIONER'S

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met, a Special Exception for community buildings, swimming pools, structural or land uses devoted to civic, social, recreational, or educational activities should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of October, 1974, that a Special Exception for community buildings, swimming pools, structural or land uses devoted to civic, social, recreational, or educational activities should be and the same is GRANTED, from and after the date of this Order, subject to: 1) not more than 250 persons using the barn or proposed chapel area as indicated on the plat, 2) not more than 150 persons camping on the property at any one time, and 3) approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 196, that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby to remain a zone; and/or the Special Exception be and the same is hereby

Zoning Commissioner of Baltimore County

UNDER RECEIVED FROM 11-7

DATE October 22, 1974
J. P. Harvey

IN THE MATTER OF
THE APPLICATION OF
BEACHMONT, INC.
FOR SPECIAL EXCEPTION
ON PROPERTY LOCATED ON
THE SOUTH SIDE OF MT.
VISTA ROAD, 1800 FT.
SOUTHEAST OF HARFORD ROAD
(6433 MT. VISTA ROAD)
11th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 85-245-X

: : : : : : : : : :

O P I N I O N

This case comes before the Board as an appeal from the Opinion and Order of the Zoning Commissioner, dated March 7, 1985, which granted the Petition for Special Exception for a camp with accessory uses thereto, and, additionally the amendment to the Special Exception granted for this property in Case No. 75-83-X (1974).

Rarely has this Board considered a petition which generated such community interest. The Board notes that both days of hearings were heavily attended and the Board received numerous letters both in support of, and in opposition to the petition. Rather than rehashing the testimony of each of the many witnesses, the substance of same may be summarized as follows:

There exists on this site of some 20 acres, a Christian Camp known as Beachmont. The property is located in an area which features some agricultural uses as well as an upper class residential community in which both protestants and supporters reside. The camp was established in 1974, after a bequest of the land by a benefactor who sought to establish a campground which promoted Christian fellowship and principles. Approval for this camp was originally granted by way of Special Exception, with certain limitations, in Case No. 75-83-X (1974). Since 1974, improvements have been made on this site, including a swimming pool, pavilion and other recreational facilities.

Use of the camp and its facilities has also expanded, primarily retreats for church groups, day care services and other recreational uses. These activities are carefully monitored and controlled and are conducted within the guidelines envisioned by benefactor. All agree, including the protestants, that the ideals and current use of this property is laudible and enhances the surrounding community. To date, the camp has firmly established itself as a good neighbor.

The opposition to the current petition involves a proposed expansion to both the size of the camp facility and the frequency of use of the property. Recently, the camp has received a donation of an additional ten (10) acres from the family of the original benefactor. This land borders the current camp ground on the north side. Further, a second parcel of 2.6 acres has been obtained, located contiguous to the south of the current facility. Although not extensively addressed during testimony and argument before this Board, we concur with the Zoning Commissioner insofar as his comments regarding the subdivision of the recently donated parcels. Further, the subject property is currently zoned R.C. 2. Pursuant to Section 1A01.1.B of the Baltimore County Zoning Regulations (BCZR), this designation is established "in order to foster conditions favorable to a continued agricultural use . . . ". Additionally, Section 1A01.2.C.4, provides the camps, such as the current use, may be permitted by Special Exception, if such use "would not be detrimental to the primary agricultural uses in its vicinity". We find as fact that the properties in the vicinity to the subject site are used primarily for residential purpose with some agriculture, and therefore, the petitioned use is not detrimental to the surrounding agriculture and may be allowed, subject to compliance with Section 502.1 of the BCZR.

Section 502.1 of the BCZR provides the benchmark for granting a Special Exception. The requirements set forth in this section provide that the use may 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 dangers;
- 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; nor
- h) Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations.

The Board heard from numerous witnesses, both expert and laymen, as to these standards. In sum, we find that the proposed use as set forth in the petition complies with the standards set forth in Section 502.1 of the BCZR and will therefore order that the petition and proposed use be granted, subject to restrictions.

O R D E R

For the reasons set forth in the foregoing Opinion, it is this 5th day of November, 1985, by the County Board of Appeals, ORDERED that the Petition for Special Exception for a camp with accessory uses thereto, and additionally, the amendment to the Special Exception granted in Case No. 75-83-X, to allow the proposed expansion, be and the same are hereby GRANTED, subject to the following restrictions:

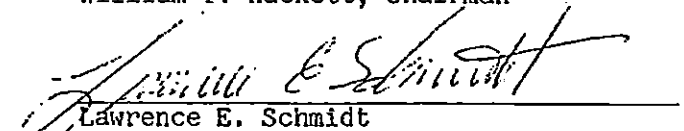
- 1) Any and all outdoor activities at the camp will have a 10:00 P.M. curfew, and will be conducted so as not to disturb the quiet enjoyment of their own property by the neighbors.

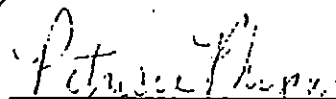
- 2) The site will provide a minimum of 120 parking spaces and except for the specific occasions as set forth in Item #3, there may not be more vehicles on the property than those number of spaces provided.
- 3) The camp may conduct services or activities, e.g., Easter Sunrise Service, a maximum of three (3) times per year during which the provisions of Item #2 are waived.
- 4) At any activity where more than 50 vehicles are present on site, the camp will provide a trained traffic professional to assist in the entry and exit of vehicles to and from the property.
- 5) The camp will submit a revised site plan, in conformance with Petitioner's Exhibit #4, and all improvement will be consistent thereto.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


William T. Hackett, Chairman


Lawrence E. Schmidt


Patricia Phipps

MANDATE

Court of Special Appeals

No. 1686, September Term, 1986

Scott Strienbinger et al
v.
Beachmont, Inc.

JUDGMENT: July 6, 1987: Per Curiam filed.
Judgment reversed; costs to be paid by
appellee.
August 5, 1987: Appellee's Motion for
Reconsideration.
August 10, 1987: Answer to Motion for
Reconsideration filed by appellant counsel.
August 31, 1987: Motion for Reconsideration
and modification of opinion granted.
September 1, 1987: Mandate issued.

STATEMENT OF COSTS:

In Circuit Court: for BALTIMORE COUNTY
85CG3878

Record..... 40.00

In Court of Special Appeals:

Filing Record on Appeal..... 50.00
Printing Brief for Appellant..... 183.40
Portion of Record Extract--Appellant.... 1665.60
Printing Brief for Appellee..... 124.80

STATE OF MARYLAND, Sct:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals. In testimony
whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this First day
of September A.D. 19 87

Howard E. Friedman
Clerk of the Court of Special Appeals

COSTS SHOWN ON THIS MANDATE ARE TO BE SETTLED BETWEEN COUNSEL AND NOT THROUGH THIS OFFICE.

UNREPORTED
IN THE COURT OF SPECIAL APPEAL
OF MARYLAND

No. 1686

September Term, 1986

SCOTT STRIENBINGER, ET AL

v.

BEACHMONT, INC.

Weant
Bishop
Bell, Rosalyn B.,
JJ.

PER CURIAM

Filed: July 6, 1987

Appellee Beachmont, Inc. filed a Petition for Special Exceptions requesting that the Zoning Commissioner of Baltimore County permit appellee to expand its seasonal camp into a year-round operation by making numerous improvements on the subject property, "including but not limited to: cabins, overnight lodges, director's house, staff house, activities building, swimming pools, pavilions, and bath houses, etc." On March 7, 1985, the Zoning Commissioner granted the special exception. Appellants, who are several landowners neighboring the subject property,¹ appealed the decision first to the County Board of Appeals and then to the Circuit Court for Baltimore County. In each instance, the Zoning Commissioner's decision was affirmed.

FACTS

Since 1974, appellee has operated a Christian camp in Baltimore County on approximately twenty acres. The land is located in an area zoned R.C.2., in which "agricultural operations" is the "[p]referred use permitted as matter of right." Baltimore County Zoning Regulation § 1A01.2.A [hereinafter referred to as BCZR]. Although this zoning classification

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precludes, as a matter of right, the use of the subject property as a camp, appellee applied for and received a special exception to use the property as a camp. In granting appellee's request, the Zoning Commissioner imposed several limitations:

- 1) not more than 250 persons using the barn or proposed chapel area as indicated on the plat,
- 2) not more than 150 persons camping on the property at any one time, and
- 3) approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

Pursuant to the Commission's approval, appellee has made numerous site improvements, including the construction of a swimming pool, pavilion and other recreational facilities.

Beachmont has operated a day camp for children during the summer. Children from the ages of three to four attend daily from 10:00 a.m. to 2:00 p.m., while older children from the ages of five to twelve attend from 10:00 a.m. to 4:00 p.m. At present, approximately 160 children participate in these two-week sessions.

In addition to the summer day camp, appellee sponsors various church-related activities. The camp's season begins with an Easter Sunrise Service in the spring of each year. Throughout the summer and fall, the campgrounds are available to local churches for picnics and other outings. On the July Fourth

holiday, Beachmont also provides an all day family picnic. In 1985, about 250 to 300 people attended.

Since the camp's purpose is to promote Christian fellowship and principles, Beachmont imposes strict standards for guests using the facilities. No radios or tape players are allowed. Alcoholic beverages and drug use are strictly prohibited. Beachmont enforces a 10:00 p.m. curfew.

Desiring to expand both the size of the camp and the frequency of its use, appellee acquired an additional thirteen acres of land, contiguous to the existing campgrounds, and filed a second Petition for Special Exception on January 30, 1985. In that petition, appellee requested permission to build a multipurpose activities building containing a gymnasium and dining facility; three dormitory lodges, each housing sixty people; three primitive-style cabins, each holding twenty to thirty people; a staff house; director's house; bath houses; and various recreational improvements such as a volleyball court and horseshoe pit. In addition, the petition sought the removal of the first two limitations set out in the 1974 special exception, relating to the number of persons allowed to use the barn or proposed chapel at one time and the number of persons permitted to camp on the subject property at any one time.

Unlike the first petition, appellee encountered considerable opposition to the request to expand the camp's size and frequency of use. After receiving both expert and lay testimony concerning the effects of the proposed expansion, the Zoning Commissioner granted the petition subject to certain restrictions:

- 1) any and all outdoor activities of the camp will have a 10:00 p.m. curfew, and will be conducted so as not to disturb the quiet enjoyment of their own property by the neighbors.
- 2) the site will provide a minimum of 120 parking spaces and except for the specific occasions as set forth in Item No. 3 there may not be more vehicles on the property than those number of spaces provided.
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On appeal to this Court, appellants challenge the Board's action on three grounds:

I. There was a substantial change in the facts and circumstances between the first decision, with its restrictions, and the second case justifying the decisions of the Baltimore County Board of Appeals and the circuit court.

II. The Zoning Commissioner and the County Board of Appeals exceeded their authority in granting the special exception for the many uses contained in the petition, which are not listed among the permitted uses as a right or by special exception in the R.C.2 zone.

III. Appellee failed to present sufficient evidence to the Board so as to render its decision granting Beachmont's petition for special exception fairly debatable.

Because the second issue is dispositive of this case, we will not address the other two issues.

The Commissioner's Authority

Before addressing the merits of the second issue, we note that appellants failed to preserve it for appeal. Specifically, they failed to argue, and neither the County Board of Appeals nor the circuit court decided, whether the Zoning Commissioner exceeded his authority under BCZR § 2A01.2.C. Since appellate rules of procedure prohibit parties from raising issues for the first time on appeal, Md. Rule 1085; C.S. Bowen v. Maryland National Bank, 36 Md. App. 26 (1977); Washington Homes, Inc. v. Bogett, 23 Md. App. 167 (1974), we normally would decline to address an unpreserved issue. An issue involving delegation of power, however, is one of such fundamental importance that a reviewing court should consider it even when the parties failed to litigate the issue at the trial level. See, e.g., Board of Trustees of Howard County Community College v. John K. Ruff, Inc., 278 Md. 580, 583 (1976) (holding that reviewing court must address sovereign immunity issue even though defendant had not raised that issue below); Smith v. Biddle, 188 Md. 315, 318 (1947) (holding that reviewing court "will inquire into the [unpreserved] question of whether a contract sought to be specifically enforced is in the form that the law requires"); Webb v. Baltimore Commercial Bank, 181 Md. 572, 577 (1943) (holding that appellate court must make a legal determination of whether plaintiff has sufficient interest in the subject matter of the suit to sustain a bill in equity, even though no point was made in demurrer, briefs or oral argument);

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In Schultz v. Pritts, 291 Md. 1 (1981), the Court of Appeals explained the general significance of special exception status:

The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any factor or circumstance negating the presumption. The duties given the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan.²

291 Md. at 11 (emphasis in original).

²In the instant case, the zoning regulations provide specific guidance in assessing adverse effects of the special exception use on the surrounding area. Section C of BCZR § 1A01.A permits exceptional use only if it "would not be detrimental to the primary agricultural uses in its vicinity." Section 502.1 of the BCZR expands upon this general requirement, prohibiting the approval of a petition for special exception if any of the following adverse effects should occur:

- 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;

(cont'd)

Following the court's general guidelines, the Zoning Commissioner and the Board possessed the power to grant special exceptions in R.C.2. zones only for the uses that BCZR § 1A01.2.C. enumerates. This ordinance is written

2 cont'd.

- c. Create a potential hazard from fire, panic or other dangers;
- 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; nor
- h. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations.

Because we hold that Beachmont's proposed uses are not covered under the special exception section of the ordinance, we find it unnecessary to address the factual issue of whether appellee complied with these requirements by presenting sufficient evidence to demonstrate that the proposed uses would not adversely affect the surrounding area.

in the affirmative; unless explicitly stated as permitted by special exception or as a matter of right, the use is prohibited. Kowalski v. Lamar, 25 Md. App. 493, 498 (1975) (ruling that "[a]ny use other than those permitted and being carried on as of right or by special exception is prohibited"); see also Town of Harvard v. Maxan, 275 N.E.2d 347, 349-50 (Mass.1971); Williams v. City of Bloomington, McLean County, 247 N.E.2d 446, 449-50 (Ill.App.1969); Samsa v. Heck, 234 N.E.2d 312, 315-16 (Ohio App. 1967); Gada v. Zoning Board of Appeals of the Town of East Lyme, 193 A. 2d 502, 503 (Conn. 1963); Gordon v. Zoning Board of the City of Stamford, 145 A. 2d 746, 750 (Conn. 1958); Silver v. Zoning Board of Adjustment, 112 A.2d 84, 86-87 (Penn. 1955); City of Warwick v. Campbell, 107 A. 2d 334, 336-37 (R.I. 1954); City of Knoxville v. Brown, 260 S.W.2d 264, 267 (Tenn. 1953); Dolan v. DeCapua, 80 A.2d 655, 659 (N.J.Super.1951); Jones v. Robertson, 180 P.2d 929, 931 (Cal.App. 1947).

Here, Beachmont proposes to construct on the subject property a multipurpose activities building containing a gymnasium and dining facility; three dormitory lodges, each housing sixty people; three primitive-style cabins, each holding twenty to thirty people; a staff house; director's house; and bath housing

and various recreational improvements such as a volleyball court and horseshoe pit. We hold that these uses do not fall within the ambit of any of the enumerated special exceptions. Clearly, these buildings are not "churches or other buildings of religious worship." BCZR § 1A01.2.C.6.

Our interpretation of BCZR § 1A01.2.C is supported by the legislative history of the zoning ordinance. The type of structures requested resemble more closely "community buildings... of a civic, social, recreational, or educational nature." Although such uses were included in the 1954 version of the zoning ordinance, see Bill No. 98-75, the legislature deleted them on October 15, 1975 pursuant to Bill No. 178-79. At present these community building uses are permitted by special exception only in R.C.3 and 4 zones. See Bill No. 98-75. Including these uses as permissible in R.C.3 and 4 zones is strong proof that the legislature intended to exclude them from the R.C.2 zone. Parish of Jefferson v. Carl, 195 So.2d 401, 402 (La.Ct.App. 1967) (holding that where a zoning ordinance expressly permits "public schools, and educational institutions having a curriculum the same as that ordinarily given in public schools in R-1 districts, and permits nursery schools in R-3 districts, by inference nursery schools are prohibited in R-1 districts).

Accordingly, we hold that the Zoning Commissioner and the Board of Appeals lacked the authority under BCZR § 1A01.2.C to grant the uses that Beachmont requested. Without the necessary authority, the granting of the special exception to appellee was invalid and thus devoid of all legal effect.

JUDGMENT REVERSED;

COSTS TO BE PAID BY
APPELLEE.

RECEIVED

JUL 2 1937

WHITEFOOT, TOWN, PRESTON,
TRIMBLE & JOHNSTON

IN THE MATTER OF
THE APPLICATION OF
BEACHMONT, INC.
FOR SPECIAL EXCEPTION
ON PROPERTY LOCATED ON
THE SOUTH SIDE OF MT.
VISTA ROAD, 1800 FT.
SOUTHEAST OF HARFORD ROAD
(6433 MT. VISTA ROAD)
11th DISTRICT

: BEFORE
:
: COUNTY BOARD OF APPEALS
:
: OF
:
: BALTIMORE COUNTY
:
: No. 85-245-X
:
:

: : : : : : : : : : :

O P I N I O N

This case comes before the Board as an appeal from the Opinion and Order of the Zoning Commissioner, dated March 7, 1985, which granted the Petition for Special Exception for a camp with accessory uses thereto, and, additionally the amendment to the Special Exception granted for this property in Case No. 75-83-X (1974).

Rarely has this Board considered a petition which generated such community interest. The Board notes that both days of hearings were heavily attended and the Board received numerous letters both in support of, and in opposition to the petition. Rather than rehashing the testimony of each of the many witnesses, the substance of same may be summarized as follows:

There exists on this site of some 20 acres, a Christian Camp known as Beachmont. The property is located in an area which features some agricultural uses as well as an upper class residential community in which both protestants and supporters reside. The camp was established in 1974, after a bequest of the land by a benefactor who sought to establish a campground which promoted Christian fellowship and principles. Approval for this camp was originally granted by way of Special Exception, with certain limitations, in Case No. 75-83-X (1974). Since 1974, improvements have been made on this site, including a swimming pool, pavilion and other recreational facilities.

Use of the camp and its facilities has also expanded, primarily retreats for church groups, day care services and other recreational uses. These activities are carefully monitored and controlled and are conducted within the guidelines envisioned by benefactor. All agree, including the protestants, that the ideals and current use of this property is laudible and enhances the surrounding community. To date, the camp has firmly established itself as a good neighbor.

The opposition to the current petition involves a proposed expansion to both the size of the camp facility and the frequency of use of the property. Recently, the camp has received a donation of an additional ten (10) acres from the family of the original benefactor. This land borders the current camp ground on the north side. Further, a second parcel of 2.6 acres has been obtained, located contiguous to the south of the current facility. Although not extensively addressed during testimony and argument before this Board, we concur with the Zoning Commissioner insofar as his comments regarding the subdivision of the recently donated parcels. Further, the subject property is currently zoned R.C. 2. Pursuant to Section 1A01.1.B of the Baltimore County Zoning Regulations (BCZR), this designation is established "in order to foster conditions favorable to a continued agricultural use . . . ". Additionally, Section 1A01.2.C.4, provides the camps, such as the current use, may be permitted by Special Exception, if such use "would not be detrimental to the primary agricultural uses in its vicinity". We find as fact that the properties in the vicinity to the subject site are used primarily for residential purpose with some agriculture, and therefore, the petitioned use is not detrimental to the surrounding agriculture and may be allowed, subject to compliance with Section 502.1 of the BCZR.

