IN THE MATTER OF THE GOSPEL FAITH MISSION INTERNATIONAL, INC., LEGAL OWNERS AND PETITIONERS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE ON THE PROPERTY LOCATED AT 10610 LIBERTY ROAD 2ND ELECTION DISTRICT 4TH COUNCIL DISTRICT	*	BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 20-138-SPHXA

* * * * * * * * * * *

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by Dino C. La Fiandra, Esquire on behalf of The Gospel Faith Mission International, Inc., Petitioners and Appellants, from a final decision of the Administrative Law Judge dated December 13, 2022, wherein the Petition for Special Hearing Request Nos. 1, 5 and 6 were GRANTED, Request No. 3 was DENIED, and Request Nos. 2 and 4 were withdrawn and are MOOT; Special Exception Request No. 1 was DENIED; and Request Nos. 2 and 3 were GRANTED; and the Variance request was GRANTED; all of the relief granted was subject to conditions.

WHEREAS, the Board is in receipt of an email from by Dino C. La Fiandra, Esquire on behalf of The Gospel Faith Mission International, Inc., Petitioners and Appellants, voluntarily withdrawing the appeal filed on January 12, 2023 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Petitioner/Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of March 15, 2023, thereby rendering the December 13, 2022 Opinion and Order of the Administrative Law Judge the final Order in this matter.

IT IS ORDERED this 5th day of April, 2023 by the Board of Appeals of Baltimore County that the appeal taken in Case No. 20-138-SPHXA be and the same is hereby **DISMISSED with prejudice**.

BOARD OF APPEALS
OF BALTIMORE COUNTY



Andrew M. Belt, Chairman

IN RE: Petitions for Special Hearing, Special Exception and Variance **10610 Liberty Road** 2nd Election District 4th Councilmanic District **The Gospel Faith Mission International, Incorporated,** *Legal Owner*	)	**BEFORE THE** **BALTIMORE COUNTY** **BOARD OF APPEALS** **CASE NO. 2020-138-SPHXA**

Notice of Withdrawal of Appeal with Prejudice

The Gospel Faith Mission International, Incorporated, Appellant, by and through its undersigned counsel, hereby withdraws its appeal dated January 12, 2023 from the decision of the Administrative Law Judge dated December 13, 2022, and respectfully requests its appeal in the matter be dismissed with prejudice as provided in Rule 3.B of the Rules of Practice and Procedure of the Baltimore County Board of Appeals.

Respectfully submitted,

March 15, 2023
Date

Dino C. La Fiandra, Esquire
THE LAW OFFICE OF DINO C. LA FIANDRA, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
443-204-3473
Attorney for *Appellant*

RECEIVED
MAR 15 2023
BALTIMORE COUNTY
BOARD OF APPEALS

Certificate of Service

I certify that on March 15, 2023, I sent a copy of the foregoing Notice of Appeal to Michael McCann, Esquire at michael@mmccannlaw.net.

Dino C. La Fiandra

Board of Appeals of Baltimore County

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

April 5, 2023

Dino C. La Fiandra, Esqiure
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

Michael R. McCann, Esquire
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: In the matter of: *The Gospel Faith Mission International, Inc.*
Case No.: 20-138-SPHXA

Dear Counsel:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: Pastor Taiwo Fagbuyi/The Gospel Faith Mission International, Inc.
Richard and Mary Vogelsang and Trina Vogelsang
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law

IN RE: Petitions for Special Hearing, Special Exception and Variance **10610 Liberty Road** 2nd Election District 4th Councilmanic District **The Gospel Faith Mission International, Incorporated,** *Legal Owner*	)	**BEFORE THE** **BALTIMORE COUNTY** **BOARD OF APPEALS** **CASE NO. 2020-138-SPHXA**

Notice of Withdrawal of Appeal with Prejudice

The Gospel Faith Mission International, Incorporated, Appellant, by and through its undersigned counsel, hereby withdraws its appeal dated January 12, 2023 from the decision of the Administrative Law Judge dated December 13, 2022, and respectfully requests its appeal in the matter be dismissed with prejudice as provided in Rule 3.B of the Rules of Practice and Procedure of the Baltimore County Board of Appeals.

Respectfully submitted,

March 15, 2023
Date

Dino C. La Fiandra, Esquire
THE LAW OFFICE OF DINO C. LA FIANDRA, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
443-204-3473
Attorney for *Appellant*

Certificate of Service

I certify that on March 15, 2023, I sent a copy of the foregoing Notice of Appeal to Michael McCann, Esquire at michael@mmccannlaw.net.

Dino C. La Fiandra

JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

January 12, 2023

Dino La Fiandra, Esquire – dcl@lafiandralaw.com
The Law Office of Dino C. LA Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, MD 21204

Michael McCann, Esquire – michael@mccannlaw.net
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204

RECEIVED
JAN 13 2023
BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**
Petitions for Special Hearing. Special Exception and Variance
Case No. 2020-0138-SPHXA
Property: 10610 Liberty Road

Dear Mr. La Fiandra and Mr. McCann:

Please be advised that an appeal of the above-referenced case was filed in this Office on January 12, 2023. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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

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

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure

APPEAL TO BOARD OF APPEALS
Petitions for Special Hearing. Special Exception and Variance

C:

People's Counsel
Board of Appeals
Bro. Idris O. Aborlurin – aboluringbenga@yahoo.com
Bro. Temidayo Sekireri – stemiadayo@gmail.com
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Deaconess Tolu Olugbemi – tolu.olugbemi@gmail.com
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Pastor Taiwo Fagbuyi – taiwofagbuyi@yahoo.com
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Celeste Stratton – cstratton123z@gmail.com
Patrick Richardson – rick@richardsonengineering.net

IN THE MATTER OF THE GOSPEL FAITH MISSION INTERNATIONAL, INC., LEGAL OWNERS AND PETITIONERS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE ON THE PROPERTY LOCATED AT 10610 LIBERTY ROAD 2ND ELECTION DISTRICT 4TH COUNCIL DISTRICT	*	BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 20-138-SPHXA

* * * * * * * * * * *

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by Dino C. La Fiandra, Esquire on behalf of The Gospel Faith Mission International, Inc., Petitioners and Appellants, from a final decision of the Administrative Law Judge dated December 13, 2022, wherein the Petition for Special Hearing Request Nos. 1, 5 and 6 were GRANTED, Request No. 3 was DENIED, and Request Nos. 2 and 4 were withdrawn and are MOOT; Special Exception Request No. 1 was DENIED; and Request Nos. 2 and 3 were GRANTED; and the Variance request was GRANTED; all of the relief granted was subject to conditions.

WHEREAS, the Board is in receipt of an email from by Dino C. La Fiandra, Esquire on behalf of The Gospel Faith Mission International, Inc., Petitioners and Appellants, voluntarily withdrawing the appeal filed on January 12, 2023 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Petitioner/Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of March 15, 2023, thereby rendering the December 13, 2022 Opinion and Order of the Administrative Law Judge the final Order in this matter.

IT IS ORDERED this 5th day of April, 2023 by the Board of Appeals of Baltimore County that the appeal taken in Case No. 20-138-SPHXA be and the same is hereby **DISMISSED with prejudice.**

BOARD OF APPEALS
OF BALTIMORE COUNTY



Andrew M. Belt, Chairman

IN RE: Petitions for Special Hearing, Special Exception and Variance **10610 Liberty Road** 2nd Election District 4th Councilmanic District **The Gospel Faith Mission International, Incorporated,** *Legal Owner*	)	**BEFORE THE** **BALTIMORE COUNTY** **BOARD OF APPEALS** **CASE NO. 2020-138-SPHXA**

Notice of Withdrawal of Appeal with Prejudice

The Gospel Faith Mission International, Incorporated, Appellant, by and through its undersigned counsel, hereby withdraws its appeal dated January 12, 2023 from the decision of the Administrative Law Judge dated December 13, 2022, and respectfully requests its appeal in the matter be dismissed with prejudice as provided in Rule 3.B of the Rules of Practice and Procedure of the Baltimore County Board of Appeals.

Respectfully submitted,

March 15, 2023
Date

Dino C. La Fiandra, Esquire
THE LAW OFFICE OF DINO C. LA FIANDRA, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
443-204-3473
Attorney for *Appellant*

RECEIVED
MAR 15 2023
BALTIMORE COUNTY
BOARD OF APPEALS

Certificate of Service

I certify that on March 15, 2023, I sent a copy of the foregoing Notice of Appeal to Michael McCann, Esquire at michael@mmccannlaw.net.

Dino C. La Fiandra

Board of Appeals of Baltimore County

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

April 5, 2023

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

Michael R. McCann, Esquire
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: In the matter of: *The Gospel Faith Mission International, Inc.*
Case No.: 20-138-SPHXA

Dear Counsel:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: Pastor Taiwo Fagbuyi/The Gospel Faith Mission International, Inc.
Richard and Mary Vogelsang and Trina Vogelsang
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law

Debra Wiley

From: Lynell Tobler <lynelltobler@outlook.com>
Sent: Tuesday, December 13, 2022 4:30 PM
To: Administrative Hearings
Subject: RE: Case No: 2020-0138-SPHXA 10610 Liberty Road

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

Ugh. Not entirely positive but it could have been worse. Thank you for working so hard to get Trina and her neighbors a mitigated result.

From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Sent: Tuesday, December 13, 2022 4:08 PM
To: Dino La Fiandra <dcl@lafiandralaw.com>; Michael McCann <michael@mmccannlaw.net>
Cc: Debra Wiley <dwiley@baltimorecountymd.gov>; Bro. Idris O. Aborlurin - <aboluringbenga@yahoo.com>; Bro. Temidayo Sekireri - <stemiadayo@gmail.com>; Deacon Dimeji Adedire - <adedire@yahoo.com>; Deaconess Tolu Olugbemi - <tolu.olugbemi@gmail.com>; Elder Olaoluwa Abina - <houseofffire2020@gmail.com>; Elder Philip Olaomi - <olaomiphilip@gmail.com>; Pastor Taiwo Fagbuyi - <taiwofagbuyi@yahoo.com>; Pastor Uwem Ikpo - <uwemekpo@yahoo.com>; Sister Pat Stark - <pkonstark@hotmail.com>; Mark Keely - <mkeeley@traffic-concepts.com>; Ola Abina - <houseoffire2020@gmail.com>; Moses Kuna - <kuna_2002@yahoo.com>; Mary Vogelsang - <granmaryrn@yahoo.com>; Faustina Balogun - <tina070@yahoo.com>; Lynell Tobler - <lynelltobler@outlook.com>; Oluwaseun Owojuyigbe - <seunowo@proactivedbs.com>; Kate Richardson - <quansima@hotmail.com>; Majack Alexander-Stark - <majackmail@gmail.com>; Gloria Ekpo - <guekpo@yahoo.com>; Myibat Sanni - <aronke5111@gmail.com>; Myibat Sanni - <ronke5111@gmail.com>; Celeste Stratton - <cstratton123z@gmail.com>; Patrick Richardson - <rick@richardsonengineering.net>; County Council <countycouncil@baltimorecountymd.gov>; Henry Ayakwah <hayakwah@baltimorecountymd.gov>; PAI Zoning <paizoning@baltimorecountymd.gov>; Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>; Rebecca Wheatley <rwheatley@baltimorecountymd.gov>; Vishnubhai K Desai <vdesai@baltimorecountymd.gov>
Subject: Case No: 2020-0138-SPHXA 10610 Liberty Road

Good Afternoon,

Please find attached ALJ Mayhew's Opinion and Order in reference to the above matter.

Have a great and safe day.

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204
410-887-3868



Get your COVID-19 vaccine today.

CONNECT WITH BALTIMORE COUNTY

www.baltimorecountymd.gov

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE (10610 Liberty Road) 2nd Election District 4th Council District The Gospel Faith Mission International, Incorporated *Legal Owner*	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY
Petitioner	*	**Case No. 2020-0138-SPHXA**

* * * * * * * * *

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 The Gospel Faith Mission International, Inc., legal owner ("Petitioner"). The Special Hearing was filed to approve the building for religious worship (church) in all zones in which it is proposed as shown on the Plan to Accompany Petition for Zoning Hearing. To determine whether the parking located in the R.C.7 zone is permitted by right under Baltimore County Zoning Regulations ("BCZR") § 1A08.3.A.7.d as an accessory use to a principle use permitted by right under BCZR § 1A08.3.E, or whether a special exception is required for the parking in the R.C.7 zone under BCZR § 1A08.3.B.2.

In the alternative to Special Hearing Request No. 2., Petitioner seeks approval of institutional parking in a residential zone pursuant to BCZR § 409.8.B for twenty-six (26) proposed parking spaces that partially extend into the adjacent R.C.7 zone, as shown on the Plan to Accompany Petition for Zoning Hearing. And further, to determine whether the two Moro-Bioretention Facilities (Storm Water Management ["SWM"] Facilities) located in the R.C.7 zone are permitted by right under BCZR § 1A08.3.A.7.d as an accessory use to a principle use permitted by right under BCZR § 1A08.3.E, or whether a Special Exception is required for these facilities in

ORDER RECEIVED FOR FILING
Date 12/13/22
DMcMahon

the R.C.7 zone under BCZR § 1A08.3.B.2. To determine whether a Variance from BCZR §§ 259.3.C.4 and 409.6 is required for the number of parking spaces in the RO-CR zone, specifically in this instance. In addition, the Petition seeks a determination as to whether the building height of 44 feet is permitted by right pursuant to BCZR § 300.2, or whether a Special Exception under BCZR § 259.3.B.3 or Variance under BCZR § 300.7 is required.

In addition, a Petition for Special Exception was filed in regard to Request Nos. 2 and 4, if the Administrative Law Judge ("ALJ") determines that a Special Exception is required for the parking or the SWM Facilities in the R.C.7 zone (identified as Use Area A), then a Special Exception for parking and/or the storm water management facilities in Use Area A as proposed on the Plan to Accompany the Petition for Zoning Hearing, as an accessory use to a church, pursuant to BCZR § 1A08.3.B.2; and from BCZR § 259.3.B.3 to approve a building for religious worship (church) of 8,710 sq. ft. on the ground floor in Use Area B in the RO-CR district in lieu of 6,600 sq. ft. permitted on the ground floor, and if the ALJ determines pursuant to Special Hearing Request 6 that a Special Exception for building height of 44 feet is required in this instance, then a Special Exception for a building height of 44 feet in Use Area B in the RO-CR zone in lieu of 30 feet permitted. Furthermore, a Petition for Variance was filed pursuant to § 259.3.C.2. of the BCZR to allow a setback from the street right-of-way line to the building of 103 feet in lieu of a maximum setback of 19 feet otherwise permitted. In the alternative to Special Exception Request No. 2, a Variance from BCZR § 259.3.C.1 as follows: (a) For a building with 8,710 sq. feet on the ground floor in the RO-CR zone in lieu of 6,600 sq. ft. on the ground floor in the RO-CR zone; (b) If the ALJ determines pursuant to Special Hearing Request 6 that a Variance for building height of 44 feet in lieu of 30 feet otherwise permitted is required in this instance, then a variance for a building height of 44 feet in the RO-CR zone in lieu of 30 feet otherwise permitted in the RO-CR.

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Date 12/13/22
By DRuginon

If pursuant to Special Hearing Request No. 4, the ALJ determines that a Variance is required for the number of parking spaces in the RO-CR zone, then a Variance from BCZR § 409.6 for 57 parking spaces in the RO-CR zone in lieu of 88 parking spaces required, or such lesser relief as the ALJ determines is necessary.[1]

Due to COVID-19, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP") and from the Department of Environmental Protection and Sustainability ("DEPS"), Development Coordination Section. They did not oppose the requested relief, subject to proposed conditions, which will be incorporated into the Order.[2]

Pastor Taiwo Fagbuyi appeared on behalf of The Gospel Faith Mission International, Incorporated ("GOFAMINT") at the hearing. Dino C. LaFiandra, Esq. represented the Petitioner. Donald Mitten, P.E., the engineer who prepared the site plan also attended. The redlined site plan was admitted as Petitioner's Exhibit 2. Oluwaseun Owojuyigbe, the architect who designed the proposed church, also attended. Finally, Mark Keeley, a traffic engineer with Traffic Concepts, Inc., also attended on behalf of the Petitioner.

[1] At the hearing Counsel for Petitioner withdrew Special Hearing request Nos. 2 and 4 in the Petition and proceeded with attempting to prove entitlement to special exception relief for the parking and SWM facilities in the R.C.7 zone.

[2] It should be noted that these ZAC comments were apparently based on the site plan dated May 6, 2019 that was submitted with the LED application. The ZAC comments post-date that date and are all dated prior to November 18, 2021, the date on the redlined site plan that was submitted at the zoning hearing (Petitioner's Exhibit 2). Substantial revisions are made on the redlined plan that was not subject to ZAC review or comment.

ORDER RECEIVED FOR FILING
Date 12/13/22
By DMugnan

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Pastor Taiwo Fagbuyi appeared on behalf of The Gospel Faith Mission International, Incorporated ("GOFAMINT") at the hearing. Dino C. LaFiandra, Esq. represented the Petitioner. Donald Mitten, P.E., the engineer who prepared the site plan also attended. The redlined site plan was admitted as Petitioner's Exhibit 2. Oluwaseun Owojuyigbe, the architect who designed the proposed church, also attended. Finally, Mark Keeley, a traffic engineer with Traffic Concepts, Inc., also attended on behalf of the Petitioner.

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ORDER RECEIVED FOR FILING
Date 12/13/22
By DMugnan

Adjoining property owners, Mary and Trina Vogelsang, attended the hearing and opposed the requested relief. They were represented by Michael McCann, Esq. Numerous letters in opposition were received from other nearby residents. The hearing took place on November 21, 2021 and September 15, 2022.

RECORD EVIDENCE

The subject property is on the north side of Liberty Road just west of its intersection with Lyons Mill Road and near the Liberty Reservoir. It is approximately 4.007 net acres and is split-zoned RO-CR, R.C.3 and R.C.7. The 2020 Master Plan transect designation for this site is T-1 Natural. The area across Liberty Road to the south is rural residential and is designated as transect T-2 Rural. There is a small snowball stand to the west of the site and County-owned designated green space to the east. Behind the parcel to the north is a 69 acre horse boarding and training farm owned by the Vogelsangs, who oppose the church expansion. Their property is primarily zoned R.C.4 – "Watershed Protection." Soldiers Delight, a 1900 acre Natural Environmental Area and Maryland "Wildlands" is in close proximity further north. It is home to over 30 rare or threatened species. A tributary of Locust Run is also in close proximity to the north and ultimately flows into Liberty Reservoir.

Petitioner currently operates a small church and offices on the site. The existing structure is only 3,650 sq. ft. They propose to expand the church to 20,218 sq. ft., with a 450 seat sanctuary, a fellowship hall, conference rooms, 10 classrooms, several offices, 8 bathrooms, and kitchen facilities. One hundred ninety five (195) parking spaces are proposed, which is 82 more than the 113 spaces required by BCZR § 409.6 (1 space for each 4 seats in the sanctuary). The site lies outside the Urban Rural Demarcation Line ("URDL") and is served by well and septic systems. Because of the split zoning, and the CR overlay in particular, the proposal generates a somewhat

ORDER RECEIVED FOR FILING
Date 12/13/22
By DVMegnon

complex zoning analysis.

Religious buildings are permitted by right in the R.C.3 and RO zone, and are also permitted in the R.C.7 zone, but only if they were permitted by the previous zoning on the site prior to the application of the R.C.7 zoning. Evidently the prior zoning did allow churches because the zoning Order in Case No. 08-136-SPHA notes that a church was constructed on the site in 1969. In that case variances were granted to allow an office building with a gross floor area of 8,800 sq. ft. in lieu of the required 6,600 sq. ft. in the RO-CR zone, and a front yard setback variance of 110 feet in lieu of the required 19.5 feet was also granted.