Section 502.1 of the BCZR provides the benchmark for granting a Special Exception. The requirements set forth in this section provide that the use may 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 dangers;
- 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; nor
- h) Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations.

The Board heard from numerous witnesses, both expert and laymen, as to these standards. In sum, we find that the proposed use as set forth in the petition complies with the standards set forth in Section 502.1 of the BCZR and will therefore order that the petition and proposed use be granted, subject to restrictions.

O R D E R

For the reasons set forth in the foregoing Opinion, it is this 5th day of November, 1985, by the County Board of Appeals, ORDERED that the Petition for Special Exception for a camp with accessory uses thereto, and additionally, the amendment to the Special Exception granted in Case No. 75-83-X to allow the proposed expansion, be and the same are hereby GRANTED, subject to the following restrictions:

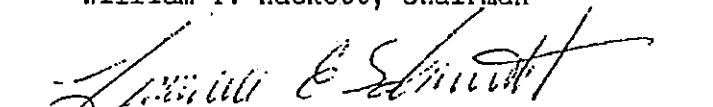
- 1) Any and all outdoor activities at the camp will have a 10:00 P.M. curfew, and will be conducted so as not to disturb the quiet enjoyment of their own property by the neighbors.

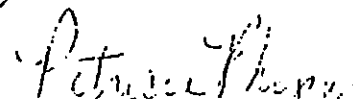
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COUNTY BOARD OF APPEALS
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HOWARD E. FRIEDMAN
CLERK

Court of Special Appeals

Courts of Appeal Building
Annapolis, Md. 21401-1699

(301) 974-3646
WASHINGTON AREA (301) 261-2920

LESLIE D. GRADET
CHIEF DEPUTY

September 1, 1987

J. Norris Byrnes, Esquire
300 Lafayette Building
40 W. Chesapeake Avenue
Towson, MD 21204

85-245-X

Re: Scott Strienbinger et al. v. Beachmont, Inc.
No. 1686, September Term, 1986

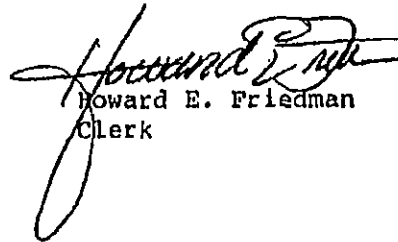
Dear Mr. Byrnes:

As a consequence of your Motion for Reconsideration in this cause, this Court by Order dated August 31, 1987, reconsidered and modified its opinion as per the attached copy.

Please note that page twelve (12) cares for the issue raised in your motion.

A copy of the mandate issued today is enclosed, and the record is being returned to the Circuit Court for Baltimore County.

Very truly yours,



Howard E. Friedman
Clerk

HEF:ms

Enclosures

cc: S. Eric DiNenna, Esquire

TTY FOR DEAF:
BALTO.-ANNAPOLIS AREA (301) 974-3646
WASHINGTON AREA (301) 585-0480

PEOPLE'S COUNSEL 1



UNREPORTED
IN THE COURT OF SPECIAL APPEAL
OF MARYLAND

No. 1686

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85-245-X

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Weant
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PER CURIAM

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The power of the Zoning Commissioner and the County Board of Appeals to grant the special exception is statutory and can be exercised only to the extent and in the manner directed by the enabling statute. Harbor Island Marina, Inc. v. Board of County Commissioners of Calvert County, 286 Md. 303, 309-10 (1979); Gordon v. Commissioners of St. Michaels, 270 Md. 128, 136 (1976); Hewitt v. County Commissioners of Baltimore County, 195 Md. 348, 353-54 (1949). In the case sub judice, the basic zoning power is delineated in BCZR § 1A01, which established a R.C.2 agricultural zone "in order to foster conditions favorable to a continued agricultural use." BCZR § 1A01.1.B. Pursuant to this zoning ordinance, the legislature identified various "preferred use[s] permitted as of right" and nonagricultural uses in which a landowner may engage by special exception. The pertinent uses permitted by special exception are "camps, including day camps" and "churches or other buildings for religious worship." BCZR § 1A01.2.C.4. and 6.

In Schultz v. Pritts, 291 Md. 1 (1981), the Court of Appeals explained the general significance of special exception status:

The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any factor or circumstance negating the presumption. The duties given the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan.²

291 Md. at 11 (emphasis in original).

²In the instant case, the zoning regulations provide specific guidance in assessing adverse effects of the special exception use on the surrounding area. Section C of BCZR § 1A01.A permits exceptional use only if it "would not be detrimental to the primary agricultural uses in its vicinity." Section 502.1 of the BCZR expands upon this general requirement, prohibiting the approval of a petition for special exception if any of the following adverse effects should occur:

- 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;

(cont'd)

Following the court's general guidelines, the Zoning Commissioner and the Board possessed the power to grant special exceptions in R.C.2. zones only for the uses that BCZR § 1A01.2.C. enumerates. This ordinance is written

2 cont'd.

- c. Create a potential hazard from fire, panic or other dangers;
- 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; nor
- h. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations.

Because we hold that Beachmont's proposed uses are not covered under the special exception section of the ordinance, we find it unnecessary to address the factual issue of whether appellee complied with these requirements by presenting sufficient evidence to demonstrate that the proposed uses would not adversely affect the surrounding area.

in the affirmative; unless explicitly stated as permitted by special exception or as a matter of right, the use is prohibited. Kowalski v. Lamar, 25 Md. App. 493, 498 (1975) (ruling that "[a]ny use other than those permitted and being carried on as of right or by special exception is prohibited"); see also Town of Harvard v. Maxan, 275 N.E.2d 347, 349-50 (Mass.1971); Williams v. City of Bloomington, McLean County, 247 N.E.2d 446, 449-50 (Ill.App.1969); Samsa v. Heck, 234 N.E.2d 312, 315-16 (Ohio App. 1967); Gada v. Zoning Board of Appeals of the Town of East Lyme, 193 A. 2d 502, 503 (Conn. 1963); Gordon v. Zoning Board of the City of Stamford, 145 A. 2d 746, 750 (Conn. 1958); Silver v. Zoning Board of Adjustment, 112 A.2d 84, 86-87 (Penn. 1955); City of Warwick v. Campbell, 107 A. 2d 334, 336-37 (R.I. 1954); City of Knoxville v. Brown, 260 S.W.2d 264, 267 (Tenn. 1953); Dolan v. DeCapua, 80 A.2d 655, 659 (N.J.Super.1951); Jones v. Robertson, 180 P.2d 929, 931 (Cal.App. 1947).

Here, Beachmont proposes to construct on the subject property a multipurpose activities building containing a gymnasium and dining facility; three dormitory lodges, each housing sixty people; three primitive-style cabins, each holding twenty to thirty people; a staff house; director's house; and bath housing

and various recreational improvements such as a volleyball court and horseshoe pit. We hold that these uses do not fall within the ambit of any of the enumerated special exceptions. Clearly, these buildings are not "churches or other buildings of religious worship." BCZR § 1A01.2.C.6.

Our interpretation of BCZR § 1A01.2.C is supported by the legislative history of the zoning ordinance. The type of structures requested resemble more closely "community buildings... of a civic, social, recreational, or educational nature." Although such uses were included in the 1954 version of the zoning ordinance, see Bill No. 98-75, the legislature deleted them on October 15, 1975 pursuant to Bill No. 178-79. At present these community building uses are permitted by special exception only in R.C.3 and 4 zones. See Bill No. 98-75. Including these uses as permissible in R.C.3 and 4 zones is strong proof that the legislature intended to exclude them from the R.C.2 zone. Parish of Jefferson v. Carl, 195 So.2d 401, 402 (La.Ct.App. 1967) (holding that where a zoning ordinance expressly permits "public schools, and educational institutions having a curriculum the same as that ordinarily given in public schools in R-1 districts, and permits nursery schools in R-3 districts, by inference nursery schools are prohibited in R-1 districts).

Accordingly, we hold that the Zoning Commissioner and the Board of Appeals lacked the authority under BCZR § 1A01.2C to grant the uses that Beachmont requested. Without the necessary authority, the granting of the special exception to appellee was invalid and thus devoid of all legal effect.

It is clear that the removal of restrictions 1 and 2 contained in the grant of the original special exception, Case No. 75-83X, was intended to facilitate the implementation of the special exception which we hold was not permitted under the Baltimore County Zoning Regulations. Because under our holding, there will be no expansion of the present use, these restrictions should continue, therefore, we also reverse that part of the ruling of the circuit court which affirmed the removal of the restrictions by the Zoning Commissioner and the subsequent approval of that removal by the Board of Appeals.

JUDGMENT REVERSED;

COSTS TO BE PAID BY APPELLEE.

MANDATE
Court of Special Appeals

No. 1686, September Term, 1986

Scott Strienbinger et al
v.
Beachmont, Inc.

JUDGMENT: July 6, 1987: Per Curiam filed.
Judgment reversed; costs to be paid by
appellee.
August 5, 1987: Appellee's Motion for
Reconsideration.
August 10, 1987: Answer to Motion for
Reconsideration filed by appellant counsel.
August 31, 1987: Motion for Reconsideration
and modification of opinion granted.

September 1, 1987: Mandate issued.

STATEMENT OF COSTS:

In Circuit Court: for BALTIMORE COUNTY
85CG3878

Record..... 40.00

In Court of Special Appeals:

Filing Record on Appeal.....	50.00
Printing Brief for Appellant.....	183.40
Portion of Record Extract--Appellant....	1665.60
Printing Brief for Appellee.....	124.80

STATE OF MARYLAND, Sct:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals. In testimony
whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this FIRST day
of September A.D. 19 87

[Signature]
Clerk of the Court of Special Appeals

COSTS SHOWN ON THIS MANDATE ARE TO BE SETTLED BETWEEN COUNSEL AND NOT THROUGH THIS OFFICE.

1021

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 S/S Mount Vista Road 1800' * ZONING COMMISSIONER
 SE Harford Road * OF BALTIMORE COUNTY
 (6433 Mount Vista Road) *
 11th Election District * CASE # 89-489-SPH
 6th Councilmanic District *
 Beachmont, Inc. *
 Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a Special Hearing to approve an amendment to the site plan in zoning case #75-83X to permit a 36' x 40' enclosed addition to the existing 36' x 72' open pavilion, as more particularly described on Petitioner's Exhibit 2.

The Petitioner, by Gilbert Thompson, Secretary for Beachmont, Inc. and Paul T. Twining, Director for said corporation, appeared and testified. Also appearing on behalf of the Petitioner were Mr. R.D. Standiford, Mr. and Mrs. William E. Akehurst, Reverend and Mrs. Charles J. Gyle, Mary Frances Shepperd, Nancy L. Hastings, Katherine and Diane Baumann, Carre Smith, Mr. and Mrs. Robert Tranter, Mary Lou Waters, JoAnn Hoffmann, Mr. Todd H. Twining, Beverly and Jennifer Twining and Lisa Bordone. There were no Protestants.

Testimony indicated that the subject property, commonly known as the Beachmont Christian Camp, is zoned R.C.5 and is improved with community buildings, a swimming pool, a pavilion and recreation areas. Mr. Twining testified that the staff at Beachmont, Inc. is desirous of constructing a closed addition on the existing pavilion which is located on the southeast portion of the subject property. The purpose of said addition is to provide shelter for the camp's patrons during summer storms and to provide housing for the camp's arts and crafts activities. Mr. Twining testified

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By

Handwritten signature and date

that Petitioner's request will not expand the camps programs or increase the number of patrons utilizing the facility, but will merely provide a safe shelter during inclement weather and accommodate the arts and crafts activities. Additionally, Mr. Twining represented that he has met with members of the surrounding community and there were no objections to the requested enclosed addition.

Testimony indicated that numerous improvements have been made to the local environment. Some of the benefits to the community are seeding, tree planting, grading to eliminate runoff and improved land use. Additionally, testimony indicated that the facility serves such groups as the Maryland School for the Blind, the Boy and Girl Scouts of America, as well as children in the immediate community.

Both Messrs. Twining and Thompson testified that, in their opinion, the conditions delineated in Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) will be satisfied by the requested modification. Mr. Twining further testified that the requested addition will not result in any detriment to the health, safety, or general welfare of the community.

It is clear that the B.C.Z.R. permits the use proposed in an R.C.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by section 502.1 are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to

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M. J. J. J.

the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A2d 1319 (1981).

It is clear from the testimony that if the relief is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety and general welfare.

After reviewing all of the testimony and evidence presented, it appears that the Special Hearing should be granted, with certain restrictions, as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 10th day of July, 1989 that the Petition for Special Hearing to approve the enclosed addition to a pavilion, and an amendment to the previously approved site plans in Zoning case #75-83X, all in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that all prior zoning Orders and restrictions contained therein, pertaining to the subject property, shall be incorporated in their entirety herein, retaining full force and effect except as otherwise amended herein. All relief granted herein is subject to the restrictions aforementioned and the restriction set forth below.

1. The Petitioner may apply for its building permit and be granted same upon receipt of this

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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, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:mmn

cc: Peoples Counsel

cc: Mr. R.D. Standiford, 12410 Regwood Rd. Hydes, Md. 21082
cc: Mr. and Mrs. William E. Akehurst, 4411 E. Joppa, Perry Hall, Md. 21128
cc: Reverend and Mrs. Charles J. Gyle, 2905 Evergreen Ave., Balto. Md. 21214
cc: Mary Frances Shepperd, Box 95, Kingsville, Md. 21087
cc: Nancy L. Hastings, 7714 Brock Hill Rd. Kingsville, Md. 21087
cc: Katherine and Diane Baumann, 1906 Cedar Lane, Kingsville, Md. 21087
cc: Carre Smith, 1345 N. Falls Road, Jarrettsville, Maryland 21084
cc: Mr. and Mrs. Robert A. Baker, 12124 Harford Rd., Glen Arm, Md. 21057
cc: Mary Lou Waters, 13820 Manor Glen Rd. Baldwin, Md. 21013
cc: JoAnn Hoffmann, 6433 Mt. Vista Rd., Kingsville, Md. 21087
cc: Mr. and Mrs. Todd H. Twining, 6433 Mt. Vista Rd., Kingsville, Md.
cc: Lisa Bordone, 1901 Carrs Mill Rd. Fallston, Md. 21047

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By _____

Previous Case

Item # 448

85-245-X	S/S Mt. Vista Rd., 1800' se of Harford Rd. (6433 Mt. Vista Rd.)	11th Elec. Dist.
1/30/85	Petition for Special Exception (for a camp, day camp, uses accessory thereto, etc.) - filing fee \$100.00 - Beachmont, Inc.	
1/30/85	Hearing set for 3/4/85, at 11:30 a.m.	
3/5/85	Advertising and Posting - \$51.26	
3/7/85	Ordered by the Zoning Commissioner that the Petition for Special Exception with accessory uses thereto and the amendment to the special exception granted in Case No. 75-83-X to delete Restrictions 1 and 2 and the site plan filed and approved therein to allow the proposed expansion are GRANTED with restrictions.	
4/2/85	Appeal filed by Protestants/Appellants, B. Scott Striebinger, et al - filing fee \$105.00 - to the County Board of Appeals.	
11/5/85	Ordered by the County Board of Appeals that the Petition for Special Exception for a camp with accessory uses thereto and the amendment to the Special Exception granted in Case No. 75-83-X to allow the proposed expansion are GRANTED with restrictions and any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.	
12/6/85	Appeal filed by Protestants/Appellants, Scott and Judy Striebinger, et al, to the Circuit Court for Baltimore County.	
11/20/86	Memorandum and Order of Circuit Court for Baltimore County (Judge A. Owen Hennegan) AFFIRMING the decision of the Baltimore County Board of Appeals and ORDERING Appellants to pay the costs.	
12/17/86	Order for Appeal of Protestants/Appellants, Scott and Judy Strienbinger, et al, to Court of Special Appeals of Maryland.	

Deemed in Annapolis docket not updated were

85-246-A	Beg. 437' S of the c/l of Circle Rd., .4 miles SW of Ruxton Rd. (1846 Circle Rd.)	9th Elec. Dist.
1/4/85	Petition for Variance - filing fee \$35.00 - T. Talbott Bond, et ux	
1/4/85	Hearing set for 3/5/85, at 9:30 a.m.	
3/5/85	Advertising and Posting - \$47.91	
3/26/85	Ordered by the Deputy Zoning Commissioner that the Variance is GRANTED.	

BEACHMONT CAMP

MASTER PLAN

1" = 200' SEPT. 1984
11th DIST. BALTO. CO.

REVISED 1-89



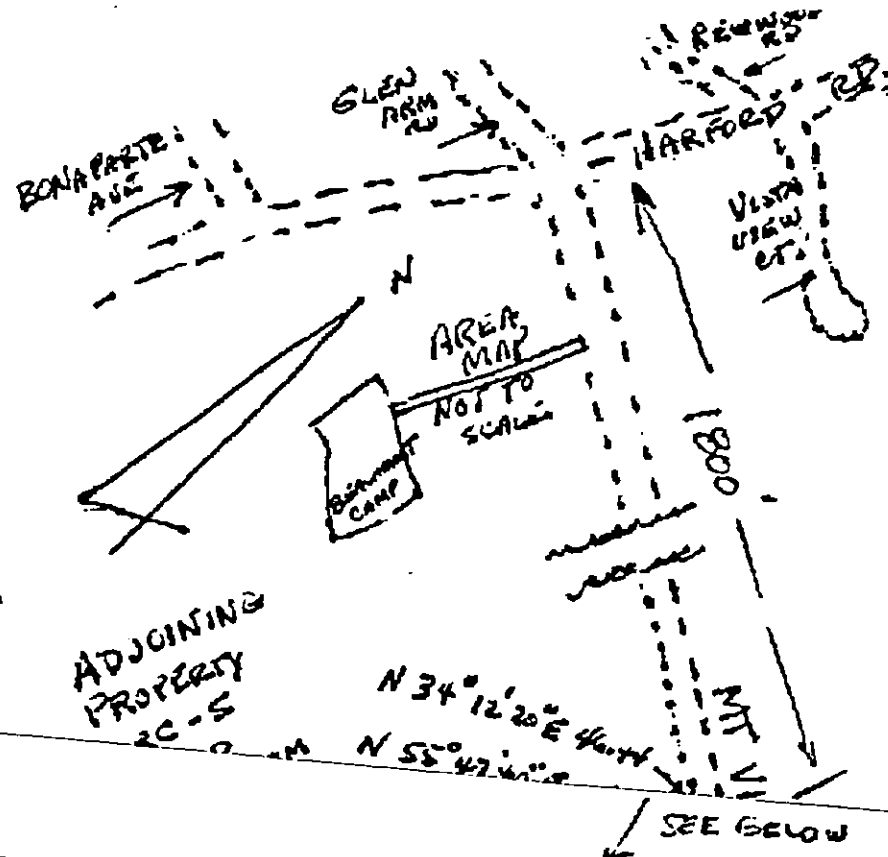
PARK ON PART OF WEST AND SOUTH SIDES

RC-S

ADJOINING
PROPERTY
RC-S

N 34° 12' 20" E 46.74'
N 55° 47' 41" W

SEE BELOW



IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of October, 1974, that a Special Exception for community buildings, swimming pools, structural or land uses devoted to civic, social, recreational, or educational activities should be and the same is GRANTED, from and after the date of this Order; subject to: 1) not more than 250 persons using the barn or proposed chapel area as indicated on the plat, 2) not more than 150 persons camping on the property at any one time; and 3) approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

Zoning Commissioner of Baltimore County

IN RE: PETITION FOR SPECIAL HEARING
SW/S Mt. Vista Road, 1800' SE
of the c/l of Harford Road
(6433 Mt. Vista Road)
11th Election District
5th Councilmanic District

Beachmont, Inc.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-50-SPH
*

* * * * *
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the owner of the subject property, Beachmont, Inc., by Paul T. Twining, Director and Gil Thompson, Secretary, through their attorney, Ernest C. Trimble, Esquire. The Petitioner seeks approval of an amendment to the previously approved site plans in Case Nos. 75-83-X and 89-489-SPH by removing Restrictions 1, 2 and 3 thereof and approving the modified site plans proposed herein, in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Paul Twining, Director, and Gilbert Thompson, Secretary. The Petitioners were represented by Ernest C. Trimble, Esquire. Appearing as Protestants in the matter were Scott Striebinger, Dorothy Dunsmore, Robert G. Hamilton and Marianne Roebber-Hamilton, Robert F. Long, Franz Brandl, and Charles E. Lucas, all residents of the surrounding community.