Mr. LaFiandra explained that Petitioner purchased the property in 2009 and has been operating the GOFAMINT church there since that time. A limited exemption development ("LED") plan was approved for this project by the Development Review Committee ("DRC") on October 31, 2017, pursuant to BCC § 32-4-106(b)(8). A LED site plan was submitted to the DRC on May 16, 2019. However, as Mr. McCann notes, that plan has not yet been approved, and the site plans submitted in this case differ in several respects from those submitted to the DRC. During the LED process the Office of Zoning Review determined that GOFAMINT had never obtained a change of occupancy permit when they converted the office use back to a religious use. Zoning Review also identified the additional zoning relief that is sought in this case.

The engineer, Donald Mitten, was Petitioner's first witness. He explained the redlined site plan in some detail. The redlined revisions are as follows: 1) at the behest of the State Highway Administration ("SHA") the access point for the proposed church was moved from the far western portion of the site to the far eastern portion;[3] 2) the sanctuary capacity was increased from 350 to 450 seats; 3) the number of parking spaces was increased to 195 and the parking layout was

[3] At the present time the church has ingress and egress via a right of way easement over the Vogelsangs' driveway.

ORDER RECEIVED FOR FILING
Date 12/13/22
By DMcMahon

reconfigured; and, 4) the stormwater management ("SWM") systems and design were modified. Mr. Mitten explained that the highest point of the site is at the southeast corner and that the site slopes and drains down from Liberty road toward the north side of the site, where it meets the Vogelsangs' property line. He explained that the proposed church expansion and most of the parking spaces will straddle the RO-CR and RC 3 portions of the site. Additional parking and two moro-bioretention SWM facilities are proposed in the RC 7 portion of the site.

He acknowledged that under BCZR § 259.3.C.1 the gross ground floor area for buildings in a CR District is 6,600 sq. ft. and the total permissible floor area is 8,800 sq. ft. In addition, under this regulation the floor area ratio may not exceed .20. He then explained that these limits can be exceeded by special exception and that special exception relief was needed here because the proposed church expansion would have 8,710 sq. ft. on the ground floor within the CR District portion of the site, and that the total square footage of the proposed church is 20,218 sq. ft. His interpretation of BCZR § 259.3.C.1 was that the CR District floor area limits pertain only to that portion of the building that actually lies within the CR District. Therefore, in this case, an imaginary line can be drawn down the middle of the building and the square footage of the building that lies within the R.C.3 zone does not count against the limits imposed by the CR District regulations. He used that same approach with regard to parking. Under BCZR § 259.3.C.4 all parking for a building in the CR District "must be located in the CR District." Mr. Mitten referred to Petitioner's Exhibit 8 to show that 190 of the proposed 450 sanctuary seats are within the CR District. Therefore, by this reasoning, 48 parking spaces (1 for every 4 seats) must be located within the District, and the plan proposes 57 spaces within the District. On cross-examination he conceded that he had never employed this reasoning before in any other cases, and that he had not previously worked on a site plan for a project in a CR District.

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Date 12/13/22
By DMigna

Mr. Mitten further explained that the parapet or steeple of the proposed church is 45 feet. He acknowledged that the maximum building height in a CR District is 30 feet but he noted that BCZR § 300.2 specifically allows churches to be up to 50 feet in height in any zone. He then explained the need for the front setback variance. Under BCZR § 259.3.C.2.a, the front yard setback cannot exceed "the average of the setbacks of adjacent buildings." In this case that would be 19.5 feet. He explained that this would require razing the existing church structure since it is 140 feet from the front property line. Further it would cause intractable internal traffic flow problems at the site. He also explained that a front setback variance was granted for the existing church building in Case No. 2008-136-SPHA.

On cross-examination by Mr. McCann he acknowledged that this site is in a rural area and is surrounded by RC zones. He did not know how the site was designated in the 2020 Master Plan. He acknowledged that the regulations would require only 113 parking spaces for a 450 seat sanctuary, rather than the 195 proposed here. He agreed that these additional 82 spaces would entail adding substantially more impervious surface to the site but he claimed that churches typically require greater parking than the regulations call for. However, he did not know the size of the GOFAMINT congregation. He further acknowledged that the site plan presented to the DRC and with the original zoning petition called for only 350 sanctuary seats. He agreed that the LED plan has not yet been approved and that further redline changes to the site plan may be required. He also acknowledged that the redlined site plan does not address the enhanced CR District landscaping requirements set forth in BCZR § 259.3.C.3, or the "environmental holding capacity" requirements of BCZR § 259.3.C.5, which he said would be addressed with DEPS in the next phase of development. However, he stated that preliminary perc tests have been approved by DEPS. Finally, he conceded that the traffic impact studies they had submitted to SHA were also predicated on 350

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seats, not 450. *See,* Protestants' Exhibit 9.

The next witness was Pastor Taiwo Fagbuyi. He provided a brief history of GOFAMINT, which was founded in the United States in 1984. This chapter, the "House of Change Baltimore" was founded in 2002 and they have been at this location since 2009. Between 140 and 150 members attend Sunday services in person, and another 50 or so attend on-line. He described other programs that are offered on weeknights such as prayer meetings and bible study. These are typically attended by 30 to 40 people. On the Friday of the last week of every other month a "Supernatural Night of Wonders" service is attended by 160 to 170 congregants. He explained that they want to expand the church building because currently there is only room for approximately 100 persons in the sanctuary so the other 40 or 50 must watch a live video feed from an adjoining room. In response to questions from Mr. McCann he acknowledged that they currently do not need seating for 450 and that they may well never need such capacity. He testified that when they started in 2002 the congregation was approximately 100 members – so in 20 years they have only added about 50 members that attend services in person. He explained that the existing 3,650 sq. ft. structure contains a sanctuary, 3 classrooms, and 1 men's and 1 women's restroom, as well as a separate restroom for him. He testified that there are no plans to operate a school at the facility. Although they may host weddings, funerals, and other such events the kitchens will not have ovens or other commercial catering capacity and they will not rent the facility out. He was not sure how many parking spaces they presently have. He acknowledged that the traffic conditions on that stretch of Liberty Road are somewhat dangerous due to the sight distances and speed of traffic. He further explained that it can sometimes be difficult to exit the church property onto Liberty Road due to the speed and volume of traffic.

The architect, Mr. Owojuyigbe, testified next. He is a member of the AIA and has a masters degree in Architecture. He has been the President of Pro-Active Design and Building Systems since

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2011. He was accepted as an expert in architectural design. He explained that he has designed other religious buildings and that he has been working on this project since 2017. He identified Petitioner's Exhibit 11 as the floor plan he designed, and he explained that it meets all "Life Safety" regulations. He explained that the existing building will be converted to a Fellowship Hall and that the rest of the new church will be built around the existing structure, expanding the square footage more than five-fold. He identified the exterior building elevations as Petitioner's Exhibit 9. When asked how they decided on 450 seats he testified that the Pastor just told him that the current space was inadequate and that "we just came up with that number." He further explained that the seats in the sanctuary will be bolted down and that per safety code the sanctuary must have 25 total sq. ft. for each seat. He explained that he has attended GOFAMINT services at the existing church and observed that the congregants often get out of their seats to worship in song and dance. He therefore designed extra space within the sanctuary. Finally, he explained that the structure will be only one level but there are large windows above the sanctuary to allow natural light and solar heat. As a result the highest point of the building is 43 feet and the cross on the front of the building will be just under 45 feet. On cross-examination he acknowledged that the building will appear much taller from the Vogelsang's property due to the sloping topography.

Petitioner's final witness was traffic engineer, Mark Keeley. He explained that he was hired by the church to do a "speed study" and a trip generation analysis. At the request of SHA he also did a sight distance study for the proposed access point (Petitioner's Exhibit 13) that was accepted by that agency. He acknowledged that SHA would still require them to obtain an access point permit. He further acknowledged that the trip generation report that they had submitted to and approved by SHA was based on a 350 seat sanctuary. However, using the Institute of Transportation Engineers' ("I.T.E.")11th Edition Trip Generation Manual he testified that the 450 seat sanctuary would add

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only 23 additional peak hour trips on Sunday morning, which he deemed "not significant." He further testified that the new access point is preferable because it improves sight distances and obviates the need to share a driveway with the Vogelsangs' horse farm. On cross-examination he agreed that approximately 75% of traffic arriving to Sunday services will be coming from the east, and that it was possible that cars would have to queue up along the shoulder of Liberty Road while waiting to turn into the church parking lot. He acknowledged that this could possibly affect stopping sight distances for cars travelling westbound and approaching the site. He also acknowledged that the traffic study accepted by SHA was based on 350 seats. That concluded Petitioner's case.

The first witness in opposition was Lynell Tobler. She explained that she is the Vice President of Soldiers Delight Conservation, Inc., a non-profit group dedicated to "conserving and restoring its rare and endangered ecosystem for future generations." (Soldiers Delight brochure, admitted as Protestants' Exhibit 12). She explained that it is a Maryland state Natural Environment Area and a Maryland Wildlands Area. It is located to the north of this site, which is also bounded by County owned green space and the Vogelsangs' horse farm. She testified that she is intimately familiar with the Vogelsang's farm and operations because she boarded her horse there for many years and did trail riding in the surrounding forests. She further testified that she believes the noise and traffic associated with this large church expansion will have a severe impact on the Vogelsang's operations due to noise and light pollution; and severe impacts on the natural environment due to the amount of additional impervious surface. Finally, she expressed concern about traffic safety. She explained that it is "startling" when you come over the crest of the hill heading west and encounter patrons exiting the church or snowball stand due to the limited sight stopping distance. She testified that she thought the proposed additional church traffic is a "recipe for disaster."

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Trina Vogelsang testified next. She explained that she and her mother own the 69 acre farm that abuts the church property to the north. It is subject to a permanent agricultural easement. These easements are typically only granted for properties of at least 100 acres but an exception was made for her property due to its uniquely sensitive environmental features and its proximity to the Liberty Reservoir. She has operated Gaitaway Stables there for the last 26 years. They offer boarding, training, and riding lessons. On average there are about 40 horses boarded there at any given time. She and her clients ride the horses in her pastures and forest, and on the public trails through the adjacent county-owned green space. She lives on the farm and described it as a 24/7 operation and her "life's work and passion." One of the principal pastures directly abuts the church property. She described the impacts that the church has already had, including loud outdoor events with lights and amplified music. She has been awakened as late as 2 a.m. by music that is so loud it rattles her windows. She testified that the church has installed lights on the adjacent parking lot that are on 24 hours a day and that for some events they rent additional lights which shine directly at her house. Large commercial tents are erected for some of these events. She also expressed concern that the additional driveway and increased traffic proposed by the church will exacerbate the existing traffic safety issues. In addition she testified that the church members have created a significant litter problem by disposing trash on church grounds that then blows onto her property. She explained that it is dangerous for horses to eat litter because their digestive systems cannot process it. She stated that prior to the pandemic she was picking up three hefty bags full of church litter each week. She further testified that horses are easily startled and flighty by nature and that their first instinct is to run. She said that on several occasions horses have been startled during church events and bolted with riders. On one instance the rider was thrown and suffered a broken leg. As a result she no longer gives riding lessons during church events. She also explained that the storm runoff from the church

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property is channelled directly into a "v" that runs down a steep slope onto her property, and that it is already causing severe erosion. Protestants' Exhibit 2 is a series of photographs that include photos of this erosion. In addition she expressed serious concerns about the impact the church's proposed water usage will have on her well capacity. She explained that even now during church events her well water runs brown, which indicates to her that her well capacity is being impacted by the church's use. Finally, she testified that she fears that the proposed church expansion will dramatically alter the rural feel of the area and will cause her to lose customers due to the loss of the quiet bucolic setting. Ms. Vogelsang's testimony concluded the hearing.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Because of the site's split-zoning, including RC zones and a CR District overlay, this case is complex from a zoning standpoint. This is evidenced by the fact that the Petition contains 6 paragraphs of Special Hearing relief (including alternatives to certain relief), 2 paragraphs of Special Exception relief (with alternatives), and 3 paragraphs of Variance relief. In addition, because the requested zoning relief is for a religious use the case implicates the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. § 2000, *et seq.* The different forms of relief are addressed below in the order in which they are raised in the Petition.

As will be discussed, I find that most of the requested relief is warranted under the various provisions of the zoning regulations – at least as viewed through the lens of RLUIPA. However, I am also mindful of the aesthetic and environmental impacts the proposed church expansion will have in this rural area; and, more particularly, the impacts on the Vogelsangs' equestrian business and their quality of life. Therefore, appropriate conditions will be placed in the Order in an attempt to protect the neighbors' interests and this rural setting.

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SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

> The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). Special hearing relief is properly granted if it is within the spirit and intent of the zoning regulations and will not harm the public health, safety, or welfare.

Based on the testimony and exhibits adduced at the hearing, I find that the following Special Hearing relief is appropriate. First, religious uses are permitted in each of the three zones applicable here, either by right or by special exception. Of course that general right is subject to any applicable limiting regulations. As noted above, at the hearing Petitioner withdrew Special Hearing requests 2 and 4, which had sought a declaration that the proposed parking and stormwater management facilities were permitted by right in the RC 7 zone as accessories to the church. Instead, as stated in their Memorandum, "Petitioners have elected to simply move forward with the special exception proof, instead of arguing that a special exception is not required." Memo at p. 7 n.8. Those issues will therefore be addressed below.

Special Hearing request number 5 seeks a determination of "whether a Variance from BCZR § 259.3.C.4 and § 409.6 is required for the number of the parking spaces in the RO-CR

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zone, specifically in this instance." Pursuant to § 259.3.C.4 all the parking attributable to the use within the CR District must be located within the CR District zone. The proposed church building will straddle the RO-CR and RC 3 zones and most of the proposed parking is within those zones. Petitioner's engineer, Mr. Mitten, opined that in making this analysis the proposed church building should be apportioned. Following this approach 192 of the proposed 450 seats are within the RO-CR zone. Therefore, pursuant to § 409.6 a minimum of 48 spaces are required within the RO-CR portion of the site and the site plan proposes 57 spaces, so no variance relief is needed. Mr. McCann disputes this interpretation of § 259.3.C and points to the language in the regulation that states that "[t]he gross floor area for all buildings on a lot shall not exceed 8,800 square feet." He urges that this means that "the *entire* Church building on this lot – there is only one lot – cannot exceed 6600 square feet on the ground floor and 8800 square feet in gross floor area. We should not assume that the County Council, in adopting different zones for this property, did not contemplate such circumstances." Protestants' Memo, Sec. A (1) (emphasis in original). While this is a plausible interpretation – and the "apportioning" methodology is novel in my experience - I do not believe that in zoning a portion of the site RO-CR that the Council intended to preclude structures within the other zones on the site. If that was their intent one would think that they would have zoned the entire lot RO-CR. Moreover, they provided a remedy for this scenario by allowing the CR District bulk regulations to be exceeded by special exception – which is what has been requested here. In sum, if the church building is apportioned the proposed 57 spaces exceed the number required in the RO-CR zone. And Petitioner has requested a special exception in order to exceed the CR District bulk regulations. As such, I find that no variance relief is needed for either of these aspects of the site plan.

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The last Special Hearing request is to determine "whether the building height of 44 feet is permitted by right pursuant to BCZR § 300.2, or whether a special exception under BCZR § 259.3B.3 or a Variance under BCZR § 307." As Petitioner notes, the plain language of § 300.2 provides that "[b]uildings for religious, hospital or educational purposes may be built to a height of 50 feet in *any* zone in which they are permitted." (emphasis added). This specific provision pertaining only to these three types of uses supersedes any conflicting general regulation. *See, e.g., Smack v. Dep't Of Health and Mental Hygiene,* 378 Md. 298, 306 (2003) (more specific regulation controls over general regulation). Therefore, I find that the 44 foot height of the proposed church is permitted by right.

SPECIAL EXCEPTION

Petitioner notes that no variances or special exceptions are needed for any of the proposed building, parking, or SWM facilities located in the RC 3 portion of the lot. Two Special Exceptions are, however, requested: 1) for parking and SWM facilities in the RC 7 zone; and, 2) a church with 8,710 square feet on the ground floor in the RO-CR zone in lieu of the required maximum 6,600 square feet.

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). In *People's Counsel for Baltimore County v. Loyola College of Maryland*, 406 Md. 54 (2008) the court of appeals quoted the following excerpts from *Schultz:*

> 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 fact 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.

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> Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material.

Id., at 88-89.

After further examining *Schultz* and other seminal cases the *Loyola College* decision quoted the holding in *Schultz*:

> These cases establish that a special exception use has an adverse effect and must be denied when it is determined from the facts and circumstances that the grant of the requested special exception use would result in an adverse effect upon adjoining and surrounding properties unique and different from the adverse effect that would otherwise result from the development of such a special exception use located anywhere within the zone. Thus, these cases establish that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

People's Counsel v. Loyola College, at 89–90, *quoting, Schultz,* 291 Md. at 15.

Finally, in *Attar v. DMS Tollgate, LLC*, 451 Md. 272, 286 (2017), the court reiterated that "[b]oth the burden of production and the burden of persuasion on the issue of whether the special exception should be granted fall on the applicant . . . and [the applicant] must persuade by a preponderance of the evidence that the special exception will conform to all applicable requirements."

In addition to these common law standards, in Baltimore County the following specific factors must be considered in determining whether a special exception should be granted:

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§ 502.1. - Conditions determining granting of special exception.

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

A. Be detrimental to the health, safety or general welfare of the locality involved;

B. Tend to create congestion in roads, streets or alleys therein;

C. Create a potential hazard from fire, panic or other danger;

D. Tend to overcrowd land and cause undue concentration of population;

E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;

F. Interfere with adequate light and air;

G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;

H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone, and for consideration of a solar facility use under Article 4F, the inclusion of the R.C.3, R.C.6, and R.C.8 Zones.

Further, BCZR § 502.2, titled "Protection of surrounding properties;" provides that:

> In granting any special exception, the Zoning Commissioner or the Board of Appeals, upon appeal, shall impose such conditions, restrictions or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties.

Finally, when a special exception is requested in a CR District the following additional requirements of BCZR §259.3.E must also be satisfied:

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Additional requirements for the granting of a special exception in a C.R. District. In addition to the requirements generally imposed in the issuance of special exceptions by Section 502.1, the following requirements shall apply to the granting of special exceptions in C.R. Districts:

1. The petitioner shall document the need for the development at the proposed location.

2. The proposed development shall take into account existing and proposed roads, topography, existing vegetation, soil types and the configuration of the site. The proposed development will not disturb slopes with grades exceeding 25 percent; will minimize disturbance to vegetated areas, wetlands and streams; and will not result in undue site disturbance or excessive erosion and sediment loss. Infiltration will be maximized and stormwater management discharge will be decentralized.

3. Architecturally or historically significant buildings and their settings shall be preserved and integrated into the site plan.

4. The buildings shall be sited to protect scenic views from public roads and so that the natural rural features, including but not limited to pastures, croplands, meadows and trees, are preserved to the extent possible. Additional open space may be required to preserve and enhance the enjoyment of the natural amenities and visual quality of the site.

5. The proposed development will not be detrimental to neighboring uses and the tranquility of the rural area through excessive noise and will not result in a nuisance or air pollution from dust, fumes, vapors, gases and odors.

The proposed church expansion implicates several of these areas of concern. The unrebutted testimony of Ms. Vogelsang was that the existing church, of only 3650 sq. ft. and only 150 members, is already significantly impacting her business and quality of life. She described excessive noise and light pollution from outdoor events, some running as late as 2 a.m. She also described a major littering problem, which goes beyond aesthetic concerns given the danger it poses to the health of her horses. She is also understandably concerned about the potential impacts the much larger church may have on her water supply, as well as the impacts from all the additional impervious surface area – especially since the existing runoff from the church site is already causing considerable erosion on her property. She and other neighbors, in their letters of opposition, also express concerns about traffic safety and about the impact the

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church expansion will have on the rural setting. They note that it will be by far the largest structure in the vicinity.

These are all valid concerns, and are expressly addressed in the extra protections that apply in CR Districts. And again, the Petitioner did not in any way rebut Ms. Vogelsang's testimony. BCZR §259.3.E.1 states that "the Petitioner shall document the *need* for the development at the proposed location." (emphasis added). In their Memorandum Petitioner urges that Pastor Fagbuyi testified "that the existing facilities are too small and additional space is necessary for worship and other activities within the building." Petitioner's Memo at 9. They further claim that their architect testified that "the proposed expansion is appropriate for this particular congregation in terms of the number, types and sizes of the spaces proposed, the number of seats in the sanctuary, and other building parameters. *Id.* at 9-10. However, in my view their testimony did not support the need for a facility with 450 seats, or for 195 parking spaces, which is well in excess of what is prescribed by the regulations. The Pastor testified that during the Covid pandemic many church members grew comfortable attending services on-line and that he thinks some may never return to regular in-person attendance. He explained that there has been an uptick in attendance since Covid restrictions were lifted but that in-person attendance has stabilized at 140 to 150 for Sunday services. When asked whether he believes the size of the congregation will increase he candidly said "maybe, maybe not." When questioned further on this point he stated that if they ever reached 450 members it would take "a long time" to get there. He testified that there are no plans to operate a school at the facility or to lease the facility to third parties. Neither he nor the architect explained the need for the 10 classrooms and 8 bathrooms that are proposed. And as for the parking, Petitioner's engineer agreed that the proposal for 195 spaces would create a "surplus" of parking and would result in substantially

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more impervious surface area. He acknowledged that the regulations prescribe only 113 spaces for a 450 seat sanctuary but he said that in his experience churches need more parking than the regulations require. But the 82 additional spaces proposed on the site plan are 73% more than the regulations call for.

In sum, Petitioner did not, in my view, meet their burden of production and persuasion, concerning the *need* for 450 seats and 195 parking spaces, as required by BCZR § 259.3.E.1 and the common law. *Attar, supra,* 451 Md. at 286. Further, given the recognized ecological fragility of the surrounding area, including the Vogelsangs' adjacent horse farm, I believe the church expansion, as proposed, *would* have "adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *People's Counsel v. Loyola College,* 406 Md. at 89–90.

That said, Petitioner did establish the need for a substantial expansion, and special exception uses do enjoy a presumption that they "are in the interest of the general public, and therefore valid." *Schultz, supra* 291 Md. 1. Further, the environmental impacts associated with the expansion will be mitigated to the extent possible by DEPS during the development process. Prior to the issuance of building permits they will require Petitioner's engineers to submit SWM, water usage, and septic plans that comply with all the applicable environmental regulations. Further, as explained below, conditions will be placed in this Order to mitigate some of the environmental and "quality of life" issues. Regarding traffic, since Route 26 is a state highway SHA has the ultimate authority and responsibility for ensuring traffic safety. As noted above, SHA has approved Petitioner's traffic study based on a sanctuary with 350 seats, and Petitioner will still be required to obtain an "access point permit" from SHA, which may involve further refinements of the site plan.

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In sum, the presumption in favor of special exceptions must be balanced against the interests of the neighboring property owners and the intent of the RC and CR District regulations. And in making this judgment I must also weigh the church's rights under RLUIPA (which will be discussed below). In the final analysis I believe that the special exception to allow a ground floor of 8,710 square feet in the RO-CR zone must be granted. However, I believe the sanctuary should be limited to the 350 seats that Petitioner proposed to the DRC in obtaining their LED, and that they submitted to the SHA in obtaining approval of their traffic study. This will still allow the church membership to essentially double in size. And if the church ever does need to accommodate more members it can file for further zoning relief to expand the special exception use. I find that the proposed parking should also be reduced so as to avoid unnecessary impervious surface area in this environmentally sensitive location. Under the regulations only 88 spaces are prescribed for a 350 seat sanctuary. Based on the fact that there is no on-street parking in the vicinity of the church, I will allow 125 spaces, which means a redcution of 70 spaces from the proposed 195. Accordingly, the special exception for 26 spaces in the RC 7 zone is not necessary and will be denied. In addition, the 44 proposed spaces that are adjacent to the Vogelsangs' property line will also be eliminated in order to eliminate as much impervious surface as possible and to mitigate visual impacts and litter.

Finally, the special exception for the SWM facilities in the RC 7 zone will be granted, as these moro bio-retention facilities will further the goal of mitigating environmental impacts.

VARIANCE

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and

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(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

As described above, the site is nothing if not unique. It is split-zoned with two different RC zones and a CR District overlay on an OR zone. It has steep topography and is served by well and septic. Further, it has an existing structure that Petitioner desires to save and build around. The only variance needed is relief from the front yard building setback regulation, which would require the proposed church to be located a mere 19.5 feet from the Liberty Road right of way. Variances to allow an office building with 8,400 sq. ft. on the ground level, and for a setback of 110 feet were previously granted for this site in Case No. 2008-0136-SPHA. Further, if the variance relief were denied in this case Petitioner would suffer practical difficulty and hardship because they would have to raze or repurpose the existing structure and would have to locate the proposed new structure very close to Liberty Road, which would cause a variety of site design and traffic flow problems. In addition it would not, in my view, be an aesthetically desirable location, and would appear even taller from the Vogelsangs' property because it would be at the highest point of the site. For all these reasons, and those stated in the previous case, I find that the variance is within the spirit and intent of the zoning regulations and that it will not harm the public health, safety or welfare.

RLUIPA, 42 U.S.C. § 2000, et seq.

The Religious Land Use and Institutionalized Persons Act ("RLUIPA") protects religious organizations from discrimination by local governments in their land use decisions. Its relevant provisions state as follows:

42 USCA § 2000cc - Protection of land use as religious exercise.
(a) Substantial burdens
(1) General rule

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No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution—

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

(2) Scope of application

This subsection applies in any case in which

***

(C) the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.

(b) Discrimination and exclusion

***

(2) No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

(3) Exclusions and limits

No government shall impose or implement a land use regulation that

***

(2) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

In its post hearing memorandum Petitioner urges that RLUIPA "compels approval" of GOFAMINT's zoning petition. *See,* Petitioner's Memo at 15. As discussed above, GOFAMINT seeks a variety of substantial zoning relief, and I have granted the vast majority of the requested relief. However, RLUIPA does not mandate that the County's valid zoning regulations and the property rights of the neighbors be ignored simply because the applicant is a church.

In *Andon, LLC v. City of Newport News, Va.*, 813 F.3d 510 (4th Cir. 2016) the zoning board for the city of Newport News denied a church's variance request and as a result the church was unable to locate at its chosen location. The Fourth Circuit held that the church did not have a "reasonable expectation" that the requested variance would be granted based on the applicable zoning regulations, and they explained the contours of a "substantial burden" claim:

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We further observe that if we agreed with the plaintiffs that the BZA's denial of a variance imposed a substantial burden on their religious exercise, we effectively would be granting an automatic exemption to religious organizations from generally applicable land use regulations. Such a holding would usurp the role of local governments in zoning matters when a religious group is seeking a variance, and impermissibly would favor religious uses over secular uses. *See Petra Presbyterian Church,* 489 F.3d at 851 (reasoning that the substantial burden requirement must be taken seriously, or religious organizations would be free "from zoning restrictions of any kind"); *Civil Liberties for Urban Believers,* 342 F.3d at 762 (explaining that no "free pass for religious land uses masquerades among the legitimate protections RLUIPA affords to religious exercise").

The plain language of RLUIPA, however, prevents such a result. By requiring that any substantial burden be imposed by governmental action and by carefully balancing individual rights and compelling governmental interests, the language of RLUIPA demonstrates that Congress did not intend for RLUIPA to undermine the legitimate role of local governments in enacting and implementing land use regulations. *See Petra Presbyterian Church,* 489 F.3d at 851; *Civil Liberties for Urban Believers,* 342 F.3d at 762.

Anton, 813 F.3d at 516.

Again, RLUIPA protects religious uses from being treated less favorably than secular uses, but it does not mandate that they be afforded preferable treatment either. To do so would violate the First Amendment's Establishment Clause. In a recent case involving Baltimore County the District Court explained that

> RLUIPA's Equal Terms provision merely effectuates, in the context of land use, the Establishment Clause's dictates regarding neutrality. The Equal Terms section does not mandate that religious institutions are given any preferential treatment or special permissions in zoning schemes; rather, it mandates that the government acts neutrally towards religion when making land use decisions.

Hunt Valley Baptist Church, Inc. v. Baltimore County. Maryland, No. CV SAG-17-0804, 2020 WL 618662, at *7 (D. Md. Feb. 10, 2020).

Courts across the country have held that in order to establish a "substantial burden" claim a religious group must demonstrate that the government has materially interfered with their ability to practice their religion. In *United States v. City of Troy,* 592 F. Supp. 3d 591 (E.D. Mich. 2022) the court provided a helpful synopsis:

A court's inquiry into whether there was a substantial burden is "functional and factually driven." A substantial burden is more than a "mere inconvenience," *Living Water Church of God*

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v. Charter Twp. of Meridian, 258 F. App'x 729, 739 (6th Cir. 2007), there must be "some degree of severity [for a burden] to be considered 'substantial.' " *Livingston Christian Sch.*, 858 F.3d at 1001 (citing, among others, *Midrash Sephardi, Inc. v. Town of Surfside*, 366 F.3d 1214, 1227 (11th Cir. 2004)). A religious institution can show a substantial burden by demonstrating that (1) it has no "feasible alternative location from which it can carry on its mission"; (2) it has or "will suffer substantial delay, uncertainty, and expense due to the imposition of the regulation," and (3) it did not impose the burden upon itself. *Id.* at 1004 (citations and quotation marks omitted). These are "helpful factors" courts should consider when deciding a motion for summary judgment, but are not necessarily prerequisites to a prima facie case. *Id.* If a Court determines that a substantial burden exists, it may then consider evidence of discrimination or "improper decision-making" while evaluating whether the government action was narrowly tailored to serve a compelling state interest.

Further, "in the land use context, a plaintiff can succeed on a substantial burden claim by establishing that a government regulation puts substantial pressure on it to modify its behavior." *Bethel World Outreach Ministries v. Montgomery Cty. Council*, 706 F.3d 548, 556 (4th Cir. 2013). Given that the zoning map of the Property permits religious uses as of right, the denial of the permit and resulting inability to construct a mosque imposes a substantial burden on the ICC's religious exercise.

United States v. County. of Culpeper, Virginia, 245 F. Supp. 3d 758, 769 (W.D. Va. 2017).

Finally, a zoning decision that merely places some restrictions on a religious use rather than completely denying the zoning relief will not typically support a substantial burden claim. The Fourth Circuit explained this in *Bethel, supra,* noting that

[w]e find it significant that the County has completely prevented Bethel from building any church on its property, rather than simply imposing limitations on a new building. *See, e.g., Westchester Day Sch.,* 504 F.3d at 352 (considering as a factor in its substantial burden analysis whether village's denial of school's application was conditional or absolute); *Guru Nanak,* 456 F.3d at 991–92 (finding substantial burden where county's two denials of Guru Nanak's application significantly lessened the prospect of being able to build a temple in the future).

Bethel, supra, 706 F.3d at 558.

Indeed, Petitioner acknowledges in its Memorandum that "[t]he implementation of a land use regulation *in a manner which effects a total prohibition* of use of the property for religious exercise is a substantial burden." Petitioner's Memo at 16, *citing, Jesus Christ is the Answer Ministries v. Baltimore County*, 915 F.3d 356 (4th Cir. 2019) (emphasis added).

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In the instant case the conditions placed on GOFAMINT's use of the site do not substantially burden their religious exercise. As described at length above, the church simply does not presently need a 450 seat sanctuary and 195 parking spaces – and they likely never will. Further, if they do grow to that point in the future they can apply for further zoning relief. The conditions being placed on the church's use of this site are the bare minimum that I could, in good conscience, afford the Vogelsangs and the rest of the neighbors. As it is, I am not limiting the square footage of the building, only the number of seats and parking spaces. That said, I urge GOFAMINT to closely consider whether they actually need all 10 classrooms and all 8 bathrooms. Any voluntary downscaling of the building footprint would no doubt be appreciated by their neighbors.

THEREFORE, IT IS ORDERED this **13th** day of **December, 2022**, by this Administrative Law Judge, that:

SPECIAL HEARING REQUESTS:

Special Hearing request No. 1, seeking a declaration that the proposed church is permitted as depicted on the redlined site plan is **GRANTED;**

Special Hearing request No. 3, seeking a declaration that 26 parking spaces are permitted in the RC 7 zone pursuant to BCZR § 409.8.B is **DENIED;**

Special Hearing request No. 5, asking for a determination as to whether a Variance from BCZR § 259.3.C.4 and § 409.6 is **GRANTED** insofar as it is determined that no such variances are required.

Special Hearing request No. 6, seeking a declaration that the proposed church is permitted to have a height of 44 ft. by right pursuant to BCZR § 300.2 is **GRANTED.**

Special Hearing request Nos. 2 and 4 were withdrawn and are therefore **MOOT.**

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SPECIAL EXCEPTION REQUESTS:

Special Exception request No. 1 to allow 26 parking spaces in the RC 7 zone is **DENIED;**

Special Exception request No. 2 to allow two moro bio-retention facilities in the RC 7 zone is **GRANTED.**

Special Exception request No. 3 to approve, pursuant to BCZR § 259.3.B.3, a building for religious worship of 8,710 square feet on the ground floor in lieu of the required 6,600 square feet is **GRANTED.**

VARIANCE REQUEST:

Variance from BCZR § 259.3.C.2.a to allow a setback from the street right of way line to the building of 103 feet in lieu of a maximum setback of 19 feet otherwise permitted is **GRANTED.**

CONDITIONS:

The relief granted above is subject to the following conditions:

1. Petitioner shall comply with the ZAC comments of DEPS and DOP, attached hereto and incorporated herein.
2. Petitioner shall not have amplified sound or additional lighting at its outdoor events; and outdoor events, unless integral to the church's religious worship, shall end at sunset.
3. Petitioner shall not lease its facilities to any third party.
4. Petitioner shall not have a commercial kitchen.
5. Petitioner shall not operate a Monday thru Friday school at this site.
6. Petitioner shall maintain the site so that it is free of litter and debris.
7. The 44 parking spaces depicted on the northernmost portion of the site plan (adjacent to the

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By DM Wagner

proposed septic reserve area) shall not be constructed and that portion of the site shall not be paved.

8. There shall be a maximum of 350 seats in the sanctuary and a maximum of 125 parking spaces.

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.

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

PMM:dlm

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By DLMugnon

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
JUN 26 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: June 23, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0138-SPHXA
Address 10610 Liberty Road
(Gospel Faith Mission International, Inc. Property)

Zoning Advisory Committee Meeting of **June 29, 2020.**

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

1. This project will require presentation to the Development Review Committee (DRC) for determination of plan process prior to issuance of any permits for Grading or Construction

2. Ground Water Management must review any future building permits, since the site is served by private well and septic.

Reviewer: Steve Ford & Dan Esser

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By DMignon

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 7/15/2020

FROM: C. Pete Gutwald
Director, Department of Planning

RECEIVED
JUL 17 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 20-138

INFORMATION:
Property Address: 10610 Liberty Road
Petitioner: The Gospel Faith Mission International, Incorporated
Zoning: RO-CR, RC 3, RC 7
Requested Action: Special Hearing, Special Exception, Variance

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

The site is located in Randallstown, in the rural area of Liberty Road, near the Carroll County line. The property is split-zoned RO-CR, RC 3 & RC 7 and is currently being used as a church. The applicant is proposing to expand the church on the east side for a total ground floor square footage of 16,565 square feet. The property is located adjacent to a commercial building to the west and Baltimore County recreation area immediately to the east. The property to the north is wooded and being used as agricultural.

The property was the subject of prior zoning hearings, cases # 1977-0167-SPXS and 2008-0136-SPHA.

The Department of Planning has no objections to the requests. Should the Administrative Law Judge grant the petitioner's requests, the Department of Planning recommends the following conditions be imposed:

1. Submit architectural elevations of the proposed addition to the Department of Planning for review and approval. Materials and colors should match those on the existing building.
2. Submit a landscape plan and a lighting plan to be approved by the Baltimore County Landscape Architect.
3. Consider breaking the proposed 29 parking spaces located to the north of the property with landscape islands (CMDP page 117).
4. Indicate on the plan the new location for the relocated signs. Provide signage details including dimensions and lettering. Employ signage materials that blend with the landscape. Signage should comply with Section 450 of the Baltimore County Zoning Regulations (BCZR).
5. Incorporate the proposed stormwater management facilities into the landscape setting and ensure that it meets condition I of the Baltimore County Landscape Manual.
6. The proposed plan does not indicate the location for a dumpster. If a dumpster is being proposed, mark it on the plan. Ensure that the proposed dumpster meets condition H of the Baltimore County Landscape Manual.

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For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

CPG/JGN/kma/

c: Ngone Seye Diop
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Dino C. La Fiandra Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

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By

JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

December 13, 2022

Dino La Fiandra, Esquire – dcl@lafiandralaw.com
The Law Office of Dino C. LA Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, MD 21204

Michael McCann, Esquire – michael@mccannlaw.net
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing. Special Exception and Variance
Case No. 2020-0138-SPHXA
Property: 10610 Liberty Road

Dear Mr. La Fiandra and Mr. McCann:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure
c: *Please see next page -*

Bro. Idris O. Aborlurin – aboluringbenga@yahoo.com
Bro. Temidayo Sekireri – stemiadayo@gmail.com
Deacon Dimeji Adedire – adedire@yahoo.com
Deaconess Tolu Olugbemi – tolu.olugbemi@gmail.com
Elder Olaoluwa Abina – houseofffire2020@gmail.com
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Patrick Richardson – rick@richardsonengineering.net

Donna Mignon

From: Administrative Hearings
Sent: Tuesday, December 13, 2022 4:08 PM
To: Dino La Fiandra; Michael McCann
Cc: Debra Wiley; Bro. Idris O. Aborlurin –; Bro. Temidayo Sekireri –; Deacon Dimeji Adedire –; Deaconess Tolu Olugbemi –; Elder Olaoluwa Abina –; Elder Philip Olaomi –; Pastor Taiwo Fagbuyi –; Pastor Uwem Ikpo –; Sister Pat Stark –; Mark Keely –; Ola Abina –; Moses Kuna –; Mary Vogelsang –; Faustina Balogun –; Lynell Tobler –; Oluwaseun Owojuyigbe –; Kate Richardson –; Majack Alexander-Stark –; Gloria Ekpo –; Myibat Sanni –; Myibat Sanni –; Celeste Stratton –; Patrick Richardson –; County Council (countycouncil@baltimorecountymd.gov); Henry Ayakwah; PAI; Peoples Counsel; Peter Max Zimmerman (pzimmerman@baltimorecountymd.gov); Rebecca Wheatley (rwheatley@baltimorecountymd.gov); Vishnubhai K Desai (vdesai@baltimorecountymd.gov)
Subject: Case No: 2020-0138-SPHXA 10610 Liberty Road
Attachments: 2020-0138-SPHXA.pdf

Good Afternoon,

Please find attached ALJ Mayhew's Opinion and Order in reference to the above matter.

Have a great and safe day.

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204
410-887-3868

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE (10610 Liberty Road) 2nd Election District 4th Council District The Gospel Faith Mission International, Incorporated *Legal Owner*	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY
Petitioner	*	**Case No. 2020-0138-SPHXA**

* * * * * * * * *

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 The Gospel Faith Mission International, Inc., legal owner ("Petitioner"). The Special Hearing was filed to approve the building for religious worship (church) in all zones in which it is proposed as shown on the Plan to Accompany Petition for Zoning Hearing. To determine whether the parking located in the R.C.7 zone is permitted by right under Baltimore County Zoning Regulations ("BCZR") § 1A08.3.A.7.d as an accessory use to a principle use permitted by right under BCZR § 1A08.3.E, or whether a special exception is required for the parking in the R.C.7 zone under BCZR § 1A08.3.B.2.