The first hearing in this matter was held on September 9, 1993. After taking testimony and evidence at that hearing, the case was continued to allow the Petitioners and the Protestants an opportunity to meet and discuss the proposed changes to the site plan. A continued hearing was scheduled for November 19, 1993 to take testimony and evidence concerning the negotiations that took place from the time of the first hearing.

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Date 10/29/93

By [Signature]

At the hearing held in September, the testimony and evidence presented by Beachmont, Inc. established that the subject property, known as 6433 Mt. Vista Road, consists of 31.2 acres, zoned R.C. 5 and is the site of the Beachmont Christian Camp, which has existed on the property for many years. As to its zoning history, this property was the subject of prior Case No. 75-83-X in which a special exception for the subject Camp was granted on October 22, 1974 by the then Zoning Commissioner, S. Eric DiNenna, subject to restrictions limiting the Camp's use as follows: 1) Not more than 250 persons using the barn or proposed chapel area as indicated on the plat; 2) Not more than 150 persons camping on the property at any time; and 3) approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

Thereafter, in Case No. 89-489-SPH, the Petitioners filed a request for special hearing seeking an amendment to the site plan approved in Case No. 75-83-X to permit a 36' x 40' enclosed addition to the existing open pavilion. Then Zoning Commissioner J. Robert Haines granted the special hearing by Order issued July 10, 1989. In his Order, Mr. Haines incorporated by reference the three restrictions that were imposed in the previous case by Mr. DiNenna. Those restrictions are still in existence today and are the same restrictions that the Petitioner seeks to have removed pursuant to this Petition for Special Hearing.

The Petitioner now seeks to remove those restrictions and to amend the previously approved site plans in accordance with the modified site plan submitted herein and marked as Petitioner's Exhibit 1, which depicts the current and proposed improvements on the site. The following modifications are being requested: 1) The Petitioner seeks to relocate the proposed multi-purpose Community Activity Center to the location shown on

the site plan; 2) to permit parking on both sides of this community building; 3) to relocate the maintenance shed building to the edge of the new parking lot; 4) to increase the total number of persons permitted to use the camp from October through April to a maximum of 350 persons per day; 5) to increase the total number of persons permitted to use the camp from May through September to a maximum of 720 persons daily; 6) to waive the maximum number of persons permitted for special services at least six (6) times per year in lieu of the currently permitted two (2) times per year. The Petitioner wishes to increase the maximum number of persons permitted to 1,000 people and agrees to end all activities on the site by 10:30 PM on any given evening.

Mr. Paul Twining appeared and testified on behalf of the Petition. Mr. Twining testified that at the present time, Beachmont, Inc. operates a Christian day camp for children during the summer months. He stated that during this time, approximately 150 to 350 people use the camp on a daily basis. He testified that although approval was granted for overnight camping, Beachmont has never constructed any facilities to accommodate overnight campers and has no intention of doing so in the future. He further testified that at the time Beachmont took over the property in 1975, there existed a barn on the property which was to be renovated. However, the barn was considered unsafe and cost prohibitive to renovate, so it was razed. Beachmont would like to construct the proposed one-story activity center in the approximate location where the barn previously stood. This activity center would give Beachmont the flexibility to hold indoor activities during the cold winter months or during inclement weather. He testified that the new activity center would accommodate approximately 350 people. Therefore, the Petitioners wish to amend the restric-

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tions imposed in 1974 and increase the number of persons permitted to use the barn or proposed chapel from 250 people to 500 people permitted to use the new activity center.

An issue was raised as to whether the barn to which Mr. Dinenna referred in his restrictions, in the same structure that the Petitioner now seeks to replace. I find that as it has been necessary to replace the barn due to structural flaws, the activity center should be treated in the same as the barn as far as Mr. Dinenna's Order is concerned. Therefore, I believe that the proposed activity center is bound by this particular restriction and as such, the relief requested pursuant to this special hearing is necessary.

The second restriction imposed by Mr. Dinenna is still applicable today and deals with overnight camping of not more than 150 persons. In 1974, the Petitioner proposed to construct various cabins on the property to house overnight campers. As Mr. Twining testified, this was never done and is not intended to be done at this time. Therefore, Restriction No. 2 is no longer applicable to this site in that overnight facilities were never developed. Therefore, it is not necessary to amend Restriction No. 2 due to the fact that no overnight camping on the premises is proposed. However, a restriction will be placed at the end of this Order to deal with any future requests for overnight camping.

The third restriction imposed by Mr. Dinenna is no longer applicable to the property at this time. That restriction dealt with the approval of the site plan which was submitted by the Petitioner in 1974. That restriction would have already been complied with by this time, and therefore, is no longer applicable.

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Mr. Twining also testified concerning special events that take place on the property. He testified that Beachmont has a special Fourth of July celebration and a special Easter celebration at which as many as 800 people will attend. The Petitioner seeks the ability to operate six (6) special functions per year with no more than 1,000 persons present at any one event. Furthermore, Mr. Twining testified that in the 19 years Beachmont has operated from the subject site, there have never been any motor vehicle accidents at the entrance to the facility from Mt. Vista Road. He further testified that the Camp does offer live music which is played in conjunction with their Christian services. He testified that the new activity center will take some of that live music, which can be offensive to surrounding residents, indoors and will eliminate some of the noise about which the neighbors have complained. Mr. Twining testified that the new building they wish to construct will cost approximately \$700,000 which the Camp still needs to raise at this time.

The Petitioner also submitted several letters of support from various beneficiaries for both the day camp operations and the relief requested by Beachmont. It should also be noted that several letters of opposition were submitted by various residents in the area, including some of the Protestants who appeared at the hearing.

As previously stated, several residents appeared in opposition to the Petitioner's request. The testimony presented was basically uniform in its nature. The residents complained of the noise generated by the Christian Camp. Furthermore, they testified that campers will often take hayrides along the border of the Christian Camp and their respective properties, and that on occasions, these day campers will impose upon their privacy by looking into their property as they pass by. Furthermore, the

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adjacent property owners complained of a vespers area that is situated on the southern corner of the property. This area has been set aside by Beachmont as an area for Christian services to take place outdoors. The vespers area has been set aside because of its location near an existing lake on the property. Furthermore, there is a small alter area where these vespers take place. The Protestants find these services objectionable because of noise generated by the use of loudspeakers during these Christian services. Furthermore, they stated that music is often played loudly during these services which also imposes upon the peace and tranquility the residents have come to enjoy in this rural area of Baltimore County.

The neighbors also objected to the use of campfires by Beachmont Christian Camp. They testified that on occasions, the smoke from the campfire will drift onto their adjacent properties and pose a nuisance to them. Furthermore, they fear that any increase in membership or construction of new facilities will exacerbate the already undesirable conditions that exist as a result of the Christian Camp operation.

At the conclusion of the testimony and evidence presented at the hearing, I gave an opportunity to the Protestants and the Petitioners to meet and discuss some of the differences that were voiced at the hearing. The individuals involved were given a sufficient amount of time to exchange information and ideas as to how to make this a better Christian Camp for all concerned. After an appropriate amount of time, the matter was reset for a hearing on negotiations and any progress that was made between the parties. Mr. Scott Striebinger, President of the Greater Mt. Vista Association, advised this office by letter dated October 15, 1993 of the progress, or lack of progress, that was made between the parties and submitted a list of their concerns. The issues raised in his letter will be

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addressed pursuant to the restrictions and conditions imposed at the end of this Order.

It should be noted that the only restriction that is applicable to this property, according to the records of the Baltimore County Zoning Administration Office, is the number of individuals permitted to utilize the proposed activity center which is limited to 250 persons at this time. The second restriction which concerned overnight camping is not applicable as the Petitioner does not intend to provide overnight camping facilities. To that end, I will impose a restriction that no overnight camping be permitted on the property.

As noted above, the Petitioner wishes to increase the number of people permitted to utilize the activity center from 250 to 350 persons. The Petitioner is also requesting to increase the total number of people permitted to use the camp from October through April to 350 people daily and to increase the total number of people permitted to use the camp from May through September to a maximum of 720 people daily. In addition, the Petitioner wishes to increase the number of special events held from two times per year to six times per year and to permit an increase in the maximum number of people permitted to attend those events to 1,000. I was unable to find in the two prior cases referenced pursuant to this special hearing any of the restrictions cited herein. The testimony and evidence presented was unclear as to whether these were restrictions that were imposed by either Mr. DiNenna or Mr. Haines, the two previous zoning Commissioners who heard those cases. However, I will rule upon the appropriateness of the Petitioner's request in this instance, inasmuch as it is the Petitioner who has indicated that these restrictions apply to the use of the subject property.

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In the opinion of this Deputy Zoning Commissioner, the number of persons permitted to use the activity center should be increased. Since the time that Mr. DiNenna imposed that restriction upon the use of the barn, which has since been razed, several changes have taken place. The Camp has acquired additional land and now totals 31.2 acres. The Petitioner seeks to develop the site with a \$700,000 facility to accommodate guests as opposed to accommodating them in the old barn. The new activity center can easily handle the increased number of people proposed and the effects on the community will be minimal since activity will be inside. Also any additional traffic as a result of the increased number of people permitted to use the facility should not pose any problems since there have never been any accidents at the entrance to this site and parking on site is plentiful. Therefore, I believe that the number of persons permitted to utilize the new activity center should be increased from 250 to 350 people. This limitation of 350 people daily shall apply to all twelve (12) months of the year and the only exception to that number shall be for "special events" held by the Petitioner.

The main purpose for requesting the special hearing is to permit Beachmont to construct a new activity center in the location where the old barn used to exist. This is something that has been contemplated over the many years that Beachmont has been in existence. I believe it is appropriate at this time for Beachmont to be able to construct this new activity center. However, the use of the activity center and the use of the entire site as a Christian Day Camp will be restricted pursuant to the conditions and restrictions imposed hereinafter.

After due consideration of the testimony and evidence presented, it appears that the relief requested in the special hearing should be

12/21/93
[Signature]

granted, subject to restrictions. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In the opinion of this Deputy Zoning Commissioner, the new activity center and related parking areas as shown on Petitioner's Exhibit 1, and the relocation of the maintenance shed to the edge of the parking lot will not result in any detriment to the health, safety or general welfare of the surrounding community and meet the spirit and intent of the zoning regulations.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of December, 1993 that the Petition for Special Hearing seeking approval to amend the previously approved site plans in prior Case Nos. 75-83-X and 89-489-SPH by removing Restrictions 1, 2 and 3 thereof and approving the modified site plans proposed herein, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) The number of people permitted to occupy the new activity center shall be limited to 350 persons per day. In fact, throughout the entire year the total number of persons permitted to use the Camp facilities shall be limited to 350 persons daily, except during special events as provided for in Restriction 3.

→ 500
for
Sum-Camp

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Date 12/20/93
By [Signature]

3) The Petitioner shall be permitted to conduct special services four (4) times per year and a maximum of 700 persons shall be permitted to attend any one of the four special services.

4) During such times as a special event may be taking place at the Beachmont Christian Camp, the Petitioner shall provide private parking attendants to assist with the safe flow of traffic to and from the site.

5) All services and activities that are conducted on site must be concluded by 10:30 PM on any given day.

6) The Petitioner will make every effort to reduce the amount of noise generated by the children who attend this Christian Day Camp particularly during such times as the children are engaged in outdoor activities. Furthermore, the Petitioner shall adjust the amplified speaker system to reduce all noise and to deflect same away from any adjacent property owners.

7) All hayrides or wagon rides shall be rerouted to lessen their infringement upon the privacy of adjoining residential property owners.

8) The Petitioner shall eliminate or relocate camp fires and outdoor barbecuing facilities to reduce the effects of smoke and to keep any smoke from drifting onto adjacent residential properties.

9) The Petitioner shall rearrange or relocate the vespers area located on the southern portion of the site in a manner that will direct all singing, chanting, and praying away from the adjoining residential properties to lessen the impact that these services have upon the neighbors' quiet enjoyment of their property.

10) The Petitioner is prohibited from providing overnight camping facilities at this time. However, in the event the Petitioner desires to provide overnight camping facilities in the future, it has the right to request a special hearing to amend this restriction.

11) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

32 community
Plans
→ 10@
1800

cannot the
high com mane
have
at you
western edge

ORDER RECEIVED FOR FILING
Date 12/20/63
By [Signature]

TMK:bjs

[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

RE: PETITION FOR SPECIAL HEARING
6415 Mt. Vista Road, S/S Harford Rd and Mt. Vista
Rd, 1550' S of c/l Harford and Mt. Vista Rd
intersection, 11th Election District, 5th Councilmanic

Legal Owner: ESTATE OF AIMEE B. FOARD
Contract Purchaser: BEACHMONT
CHRISTIAN MINISTRIES

Petitioners

* BEFORE THE
* COUNTY BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* Case No. 99-347-SPH

* * * * *

OPINION AND ORDER

OPINION

The parties to this appeal are the Estate of Aimee B. Foard and Beachmont Christian Ministries, Petitioners, and the Office of People's Counsel. This case comes to the Board of Appeals on People's Counsel's appeal of the Zoning Commissioner of Baltimore County's May 6, 1999 Order granting Beachmont Christian Ministries' ("Beachmont") Petition for Special Hearing. Beachmont's Petition for Special Hearing sought approval of a non-density transfer of a 15-acre parcel, zoned R.C.5, from the Estate of Aimee Foard ("Estate") to an adjacent R.C.5 zoned parcel owned by Beachmont. At the time of the transfer, the Estate owned a 50-acre tract of land and sought to convey the 15 acres for use in conjunction with Beachmont's existing Christian camp.

People's Counsel appealed the granting of Beachmont's Petition for Special Hearing because it permitted the Estate to retain all rights of subdivision density associated with the Estate's former 50-acre tract, despite being reduced to 35 acres in size. People's Counsel's position is that the maximum residential zoning density of this remaining parcel of the Estate, which houses an existing church, must be determined in accordance with the actual combination of uses and acreage, and subject to R.C.5 lot density.

Prior to the hearing, the parties determined to proceed with the appeal in a way which would accomplish both Beachmont's and the Estate's intended purpose for seeking a non-density transfer to

accomplish both Beachmont's and the Estate's intended purpose for seeking a non-density transfer to Beachmont, and also would satisfy People's Counsel's concerns about the retention of excessive density rights by the Estate.

Petitioners have therefore withdrawn their request that the Estate, as transferor, retain density attributable to the transferred parcel. They are accordingly amending the Petition and site plan. The Board is satisfied that this withdrawal and amendment accords with the law. It properly limits density to that allowed under BCZR 1A04.3B1, and it also takes into account that part of the acreage is occupied by a church.

At the same time, Beachmont, as transferee, does not intend to subdivide the 15 acres into residential lots. For this reason, it has asked for the parcel to be designated as a "non-density" transfer upon its acquisition. People's Counsel does not oppose this designation.

It is possible, however, that Beachmont will in the future request an expansion of its existing day camp special exception. This special exception was approved in Case No.

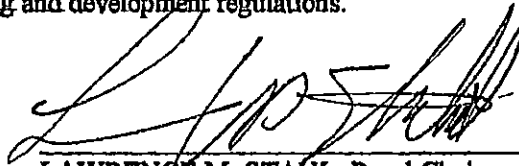
75-83-X. Beachmont sought to expand and extend its approval in Case No. 85-245-X, which the Board approved, in accordance with the terms of an Opinion dated November 5, 1985. But, the Court of Special Appeals reversed this approval by its Opinion dated July 6, 1987, as revised and republished by Order of Reconsideration dated August 31, 1987. A copy of the final Court of Special Appeals Opinion is an exhibit in this case.

The present special hearing does not alter or affect the current special exception use, or its conditions or limits. Likewise, it is not intended to influence the decision on the merits of any future request to expand the special exception. The Great Mt. Vista Association, Scott Stroebling, and other interested citizens were parties in Case No. 85-245-X and maintain an interest in zoning proceedings affecting the Beachmont property.

ORDER

The instant Order takes into account both the agreed approach of the parties and the independent review of the County Board of Appeals. It resolves all outstanding issues in this matter. The Order has been presented and explained in open hearing. Upon consideration of the record and presentations of the parties and counsel, this 19th day of November, 1999, this Board APPROVES Beachmont's Petition for Special Hearing, as amended, subject to the following conditions:

1. Beachmont's Petition for Special Hearing and accompanying plat are amended in order to eliminate any transfer of subdivision lot density in the R.C.5 zone.
2. Beachmont's amended plat includes an additional note stating that the density of the Estate's remaining 35-acre parcel of land will be calculated based upon the remaining acreage of property and its combination of uses following the non-density transfer, and not on the basis of the preexisting 50-acre parcel. Any additional development of the Estate's remaining 35-acre parcel is subject to all applicable zoning and development regulations.
3. The Estate will incorporate the instant Order into the deed for the transfer of the 15-acre parcel.
4. The 15-acre non-density parcel is still subject to applicable development regulations of Baltimore County.
5. Any future request by Beachmont for a special exception with respect to the 15-acre parcel, or the amendment of the special exception obtained in Case No. 75-83-X, and as limited in Case No. 85-245-X, must stand on its own and is subject to applicable zoning and development regulations.


LAWRENCE M. STAHL, Panel Chairman


THOMAS P. MELVIN, Panel Member


LYNN BARRANGER, Panel Member

IN RE: PETITION FOR SPECIAL HEARING
SW/S Mt. Vista Road, 1000' SE of its
Intersection w/Harford Road
(Rear of 4515 Mt. Vista Road)
11th Election District
5th Councilmanic District

Estate of Aimee B. Foard
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-347-SPH

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, the Estate of Aimee B. Foard, by Ronald B. Standiford, Personal Representative, and the Contract Purchaser, Beachmont Christian Ministries, by Gilbert L. Thompson, Secretary, through their attorney, G. Scott Barhight, Esquire. The Petitioners seek approval of the non-density transfer of a 15-acre parcel, zoned R.C.5, to an adjacent parcel zoned R.C.5. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Ronald D. Standiford, Personal Representative for the Estate of Aimee B. Foard, property owners, Gilbert L. Thompson and Paul T. Twining, representatives of Beachmont Christian Ministries, Contract Purchasers, Bruce E. Doak, Registered Property Line Surveyor with Gerhold, Cross & Etzel, who prepared the site plan of this property, and G. Scott Barhight, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present; however, a letter in support of the request was received from the Great Mt. Vista Association.

Testimony and evidence presented revealed that the subject property is an irregularly shaped parcel containing approximately 15 acres in area, zoned R.C.5, located on the southwest side of Mt. Vista Road in Kingsville. Presently, the property is unimproved and is in active

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Date 5/6/99
by [Signature]

agricultural use. The property is part of a larger parcel containing approximately 50 acres owned by the Estate of Aimee B. Foard. The parcel abuts property owned by Beachmont, Inc., the corporate entity for the Beachmont Christian Ministries. The property owned by Beachmont, Inc. is used as a Christian Day Camp, and is improved with several athletic fields, a swimming pool, and a basketball/multi-purpose macadam court. There are also several small structures on the property. Additionally, a larger building is now under construction.