In the alternative to Special Hearing Request No. 2., Petitioner seeks approval of institutional parking in a residential zone pursuant to BCZR § 409.8.B for twenty-six (26) proposed parking spaces that partially extend into the adjacent R.C.7 zone, as shown on the Plan to Accompany Petition for Zoning Hearing. And further, to determine whether the two Moro-Bioretention Facilities (Storm Water Management ["SWM"] Facilities) located in the R.C.7 zone are permitted by right under BCZR § 1A08.3.A.7.d as an accessory use to a principle use permitted by right under BCZR § 1A08.3.E, or whether a Special Exception is required for these facilities in

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DMcMahon

the R.C.7 zone under BCZR § 1A08.3.B.2. To determine whether a Variance from BCZR §§ 259.3.C.4 and 409.6 is required for the number of parking spaces in the RO-CR zone, specifically in this instance. In addition, the Petition seeks a determination as to whether the building height of 44 feet is permitted by right pursuant to BCZR § 300.2, or whether a Special Exception under BCZR § 259.3.B.3 or Variance under BCZR § 300.7 is required.

In addition, a Petition for Special Exception was filed in regard to Request Nos. 2 and 4, if the Administrative Law Judge ("ALJ") determines that a Special Exception is required for the parking or the SWM Facilities in the R.C.7 zone (identified as Use Area A), then a Special Exception for parking and/or the storm water management facilities in Use Area A as proposed on the Plan to Accompany the Petition for Zoning Hearing, as an accessory use to a church, pursuant to BCZR § 1A08.3.B.2; and from BCZR § 259.3.B.3 to approve a building for religious worship (church) of 8,710 sq. ft. on the ground floor in Use Area B in the RO-CR district in lieu of 6,600 sq. ft. permitted on the ground floor, and if the ALJ determines pursuant to Special Hearing Request 6 that a Special Exception for building height of 44 feet is required in this instance, then a Special Exception for a building height of 44 feet in Use Area B in the RO-CR zone in lieu of 30 feet permitted. Furthermore, a Petition for Variance was filed pursuant to § 259.3.C.2. of the BCZR to allow a setback from the street right-of-way line to the building of 103 feet in lieu of a maximum setback of 19 feet otherwise permitted. In the alternative to Special Exception Request No. 2, a Variance from BCZR § 259.3.C.1 as follows: (a) For a building with 8,710 sq. feet on the ground floor in the RO-CR zone in lieu of 6,600 sq. ft. on the ground floor in the RO-CR zone; (b) If the ALJ determines pursuant to Special Hearing Request 6 that a Variance for building height of 44 feet in lieu of 30 feet otherwise permitted is required in this instance, then a variance for a building height of 44 feet in the RO-CR zone in lieu of 30 feet otherwise permitted in the RO-CR.

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If pursuant to Special Hearing Request No. 4, the ALJ determines that a Variance is required for the number of parking spaces in the RO-CR zone, then a Variance from BCZR § 409.6 for 57 parking spaces in the RO-CR zone in lieu of 88 parking spaces required, or such lesser relief as the ALJ determines is necessary.[1]

Due to COVID-19, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP") and from the Department of Environmental Protection and Sustainability ("DEPS"), Development Coordination Section. They did not oppose the requested relief, subject to proposed conditions, which will be incorporated into the Order.[2]

Pastor Taiwo Fagbuyi appeared on behalf of The Gospel Faith Mission International, Incorporated ("GOFAMINT") at the hearing. Dino C. LaFiandra, Esq. represented the Petitioner. Donald Mitten, P.E., the engineer who prepared the site plan also attended. The redlined site plan was admitted as Petitioner's Exhibit 2. Oluwaseun Owojuyigbe, the architect who designed the proposed church, also attended. Finally, Mark Keeley, a traffic engineer with Traffic Concepts, Inc., also attended on behalf of the Petitioner.

[1] At the hearing Counsel for Petitioner withdrew Special Hearing request Nos. 2 and 4 in the Petition and proceeded with attempting to prove entitlement to special exception relief for the parking and SWM facilities in the R.C.7 zone.

[2] It should be noted that these ZAC comments were apparently based on the site plan dated May 6, 2019 that was submitted with the LED application. The ZAC comments post-date that date and are all dated prior to November 18, 2021, the date on the redlined site plan that was submitted at the zoning hearing (Petitioner's Exhibit 2). Substantial revisions are made on the redlined plan that was not subject to ZAC review or comment.

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Adjoining property owners, Mary and Trina Vogelsang, attended the hearing and opposed the requested relief. They were represented by Michael McCann, Esq. Numerous letters in opposition were received from other nearby residents. The hearing took place on November 21, 2021 and September 15, 2022.

RECORD EVIDENCE

The subject property is on the north side of Liberty Road just west of its intersection with Lyons Mill Road and near the Liberty Reservoir. It is approximately 4.007 net acres and is split-zoned RO-CR, R.C.3 and R.C.7. The 2020 Master Plan transect designation for this site is T-1 Natural. The area across Liberty Road to the south is rural residential and is designated as transect T-2 Rural. There is a small snowball stand to the west of the site and County-owned designated green space to the east. Behind the parcel to the north is a 69 acre horse boarding and training farm owned by the Vogelsangs, who oppose the church expansion. Their property is primarily zoned R.C.4 – "Watershed Protection." Soldiers Delight, a 1900 acre Natural Environmental Area and Maryland "Wildlands" is in close proximity further north. It is home to over 30 rare or threatened species. A tributary of Locust Run is also in close proximity to the north and ultimately flows into Liberty Reservoir.

Petitioner currently operates a small church and offices on the site. The existing structure is only 3,650 sq. ft. They propose to expand the church to 20,218 sq. ft., with a 450 seat sanctuary, a fellowship hall, conference rooms, 10 classrooms, several offices, 8 bathrooms, and kitchen facilities. One hundred ninety five (195) parking spaces are proposed, which is 82 more than the 113 spaces required by BCZR § 409.6 (1 space for each 4 seats in the sanctuary). The site lies outside the Urban Rural Demarcation Line ("URDL") and is served by well and septic systems. Because of the split zoning, and the CR overlay in particular, the proposal generates a somewhat

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By DVMegnon

complex zoning analysis.

Religious buildings are permitted by right in the R.C.3 and RO zone, and are also permitted in the R.C.7 zone, but only if they were permitted by the previous zoning on the site prior to the application of the R.C.7 zoning. Evidently the prior zoning did allow churches because the zoning Order in Case No. 08-136-SPHA notes that a church was constructed on the site in 1969. In that case variances were granted to allow an office building with a gross floor area of 8,800 sq. ft. in lieu of the required 6,600 sq. ft. in the RO-CR zone, and a front yard setback variance of 110 feet in lieu of the required 19.5 feet was also granted.

Mr. LaFiandra explained that Petitioner purchased the property in 2009 and has been operating the GOFAMINT church there since that time. A limited exemption development ("LED") plan was approved for this project by the Development Review Committee ("DRC") on October 31, 2017, pursuant to BCC § 32-4-106(b)(8). A LED site plan was submitted to the DRC on May 16, 2019. However, as Mr. McCann notes, that plan has not yet been approved, and the site plans submitted in this case differ in several respects from those submitted to the DRC. During the LED process the Office of Zoning Review determined that GOFAMINT had never obtained a change of occupancy permit when they converted the office use back to a religious use. Zoning Review also identified the additional zoning relief that is sought in this case.

The engineer, Donald Mitten, was Petitioner's first witness. He explained the redlined site plan in some detail. The redlined revisions are as follows: 1) at the behest of the State Highway Administration ("SHA") the access point for the proposed church was moved from the far western portion of the site to the far eastern portion;[3] 2) the sanctuary capacity was increased from 350 to 450 seats; 3) the number of parking spaces was increased to 195 and the parking layout was

[3] At the present time the church has ingress and egress via a right of way easement over the Vogelsangs' driveway.

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By DMcMahon

reconfigured; and, 4) the stormwater management ("SWM") systems and design were modified. Mr. Mitten explained that the highest point of the site is at the southeast corner and that the site slopes and drains down from Liberty road toward the north side of the site, where it meets the Vogelsangs' property line. He explained that the proposed church expansion and most of the parking spaces will straddle the RO-CR and RC 3 portions of the site. Additional parking and two moro-bioretention SWM facilities are proposed in the RC 7 portion of the site.

He acknowledged that under BCZR § 259.3.C.1 the gross ground floor area for buildings in a CR District is 6,600 sq. ft. and the total permissible floor area is 8,800 sq. ft. In addition, under this regulation the floor area ratio may not exceed .20. He then explained that these limits can be exceeded by special exception and that special exception relief was needed here because the proposed church expansion would have 8,710 sq. ft. on the ground floor within the CR District portion of the site, and that the total square footage of the proposed church is 20,218 sq. ft. His interpretation of BCZR § 259.3.C.1 was that the CR District floor area limits pertain only to that portion of the building that actually lies within the CR District. Therefore, in this case, an imaginary line can be drawn down the middle of the building and the square footage of the building that lies within the R.C.3 zone does not count against the limits imposed by the CR District regulations. He used that same approach with regard to parking. Under BCZR § 259.3.C.4 all parking for a building in the CR District "must be located in the CR District." Mr. Mitten referred to Petitioner's Exhibit 8 to show that 190 of the proposed 450 sanctuary seats are within the CR District. Therefore, by this reasoning, 48 parking spaces (1 for every 4 seats) must be located within the District, and the plan proposes 57 spaces within the District. On cross-examination he conceded that he had never employed this reasoning before in any other cases, and that he had not previously worked on a site plan for a project in a CR District.

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By DMigna

Mr. Mitten further explained that the parapet or steeple of the proposed church is 45 feet. He acknowledged that the maximum building height in a CR District is 30 feet but he noted that BCZR § 300.2 specifically allows churches to be up to 50 feet in height in any zone. He then explained the need for the front setback variance. Under BCZR § 259.3.C.2.a, the front yard setback cannot exceed "the average of the setbacks of adjacent buildings." In this case that would be 19.5 feet. He explained that this would require razing the existing church structure since it is 140 feet from the front property line. Further it would cause intractable internal traffic flow problems at the site. He also explained that a front setback variance was granted for the existing church building in Case No. 2008-136-SPHA.

On cross-examination by Mr. McCann he acknowledged that this site is in a rural area and is surrounded by RC zones. He did not know how the site was designated in the 2020 Master Plan. He acknowledged that the regulations would require only 113 parking spaces for a 450 seat sanctuary, rather than the 195 proposed here. He agreed that these additional 82 spaces would entail adding substantially more impervious surface to the site but he claimed that churches typically require greater parking than the regulations call for. However, he did not know the size of the GOFAMINT congregation. He further acknowledged that the site plan presented to the DRC and with the original zoning petition called for only 350 sanctuary seats. He agreed that the LED plan has not yet been approved and that further redline changes to the site plan may be required. He also acknowledged that the redlined site plan does not address the enhanced CR District landscaping requirements set forth in BCZR § 259.3.C.3, or the "environmental holding capacity" requirements of BCZR § 259.3.C.5, which he said would be addressed with DEPS in the next phase of development. However, he stated that preliminary perc tests have been approved by DEPS. Finally, he conceded that the traffic impact studies they had submitted to SHA were also predicated on 350

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By DMGann

seats, not 450. *See,* Protestants' Exhibit 9.

The next witness was Pastor Taiwo Fagbuyi. He provided a brief history of GOFAMINT, which was founded in the United States in 1984. This chapter, the "House of Change Baltimore" was founded in 2002 and they have been at this location since 2009. Between 140 and 150 members attend Sunday services in person, and another 50 or so attend on-line. He described other programs that are offered on weeknights such as prayer meetings and bible study. These are typically attended by 30 to 40 people. On the Friday of the last week of every other month a "Supernatural Night of Wonders" service is attended by 160 to 170 congregants. He explained that they want to expand the church building because currently there is only room for approximately 100 persons in the sanctuary so the other 40 or 50 must watch a live video feed from an adjoining room. In response to questions from Mr. McCann he acknowledged that they currently do not need seating for 450 and that they may well never need such capacity. He testified that when they started in 2002 the congregation was approximately 100 members – so in 20 years they have only added about 50 members that attend services in person. He explained that the existing 3,650 sq. ft. structure contains a sanctuary, 3 classrooms, and 1 men's and 1 women's restroom, as well as a separate restroom for him. He testified that there are no plans to operate a school at the facility. Although they may host weddings, funerals, and other such events the kitchens will not have ovens or other commercial catering capacity and they will not rent the facility out. He was not sure how many parking spaces they presently have. He acknowledged that the traffic conditions on that stretch of Liberty Road are somewhat dangerous due to the sight distances and speed of traffic. He further explained that it can sometimes be difficult to exit the church property onto Liberty Road due to the speed and volume of traffic.

The architect, Mr. Owojuyigbe, testified next. He is a member of the AIA and has a masters degree in Architecture. He has been the President of Pro-Active Design and Building Systems since

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2011. He was accepted as an expert in architectural design. He explained that he has designed other religious buildings and that he has been working on this project since 2017. He identified Petitioner's Exhibit 11 as the floor plan he designed, and he explained that it meets all "Life Safety" regulations. He explained that the existing building will be converted to a Fellowship Hall and that the rest of the new church will be built around the existing structure, expanding the square footage more than five-fold. He identified the exterior building elevations as Petitioner's Exhibit 9. When asked how they decided on 450 seats he testified that the Pastor just told him that the current space was inadequate and that "we just came up with that number." He further explained that the seats in the sanctuary will be bolted down and that per safety code the sanctuary must have 25 total sq. ft. for each seat. He explained that he has attended GOFAMINT services at the existing church and observed that the congregants often get out of their seats to worship in song and dance. He therefore designed extra space within the sanctuary. Finally, he explained that the structure will be only one level but there are large windows above the sanctuary to allow natural light and solar heat. As a result the highest point of the building is 43 feet and the cross on the front of the building will be just under 45 feet. On cross-examination he acknowledged that the building will appear much taller from the Vogelsang's property due to the sloping topography.

Petitioner's final witness was traffic engineer, Mark Keeley. He explained that he was hired by the church to do a "speed study" and a trip generation analysis. At the request of SHA he also did a sight distance study for the proposed access point (Petitioner's Exhibit 13) that was accepted by that agency. He acknowledged that SHA would still require them to obtain an access point permit. He further acknowledged that the trip generation report that they had submitted to and approved by SHA was based on a 350 seat sanctuary. However, using the Institute of Transportation Engineers' ("I.T.E.")11th Edition Trip Generation Manual he testified that the 450 seat sanctuary would add

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only 23 additional peak hour trips on Sunday morning, which he deemed "not significant." He further testified that the new access point is preferable because it improves sight distances and obviates the need to share a driveway with the Vogelsangs' horse farm. On cross-examination he agreed that approximately 75% of traffic arriving to Sunday services will be coming from the east, and that it was possible that cars would have to queue up along the shoulder of Liberty Road while waiting to turn into the church parking lot. He acknowledged that this could possibly affect stopping sight distances for cars travelling westbound and approaching the site. He also acknowledged that the traffic study accepted by SHA was based on 350 seats. That concluded Petitioner's case.

The first witness in opposition was Lynell Tobler. She explained that she is the Vice President of Soldiers Delight Conservation, Inc., a non-profit group dedicated to "conserving and restoring its rare and endangered ecosystem for future generations." (Soldiers Delight brochure, admitted as Protestants' Exhibit 12). She explained that it is a Maryland state Natural Environment Area and a Maryland Wildlands Area. It is located to the north of this site, which is also bounded by County owned green space and the Vogelsangs' horse farm. She testified that she is intimately familiar with the Vogelsang's farm and operations because she boarded her horse there for many years and did trail riding in the surrounding forests. She further testified that she believes the noise and traffic associated with this large church expansion will have a severe impact on the Vogelsang's operations due to noise and light pollution; and severe impacts on the natural environment due to the amount of additional impervious surface. Finally, she expressed concern about traffic safety. She explained that it is "startling" when you come over the crest of the hill heading west and encounter patrons exiting the church or snowball stand due to the limited sight stopping distance. She testified that she thought the proposed additional church traffic is a "recipe for disaster."

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Trina Vogelsang testified next. She explained that she and her mother own the 69 acre farm that abuts the church property to the north. It is subject to a permanent agricultural easement. These easements are typically only granted for properties of at least 100 acres but an exception was made for her property due to its uniquely sensitive environmental features and its proximity to the Liberty Reservoir. She has operated Gaitaway Stables there for the last 26 years. They offer boarding, training, and riding lessons. On average there are about 40 horses boarded there at any given time. She and her clients ride the horses in her pastures and forest, and on the public trails through the adjacent county-owned green space. She lives on the farm and described it as a 24/7 operation and her "life's work and passion." One of the principal pastures directly abuts the church property. She described the impacts that the church has already had, including loud outdoor events with lights and amplified music. She has been awakened as late as 2 a.m. by music that is so loud it rattles her windows. She testified that the church has installed lights on the adjacent parking lot that are on 24 hours a day and that for some events they rent additional lights which shine directly at her house. Large commercial tents are erected for some of these events. She also expressed concern that the additional driveway and increased traffic proposed by the church will exacerbate the existing traffic safety issues. In addition she testified that the church members have created a significant litter problem by disposing trash on church grounds that then blows onto her property. She explained that it is dangerous for horses to eat litter because their digestive systems cannot process it. She stated that prior to the pandemic she was picking up three hefty bags full of church litter each week. She further testified that horses are easily startled and flighty by nature and that their first instinct is to run. She said that on several occasions horses have been startled during church events and bolted with riders. On one instance the rider was thrown and suffered a broken leg. As a result she no longer gives riding lessons during church events. She also explained that the storm runoff from the church

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property is channelled directly into a "v" that runs down a steep slope onto her property, and that it is already causing severe erosion. Protestants' Exhibit 2 is a series of photographs that include photos of this erosion. In addition she expressed serious concerns about the impact the church's proposed water usage will have on her well capacity. She explained that even now during church events her well water runs brown, which indicates to her that her well capacity is being impacted by the church's use. Finally, she testified that she fears that the proposed church expansion will dramatically alter the rural feel of the area and will cause her to lose customers due to the loss of the quiet bucolic setting. Ms. Vogelsang's testimony concluded the hearing.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Because of the site's split-zoning, including RC zones and a CR District overlay, this case is complex from a zoning standpoint. This is evidenced by the fact that the Petition contains 6 paragraphs of Special Hearing relief (including alternatives to certain relief), 2 paragraphs of Special Exception relief (with alternatives), and 3 paragraphs of Variance relief. In addition, because the requested zoning relief is for a religious use the case implicates the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. § 2000, *et seq.* The different forms of relief are addressed below in the order in which they are raised in the Petition.

As will be discussed, I find that most of the requested relief is warranted under the various provisions of the zoning regulations – at least as viewed through the lens of RLUIPA. However, I am also mindful of the aesthetic and environmental impacts the proposed church expansion will have in this rural area; and, more particularly, the impacts on the Vogelsangs' equestrian business and their quality of life. Therefore, appropriate conditions will be placed in the Order in an attempt to protect the neighbors' interests and this rural setting.

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SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

> The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). Special hearing relief is properly granted if it is within the spirit and intent of the zoning regulations and will not harm the public health, safety, or welfare.

Based on the testimony and exhibits adduced at the hearing, I find that the following Special Hearing relief is appropriate. First, religious uses are permitted in each of the three zones applicable here, either by right or by special exception. Of course that general right is subject to any applicable limiting regulations. As noted above, at the hearing Petitioner withdrew Special Hearing requests 2 and 4, which had sought a declaration that the proposed parking and stormwater management facilities were permitted by right in the RC 7 zone as accessories to the church. Instead, as stated in their Memorandum, "Petitioners have elected to simply move forward with the special exception proof, instead of arguing that a special exception is not required." Memo at p. 7 n.8. Those issues will therefore be addressed below.