As noted above, Beachmont, Inc. operates the property as a day camp. It is used as a day camp for children in the warmer months, and is frequently leased to churches and other religious organizations for retreats, picnics, etc. The Estate of Aimee Foard proposes conveying the 15-acre parcel under consideration to Beachmont for use in conjunction with the camp. It was indicated at the hearing that Beachmont ultimately proposes expanding its day camp facility utilizing the 15-acre parcel by way of the construction of three (3) ball fields, a small gazebo, a chapel, and a miniature golf course.

Approval for those uses is not being requested under the present Petition. Indeed, camps are permitted in the R.C.5 zone by special exception. Although special exception approval was received for the existing camp some years ago, the Petition before me does not seek an expansion of that special exception. Rather, the Petition requests only the non-density transfer of a 15-acre parcel from the Estate of Aimee Foard to Beachmont, Inc. In this regard, the Estate will retain all rights of subdivision/density associated with the former overall 50-acre tract.

A letter was received regarding the Petitioners' proposal from the Great Mt. Vista Association. That letter does not object to the transfer, per se; however, voices concerns over any proposed expansion.

The issue before me is limited. I am being requested to approve only the conveyance of the 15-acre parcel without any density rights. Thus, I am persuaded that the Petition should be granted. In the event Beachmont, Inc. decides to develop the property in the future as indicated above, Petitions for Special Hearing and/or Special Exception need be filed to approve an

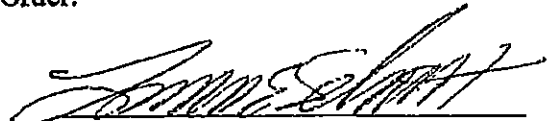
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5/16/09
[Signature]

expanded use. At that time, the Great Mt. Vista Association's concerns as expressed in their letter will be relevant.

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

with THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of May, 1999 that the Petition for Special Hearing seeking approval of the non-density transfer of a 15-acre parcel, zoned R.C.5, to an adjacent parcel, also zoned R.C.5, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) In the event Beachmont, Inc. decides to develop the property as set forth herein, Petitions for Special Hearing and/or Special Exception need be filed to approve an expanded use.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

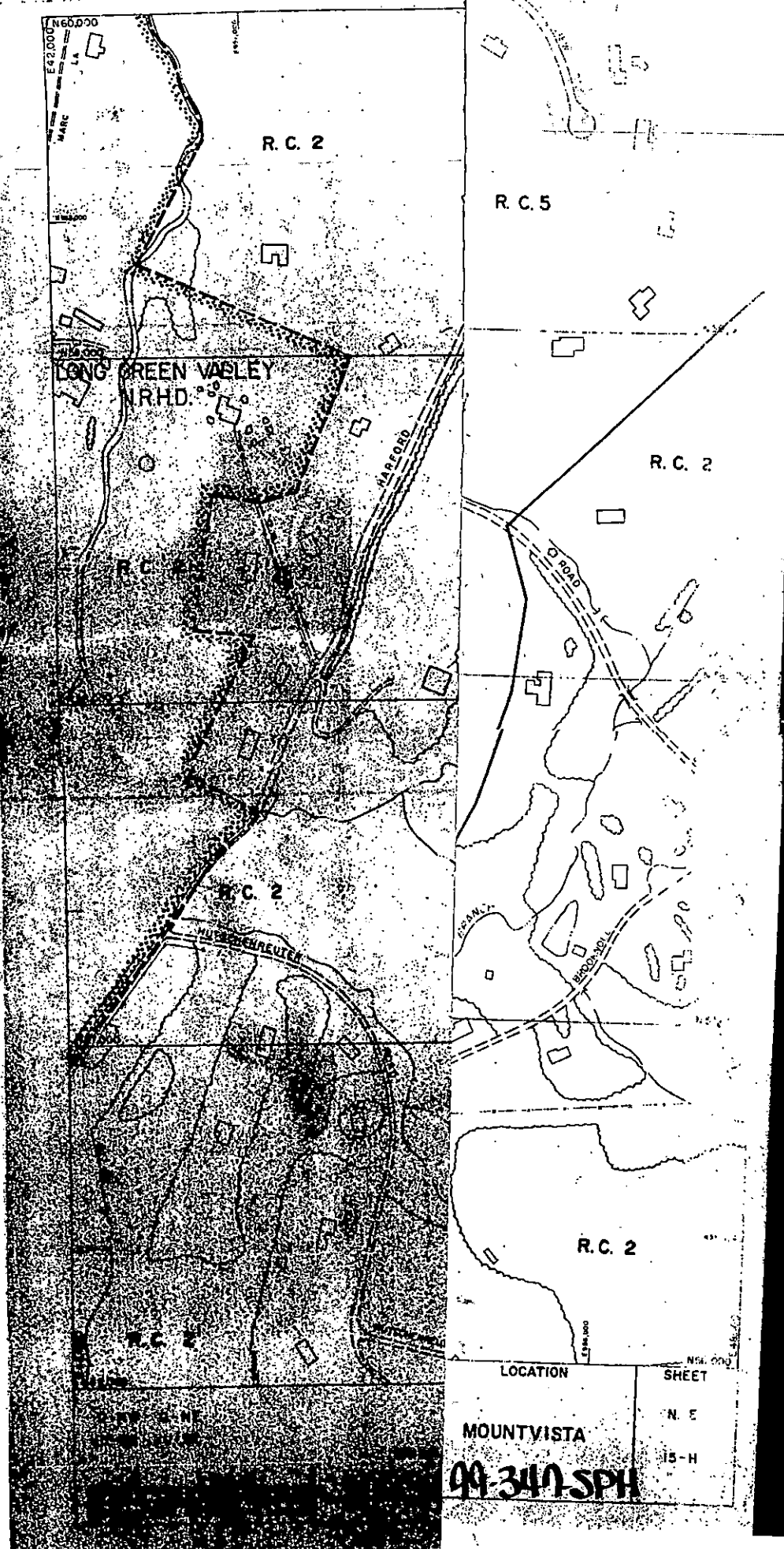

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

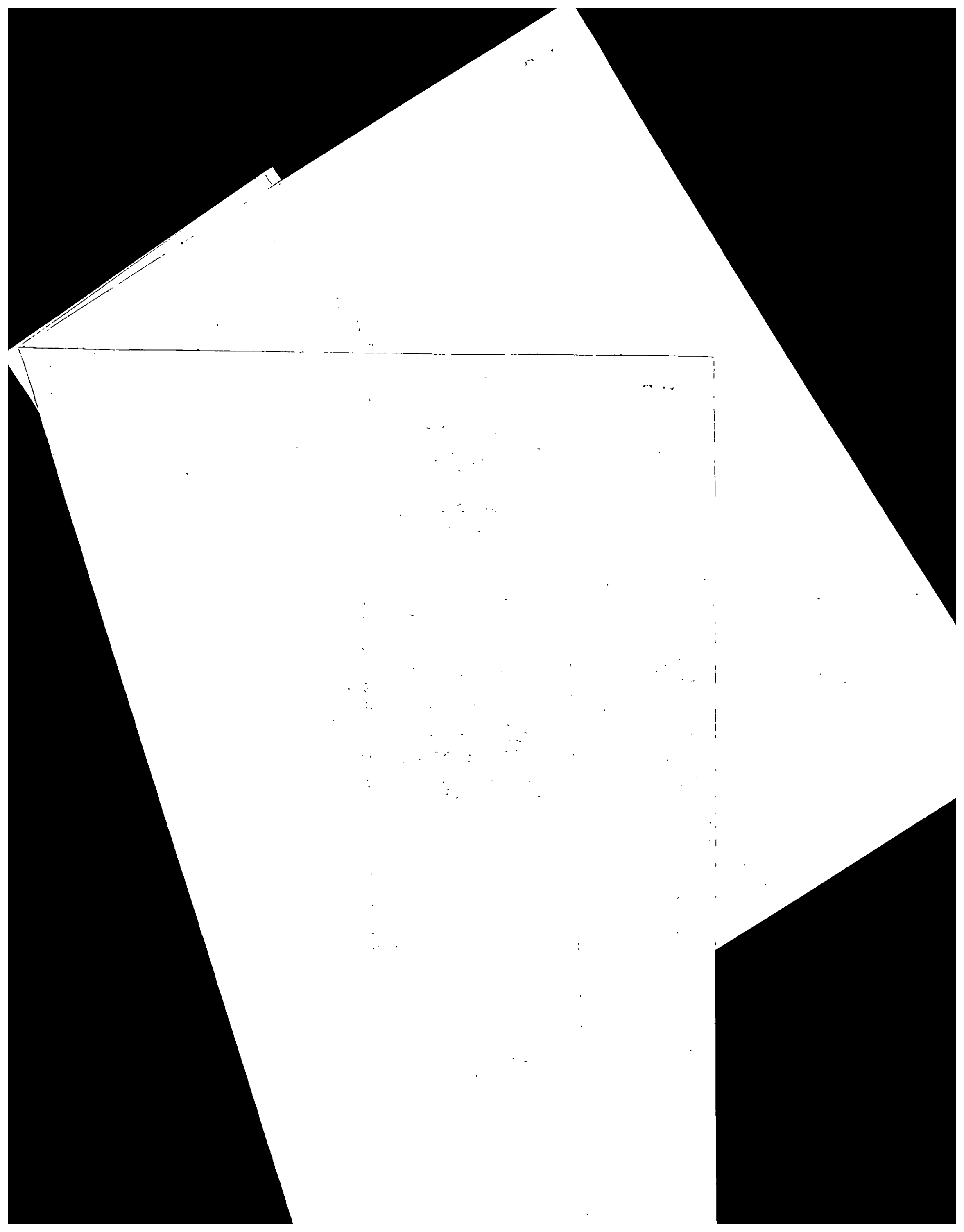
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ORDER RECEIVED FOR FILING

Date *5/16/99*

By *[Signature]*





SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

50 CORPORATE CENTER
10500 LITTLE PATUXENT PARKWAY
SUITE 750
COLUMBIA, MARYLAND 21044-3585
TELEPHONE 410 884-0700
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JENNIFER R. BUSSE
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FAX 202 331-0573

115 ORONOCO STREET
ALEXANDRIA, VIRGINIA 22314
TELEPHONE 703 836-5742
FAX 703 836-3558

June 25, 2015

Hand Delivery

Arnold Jablon
Director,
Baltimore County Permits, Approvals & Inspections
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Beachmont Christian Camp - 6433 Mt. Vista Road
11th Election District, 5th Councilmanic District
Spirit & Intent Request

Dear Mr. Jablon:

This office represents the Beachmont Christian Camp located in the Kingsville area of Baltimore County off of Mt. Vista Road. The Camp enjoys a Special Exception approval granted in Case #75-83-X. Since that approval was granted, approval was granted in Case # 89-489-SPH to permit an addition and pavilion. Thereafter, in Case # 94-50-SPH, some restrictions were lifted and some site plan modifications were permitted. On March 20, 1996, your office granted a Spirit & Intent request was approved to permit a revised parking layout.

At this time, the Camp is requesting Spirit & Intent relief to permit the construction of a 35' x 80' tractor shed. The location for this proposed shed is shown on the attached plan to accompany this request. My apologies but the shared boundary line for two parcels owned by Beachmont, specifically Parcels 96 and 527, are not shown on the site plan attached and the proposed shed will straddle this shared boundary line. For this reason, I am providing you with a My Neighborhood aerial which shows the boundary line and the approximate location of the proposed shed thereon.

As demonstrated by the attachments, the proposed shed will be located in an area already containing camp improvements. The nearest property line is that shared with Parcel 620, a 15 acre parcel also owned by the Camp. (See, Case # 99-347-SPH wherein a Special Hearing was granted approving a non-density transfer from the Estate of Aimee Foard.)

PETITIONER'S

EXHIBIT NO. 4

Arnold, Esquire

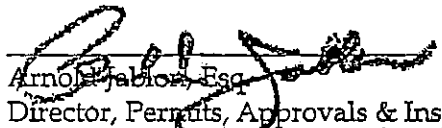
The proposed shed will not increase the intensity of the camp's operations but rather is simply necessary to permit the continuation of current activities in a cleaner and more aesthetically pleasing manner. The proposed shed will not create any adverse impacts to the area.

If you are in agreement with this request, please execute below and thank you for your consideration of this request. Please do not hesitate to let me know if you need anything further in support of this request. Attached hereto is my firm's check in the amount of \$150 representing payment for this request.

Sincerely,


Jennifer R. Busse

SPIRIT AND INTENT RELIEF APPROVED:


Arnold, Esq.
Director, Permits, Approvals & Inspections

7/20/15
Date

Planner II: 

cc: W. Carl Richards
Steve Freeman
Craig Rogers
Timothy M. Kotroco, Esquire

440609

Provisional approval, If contested approval will be removed, base on 85-245X and restriction #5.



Land Development Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

1. Existing Barn to be converted for Chapels,
Kitchen and Staff Quarters.

2. House to be used for Director's dwelling.

3. Parking Area: 136' x 61'

Stalls: 7 x 18' = 27 Spaces

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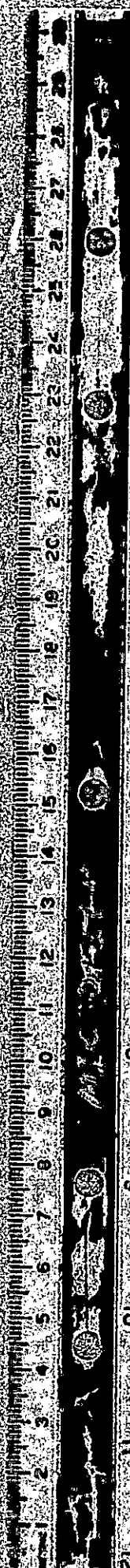
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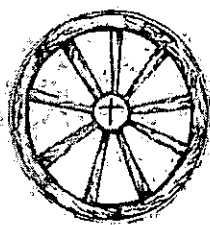
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Beachmont Christian Ministries

Phone: (410) 592-3648
Fax: (410) 592-3616
E-mail:
financial@beachmont.org

6433 Mt. Vista Road
Kingsville, MD 21087
www.beachmont.org

July 31, 2018

Mr. Dewey Clark, President
Gunpowder Falls Watershed Preservation Association
12150 Harford Road
Glen Arm, MD 21057

Dear Mr. Clark,

Greetings, trusting that all is well with you. This letter serves as a follow-up to your letter dated June 19, 2018 and our subsequent conversation of July 17, 2018. Both of these communications were related to the complaint filed by the GFWPA regarding compliance with the existing zoning order for Beachmont Christian Ministries.

First, we wish to reiterate that Beachmont is committed to taking the necessary steps to remain in compliance with the details of our zoning order. Since that order went into effect in 1993, we have had some programmatic changes and, of course, the population in the local region from Perry Hall north and east to Bel Air and Abingdon has grown significantly.

At this point, and after 25 years of the same daily usage restrictions, we feel that our best option is to continue formulating a detailed plan to submit to the Zoning Commission of Baltimore County seeking some modifications to the current caps on the number of people permitted to use our facilities on a daily basis. This would include specific proposals to address the number of people attending our annual Corn Maze.

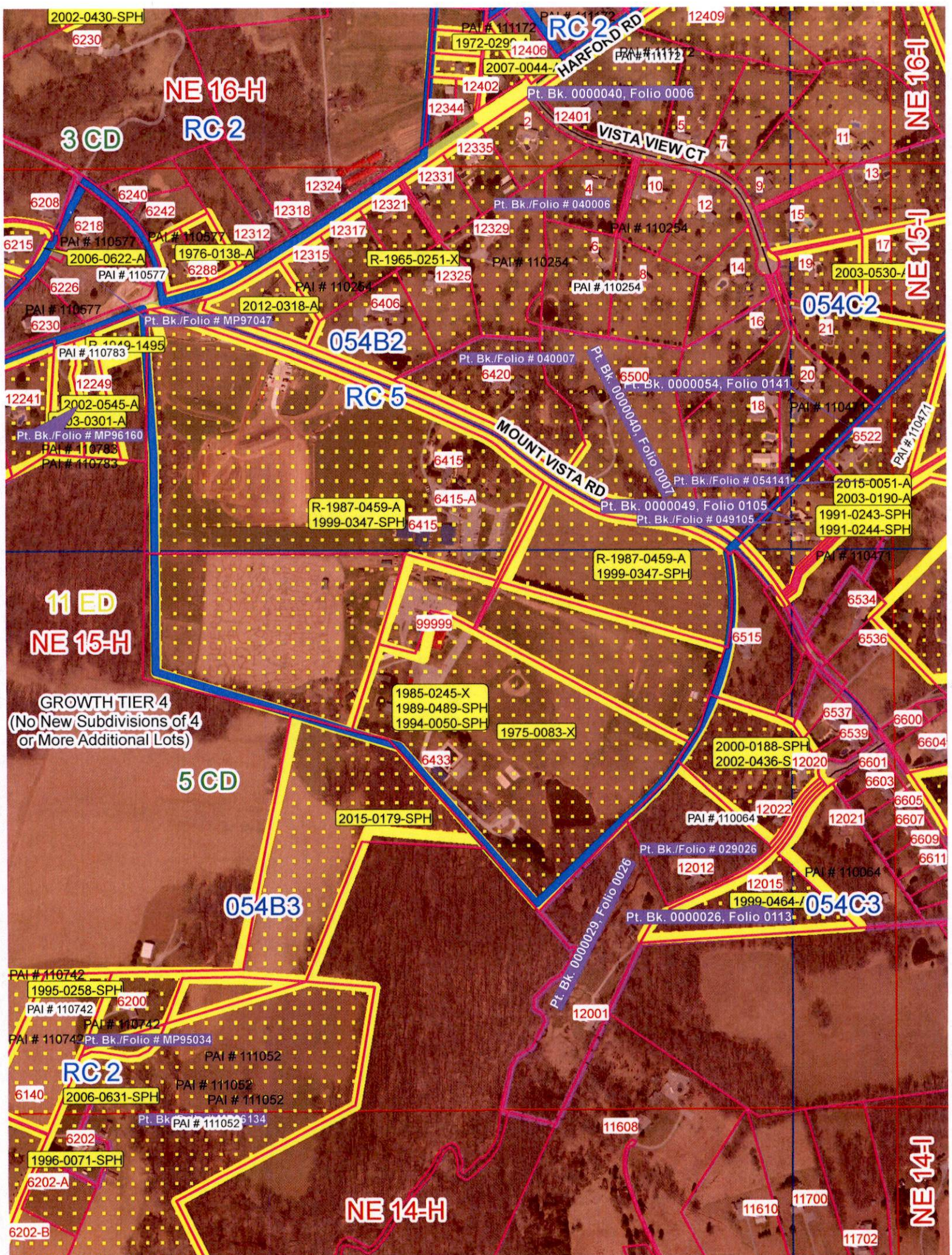
Thank you for your attention to this matter and please feel free to contact me if you wish to discuss this further.

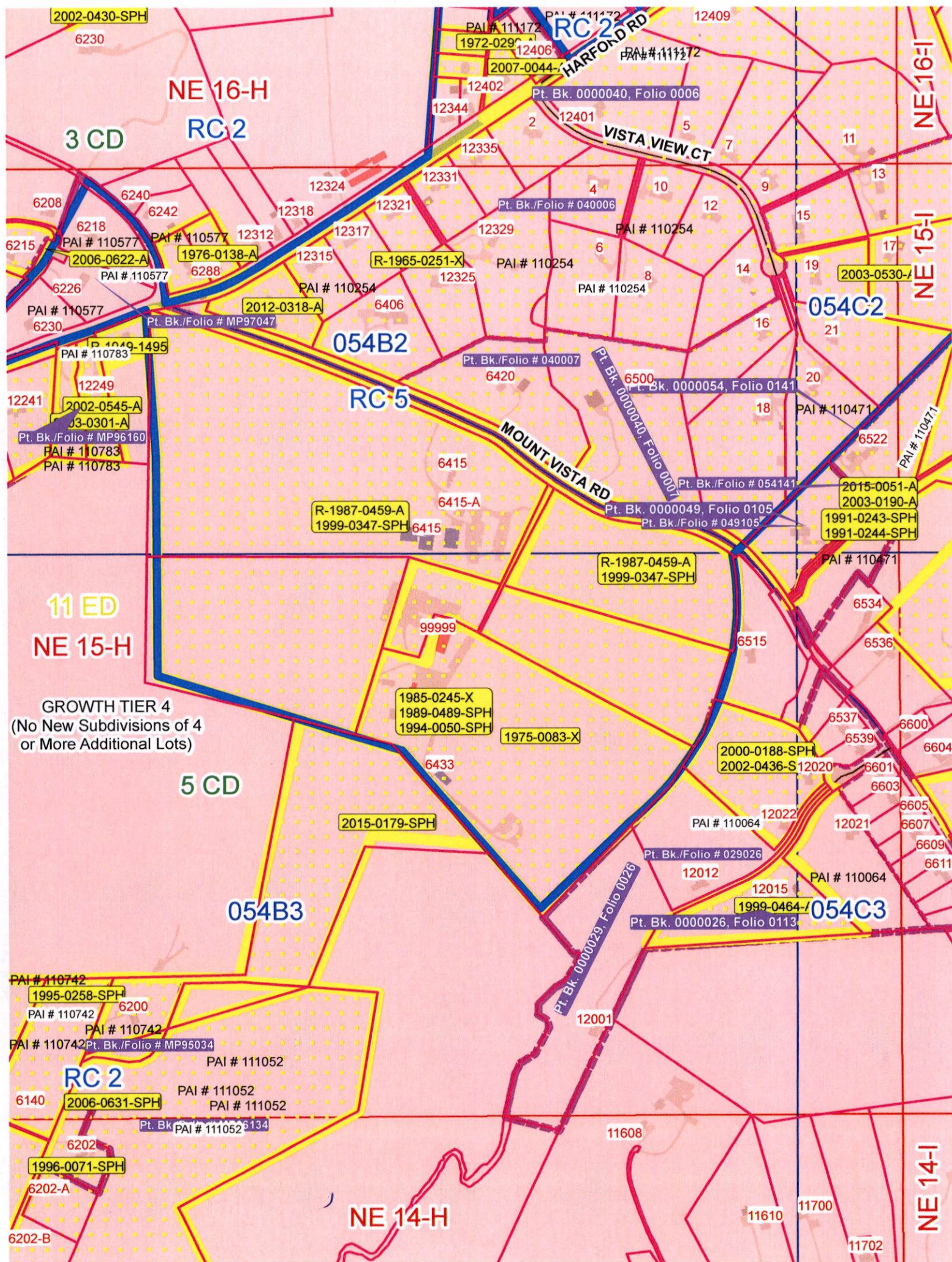
Sincerely,

David E. Moyer
President, Board of Directors

cc: Rev. Ron Standiford - RPC & RCCS

DEM/sjw





☆ 1



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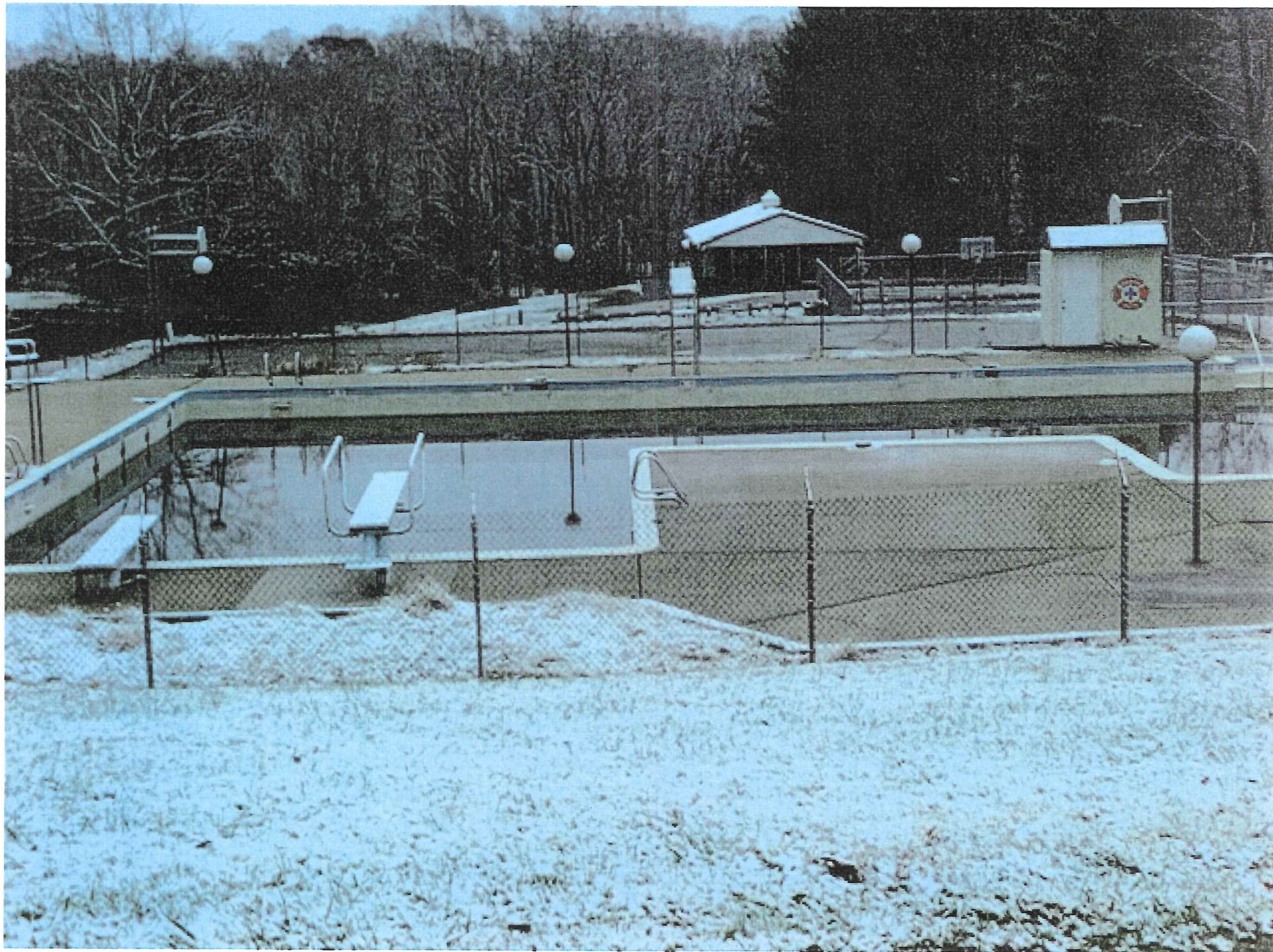


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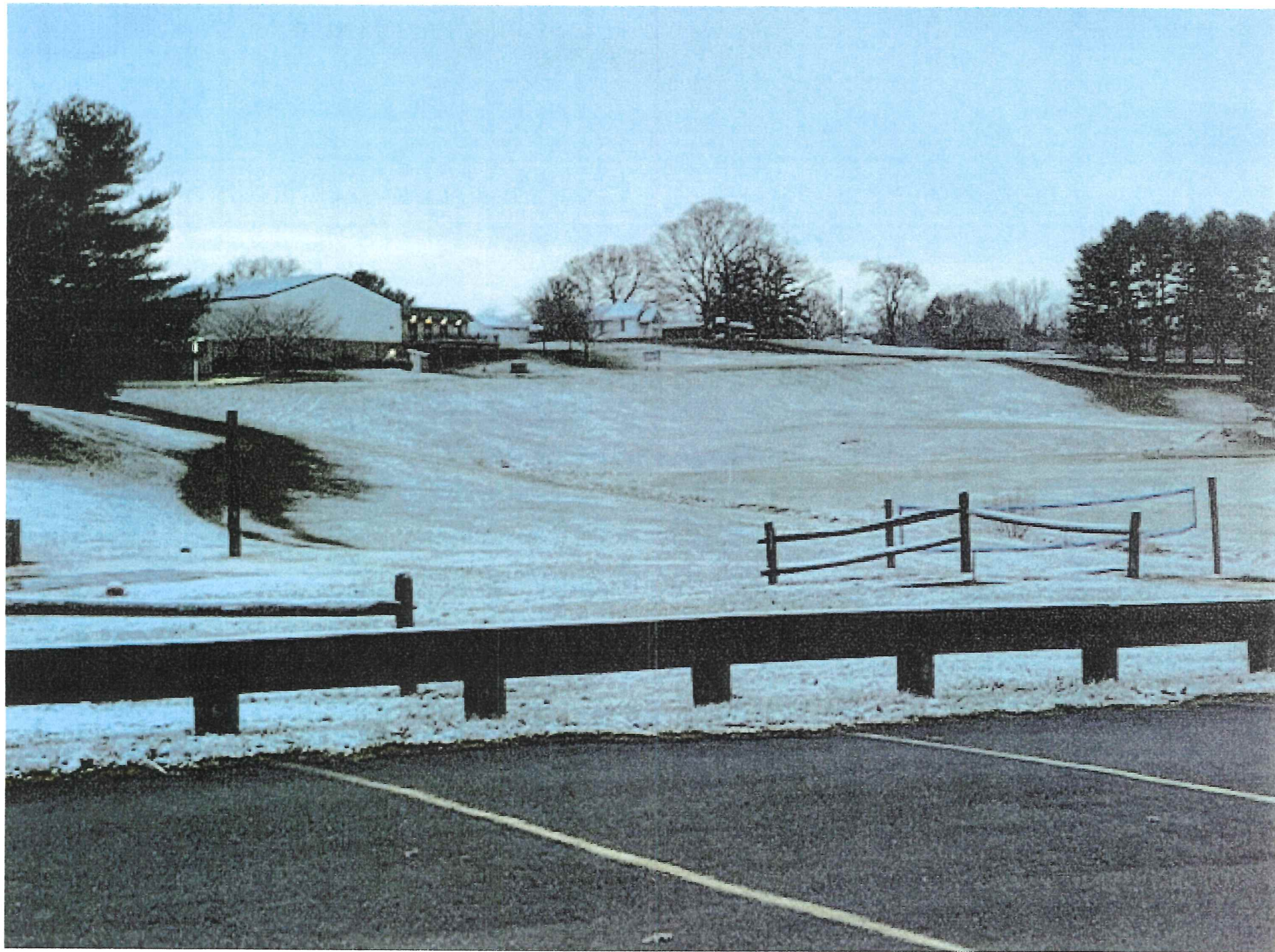
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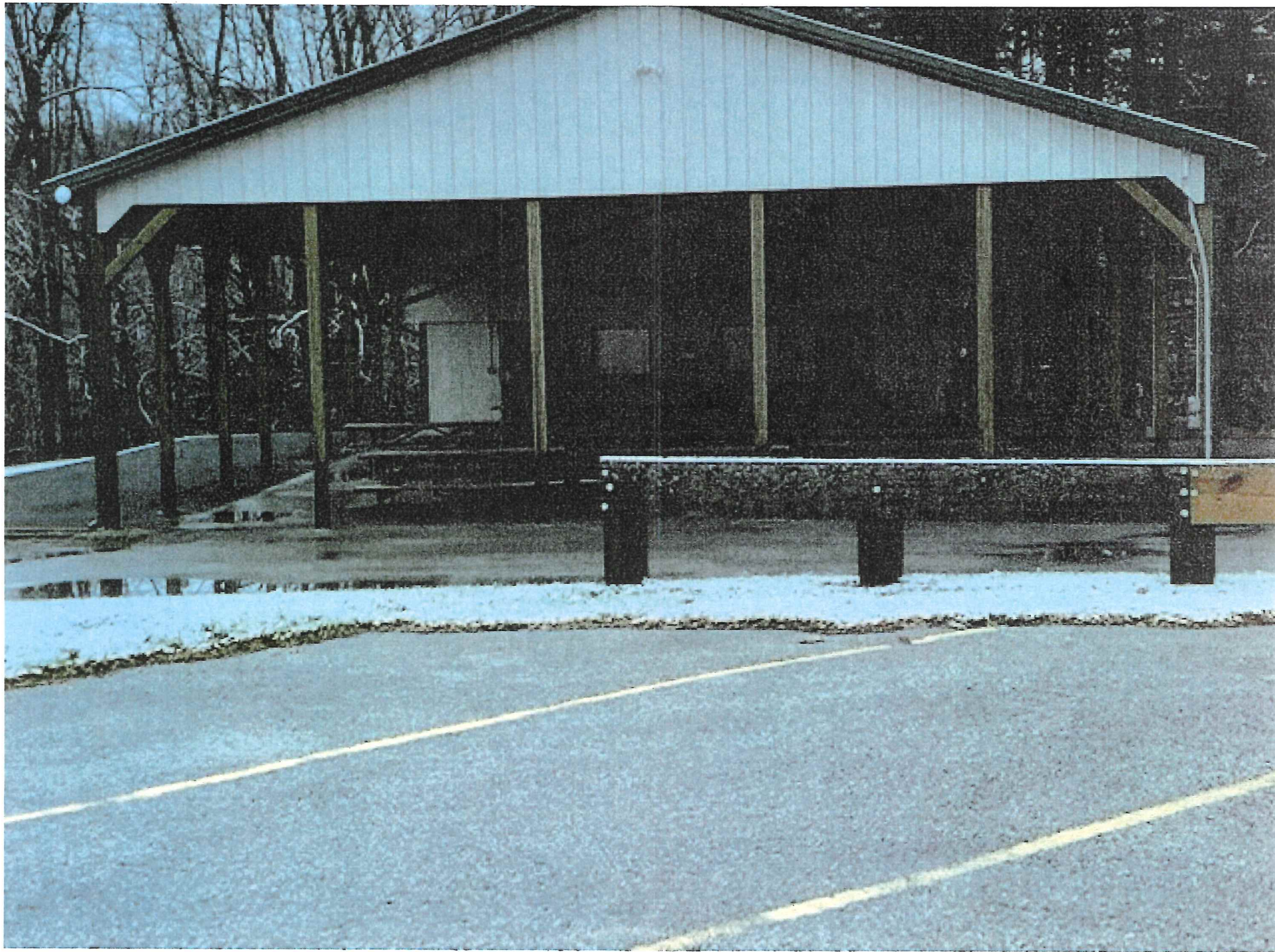


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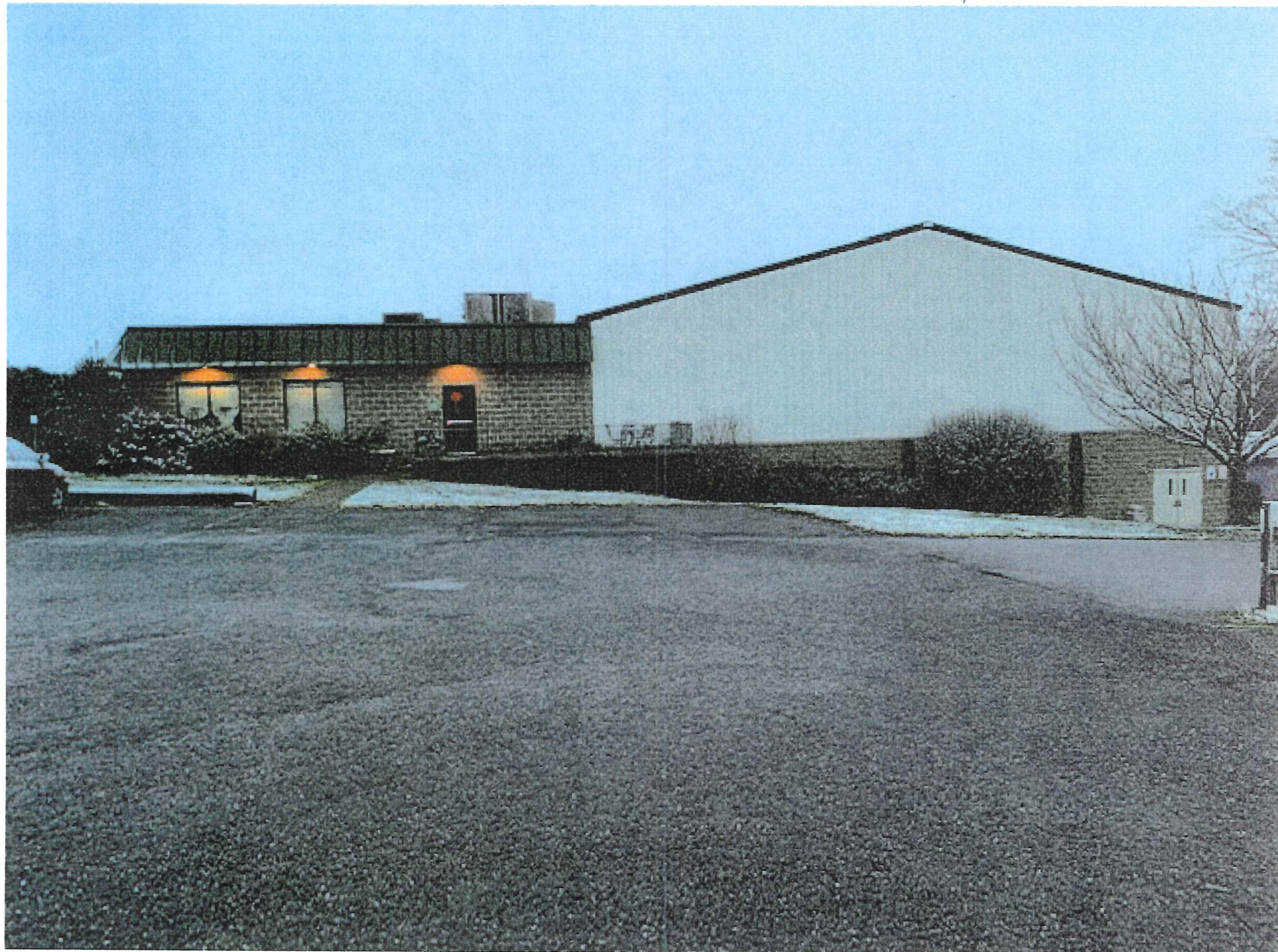
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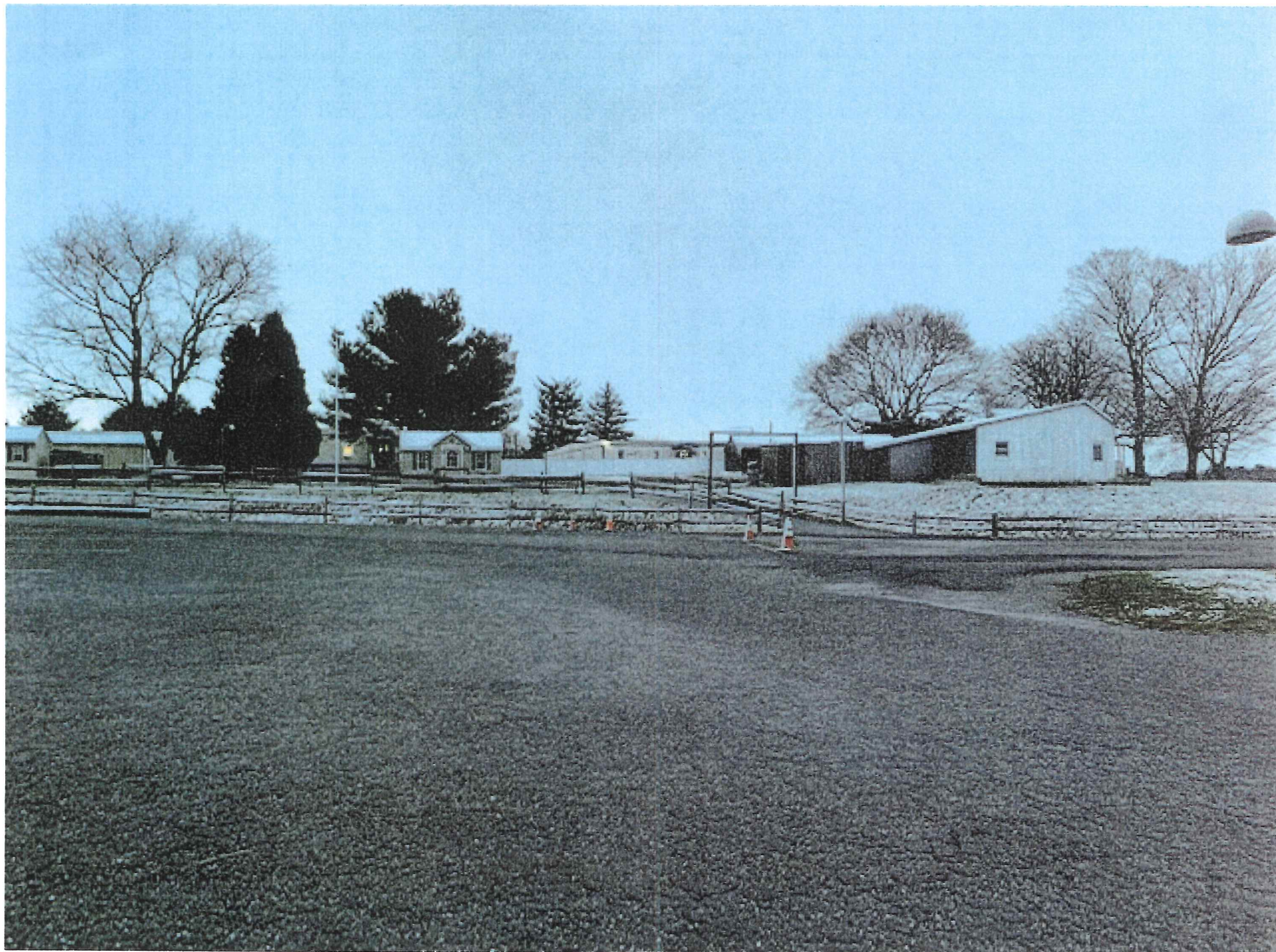