Special Hearing request number 5 seeks a determination of "whether a Variance from BCZR § 259.3.C.4 and § 409.6 is required for the number of the parking spaces in the RO-CR

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zone, specifically in this instance." Pursuant to § 259.3.C.4 all the parking attributable to the use within the CR District must be located within the CR District zone. The proposed church building will straddle the RO-CR and RC 3 zones and most of the proposed parking is within those zones. Petitioner's engineer, Mr. Mitten, opined that in making this analysis the proposed church building should be apportioned. Following this approach 192 of the proposed 450 seats are within the RO-CR zone. Therefore, pursuant to § 409.6 a minimum of 48 spaces are required within the RO-CR portion of the site and the site plan proposes 57 spaces, so no variance relief is needed. Mr. McCann disputes this interpretation of § 259.3.C and points to the language in the regulation that states that "[t]he gross floor area for all buildings on a lot shall not exceed 8,800 square feet." He urges that this means that "the *entire* Church building on this lot – there is only one lot – cannot exceed 6600 square feet on the ground floor and 8800 square feet in gross floor area. We should not assume that the County Council, in adopting different zones for this property, did not contemplate such circumstances." Protestants' Memo, Sec. A (1) (emphasis in original). While this is a plausible interpretation – and the "apportioning" methodology is novel in my experience - I do not believe that in zoning a portion of the site RO-CR that the Council intended to preclude structures within the other zones on the site. If that was their intent one would think that they would have zoned the entire lot RO-CR. Moreover, they provided a remedy for this scenario by allowing the CR District bulk regulations to be exceeded by special exception – which is what has been requested here. In sum, if the church building is apportioned the proposed 57 spaces exceed the number required in the RO-CR zone. And Petitioner has requested a special exception in order to exceed the CR District bulk regulations. As such, I find that no variance relief is needed for either of these aspects of the site plan.

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The last Special Hearing request is to determine "whether the building height of 44 feet is permitted by right pursuant to BCZR § 300.2, or whether a special exception under BCZR § 259.3B.3 or a Variance under BCZR § 307." As Petitioner notes, the plain language of § 300.2 provides that "[b]uildings for religious, hospital or educational purposes may be built to a height of 50 feet in *any* zone in which they are permitted." (emphasis added). This specific provision pertaining only to these three types of uses supersedes any conflicting general regulation. *See, e.g., Smack v. Dep't Of Health and Mental Hygiene,* 378 Md. 298, 306 (2003) (more specific regulation controls over general regulation). Therefore, I find that the 44 foot height of the proposed church is permitted by right.

SPECIAL EXCEPTION

Petitioner notes that no variances or special exceptions are needed for any of the proposed building, parking, or SWM facilities located in the RC 3 portion of the lot. Two Special Exceptions are, however, requested: 1) for parking and SWM facilities in the RC 7 zone; and, 2) a church with 8,710 square feet on the ground floor in the RO-CR zone in lieu of the required maximum 6,600 square feet.

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). In *People's Counsel for Baltimore County v. Loyola College of Maryland*, 406 Md. 54 (2008) the court of appeals quoted the following excerpts from *Schultz:*

> 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 fact 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.

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> Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material.

Id., at 88-89.

After further examining *Schultz* and other seminal cases the *Loyola College* decision quoted the holding in *Schultz*:

> These cases establish that a special exception use has an adverse effect and must be denied when it is determined from the facts and circumstances that the grant of the requested special exception use would result in an adverse effect upon adjoining and surrounding properties unique and different from the adverse effect that would otherwise result from the development of such a special exception use located anywhere within the zone. Thus, these cases establish that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

People's Counsel v. Loyola College, at 89–90, *quoting, Schultz,* 291 Md. at 15.

Finally, in *Attar v. DMS Tollgate, LLC*, 451 Md. 272, 286 (2017), the court reiterated that "[b]oth the burden of production and the burden of persuasion on the issue of whether the special exception should be granted fall on the applicant . . . and [the applicant] must persuade by a preponderance of the evidence that the special exception will conform to all applicable requirements."

In addition to these common law standards, in Baltimore County the following specific factors must be considered in determining whether a special exception should be granted:

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§ 502.1. - Conditions determining granting of special exception.

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

A. Be detrimental to the health, safety or general welfare of the locality involved;

B. Tend to create congestion in roads, streets or alleys therein;

C. Create a potential hazard from fire, panic or other danger;

D. Tend to overcrowd land and cause undue concentration of population;

E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;

F. Interfere with adequate light and air;

G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;

H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone, and for consideration of a solar facility use under Article 4F, the inclusion of the R.C.3, R.C.6, and R.C.8 Zones.

Further, BCZR § 502.2, titled "Protection of surrounding properties;" provides that:

> In granting any special exception, the Zoning Commissioner or the Board of Appeals, upon appeal, shall impose such conditions, restrictions or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties.

Finally, when a special exception is requested in a CR District the following additional requirements of BCZR §259.3.E must also be satisfied:

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Additional requirements for the granting of a special exception in a C.R. District. In addition to the requirements generally imposed in the issuance of special exceptions by Section 502.1, the following requirements shall apply to the granting of special exceptions in C.R. Districts:

1. The petitioner shall document the need for the development at the proposed location.

2. The proposed development shall take into account existing and proposed roads, topography, existing vegetation, soil types and the configuration of the site. The proposed development will not disturb slopes with grades exceeding 25 percent; will minimize disturbance to vegetated areas, wetlands and streams; and will not result in undue site disturbance or excessive erosion and sediment loss. Infiltration will be maximized and stormwater management discharge will be decentralized.

3. Architecturally or historically significant buildings and their settings shall be preserved and integrated into the site plan.

4. The buildings shall be sited to protect scenic views from public roads and so that the natural rural features, including but not limited to pastures, croplands, meadows and trees, are preserved to the extent possible. Additional open space may be required to preserve and enhance the enjoyment of the natural amenities and visual quality of the site.

5. The proposed development will not be detrimental to neighboring uses and the tranquility of the rural area through excessive noise and will not result in a nuisance or air pollution from dust, fumes, vapors, gases and odors.

The proposed church expansion implicates several of these areas of concern. The unrebutted testimony of Ms. Vogelsang was that the existing church, of only 3650 sq. ft. and only 150 members, is already significantly impacting her business and quality of life. She described excessive noise and light pollution from outdoor events, some running as late as 2 a.m. She also described a major littering problem, which goes beyond aesthetic concerns given the danger it poses to the health of her horses. She is also understandably concerned about the potential impacts the much larger church may have on her water supply, as well as the impacts from all the additional impervious surface area – especially since the existing runoff from the church site is already causing considerable erosion on her property. She and other neighbors, in their letters of opposition, also express concerns about traffic safety and about the impact the

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church expansion will have on the rural setting. They note that it will be by far the largest structure in the vicinity.

These are all valid concerns, and are expressly addressed in the extra protections that apply in CR Districts. And again, the Petitioner did not in any way rebut Ms. Vogelsang's testimony. BCZR §259.3.E.1 states that "the Petitioner shall document the *need* for the development at the proposed location." (emphasis added). In their Memorandum Petitioner urges that Pastor Fagbuyi testified "that the existing facilities are too small and additional space is necessary for worship and other activities within the building." Petitioner's Memo at 9. They further claim that their architect testified that "the proposed expansion is appropriate for this particular congregation in terms of the number, types and sizes of the spaces proposed, the number of seats in the sanctuary, and other building parameters. *Id.* at 9-10. However, in my view their testimony did not support the need for a facility with 450 seats, or for 195 parking spaces, which is well in excess of what is prescribed by the regulations. The Pastor testified that during the Covid pandemic many church members grew comfortable attending services on-line and that he thinks some may never return to regular in-person attendance. He explained that there has been an uptick in attendance since Covid restrictions were lifted but that in-person attendance has stabilized at 140 to 150 for Sunday services. When asked whether he believes the size of the congregation will increase he candidly said "maybe, maybe not." When questioned further on this point he stated that if they ever reached 450 members it would take "a long time" to get there. He testified that there are no plans to operate a school at the facility or to lease the facility to third parties. Neither he nor the architect explained the need for the 10 classrooms and 8 bathrooms that are proposed. And as for the parking, Petitioner's engineer agreed that the proposal for 195 spaces would create a "surplus" of parking and would result in substantially

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more impervious surface area. He acknowledged that the regulations prescribe only 113 spaces for a 450 seat sanctuary but he said that in his experience churches need more parking than the regulations require. But the 82 additional spaces proposed on the site plan are 73% more than the regulations call for.

In sum, Petitioner did not, in my view, meet their burden of production and persuasion, concerning the *need* for 450 seats and 195 parking spaces, as required by BCZR § 259.3.E.1 and the common law. *Attar, supra,* 451 Md. at 286. Further, given the recognized ecological fragility of the surrounding area, including the Vogelsangs' adjacent horse farm, I believe the church expansion, as proposed, *would* have "adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *People's Counsel v. Loyola College,* 406 Md. at 89–90.

That said, Petitioner did establish the need for a substantial expansion, and special exception uses do enjoy a presumption that they "are in the interest of the general public, and therefore valid." *Schultz, supra* 291 Md. 1. Further, the environmental impacts associated with the expansion will be mitigated to the extent possible by DEPS during the development process. Prior to the issuance of building permits they will require Petitioner's engineers to submit SWM, water usage, and septic plans that comply with all the applicable environmental regulations. Further, as explained below, conditions will be placed in this Order to mitigate some of the environmental and "quality of life" issues. Regarding traffic, since Route 26 is a state highway SHA has the ultimate authority and responsibility for ensuring traffic safety. As noted above, SHA has approved Petitioner's traffic study based on a sanctuary with 350 seats, and Petitioner will still be required to obtain an "access point permit" from SHA, which may involve further refinements of the site plan.

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In sum, the presumption in favor of special exceptions must be balanced against the interests of the neighboring property owners and the intent of the RC and CR District regulations. And in making this judgment I must also weigh the church's rights under RLUIPA (which will be discussed below). In the final analysis I believe that the special exception to allow a ground floor of 8,710 square feet in the RO-CR zone must be granted. However, I believe the sanctuary should be limited to the 350 seats that Petitioner proposed to the DRC in obtaining their LED, and that they submitted to the SHA in obtaining approval of their traffic study. This will still allow the church membership to essentially double in size. And if the church ever does need to accommodate more members it can file for further zoning relief to expand the special exception use. I find that the proposed parking should also be reduced so as to avoid unnecessary impervious surface area in this environmentally sensitive location. Under the regulations only 88 spaces are prescribed for a 350 seat sanctuary. Based on the fact that there is no on-street parking in the vicinity of the church, I will allow 125 spaces, which means a redcution of 70 spaces from the proposed 195. Accordingly, the special exception for 26 spaces in the RC 7 zone is not necessary and will be denied. In addition, the 44 proposed spaces that are adjacent to the Vogelsangs' property line will also be eliminated in order to eliminate as much impervious surface as possible and to mitigate visual impacts and litter.

Finally, the special exception for the SWM facilities in the RC 7 zone will be granted, as these moro bio-retention facilities will further the goal of mitigating environmental impacts.

VARIANCE

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and

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(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

As described above, the site is nothing if not unique. It is split-zoned with two different RC zones and a CR District overlay on an OR zone. It has steep topography and is served by well and septic. Further, it has an existing structure that Petitioner desires to save and build around. The only variance needed is relief from the front yard building setback regulation, which would require the proposed church to be located a mere 19.5 feet from the Liberty Road right of way. Variances to allow an office building with 8,400 sq. ft. on the ground level, and for a setback of 110 feet were previously granted for this site in Case No. 2008-0136-SPHA. Further, if the variance relief were denied in this case Petitioner would suffer practical difficulty and hardship because they would have to raze or repurpose the existing structure and would have to locate the proposed new structure very close to Liberty Road, which would cause a variety of site design and traffic flow problems. In addition it would not, in my view, be an aesthetically desirable location, and would appear even taller from the Vogelsangs' property because it would be at the highest point of the site. For all these reasons, and those stated in the previous case, I find that the variance is within the spirit and intent of the zoning regulations and that it will not harm the public health, safety or welfare.

RLUIPA, 42 U.S.C. § 2000, et seq.

The Religious Land Use and Institutionalized Persons Act ("RLUIPA") protects religious organizations from discrimination by local governments in their land use decisions. Its relevant provisions state as follows:

42 USCA § 2000cc - Protection of land use as religious exercise.
(a) Substantial burdens
(1) General rule

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No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution—

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

(2) Scope of application

This subsection applies in any case in which

***

(C) the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.

(b) Discrimination and exclusion

***

(2) No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

(3) Exclusions and limits

No government shall impose or implement a land use regulation that

***

(2) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

In its post hearing memorandum Petitioner urges that RLUIPA "compels approval" of GOFAMINT's zoning petition. *See,* Petitioner's Memo at 15. As discussed above, GOFAMINT seeks a variety of substantial zoning relief, and I have granted the vast majority of the requested relief. However, RLUIPA does not mandate that the County's valid zoning regulations and the property rights of the neighbors be ignored simply because the applicant is a church.

In *Andon, LLC v. City of Newport News, Va.*, 813 F.3d 510 (4th Cir. 2016) the zoning board for the city of Newport News denied a church's variance request and as a result the church was unable to locate at its chosen location. The Fourth Circuit held that the church did not have a "reasonable expectation" that the requested variance would be granted based on the applicable zoning regulations, and they explained the contours of a "substantial burden" claim:

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We further observe that if we agreed with the plaintiffs that the BZA's denial of a variance imposed a substantial burden on their religious exercise, we effectively would be granting an automatic exemption to religious organizations from generally applicable land use regulations. Such a holding would usurp the role of local governments in zoning matters when a religious group is seeking a variance, and impermissibly would favor religious uses over secular uses. *See Petra Presbyterian Church,* 489 F.3d at 851 (reasoning that the substantial burden requirement must be taken seriously, or religious organizations would be free "from zoning restrictions of any kind"); *Civil Liberties for Urban Believers,* 342 F.3d at 762 (explaining that no "free pass for religious land uses masquerades among the legitimate protections RLUIPA affords to religious exercise").

The plain language of RLUIPA, however, prevents such a result. By requiring that any substantial burden be imposed by governmental action and by carefully balancing individual rights and compelling governmental interests, the language of RLUIPA demonstrates that Congress did not intend for RLUIPA to undermine the legitimate role of local governments in enacting and implementing land use regulations. *See Petra Presbyterian Church,* 489 F.3d at 851; *Civil Liberties for Urban Believers,* 342 F.3d at 762.

Anton, 813 F.3d at 516.

Again, RLUIPA protects religious uses from being treated less favorably than secular uses, but it does not mandate that they be afforded preferable treatment either. To do so would violate the First Amendment's Establishment Clause. In a recent case involving Baltimore County the District Court explained that

> RLUIPA's Equal Terms provision merely effectuates, in the context of land use, the Establishment Clause's dictates regarding neutrality. The Equal Terms section does not mandate that religious institutions are given any preferential treatment or special permissions in zoning schemes; rather, it mandates that the government acts neutrally towards religion when making land use decisions.

Hunt Valley Baptist Church, Inc. v. Baltimore County. Maryland, No. CV SAG-17-0804, 2020 WL 618662, at *7 (D. Md. Feb. 10, 2020).

Courts across the country have held that in order to establish a "substantial burden" claim a religious group must demonstrate that the government has materially interfered with their ability to practice their religion. In *United States v. City of Troy,* 592 F. Supp. 3d 591 (E.D. Mich. 2022) the court provided a helpful synopsis:

A court's inquiry into whether there was a substantial burden is "functional and factually driven." A substantial burden is more than a "mere inconvenience," *Living Water Church of God*

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v. Charter Twp. of Meridian, 258 F. App'x 729, 739 (6th Cir. 2007), there must be "some degree of severity [for a burden] to be considered 'substantial.' " *Livingston Christian Sch.*, 858 F.3d at 1001 (citing, among others, *Midrash Sephardi, Inc. v. Town of Surfside*, 366 F.3d 1214, 1227 (11th Cir. 2004)). A religious institution can show a substantial burden by demonstrating that (1) it has no "feasible alternative location from which it can carry on its mission"; (2) it has or "will suffer substantial delay, uncertainty, and expense due to the imposition of the regulation," and (3) it did not impose the burden upon itself. *Id.* at 1004 (citations and quotation marks omitted). These are "helpful factors" courts should consider when deciding a motion for summary judgment, but are not necessarily prerequisites to a prima facie case. *Id.* If a Court determines that a substantial burden exists, it may then consider evidence of discrimination or "improper decision-making" while evaluating whether the government action was narrowly tailored to serve a compelling state interest.

Further, "in the land use context, a plaintiff can succeed on a substantial burden claim by establishing that a government regulation puts substantial pressure on it to modify its behavior." *Bethel World Outreach Ministries v. Montgomery Cty. Council*, 706 F.3d 548, 556 (4th Cir. 2013). Given that the zoning map of the Property permits religious uses as of right, the denial of the permit and resulting inability to construct a mosque imposes a substantial burden on the ICC's religious exercise.

United States v. County. of Culpeper, Virginia, 245 F. Supp. 3d 758, 769 (W.D. Va. 2017).

Finally, a zoning decision that merely places some restrictions on a religious use rather than completely denying the zoning relief will not typically support a substantial burden claim. The Fourth Circuit explained this in *Bethel, supra,* noting that

[w]e find it significant that the County has completely prevented Bethel from building any church on its property, rather than simply imposing limitations on a new building. *See, e.g., Westchester Day Sch.,* 504 F.3d at 352 (considering as a factor in its substantial burden analysis whether village's denial of school's application was conditional or absolute); *Guru Nanak,* 456 F.3d at 991–92 (finding substantial burden where county's two denials of Guru Nanak's application significantly lessened the prospect of being able to build a temple in the future).

Bethel, supra, 706 F.3d at 558.

Indeed, Petitioner acknowledges in its Memorandum that "[t]he implementation of a land use regulation *in a manner which effects a total prohibition* of use of the property for religious exercise is a substantial burden." Petitioner's Memo at 16, *citing, Jesus Christ is the Answer Ministries v. Baltimore County*, 915 F.3d 356 (4th Cir. 2019) (emphasis added).

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By

In the instant case the conditions placed on GOFAMINT's use of the site do not substantially burden their religious exercise. As described at length above, the church simply does not presently need a 450 seat sanctuary and 195 parking spaces – and they likely never will. Further, if they do grow to that point in the future they can apply for further zoning relief. The conditions being placed on the church's use of this site are the bare minimum that I could, in good conscience, afford the Vogelsangs and the rest of the neighbors. As it is, I am not limiting the square footage of the building, only the number of seats and parking spaces. That said, I urge GOFAMINT to closely consider whether they actually need all 10 classrooms and all 8 bathrooms. Any voluntary downscaling of the building footprint would no doubt be appreciated by their neighbors.

THEREFORE, IT IS ORDERED this **13th** day of **December, 2022**, by this Administrative Law Judge, that:

SPECIAL HEARING REQUESTS:

Special Hearing request No. 1, seeking a declaration that the proposed church is permitted as depicted on the redlined site plan is **GRANTED;**

Special Hearing request No. 3, seeking a declaration that 26 parking spaces are permitted in the RC 7 zone pursuant to BCZR § 409.8.B is **DENIED;**

Special Hearing request No. 5, asking for a determination as to whether a Variance from BCZR § 259.3.C.4 and § 409.6 is **GRANTED** insofar as it is determined that no such variances are required.