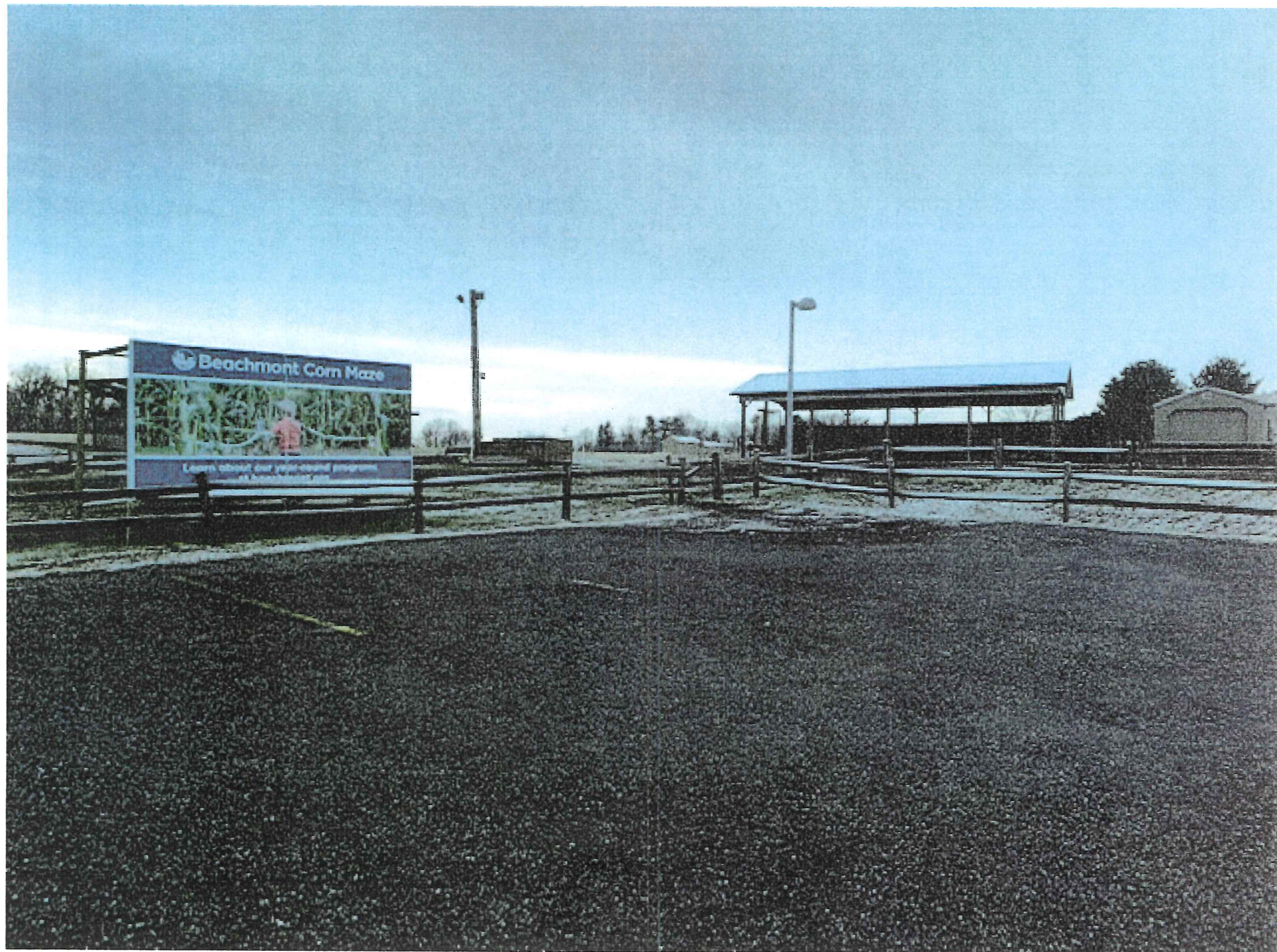
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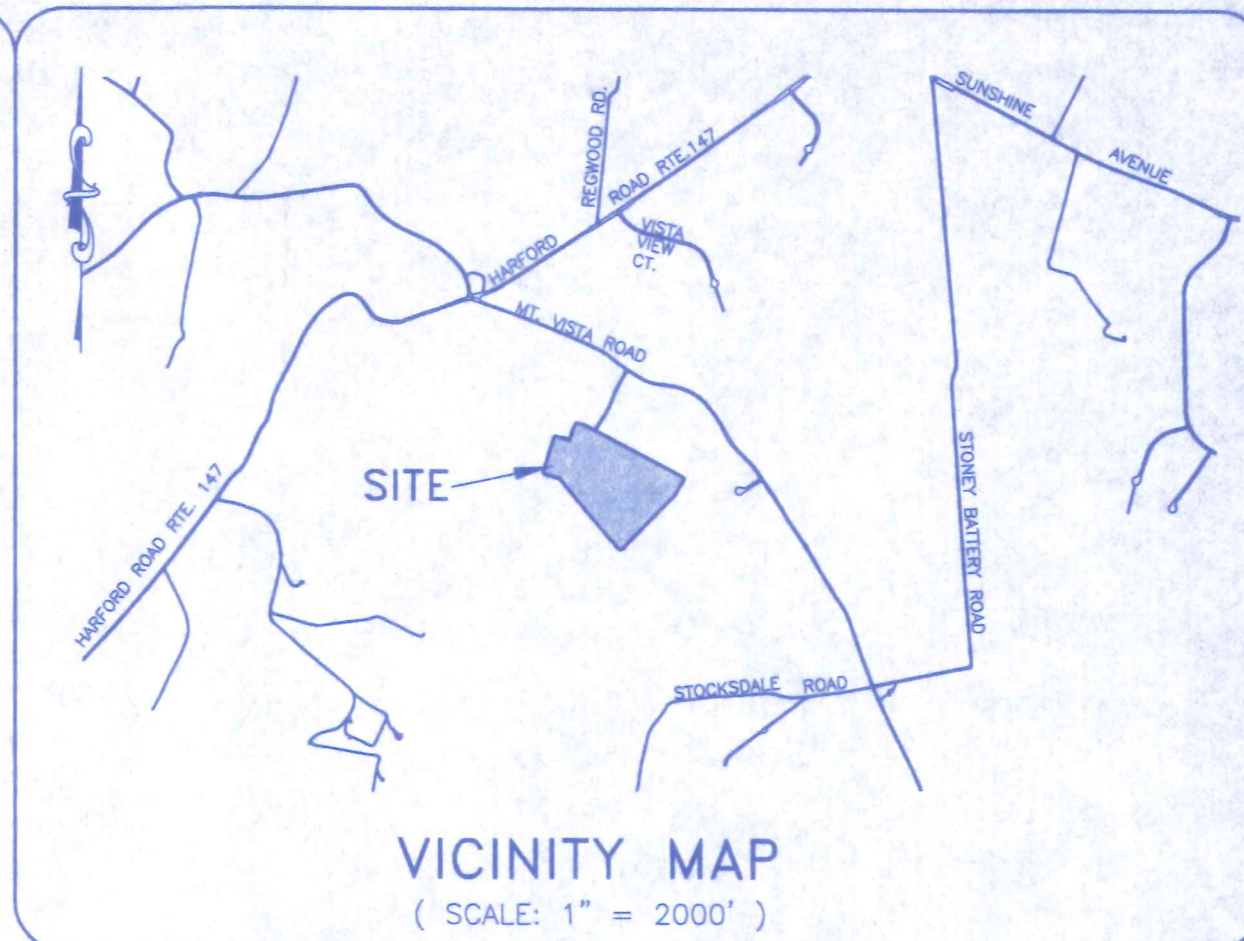


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- SITE DATA**
- 1) OWNER: BEACHMOUNT INC.
#6433 MT. VISTA ROAD
KINGSVILLE, MARYLAND 21087
TELEPHONE: 410-592-3648
 - 2) DEED REF: 5504/685 & 6471/676 & 26532/312
 - 3) TAX ACC. NO.: 17-00001086, 19-00008190, 25-00003542 & 19-00008189
 - 4) TAX MAP: 54 PARCEL: 0096,527,528 & 620 LOT: NONE
 - 5) PLAT REF: NONE
 - 6) ELECTION DISTRICT: 11TH
 - 7) COUNCILMANIC DISTRICT: 5TH
 - 8) REGIONAL PLANNING DISTRICT: 318
 - 9) CENSUS TRACT: 4111.01
 - 10) ZONING: RC 2 & RC 5
 - 11) ZONING MAP: 054B3
 - 12) USE: EXISTING: COMMUNITY BUILDINGS, SWIMMING POOLS, STRUCTURAL OR LAND USES DEVOTED TO CIVIC, SOCIAL, RECREATIONAL OR EDUCATION ACTIVITIES
PROPOSED: COMMUNITY BUILDINGS, SWIMMING POOLS, STRUCTURAL OR LAND USES DEVOTED TO CIVIC, SOCIAL, RECREATIONAL OR EDUCATION ACTIVITIES
 - 13) SITE AREA: 2,011,103 S.F. OR 46.16 AC. +/-
 - 14) THERE ARE NO CURRENT OR OUTSTANDING ZONING VIOLATIONS.
 - 15) SITE IS OUTSIDE OF THE UOPL. PUBLIC WATER AND SEWER ARE NOT AVAILABLE. THE SITE IS SERVED BY PRIVATE WELL & SEPTIC.

PETITIONER'S
EXHIBIT NO. 1

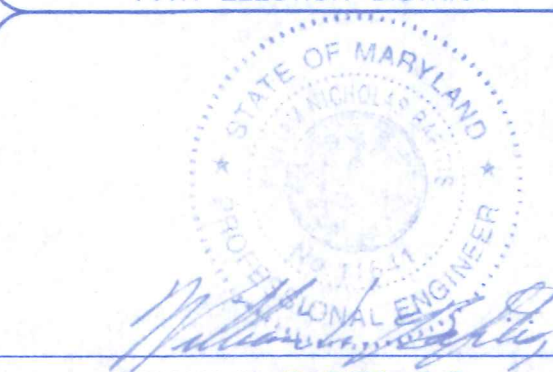


Bafitis & Associates
1249 Engleberth Rd. Baltimore, MD 21221

William N. Bafitis, P.E.
Civil Engineers/Land Planners
SURVEYORS
(410) 391-2336
wbafitisassoc@comcast.net

**PLAN TO ACCOMPANY
PETITION FOR SPECIAL HEARING
& SPECIAL EXCEPTION
FOR
BEACHMOUNT PROPERTIES
#6433 MOUNT VISTA ROAD**

11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND



1

Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641 Expiration Date: 09/09/2021

NO.	REVISIONS	DATE

SCALE:
1" = 100'
JOB ORDER NO:
21905
DATE:
10/17/19
CHECKED:
W.N.B.
DRAWN:
N.W.B.

SHEET 1 OF 2

ZONING HISTORY

CASE NO. 1975-083-X

Special Exception for use of the property for "community buildings, swimming pools, structural or land uses devoted to civic, social, recreational or education activities" was approved.

CASE NO. 1985-245-X

Zoning Commissioner and the Board of Appeals on appeal approved the request for "a proposed expansion to both the size of the camp facility and the frequency of use of the property." Additionally, modification of certain of the restrictions imposed in Case 1975-083-X was requested and approved. However, the appellate court reversed and struck down the Board's approval, finding that the "new" uses proposed were not allowed under the property's zoning classification. The appellate court also reversed the Board's decision allowing the modification of the restrictions previously imposed. As a result, the prior ruling in Case 1975-083-X remained fully in effect and was not modified.

CASE NO. 1987-459-A

Case was withdrawn/dismissed without a decision issued.

CASE NO. 1989-489-SPH

Requested approval of 36' by 72' open pavilion to provide covered space (during summer storms) for campers was approved.

CASE NO. 1994-50-SPH

Requested substantial amendment to the operation and previously approved site plan. Restrictions 1, 2 and 3 from Case No. 1975-83-X were removed. New restrictions were imposed.

CASE NO. 1999-0347-SPH

The Board approved the conveyance of the fifteen acre property to Beachmont from the Estate of Aimee Foord, but the Board's order expressly stated that the decision did not address "any request to expand the previously approved special exception." Therefore, "any future request for a special exception with respect to the 15 acre parcel must stand on its own." Therefore, the fifteen acre property cannot be used as a part of the camp operation.

ZONING REQUEST

SPECIAL HEARING RELIEF

1. TO APPROVE AN AMENDED/UPDATED SITE PLAN REFLECTING EXISTING AND PROPOSED USES/IMPROVEMENTS ON THE PROPERTY; AND
2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE (ALJ) FOR BALTIMORE COUNTY.

SPECIAL EXCEPTION RELIEF

1. PURSUANT TO BCZR SECTION 1A04.2.B.4. AND 1A01.2.C.8., TO EXPAND THE PREVIOUSLY APPROVED SPECIAL EXCEPTION THAT PERMITTED "COMMUNITY BUILDINGS, SWIMMING POOLS, STRUCTURAL OR LAND USES DEVOTED TO CIVIC, SOCIAL, RECREATIONAL OR EDUCATION ACTIVITIES" THAT WAS GRANTED IN CASE NO. 1975-083-X AND LATER MODIFIED IN CASE NOS. 1989-489-SPH AND 1994-50-SPH.



Bafitis & Associates

William N. Bafitis, P.E.
Civil Engineers/Land Planners
SURVEYORS
(410) 391-2336
bafitisassoc@comcast.net

1249 Engleberth Rd. Baltimore, MD 21221

PLAN TO ACCOMPANY
PETITION FOR SPECIAL HEARING
& SPECIAL EXCEPTION
FOR
BEACHMOUNT PROPERTIES
#6433 MOUNT VISTA ROAD

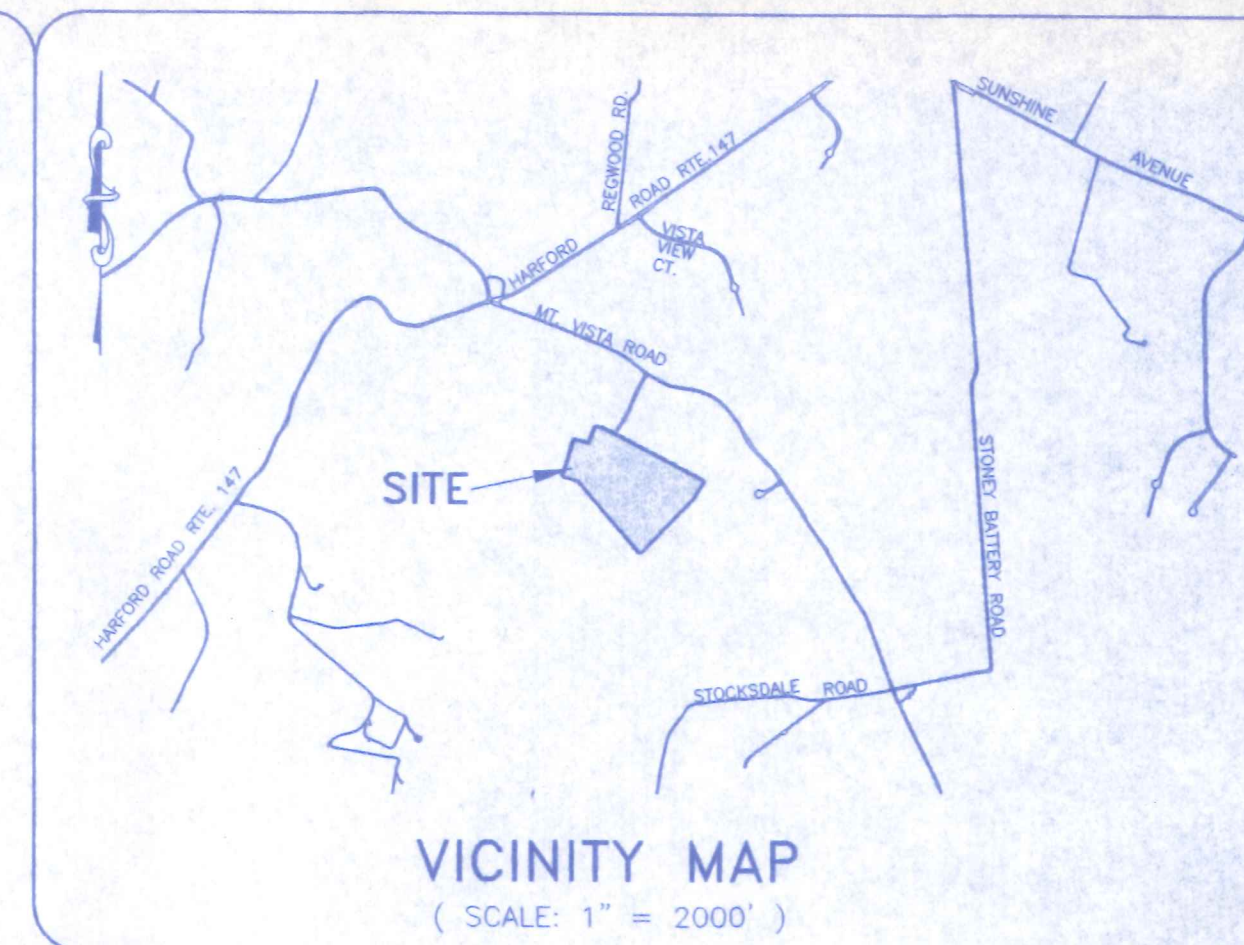
11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND



WILLIAM N. BAFITIS, P.E.
Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641 Expiration Date: 09/09/2021

2	SCALE: 1" = 100'
	JOB ORDER NO: 21905
	DATE: 10/17/19
	CHECKED: W.N.B.
	DRAWN: N.W.B.

NO.	REVISIONS	DATE



Bafitis & Associates

William N. Bafitis, P.E.
Civil Engineers/Land Planners
SURVEYORS
(410) 391-2336
wbafitisassoc@comcast.net

1249 Engleberth Rd. Baltimore, MD 21221

**PHOTOGRAPH PLAN
FOR
ZONING CASE NO. 2019-494-SPHX
FOR
BEACHMOUNT PROPERTIES
#6433 MOUNT VISTA ROAD**

11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641. Expiration Date: 09/09/2021	1 SHEET 1 OF 1	SCALE: 1" = 100'															
		JOB ORDER NO: 21905															
		DATE: 12/12/19															
		CHECKED: W.N.B.															
		DRAWN: N.W.B.															
<table border="1"> <thead> <tr> <th>NO.</th> <th>REVISIONS</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>			NO.	REVISIONS	DATE												
NO.	REVISIONS	DATE															

Pet No 5



Legend

- Interstates
- Interstate Ramps
- Major Roads
- Minor Roads
- Local Roads
- County Boundary

PETITIONER'S
EXHIBIT NO. 5

1:18,056

0 750 1,500 3,000 Feet

December 9, 2019

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Baltimore County - My Neighborhood



Baltimore County - My Neighborhood



Legend

- House Numbers
- Interstates
- Interstate Ramps
- Major Roads
- Minor Roads
- Local Roads
- Alleys and Driveways
- County Boundary

PROCTOR DR

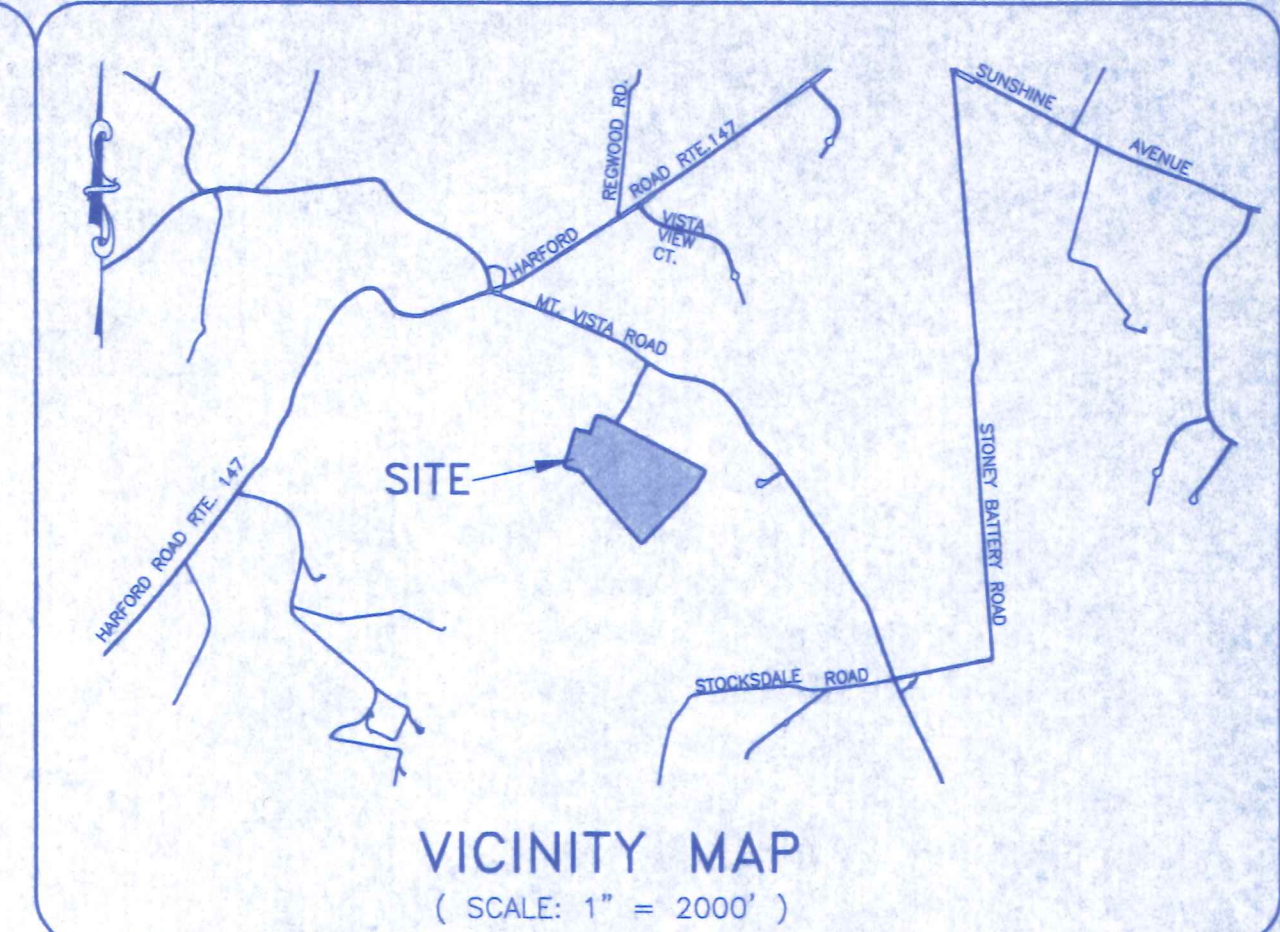
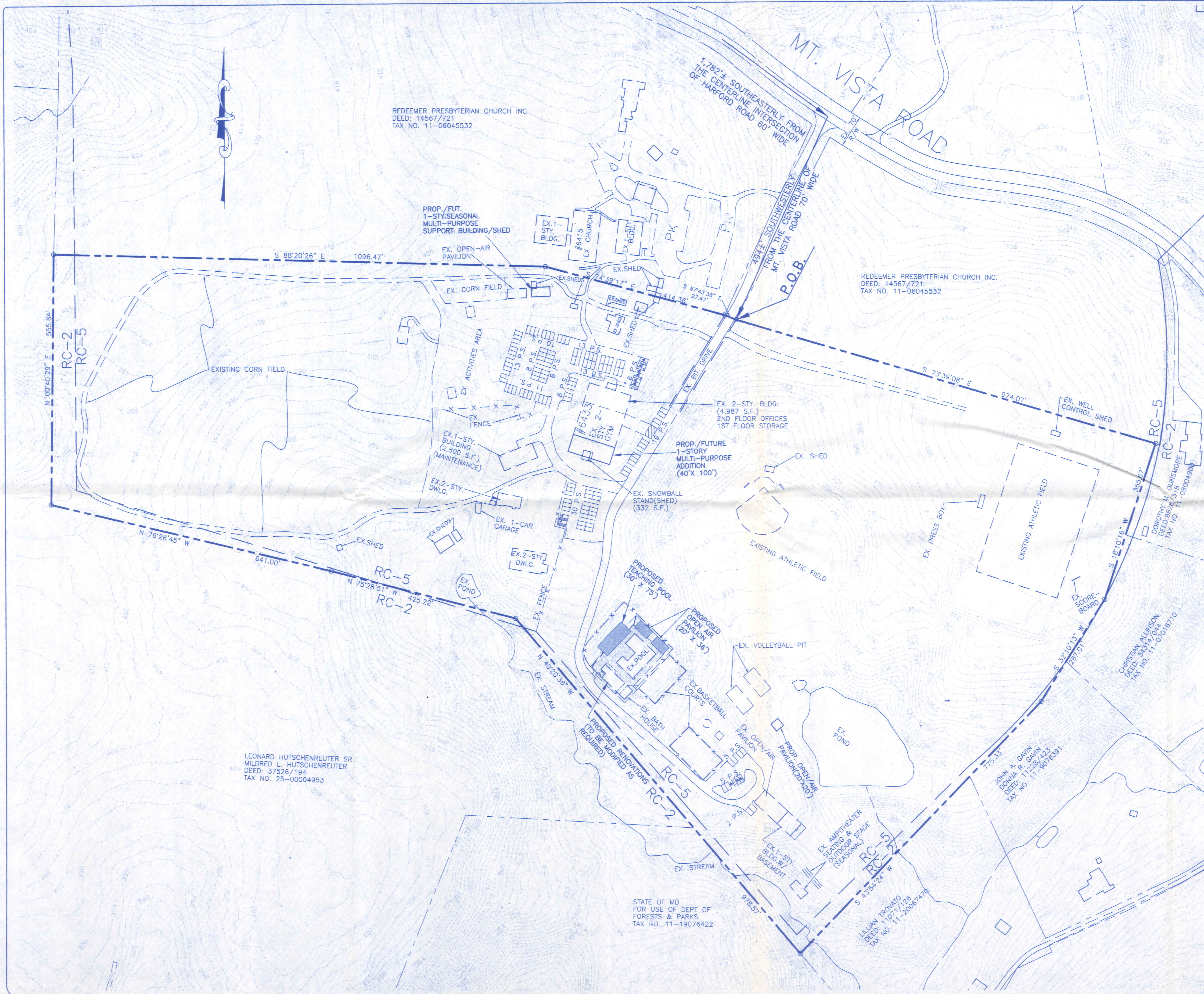
DILWORTH LN

1:4,514

0 195 390 780 Feet

December 9, 2019

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



- SITE DATA**
- 1) OWNER: BEACHMOUNT INC.
#6433 MT. VISTA ROAD
KINGSVILLE, MARYLAND 21087
TELEPHONE: 410-592-3648
 - 2) DEED REF: 5504/685 & 6471/676 & 26532/312
 - 3) TAX ACC. NO.: 17-00001086, 19-00008190, 25-00003542 & 19-00008189
 - 4) TAX MAP: 54 PARCEL: 0096,527,528 & 620 LOT: NONE
 - 5) PLAT REF: NONE
 - 6) ELECTION DISTRICT: 11TH
 - 7) COUNCILMANIC DISTRICT: 5TH
 - 8) REGIONAL PLANNING DISTRICT: 318
 - 9) CENSUS TRACT: 4111.01
 - 10) ZONING: RC 2 & RC 5
 - 11) ZONING MAP: 054B3
 - 12) USE: EXISTING: COMMUNITY BUILDINGS, SWIMMING POOLS, STRUCTURAL OR LAND USES DEVOTED TO CIVIC, SOCIAL, RECREATIONAL OR EDUCATION ACTIVITIES
PROPOSED: COMMUNITY BUILDINGS, SWIMMING POOLS, STRUCTURAL OR LAND USES DEVOTED TO CIVIC, SOCIAL, RECREATIONAL OR EDUCATION ACTIVITIES
 - 13) SITE AREA: 2,011,103 S.F. OR 46.16 AC. +/-
 - 14) THERE ARE NO CURRENT OR OUTSTANDING ZONING VIOLATIONS.
 - 15) SITE IS OUTSIDE OF THE URDL. PUBLIC WATER AND SEWER ARE NOT AVAILABLE. THE SITE IS SERVED BY PRIVATE WELL & SEPTIC.

2019-0494-SPHX

Bafitis & Associates

William N. Bafitis, P.E.
Civil Engineers/Land Planners
SURVEYORS
(410) 391-2336
bafitisassoc@comcast.net

1249 Engleberth Rd. Baltimore, MD 21221

**PLAN TO ACCOMPANY
PETITION FOR SPECIAL HEARING
& SPECIAL EXCEPTION
FOR
BEACHMOUNT PROPERTIES
#6433 MOUNT VISTA ROAD**

11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

	1	SCALE: 1" = 100'
		JOB ORDER NO: 21905
Professional Certification: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641 Expiration Date: 09/09/2021	SHEET 1 OF 2	DATE: 10/17/19
		CHECKED: W.N.B.
		DRAWN: N.W.B.
NO.	REVISIONS	DATE

ZONING HISTORY

CASE NO. 1975-083-X

Special Exception for use of the property for "community buildings, swimming pools, structural or land uses devoted to civic, social, recreational or education activities" was approved.

CASE NO. 1985-245-X

Zoning Commissioner and the Board of Appeals on appeal approved the request for "a proposed expansion to both the size of the camp facility and the frequency of use of the property." Additionally, modification of certain of the restrictions imposed in Case 1975-083-X was requested and approved. However, the appellate court reversed and struck down the Board's approval, finding that the "new" uses proposed were not allowed under the property's zoning classification. The appellate court also reversed the Board's decision allowing the modification of the restrictions previously imposed. As a result, the prior ruling in Case 1975-083-X remained fully in effect and was not modified.

CASE NO. 1987-459-A

Case was withdrawn/dismissed without a decision issued.

CASE NO. 1989-489-SPH

Requested approval of 36' by 72' open pavilion to provide covered space (during summer storms) for campers was approved.

CASE NO. 1994-50-SPH

Requested substantial amendment to the operation and previously approved site plan. Restrictions 1, 2 and 3 from Case No. 1975-83-X were removed. New restrictions were imposed.

CASE NO. 1999-0347-SPH

The Board approved the conveyance of the fifteen acre property to Beachmont from the Estate of Aimee Foard, but the Board's order expressly stated that the decision did not address "any request to expand the previously approved special exception." Therefore, "any future request for a special exception with respect to the 15 acre parcel must stand on its own." Therefore, the fifteen acre property cannot be used as a part of the camp operation.

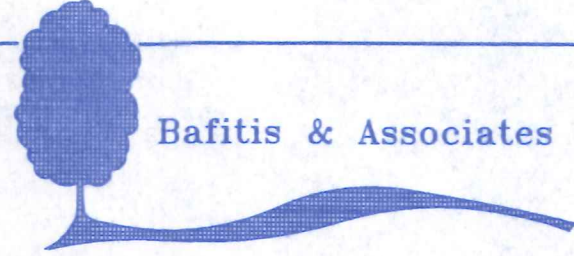
ZONING REQUEST

SPECIAL HEARING RELIEF

1. TO APPROVE AN AMENDED/UPDATED SITE PLAN REFLECTING EXISTING AND PROPOSED USES/IMPROVEMENTS ON THE PROPERTY; AND
2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE (ALJ) FOR BALTIMORE COUNTY.

SPECIAL EXCEPTION RELIEF

1. PURSUANT TO BCZR SECTION 1A04.2.B.4. AND 1A01.2.C.8., TO EXPAND THE PREVIOUSLY APPROVED SPECIAL EXCEPTION THAT PERMITTED "COMMUNITY BUILDINGS, SWIMMING POOLS, STRUCTURAL OR LAND USES DEVOTED TO CIVIC, SOCIAL, RECREATIONAL OR EDUCATION ACTIVITIES" THAT WAS GRANTED IN CASE NO. 1975-083-X AND LATER MODIFIED IN CASE NOS. 1989-489-SPH AND 1994-50-SPH.



Bafitis & Associates

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Civil Engineers/Land Planners
SURVEYORS
(410) 391-2336
wbafitisassoc@comcast.net

1249 Engleberth Rd. Baltimore, MD 21221

PLAN TO ACCOMPANY
PETITION FOR SPECIAL HEARING
& SPECIAL EXCEPTION
FOR
BEACHMOUNT PROPERTIES
#6433 MOUNT VISTA ROAD
11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND



WILLIAM N. BAFITIS, P.E.
Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641 Expiration Date: 09/09/2021

2

SCALE:
1" = 100'

JOB ORDER NO:
21905

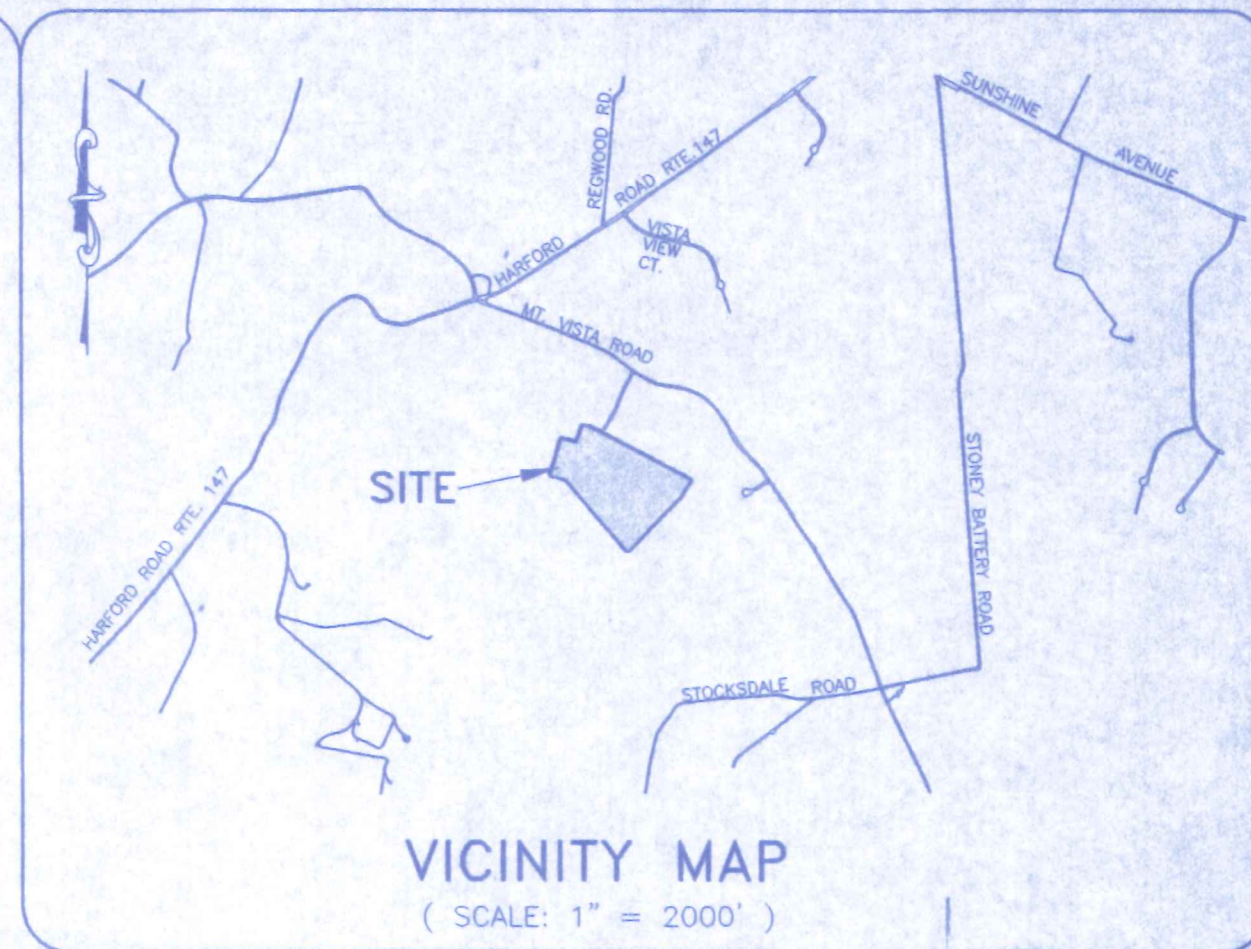
DATE:
10/17/19

CHECKED:
W.N.B.