Special Hearing request No. 6, seeking a declaration that the proposed church is permitted to have a height of 44 ft. by right pursuant to BCZR § 300.2 is **GRANTED.**

Special Hearing request Nos. 2 and 4 were withdrawn and are therefore **MOOT.**

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SPECIAL EXCEPTION REQUESTS:

Special Exception request No. 1 to allow 26 parking spaces in the RC 7 zone is **DENIED;**

Special Exception request No. 2 to allow two moro bio-retention facilities in the RC 7 zone is **GRANTED.**

Special Exception request No. 3 to approve, pursuant to BCZR § 259.3.B.3, a building for religious worship of 8,710 square feet on the ground floor in lieu of the required 6,600 square feet is **GRANTED.**

VARIANCE REQUEST:

Variance from BCZR § 259.3.C.2.a to allow a setback from the street right of way line to the building of 103 feet in lieu of a maximum setback of 19 feet otherwise permitted is **GRANTED.**

CONDITIONS:

The relief granted above is subject to the following conditions:

1. Petitioner shall comply with the ZAC comments of DEPS and DOP, attached hereto and incorporated herein.
2. Petitioner shall not have amplified sound or additional lighting at its outdoor events; and outdoor events, unless integral to the church's religious worship, shall end at sunset.
3. Petitioner shall not lease its facilities to any third party.
4. Petitioner shall not have a commercial kitchen.
5. Petitioner shall not operate a Monday thru Friday school at this site.
6. Petitioner shall maintain the site so that it is free of litter and debris.
7. The 44 parking spaces depicted on the northernmost portion of the site plan (adjacent to the

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proposed septic reserve area) shall not be constructed and that portion of the site shall not be paved.

8. There shall be a maximum of 350 seats in the sanctuary and a maximum of 125 parking spaces.

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.

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

PMM:dlm

ORDER RECEIVED FOR FILING
Date 12/13/22
By DLMugnon

Petitioner's Exhibit List
Case 2020-138-SPHXA
10610 Liberty Road
The Gospel Faith Mission International, Inc.
House of Change, Baltimore

Hearing Date: November 23, 2021

1. Mitten CV
2. Redline Zoning Plan (November 18, 2021).
3. Blackline Zoning Plan (November 18, 2021).
4. Existing Conditions (Colored Zones)
5. Proposed Conditions (Colored Zones).
6. Zoning Comments (5/14/2019).
7. SHA Approval (March 9, 2021).
8. Floor Plan (w/ Zone Line)
9. Building Elevations
10. Zoning Case 2008-136-SPHA
11. Floor Plan
12. Schmid CV
13. Sight Distance Exhibit
14. Department of Planning Comments (7/15/2020)
15. Keeley CV

Exhibit 1

RESUME
DONALD N. MITTEN, P.E.

November 18, 2021

Position:
Consultant-Richardson Engineering
Principal prior to 2021

Years of Experience:

Richardson Engineering LLC	16
Other Firms:	29

Education:

B.S., Civil Engineering, University of Cape Town, South Africa, 1976

Active Registration:

Maryland, Professional Engineer, 1988, #16581

Qualifications:

Mr. Mitten is a Consultant with Richardson Engineering, LLC with responsibility for managing the preparation of site plans, road and utility drawings, stormwater management and sediment control drawings, and final construction documents. His project management experience includes industrial, commercial, residential, and institutional projects. He was a principal of the firm up to the end of 2020.

The following are representative projects Mr. Mitten has managed and/or personally designed:

AUTOMOTIVE

GMC Pontiac Dealership, Owings Mills, Maryland - Chief Engineer responsible site engineering for a new 15,000-SF automotive dealership.

Heritage Auto Park Expansion, Owings Mills, Maryland - Chief Engineer responsible for site engineering for a series of expansion projects including buildings, parking, and display areas at the auto park.

Chesapeake Cadillac Jaguar, Baltimore County, Maryland - Engineering for site work, storm drains, water, sewer, and stormwater management for new auto dealership on York Road.

BUSINESS / INDUSTRIAL PARK PROJECTS

Airport Square Technology Park, Anne Arundel County, Maryland - Site engineer for a 65-acre office and industrial distribution center near BWI Airport.

University of Maryland Research Park, Baltimore County, Maryland - Performed preliminary engineering studies to determine the feasibility of providing water and sewer service to the 80-acre research park. Stormwater management feasibility was evaluated and cost estimates were prepared.

Montpelier Research Park, Howard County, Maryland - Preliminary engineering for utilities and site grading;

preparation of mass grading plan and utility plan; site engineering and preparation of construction drawings, including stormwater management plans for four buildings of Phase I of the 103-acre site.

Owings Mills New Town, Area 2-C, Owings Mills, Maryland - Engineering for site work, storm drains, water, and sewer for a 3-lot commercial subdivision.

Columbia Gateway Parcel 8, Howard County, Maryland - Mass grading for a 50-acre office center site. Grading design required large quantities of fill and complex phasing to provide for interim stormwater management and sediment control.

Red Run Commons- Planning and Engineering for an 8.4 Ac. Business Park in Owings Mills MD. Tasks included mass grading, final, final grading, utility design, stormwater management and erosion and sediment control plans.

10926 Red Lion Road – Planning and engineering for a 23.9 Ac. Industrial Park. The included a 105,600 SF manufacturing facility, and multiple smaller manufacturing/storage facilities and associated parking. Three stormwater management facilities were also proposed.

COMMERCIAL

Mid-Atlantic Foods, 3800 East Baltimore Street, Baltimore, Maryland - Provided engineering for stormwater management waiver - Phase I, erosion and sediment control, forest conservation, coordinated with BGE on underground electric duct banks, and coordinated with Baltimore City, sewer, water, and other related existing utilities.

This 12.3-acre site is the former location of the Esskay Meatpacking facility in Eastern Baltimore City and is planned for a three-phase development. Phase I is a 47,500-SF baking facility with two expansion areas including a 33,000-SF freezer building and 30,000-SF baking facility. A distribution facility is planned for Phase II, and Phase III will be the maintenance facility for the truck operation.

H&S Bakery Office Building and Distribution Center, Baltimore City, Maryland - Engineering for site work, storm drains, water meter, sewer, stormwater management analysis, and stormwater management waiver for a new 57,000-SF facility on Holabird Avenue.

Riparius Center, Baltimore County, Maryland - Master planning and design of interceptors and collection systems.

Harford Mall, Bel Air, Maryland - Engineering for public roads, storm drains and sanitary sewers for a seven-lot expansion of the Harford Mall Business Park. Site engineering for Lot 13 included design of a lined stormwater management basin.

Glen Burnie Banking Center, Anne Arundel County, Maryland - New layout and entrance for Loyola Federal Bank on Crain Highway.

E.I. Kane Headquarters Building, Howard County, Maryland - Site design and engineering for a 70,000-SF headquarters/warehouse building on a seven-acre site. Utility design included a package sewage pump station.

Metro Square at Reisterstown Road, Owings Mills, Maryland - Chief Engineer responsible for site engineering for the 58,200-SF food store and 13,300 SF of collateral retail space.

Target Store, Owings Mills, Maryland - Chief Engineer responsible for civil, highway, and utility engineering for a 100,000 SF retail store with 500 parking spaces on a 12.5-acre site.

EzStorage, Owings Mills – Site design for a 4 story 115,608 SF storage facility on Lot 1 in the Red Run Commons Business Park in Owings Mills MD.

EzStorage, Catonsville – Site design for a five story 41,490 SF addition to an existing storage facility.

EzStorage, Towson – Site design for a five story 51,762 SF addition to an existing storage facility.

Wachovia Bank, Liberty Park Center – Site design for a 4,559 SF Financial Center.

Fairmount Federal Savings Bank - Site design for a 5,190 SF Financial Center.

COMMUNITY CENTERS

Bloomsbury Community Center, Catonsville, Maryland - Prepared several concept plans for the project site that included additional on-site parking and related site improvements in conjunction with renovations to a former school building and construction of a new field house for indoor basketball. Also prepared a flood study to verify related impacts on the proposed development, as well as civil engineering construction documents for the project.

Harford Village Community Center, Edgewood Harford County – Site design for a 2,700 SF community center.

DOMICILIARY PROJECTS

Hotels/Motels/Inns

Marriott Residence Inn, Annapolis, Maryland - Site engineering including utilities, roads and parking, storm drains, and stormwater management.

Marriott Courtyard Inn, Annapolis, Maryland - Site engineering including utilities, roads and parking, storm drains, and stormwater management.

Marriott Courtyard, Baltimore Washington International Airport, Maryland - Site engineering including utilities, roads and parking, storm drains, and stormwater management.

Marriott Courtyard/Fairfield Inn, Christiana, Delaware - Site engineering including utilities, roads and parking, storm drains, and stormwater management.

* **Marriott Hotels, Anne Arundel County, Maryland and Christiana, Delaware** - Site engineering, including utilities, roads and parking, storm drains, and stormwater management for four Marriott Hotels: the Residence Inn and the Courtyard Inn, Annapolis; the Courtyard, Baltimore Washington International Airport; and the Courtyard/Fairfield Inn, Christiana, Delaware.

Nursing Homes

Brighton Gardens of Towson, Assisted Living Facility, Baltimore County, Maryland - Site engineering including utilities, roads and parking, storm drains, and stormwater management for the 92-bed assisted living facility.

Residential

North Crossing, City of Frederick, Maryland - Prepared preliminary and final engineering plans for a 500-lot subdivision including public roads, utilities, storm drains, and stormwater management facilities.

Piney Ridge Village, Planned Unit Development, Sections V - VII, Carroll County, Maryland

Hunters Crossing, Planned Unit Development, Carroll County, Maryland

Ivy Hill Subdivision, Baltimore County, Maryland - Design of roads and utilities for the subdivision.

Village of Harpers Choice, Columbia, Maryland - Design of roads and utilities for Section 7 of the subdivision.

Village of River Hill, Howard County, Maryland - Design of roads, utilities, and stormwater management facilities.

Owings Mills New Town, Baltimore County, Maryland - Master planning and design of interceptors and collection systems.

Wellington Trace, Frederick County, Maryland - Master planning and design of interceptors and collection systems.

Bender Vogel Property, Harford Road – Planning and Engineering for a 17 lot residential subdivision.

The Preserve at Wrights Wharf – Engineering for a 73 lot subdivision located in Dorchester County, MD.

Greenfield, Windsor Mill Road – Engineering for a 23 Lot residential subdivision.

Clearwood Park – Engineering for a 22 lot residential subdivision.

Bishops Meadow- Engineering for a 50 lot residential subdivision in the Honeygo district of Baltimore County, MD.

Marriott Kirk Property - Engineering for a 64 lot residential subdivision in Baltimore County, MD.

Shirley Ridge – Engineering for a 17 lot subdivision in the Whitemarsh area of Baltimore County, MD

Retirement Communities

Atrium Village, Baltimore County, Maryland - Site engineering for the 276-unit high-rise facility for senior living on a seven-acre lot.

EDUCATIONAL FACILITIES

Ruxton School Addition (Ruxton Center), Towson, Maryland - Provided civil engineering including stormwater management, water meter and utilities layout, and project management for the 65,000-SF addition to the existing special education school.

Catonsville High School Renovation/Addition, Baltimore County, Maryland - Provided civil engineering for a 69,000-SF addition to the existing school.

Archbishop Curley High School, Building Entry and Plaza Improvements, Baltimore, Maryland - Provided civil engineering for an improved vehicular drop-off. The scope of work also included design surveys and parking lot reconstruction.

Archbishop Curley High School, Athletic Field Complex, Baltimore, Maryland - Provided civil engineering services for a new comfort station and terraced seating for the athletic field.

* **Sacred Heart Church & School Expansion, Glyndon, Maryland** - Provided civil engineering for several education buildings and renovation to the church.

University of Maryland Baltimore County, Field House, Catonsville, Maryland - Provided civil engineering for a new 50,000-SF field house that includes gymnasium space, multi-tiered office and recreation areas, and weight training.

Johns Hopkins University, The Bloomberg School of Public Health Wolf Street, Teaching and Research Buildings, Baltimore, Maryland - Provided civil engineering for four new 8+ level teaching and research buildings providing classrooms, office, and lecture hall space. These projects were constructed on a fast-track schedule with separate bid packages for structural foundations and superstructure.

Johns Hopkins University, School of Nursing Building, Baltimore, Maryland - Provided civil engineering for a new 100,000-GSF academic facility containing classrooms, lecture halls, laboratories, and conference areas. MRA carried this fast-track project through the City of Baltimore Review and Approval Process. Design was completed in six months and construction began three weeks after design initiation; the project was being constructed while the design was underway. All schedules and budgets were met.

MEDICAL FACILITIES

Greater Baltimore Medical Center, Physicians Pavilion, Baltimore County, Maryland - Engineering for site work, storm drains, and water and sewer for a high-rise building.

OFFICE BUILDINGS

Verizon-Windsor Corporate Center, Baltimore County, Maryland - Site Engineer for a 27,914-SF switch facility and office building on Lot 5B of the Windsor Corporate Center. The design effort for this project consisted of the design of an 8" FM Meter, approximately 600 LF of 42" diameter public storm drain and approximately 100 LF of 8" public sanitary sewer. Also included was the design of the private onsite utilities and parking areas. This project necessitated the design and approval of the site plans on an accelerated timetable in order to meet the client's schedule.

Automatic Data Processing Building, Baltimore County, Maryland - Site engineer for an 115,825-SF building on Lot 2A of the Riparius Center at Owings Mills. The building program along with associated parking, utilities and stormwater management facilities required a highly efficient use of the land.

Highwoods I Building, Baltimore County, Maryland - Site engineer for a 125,000 SF building on Lot 3A of the Riparius Center at Owings Mills. This building, the first of a two-building complex, required close coordination and design of site improvements to accommodate the future building.

PARKING STRUCTURES

Johns Hopkins University, The Bloomberg School of Public Health Wolf Street, Teaching and Research Buildings and Parking Garage, Baltimore, Maryland - Provided civil engineering for four new 8+ level teaching and research buildings providing classrooms, office, and lecture hall space. These projects were constructed on a fast-track schedule with separate bid packages for structural foundations and superstructure. The project also included a two-level, 120-car parking garage.

Greater Baltimore Medical Center, Parking Garage, Baltimore County, Maryland - Engineering for site work,

storm drains, water, and sewer for a new parking garage.

President Street Garage, Baltimore City, Maryland - Engineering for site work, storm drains, and water and sewer relocation for a new parking structure.

RECREATIONAL FACILITIES

NSA Fitness Center, Anne Arundel County, Maryland - Site planning and engineering for a fitness center for the National Security Agency.

RELIGIOUS FACILITIES

Christ the King Church, Baltimore County, Maryland - Provided civil engineering including stormwater management and utilities layout for the new 9,730-SF church on 5.5-acre with onsite parking. The project also involved conversion of an existing house to parish offices, as well as conversion of a barn and garage to classroom buildings.

Master Planning Services for St. Joseph Parish, Fullerton, Maryland - Master planning for a 40-acre parcel located on Bel Air Road north of the Baltimore Beltway. The site is currently occupied by a Catholic sanctuary, school and cemetery. The master planning for the site includes the provision of a community center and the replanning of the existing parking layout, schematic stormwater management, analysis of existing and proposed traffic patterns, and improvements to Bel Air Road.

Sacred Heart Church & School Expansion, Glyndon, Maryland - Provided civil engineering for several education buildings and renovation to the church.

Jesus House Baltimore, Windsor Mill Road – Planning and Engineering for a 9,048 SF daycare facility adjacent to an existing sanctuary. Work included construction documents for the widening of Windsor Mill Road and the enlargement of the existing stormwater management facility.

Perry Hall Family Worship Center. – Provided civil engineering including utilities layout and parking for a new 17,124 SF church on 9.4-acre with onsite parking.

ROADWAY PROJECTS

Owings Mills Boulevard, Baltimore County, Maryland - Design of road, storm drain, and sediment control improvements for Owings Mills Boulevard from Red Run Boulevard to Lakeside Boulevard.

Wellington Trace, Frederick County, Maryland - Design of road, storm drain, and sediment control improvements for Ballenger Creek Pike and English Muffin Way.

UTILITY PROJECTS

Utility Master Plan Update for the National Institute of Health, Washington, D.C.

Bush Creek Sewage Pumping Station, Harford County, Maryland - Responsible for site engineering, sediment control, and stormwater management design.

Lyons Mill Road 24-Inch Water Main, Baltimore County, Maryland - Utility designer for preliminary design and design of a 24" water main extension.

***** **Owings Mills New Town, Baltimore County, Maryland** - Master planning and design of interceptors and collection systems.

* **Wellington Trace, Frederick County, Maryland** - Master planning and design of interceptors and collection systems.

* **Riparius Center, Baltimore County, Maryland** - Master planning and design of interceptors and collection systems.

WIRELESS COMMUNICATION

Various Projects for Bell Atlantic Mobile, Baltimore-metropolitan Region, Maryland - Provided site engineering and preparation of construction drawings for approximately 20 individual sites. Services also included processing the plans and variances through local jurisdictions. Sample projects are provided below:

Verizon Wireless, Oakington Tower Site, Aberdeen/Havre de Grace, Maryland - Provided site plans for the new tower site on U.S. Route 40.

Verizon Wireless, Perryman Tower Site, Harford County, Maryland - Co-location site, provided site plans for the new buildings at existing tower site.

Verizon Wireless, Riderwood Tower Site, Baltimore County, Maryland - Co-location site, provided site plans for the new buildings at existing tower site.

Verizon Wireless, Banneker Tower Site, Howard County, Maryland - Provided site plans for the new antenna installation on existing electric power tower.

Verizon Wireless, Delight Tower Site, Baltimore County, Maryland - Provided site plans and surveying services for the new tower site.

Verizon Wireless, Middle River Tower Site, County, Maryland - Provided site plans and surveying services for the new tower site.

Verizon Wireless, Rosewood Tower Site, Baltimore City, Maryland - Provided site plans for the new tower site.

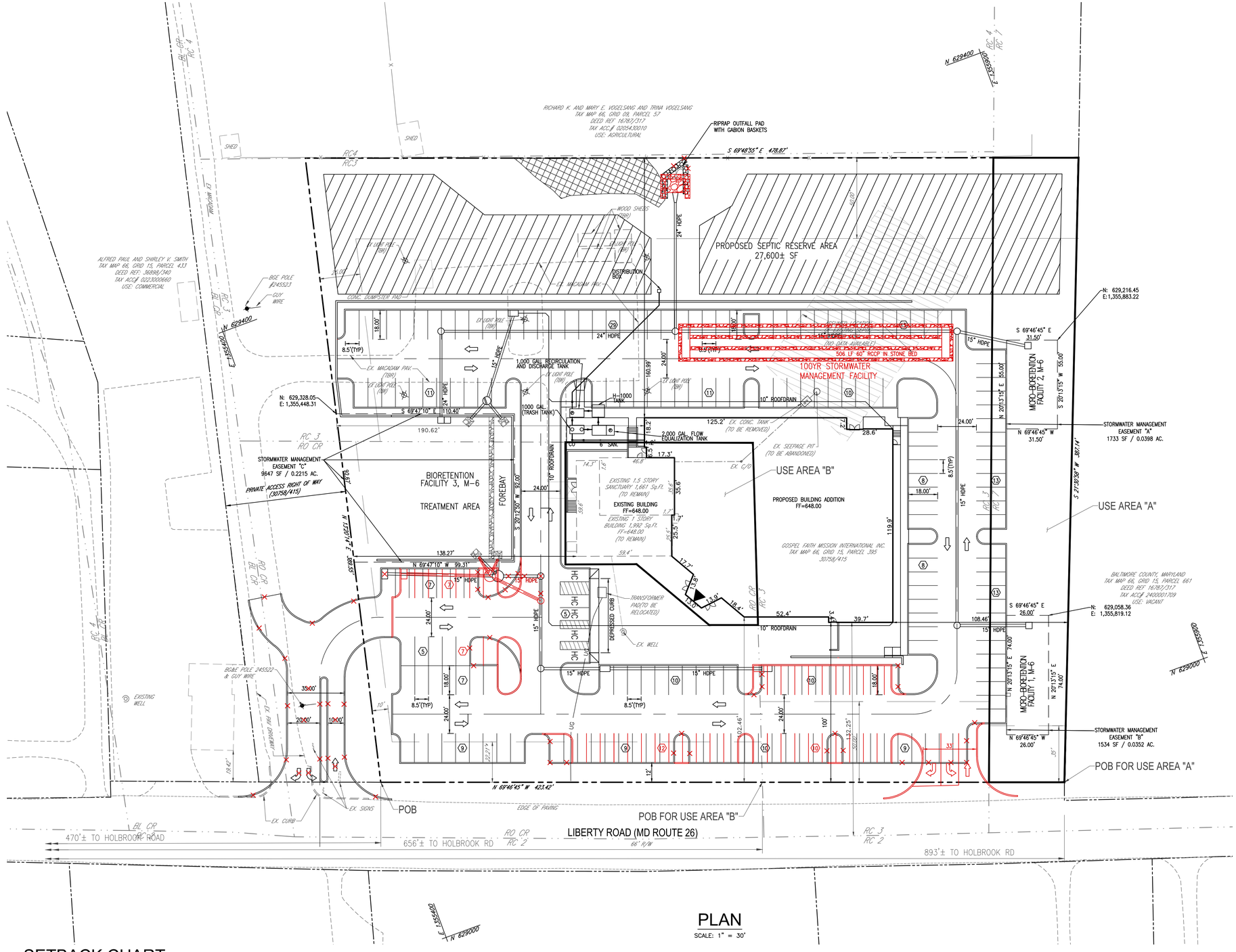
Verizon Wireless, Broadway Cellular Site, Baltimore City, Maryland - Provided survey of existing building for new roof top installation.

Verizon Wireless, Jarrettsville Tower Site, Baltimore County, Maryland - Provided site plans and surveying services for the new tower site.

Verizon Wireless, Jacksonville Switch, Jacksonville, Maryland - Provided civil engineering services for new free standing 5000-SF switching station.

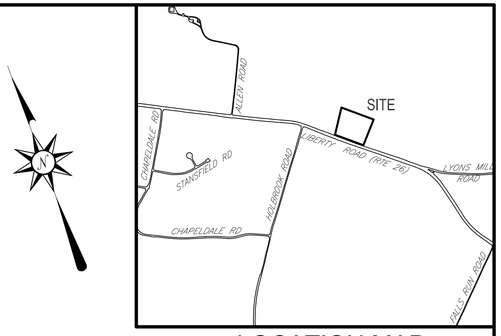
Verizon Wireless, Padonia Rd. Tower Site, Baltimore County, Maryland - Provided site plans and surveying services for the new tower site.

Verizon Wireless, Sandymount Tower Site, Carroll County, Maryland - Co-location site, provided site plans for the new buildings at existing tower site.



PLAN

SCALE: 1" = 30'



LOCATION MAP

SCALE: 1" = 1,000'

GENERAL NOTES:

1. OWNERS: THE GOSPEL FAITH MISSION INTERNATIONAL INCORPORATED (HOUSE OF CHANGE BALTIMORE)
   10610 LIBERTY ROAD
   BALTIMORE, MARYLAND 21133
   TEL:(410) 992-6500
2. SITE AREA:
   NET 174,548 SF OR 4.007 AC.±
   GROSS 187,251 SF OR 4.299 AC.±
3. DEED REF:30758/0415
4. TAX ACCOUNT: #0208652480
5. COUNCILMANIC DISTRICT: 4TH
6. ELECTION DISTRICT: 2ND
7. CENSUS TRACT:402201
8. WATERSHED: PATAPSCO RIVER
9. THIS SITE IS SERVED BY PRIVATE WATER AND SEWER.
10. TAX MAP #66, GRID #15, PARCEL #395
11. ZONING:(PER 1"=200' ZONING MAP 66B02) – RO-CR, RC-3 & RC-7
12. EXISTING USE: CHURCH
    PROPOSED USE: CHURCH EXPANSION
13. BUILDING AREAS:
    EXISTING: 3,653 SF
    PROPOSED: 16,565 SF
14. FLOOR AREA RATIO
    BUILDING AREA 20,218 SF
    GROSS SITE AREA 187,251 SF
    FAR 0.11
15. PARKING
    REQUIRED:
    ~~330~~ SEAT SANCTUARY: ❁ 1/4 SEATS = ~~83~~ SPACES
    450 113
    TOTAL PROVIDED: = ~~134~~ SPACES
    195
16. PRIOR ZONING HISTORY:

    CASE 1977-0167-SPHX
    SPECIAL EXCEPTION TO PERMIT THE USE OF THE EXISTING BUILDING AS AN OFFICE AND A SPECIAL HEARING TO PERMIT PARKING IN A RESIDENTIAL ZONE. GRANTED MARCH 16, 1977.

    CASE 2008-0136-SPHA
    SPECIAL HEARING AND VARIANCE REQUEST TO PERMIT A BUILDING WITH A GROSS FLOOR AREA OF 8,400 SF IN LIEU OF THE 6,600 SF AND A VARIANCE FROM SECTION 259.3.C.5 OF THE BCZR TO PERMIT A 110 FT FRONT YARD SETBACK IN LIEU OF THE 19.5 REQUIRED PER THE AVERAGING REQUIREMENT. GRANTED DECEMBER 20, 2007. SPECIAL HEARING TO AMEND THE PREVIOUSLY APPROVED PLAN AND ORDER IN CASE 77-167-SPHX. GRANTED DECEMBER 20, 2007.
17. NO KNOWN PERMITS ON FILE.
18. THE PROPERTY AND STRUCTURES ARE NOT HISTORIC.
19. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
20. SETBACKS REQUIRED – SEE CHART THIS SHEET
21. ALL SIGNS WILL CONFORM TO B.C.Z.R. SECTION 450 OR VARIANCES WILL BE REQUESTED PRIOR TO APPLYING FOR SIGN PERMITS.
22. THE BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
23. THE POSTED SPEED LIMIT ON LIBERTY ROAD IS 40 MPH.
24. ALL PROPOSED LIGHTING IS TO BE CUT-OFF DESIGN SO AS NOT TO SPILL LIGHT POLLUTION ONTO ADJACENT PROPERTIES.

Exhibit 2

SETBACK CHART

	BCZR	RO-CR REQUIRED	RO-CR PROVIDED	RC-3 REQUIRED	RC-3 PROVIDED	RC-7 REQUIRED	RC-7 PROVIDED
MINIMUM DISTANCE FROM FRONT PROPERTY LINE TO BUILDING	259.3.C.2.a	15.00	102.46	–	–	–	–
MAXIMUM DISTANCE FROM FRONT PROPERTY LINE TO BUILDING	259.3.C.2.b	19.42	102.46*	–	–	–	–
MINIMUM DISTANCE FROM CENTER LINE OF STREET TO BUILDING	1A02.3.B.4	–	–	75.00	132.25	–	–
MAXIMUM DISTANCE FROM R/W LINE TO BUILDING	1A02.3.B.4	–	–	50.00	100.00	–	–
MINIMUM DISTANCE FROM PUBLIC OR PRIVATE R/W LINE TO BUILDING	1A08.6.B.5.a.1	–	–	–	–	35.00	N/A
MINIMUM SIDE YARD SETBACK	259.3.C.2.b AND 1A02.3.B.4	15.00	138.27	25.00	108.46	–	–
MINIMUM REAR YARD	259.3.C.2.b, 1A02.3.B.4, 1A08.6.B.5.a.3.	15.00	N/A	50.00	160.99	50.00	N/A
MINIMUM DISTANCE FROM PRINCIPAL BUILDING TO ANY OTHER PRINCIPAL BUILDING	1A08.6.B.5.a.2	–	–	–	–	80.00	N/A

*VARIANCE REQUESTED

RO-CR ZONED PORTION OF PROPERTY

TOTAL LAND AREA IN THE RO-CR ZONE	51,890 SF	(1.191 AC.±)
TOTAL FLOOR AREA IN THE RO-CR ZONED PORTION OF THE PROPERTY	8,710 SF	
FLOOR AREA ON 1ST FLOOR	8,710 SF	
FAR IN RO-CR ZONED PORTION OF THE PROPERTY	0.168	
MAXIMUM BUILDING HEIGHT IN RO_CR ZONED PORTION OF THE PROPERTY	44 FT	(TO TOP OF PARAPET)

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 NUMBER 16581, EXPIRATION DATE: 08-01-2021

STATE OF MARYLAND · DONALD N. MITHEN · NO. 16581 · FIRST LICENSED · PROFESSIONAL ENGINEER

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208
don@richardsonengineering.net

TRACKING: LIM-2019-00007 LIMITED EXEMPTION: 19012LN
PAI: 02-0791 DRC: 103117D

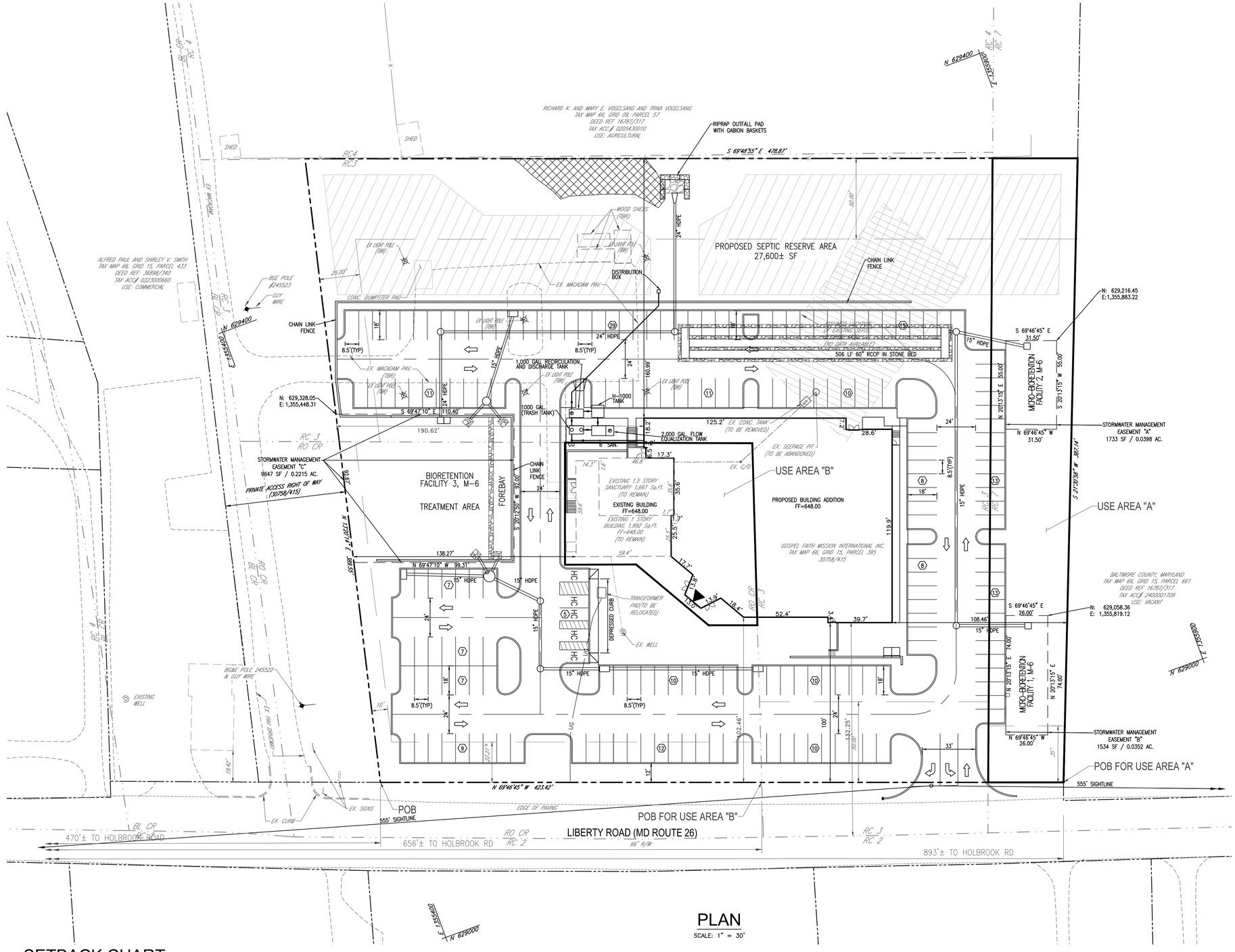
REDLINED

PLAT TO ACCOMPANY ZONING PETITION FOR GOFAMINT HOUSE OF CHANGE BALTIMORE

10610 LIBERTY ROAD

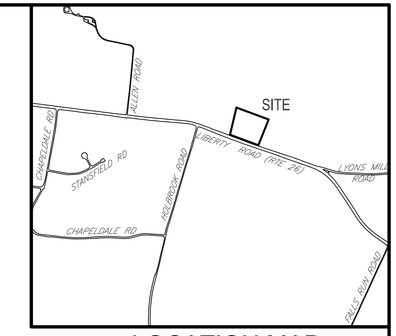
BALTIMORE COUNTY MARYLAND
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	DNM	DNM	1" = 30'
	DATE: 11-18-21	JOB NO.: 17098	SHEET NO.: 1 OF 1



PLAN

SCALE: 1" = 30'



LOCATION MAP

SCALE: 1" = 1,000'

GENERAL NOTES:

1. OWNERS: THE GOSPEL FAITH MISSION INTERNATIONAL INCORPORATED (HOUSE OF CHANGE BALTIMORE)
   10610 LIBERTY ROAD
   BALTIMORE, MARYLAND 21133
   TEL:(410) 992-6500
2. SITE AREA:
   NET 174,548 SF OR 4.007 AC.±
   GROSS 187,251 SF OR 4.299 AC.±
3. DEED REF:30758/0415
4. TAX ACCOUNT: #0208652480
5. COUNCILMANIC DISTRICT: 4TH
6. ELECTION DISTRICT: 2ND
7. CENSUS TRACT:402201
8. WATERSHED: PATAPSCO RIVER
9. THIS SITE IS SERVED BY PRIVATE WATER AND SEWER.
10. TAX MAP #66, GRID #15, PARCEL #395
11. ZONING:(PER 1"=200' ZONING MAP 66B02) – RO-CR, RC-3 & RC-7
12. EXISTING USE: CHURCH
    PROPOSED USE: CHURCH EXPANSION
13. BUILDING AREAS:
    EXISTING: 3,653 SF
    PROPOSED: 16,565 SF
14. FLOOR AREA RATIO
    BUILDING AREA 20,218 SF
    GROSS SITE AREA 187,251 SF
    FAR 0.11
15. PARKING
    REQUIRED:
    450 SEAT SANCTUARY: @ 1/4 SEATS = 113 SPACES
    TOTAL PROVIDED: = 195 SPACES
16. PRIOR ZONING HISTORY:

    CASE 1977-0167-SPHX
    SPECIAL EXCEPTION TO PERMIT THE USE OF THE EXISTING BUILDING AS AN OFFICE AND A SPECIAL HEARING TO PERMIT PARKING IN A RESIDENTIAL ZONE. GRANTED MARCH 16, 1977.

    CASE 2008-0136-SPHA
    SPECIAL HEARING AND VARIANCE REQUEST TO PERMIT A BUILDING WITH A GROSS FLOOR AREA OF 8,400 SF IN LIEU OF THE 6,600 SF AND A VARIANCE FROM SECTION 259.3.C.5 OF THE BCZR TO PERMIT A 110 FT FRONT YARD SETBACK IN LIEU OF THE 19.5 REQUIRED PER THE AVERAGING REQUIREMENT. GRANTED DECEMBER 20, 2007. SPECIAL HEARING TO AMEND THE PREVIOUSLY APPROVED PLAN AND ORDER IN CASE 77-167-SPHX. GRANTED DECEMBER 20, 2007.
17. NO KNOWN PERMITS ON FILE.
18. THE PROPERTY AND STRUCTURES ARE NOT HISTORIC.
19. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
20. SETBACKS REQUIRED – SEE CHART THIS SHEET
21. ALL SIGNS WILL CONFORM TO B.C.Z.R. SECTION 450 OR VARIANCES WILL BE REQUESTED PRIOR TO APPLYING FOR SIGN PERMITS.
22. THE BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
23. THE POSTED SPEED LIMIT ON LIBERTY ROAD IS 40 MPH.
24. ALL PROPOSED LIGHTING IS TO BE CUT-OFF DESIGN SO AS NOT TO SPILL LIGHT POLLUTION ONTO ADJACENT PROPERTIES.

Exhibit 3

SETBACK CHART

	BCZR	RO-CR REQUIRED	RO-CR PROVIDED	RC-3 REQUIRED	RC-3 PROVIDED	RC-7 REQUIRED	RC-7 PROVIDED
MINIMUM DISTANCE FROM FRONT PROPERTY LINE TO BUILDING	259.3.C.2.a	15.00	102.46	–	–	–	–
MAXIMUM DISTANCE FROM FRONT PROPERTY LINE TO BUILDING	259.3.C.2.b	19.42	102.46*	–	–	–	–
MINIMUM DISTANCE FROM CENTER LINE OF STREET TO BUILDING	1A02.3.B.4	–	–	75.00	132.25	–	–
MAXIMUM DISTANCE FROM R/W LINE TO BUILDING	1A02.3.B.4	–	–	50.00	100.00	–	–
MINIMUM DISTANCE FROM PUBLIC OR PRIVATE R/W LINE TO BUILDING	1A08.6.B.5.a.1	–	–	–	–	35.00	N/A
MINIMUM SIDE YARD SETBACK	259.3.C.2.b AND 1A02.3.B.4	15.00	138.27	25.00	108.46	–	–
MINIMUM REAR YARD	259.3.C.2.b, 1A02.3.B.4, 1A08.6.B.5.a.3.	15.00	N/A	50.00	160.99	50.00	N/A
MINIMUM DISTANCE FROM PRINCIPAL BUILDING TO ANY OTHER PRINCIPAL BUILDING	1A08.6.B.5.a.2	–	–	–	–	80.00	N/A

*VARIANCE REQUESTED

RO-CR ZONED PORTION OF PROPERTY

TOTAL LAND AREA IN THE RO-CR ZONE	51,890 SF	(1.191 AC.±)
TOTAL FLOOR AREA IN THE RO-CR ZONED PORTION OF THE PROPERTY	8,710 SF	
FLOOR AREA ON 1ST FLOOR	8,710 SF	
FAR IN RO-CR ZONED PORTION OF THE PROPERTY	0.168	
MAXIMUM BUILDING HEIGHT IN RO_CR ZONED PORTION OF THE PROPERTY	44 FT	(TO TOP OF PARAPET)

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 NUMBER 16581, EXPIRATION DATE: 08-01-2021

STATE OF MARYLAND · DONALD N. MITTEN · NO. 16581 · FIRST LICENSED · PROFESSIONAL ENGINEER

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208
don@richardsonengineering.net