DRAWN:
N.W.B.

SHEET 2 OF 2

NO.	REVISIONS	DATE



Bafitis & Associates
1249 Engleberth Rd. Baltimore, MD 21221

William N. Bafitis, P.E.
Civil Engineers/Land Planners
SURVEYORS
(410) 391-2336
bafitisassoc@comcast.net

**PHOTOGRAPH PLAN
FOR
ZONING CASE NO. 2019-494-SPHX
FOR
BEACHMOUNT PROPERTIES
#6433 MOUNT VISTA ROAD**

11TH ELECTION DISTRICT		BALTIMORE COUNTY, MARYLAND	
		SCALE: 1" = 100'	
Professional Certification: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641 Expiration Date: 09/09/2021		JOB ORDER NO: 21905	
DATE: 12/12/19		DATE: 12/12/19	
CHECKED: W.N.B.		CHECKED: W.N.B.	
DRAWN: N.W.B.		DRAWN: N.W.B.	
SHEET 1 OF 1		SHEET 1 OF 1	
NO.		REVISIONS	

PETITIONER'S
EXHIBIT NO. 2

STATE OF MD
FOR USE OF DEPT OF
FORESTS & PARKS
TAX NO. 11-19076422

LILLIAN TROYATO
DEED: 110117/26
TAX NO. 11-20061478

JOHN A. OLVIN
DEED: 11228/423
TAX NO. 11-9076391

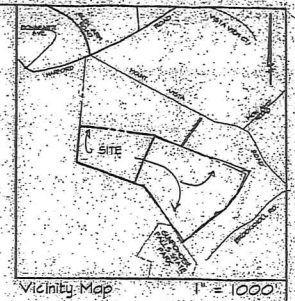
CHRISTIAN ALINSON
DEED: 14314/04
TAX NO. 11-07016710

LEONARD HUTSCHENREUTER SR.
MILDRED L. HUTSCHENREUTER
DEED: 37526/194
TAX NO. 25-00004953

REDEEMER PRESBYTERIAN CHURCH INC.
DEED: 14567/721
TAX NO. 11-06045532

REDEEMER PRESBYTERIAN CHURCH INC.
DEED: 14567/721
TAX NO. 11-06045532

DOROTHY W. DUNSMORE
DEED: 18838/318
TAX NO. 11-08004901



GENERAL NOTES:

1. The camp enjoys a special Exception Approval granted in Case # 75-83-X, with restrictions:
 - a. "Not more than 250 persons using the barn or proposed chapel area as indicated on the plat.
 - b. Not more than 150 persons camping on the property at any one time.
 - c. Approval of a Site Plan by the State Highway Administration, the Department of Public Works and the Office of Planning and Zoning."
2. An addition and pavilion were approved in Case # 89-489-SPH.
3. Some restrictions were lifted and some Site Plan modifications were permitted in Case # 94-50-SPH.
4. Spirit & Intent Relief was granted on March 20, 1996 to permit a revised parking layout.
5. Spirit & Intent Request : submitted on June 25, 2015 to permit the construction of the 35' x 80' tractor shed noting that the proposed tractor shed is within the Spirit & Intent of the SPH 89-489 decision.

PLAN TO ACCOMPANY SPIRIT AND INTENT LETTER
FOR A 35' X 80' TRACTOR SHED (ACCESSORY STRUCTURE) FOR:
BEACHMONT CAMP
6433 MT. VISTA RD.
KINGSVILLE, MD 21087
ELECTION DISTRICT : 11C5
BALTIMORE COUNTY, MD
TAX ACCOUNT NO. 1900008189, 90
1700001086

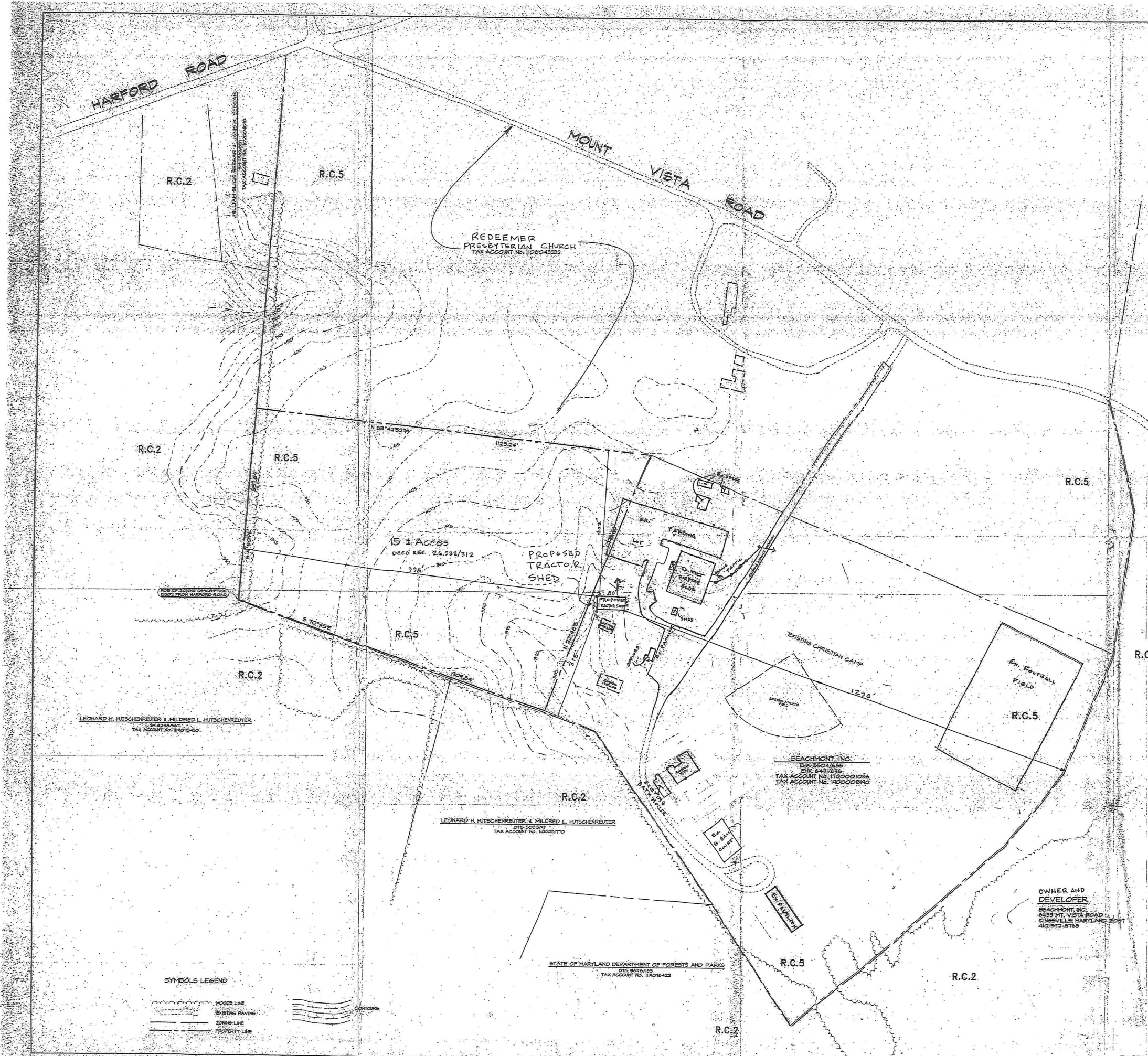
ZONED: RC-5
AREA: 46.2 AC.±
SCALE: 1" = 100'

DATE: JUNE 25, 2015

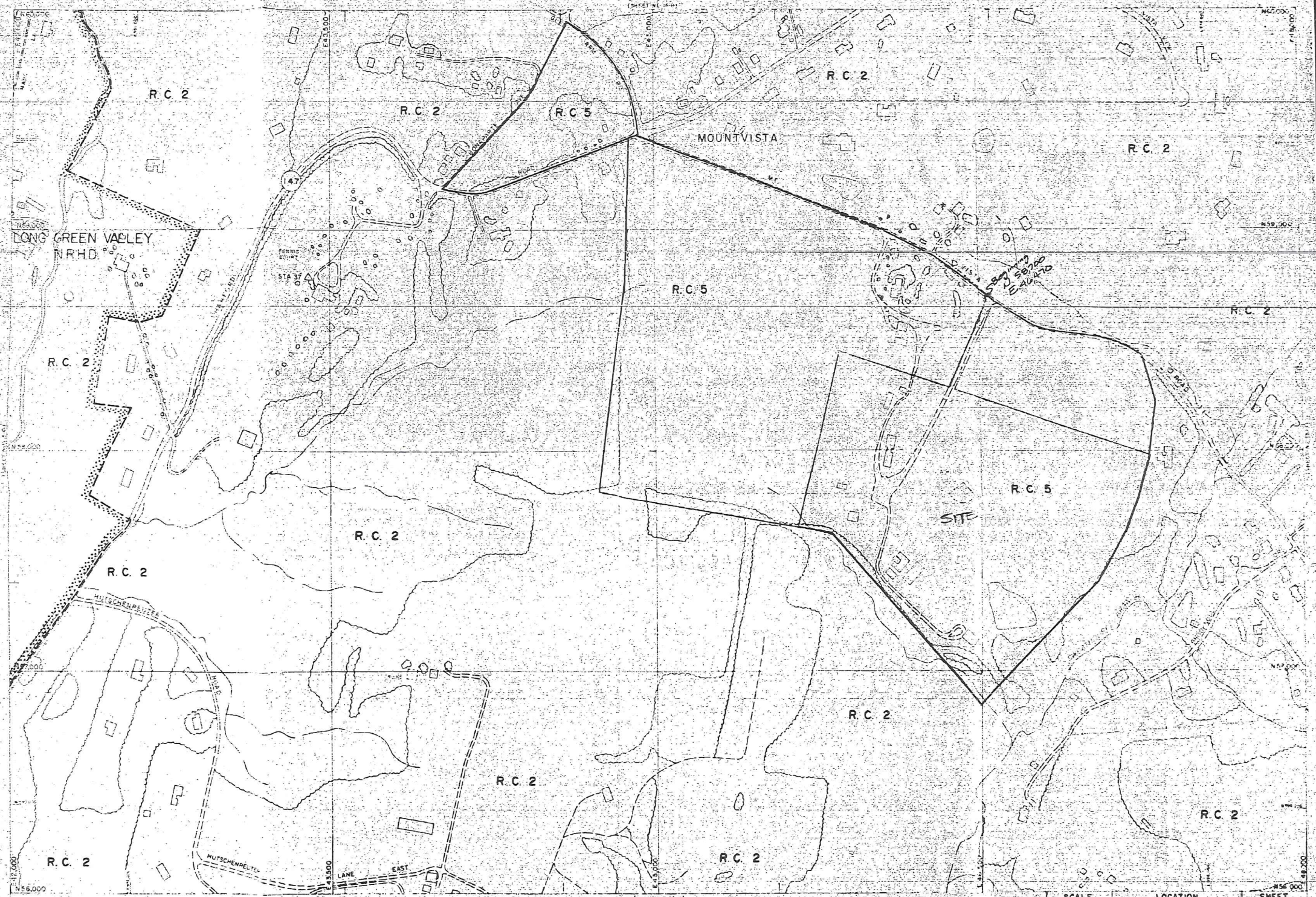
CRAIG CONSULTING, LLC
7024 GREENBANK RD.
BALTIMORE, MD 21220
443-677-2007

75-83
85-245
89-289
94-50
ST

Not to be used



94-50-SPH



Q-NW Q-NE
UU-SW UU-SE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORS, INC. BALTIMORE, MD. 21213

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

William H. Howard
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200'	MOUNTVISTA	N E
DATE OF PHOTOGRAPHY JANUARY 1986	#46	15-N

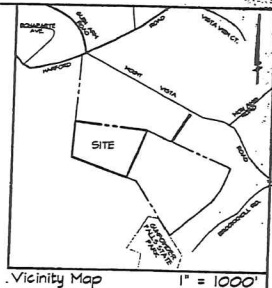


**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

SCALE 1" = 200' ±	LOCATION MOUNTVISTA	SHEET N.E. 15-H
DATE OF PHOTOGRAPHY JANUARY 1986	99-347 SPH	

HARFORD ROAD

MOUNT VISTA ROAD



Appellee's Exhibit 1

R.C.2

R.C.5

ESTATE OF AIMEE FOARD
PARCEL No. 1
TBS 1879/562
TAX ACCOUNT No. 1106045532

R.C.2

R.C.5

15 ± Acres

R.C.5

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS COMPILED AND COMPUTED FROM DEEDS OF RECORD.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY 200 SCALE PHOTOGRAPHIC MAP NO. 18-54.
3. 200' SCALE ZONING MAP NO. 18-54.
4. CENSUS TRACT 48101 A.D.C. MAP 4 GRID 21F-1
5. WATERED 3 SUGARCREST
6. SCHOOL DISTRICT 85 REGIONAL PLANNING DISTRICT 310
7. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
8. THE SUBJECT PROPERTY IS CURRENTLY BEING USED FOR AGRICULTURAL PURPOSES.

6/15/11
Pl 2

Tax density of the Estate's remaining 35-acre parcel of land will be calculated based upon the remaining acreage of property and its combination of uses following the non-density transfer, and not on the basis of the remaining 50-acre parcel.

Any additional development of the Estate's remaining 35-acre parcel is subject to all applicable zoning and development regulations.

R.C.2

6/15/11
Pl 2

The plat notes have been amended to be consistent with the County Board of Appeals Order and its conditions, which govern this case.

PETITION FOR SPECIAL HEARING

TO APPROVE A NON-DENSITY TRANSFER OF A 15 ACRE PARCEL OF R.C.2 ZONED LAND FROM AN ADJACENT 50 ACRE PARCEL OF R.C.5 ZONED LAND.

PLAT TO ACCOMPANY A PETITION FOR A SPECIAL HEARING

FOR
BEACHMONT, INC.

MOUNT VISTA ROAD
Deed Ref: TBS, No. 1879 folio 562
Tax Account No. 1106045532

Zoned R.C. 5
Tax Map 54, Grid 16, Parcel 108
11th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DEVELOPER
BEACHMONT, INC.
6433 MT. VISTA ROAD
KINGSVILLE MARYLAND 2087
410-542-8768

OWNER
ESTATE OF AIMEE FOARD
6433 MT. VISTA ROAD
KINGSVILLE MARYLAND 2087

SYMBOLS LEGEND

- NOTES: 18
- BY: STN/PA/MS
- DATE: 11/15/11
- 11/15/11

STATE OF MARYLAND DEPARTMENT OF FORESTS AND PARKS

R.C.5

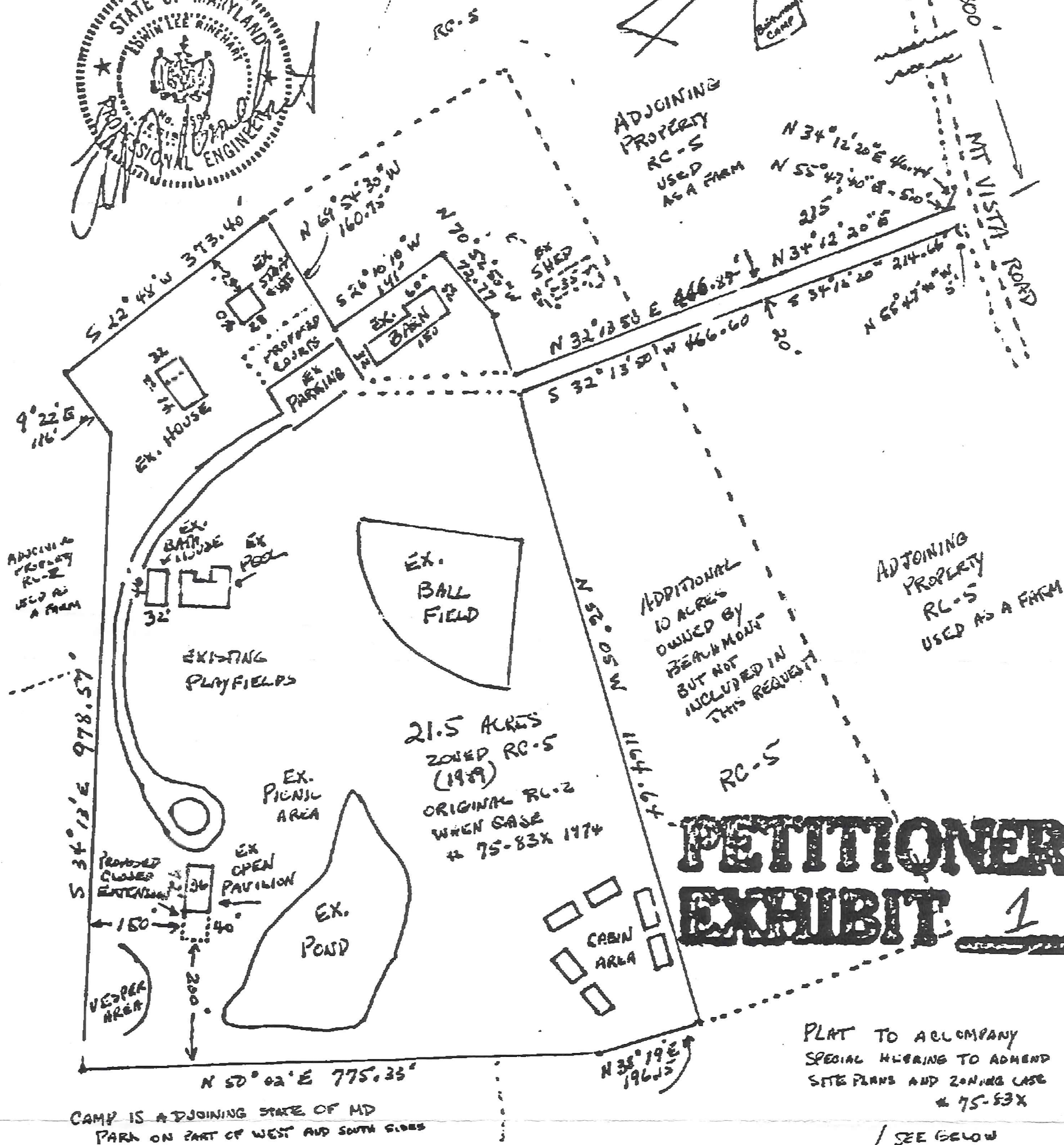
R.C.2

R.C.2

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Tonsontown Boulevard
Tonsen, Maryland 21286
(410) 823-4470

MASTER PLAN

REVISED 1-89



IT IS ORDERED by the Zoning Commissioner of Baltimore County, this.

day of: October: -----, 1974, that a Special Exception for community buildings, swimming pools, structural or land uses devoted to civic, social, recreational, or educational activities should be and the same is GRANTED, from and after the date of this Order; subject to: 1) not more than 250 persons using the barn or proposed chapel area as indicated on the plat, 2) not more than 150 persons camping on the property at any one time; and 3) approval of a site plan by the State Highway Administration; the Department of Public Works; and the Office of Planning and Zoning.

Zoning Commissioner of Baltimore County