TRACKING: LIM-2019-00007 LIMITED EXEMPTION: 19012LN
PAI: 02-0791 DRC: 103117D

PLAT TO ACCOMPANY ZONING PETITION
FOR

GOFAMINT HOUSE OF CHANGE BALTIMORE

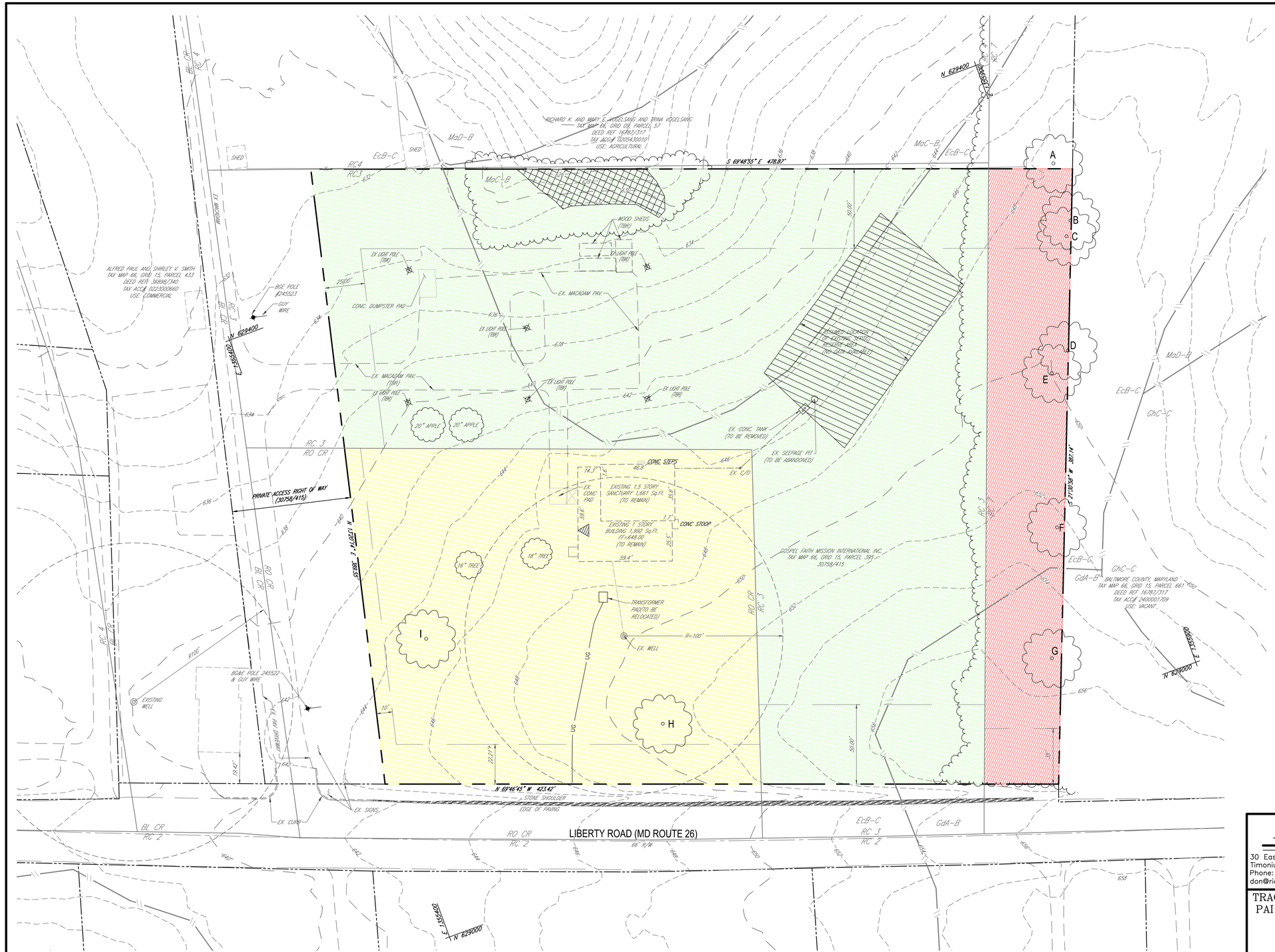
10610 LIBERTY ROAD

BALTIMORE COUNTY MARYLAND
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

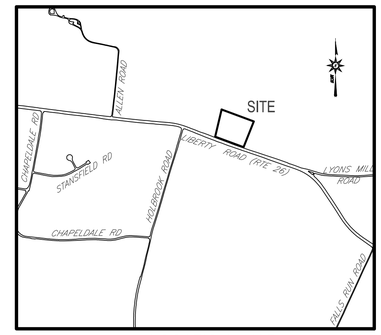
REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	DNM	DNM	1" = 30'
	DATE: 11-18-21	JOB NO.: 17098	SHEET NO.: 1 OF 1

NOTE:
EXACT LOCATION OF UNDERGROUND UTILITIES ARE UNKNOWN. CONTRACTOR SHALL TEST PIT EXISTING UTILITIES TO DETERMINE EXACT DEPTH AND LOCATION OF EXISTING UTILITIES PRIOR TO COMMENCING ANY CONSTRUCTION. RESULTS OF TEST PITTING SHALL BE PROVIDED TO THE ENGINEER 48 HOURS PRIOR TO THE ANTICIPATED TIME OF CONSTRUCTION.

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING CONSTRUCTION.



PLAN
SCALE: 1" = 30'



LOCATION MAP
SCALE: 1" = 1,000'

SOILS CHART

SOILS SERIES	SEPTIC SYSTEM LIMITATIONS	HOMESITE LIMITATIONS W/BASEMENT	HOMESITE LIMITATIONS W/O BASEMENT	SMALL COMMERCIAL BUILDING LIMITATIONS	STREET AND PARKING LOT LIMITATIONS	HYDRIC SOILS	SOILS GROUP	ERODIBILITY K FACTOR	SLOPES >15%
EcB	SOMEWHAT LIMITED	NOT LIMITED	NOT LIMITED	SOMEWHAT LIMITED	VERY LIMITED	NO	C	0.37	NO
GdA	VERY LIMITED	NOT LIMITED	NOT LIMITED	NOT LIMITED	SOMEWHAT LIMITED	NO	B	0.24	NO
MoC	VERY LIMITED	SOMEWHAT LIMITED	SOMEWHAT LIMITED	VERY LIMITED	SOMEWHAT LIMITED	NO	B	0.28	NO

PROFESSIONAL CERTIFICATION:
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STATE OF MARYLAND · DONALD N. MILLER · NO. 16581 · REGISTERED PROFESSIONAL ENGINEER

Exhibit 4

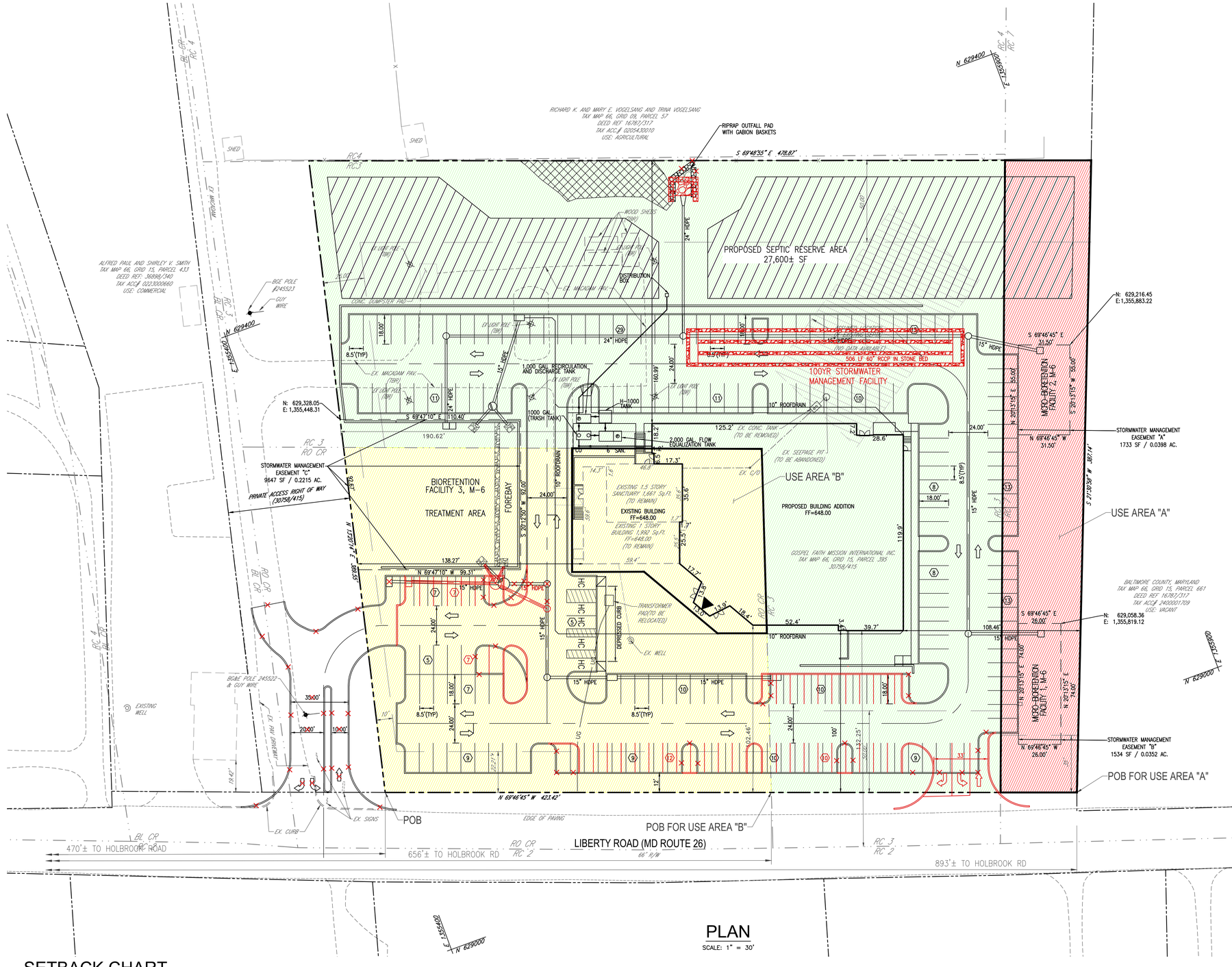
Richardson Engineering, LLC
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Phone: 410-560-1502 Fax: 443-901-1208
don@richardsonengineering.net

TRACKING: LIM-2019-00007 LIMITED EXEMPTION: 19012LN
PAI: 02-0791 DRC: 103117D

SITE CONSTRAINTS MAP FOR GOFAMINT HOUSE OF CHANGE BALTIMORE

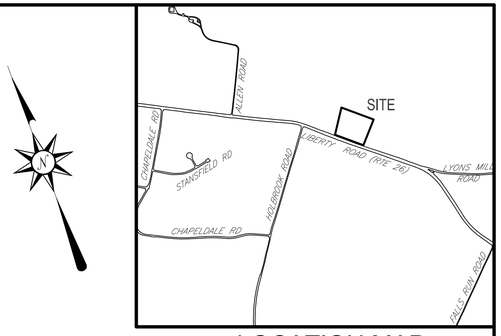
10610 LIBERTY ROAD
BALTIMORE COUNTY MARYLAND
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

REVISIONS			DRAWN BY:	CHECKED BY:	SCALE:
12/21/20	REVISED PER AGENCY COMMENTS	RENG	DNM	DNM	1" = 30'
			DATE: 05-06-19	JOB NO.: 17098	SHEET NO.: 3 OF 3



PLAN

SCALE: 1" = 30'



LOCATION MAP

SCALE: 1" = 1,000'

GENERAL NOTES:

1. OWNERS: THE GOSPEL FAITH MISSION INTERNATIONAL INCORPORATED (HOUSE OF CHANGE BALTIMORE)
   10610 LIBERTY ROAD
   BALTIMORE, MARYLAND 21133
   TEL:(410) 992-6500
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   NET 174,548 SF OR 4.007 AC.±
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4. TAX ACCOUNT: #0208652480
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    PROPOSED USE: CHURCH EXPANSION
13. BUILDING AREAS:
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    PROPOSED: 16,565 SF
14. FLOOR AREA RATIO
    BUILDING AREA 20,218 SF
    GROSS SITE AREA 187,251 SF
    FAR 0.11
15. PARKING
    REQUIRED:
    350 SEAT SANCTUARY: @ 1/4 SEATS = 88 SPACES
    TOTAL PROVIDED: = ~~194~~ SPACES 195
16. PRIOR ZONING HISTORY:

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Exhibit 5

SETBACK CHART

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MINIMUM DISTANCE FROM CENTER LINE OF STREET TO BUILDING	1A02.3.B.4	–	–	75.00	132.25	–	–
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MINIMUM DISTANCE FROM PUBLIC OR PRIVATE R/W LINE TO BUILDING	1A08.6.B.5.a.1	–	–	–	–	35.00	N/A
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MINIMUM REAR YARD	259.3.C.2.b, 1A02.3.B.4, 1A08.6.B.5.a.3.	15.00	N/A	50.00	160.99	50.00	N/A
MINIMUM DISTANCE FROM PRINCIPAL BUILDING TO ANY OTHER PRINCIPAL BUILDING	1A08.6.B.5.a.2	–	–	–	–	80.00	N/A

*VARIANCE REQUESTED

RO-CR ZONED PORTION OF PROPERTY

TOTAL LAND AREA IN THE RO-CR ZONE	51,890 SF	(1.191 AC.±)
TOTAL FLOOR AREA IN THE RO-CR ZONED PORTION OF THE PROPERTY	8,710 SF	
FLOOR AREA ON 1ST FLOOR	8,710 SF	
FAR IN RO-CR ZONED PORTION OF THE PROPERTY	0.168	
MAXIMUM BUILDING HEIGHT IN RO_CR ZONED PORTION OF THE PROPERTY	44 FT	(TO TOP OF PARAPET)

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 NUMBER 16581, EXPIRATION DATE: 08-01-2021

STATE OF MARYLAND · DONALD N. MITHEN · NO. 16581 · REGISTERED PROFESSIONAL ENGINEER

Richardson Engineering, LLC
30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208
don@richardsonengineering.net

TRACKING: LIM-2019-00007 LIMITED EXEMPTION: 19012LN
PAI: 02-0791 REDLINED DRC: 103117D

PLAT TO ACCOMPANY ZONING PETITION FOR GOFAMINT HOUSE OF CHANGE BALTIMORE

10610 LIBERTY ROAD

BALTIMORE COUNTY MARYLAND
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	DNM	DNM	1" = 30'
	DATE: 06-08-20	JOB NO.: 17098	SHEET NO.: 1 OF 1

Exhibit 6

BALTIMORE COUNTY, MARYLAND

SUBJECT: LIMITED EXEMPTION DEVELOPMENT PLAN COMMENTS

FROM: PAI - ZONING REVIEW DATE: 05/14/2019

PROJECT NAME:	GOFAMINT HOUSE OF CHANGE BALTIMORE	
PLAN DATE:	05/06/2019	PAI NUMBER: 02-0791
DRC #	103117D	DISTRICT: 2C4
LOCATION:	10610 LLIBERTY RD.	ZONING: RO-CR, RC-3, RC-7

This refers to the submitted Development Plan dated 05/06/2019 as presented to Zoning Office by the Engineer, this Office offers the following comments:

1. Clarify General Note no. 12 regarding the existing use as a church or office building. Zoning cases no 1977-0167-SPHX and 2008-0136-SPHA confirmed that church use was abandoned and converted into an office building use. No subsequent building permits were in file to convert the said building back to a church;

2. Add note that whether existing building is to be demolished;

3. Revised note no.25 Zoning Case number from ~~1997~~-0167-SPHX to **1977**-0167-SPHX;

4. The parking spaces on the east side crossing RC3 to RC7 zones requires Special Hearing and/or Special Exception to allow commercial parking in RC7 residential zone which church use is permitted by Special Exception; you may include in the Special Exception for the two 'Moro-Bioretention Facility 1 & 2 for use by the church in the RC 7 zone.

Aaron Tsui
Planner II, Zoning Review

March 9, 2021

Donald N. Mitten, P.E.
30 E. Padonia Road, Suite 500
Timonium MD 21093

Dear Mr. Mitten:

Thank you for the opportunity to review the trip generation analysis, sight distance evaluation, and trip distribution report for the Gofamint House of Change. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the submission listed below along with the additional information recently provided and we find it to be acceptable. No further analysis will be required.

Gofamint House of Change, Baltimore
16101 Liberty Road (MD 26)
MDOT SHA Tracking No. 17APBA025XX
Trip Generation and Sight Distance Evaluation Dated December 22, 2020
Peak hour Trip Distribution Dated March 2, 2021
Baltimore County

An access permit will be required for all construction within MDOT SHA right-of-way. The developer proposes to construct a new full movement access along MD 26 near the southeast edge of the property. MDOT SHA will require the entrance/access point on MD 26 to be a standard 30-foot wide curbed commercial entrance. Additionally, we ask that the existing shoulder along MD 26 be reconstructed to include curb and gutter across the full frontage of the property and to ensure it is traffic bearing. The reconstructed shoulder should at minimum be 10-foot wide from the edge of the gutter pan.

To initiate the plan review cycle toward the issuance of the access permit the design engineer must make an electronic plan submittal using the MDOT Salesforce link at https://mdotsha.force.com/accesspermit/login?ec=302&inst=4v&startURL=%2Faccesspermit. The plan submittal should include hydraulic computations, plans and all supporting documentation.

Please utilize the MDOT SHA tracking number when making this submission. All MDOT SHA Policies, Standards and Specifications must be followed when preparing the above plan submittal including but not limited to the following documents: MDOT SHA Access Manual MDOT SHA Business Standards and Specifications MDOT SHA Bicycle Policy and Design Guidelines MDOT SHA Accessibility Policy and Guidelines for Pedestrian Facilities.

Exhibit 7

The Access Management Plan Review Checklist must be utilized in drafting the MDOT SHA Improvement Plans. Please include a copy of the completed checklist when making this submittal. All of these documents along with additional guidance can be found on our web site at www.roads.maryland.gov under Business Center.

If you have any questions or require additional information, please contact Ms. Teresa Eller via email at teller@mdot.maryland.gov.

Sincerely,

Wendy Wolcott

Wendy Wolcott, P.L.A.
Metropolitan District Engineer
MDOT State Highway Administration
District 4 – Baltimore and Harford Counties

cc: Mr. Lloyd Moxley, Development Plans Review, Baltimore County
Mr. Vishnu Desai, Development Plans Review, Baltimore County
Ms. Obianuju Ani, Transportation Engineer, OOTS, MDOT SHA
Mr. Steve Autry, Transportation Engineer, District Four Access Management, MDOT SHA
Ms. Vanessa Braddy, Transportation Manager, District Four Traffic, MDOT SHA
Ms. Teresa Eller, Transportation Engineer, District Four Access Management, MDOT SHA
Ms. Sarah Gary, Consultant for MDOT, OPPE, TFAD, MDOT SHA
Ms. Erin Kuhn, Assistant District Engineer for Traffic, District Four, MDOT SHA
Mr. Pete Regan, Assistant Regional Planner, OPPE RIPD, MDOT SHA
Ms. Lisa Shemer, Assistant Division Chief, OPPE, TFAD, MDOT SHA
Ms. Lisa Sirota, Regional Planner, RIPD, MDOT SHA
File/vb/BW36562

1) ALL STRUCTURAL ELEMENTS ARE FOR REFERENCE ONLY.
REFER TO STRUCTURAL DWG FOR FOUNDATION AND COLUMN LOCATIONS.

2) ALL MECHANICAL, ELECTRICAL AND PLUMBING ELEMENTS ARE FOR REFERENCE ONLY, REFER TO MEP DWGS.

3) ALL SITE INFORMATION IS FOR REFERENCE ONLY, REFER TO CIVIL DWGS.

4) ELEVATIONS ARE BASED ON THE TOP OF SLAB. ELEVATION SET @ A DATUM ELEVATION OF 0.00". SEE CIVIL DWGS FOR ACTURAL ELEVATIONS

5) PROVIDE METAL THRESHOLDS @ ALL EXTERIOR DOORS.

2 GENERAL PLAN NOTE
1/4" = 1'-0"



1 GROUND FLOOR PLAN SHOWING SEATS WITHIN THE RO - DR ZONE
1/8" = 1'-0"

N

ARCHITECT:
PBS ARCHITECTS
PROACTIVE DESIGN + BUILDING SYSTEMS INC.
6505 Liberty Road
Baltimore, MD 21207
P:(443) 200-3107
(443) 226-8700
F:(443) 436-0148
Email: info@proactivedbs.com
www.proactivedbs.com

GOSPEL FAITH MISSION INTERNATIONAL ADDISION TO EXISTING BUILDING

10610 LIBERTY ROAD
RANDALLSTOWN, MD. 21133

Exhibit 8

No.	Description	Date

EXHIBIT SHOWING SEATS WITHIN THE RO-DR ZONE

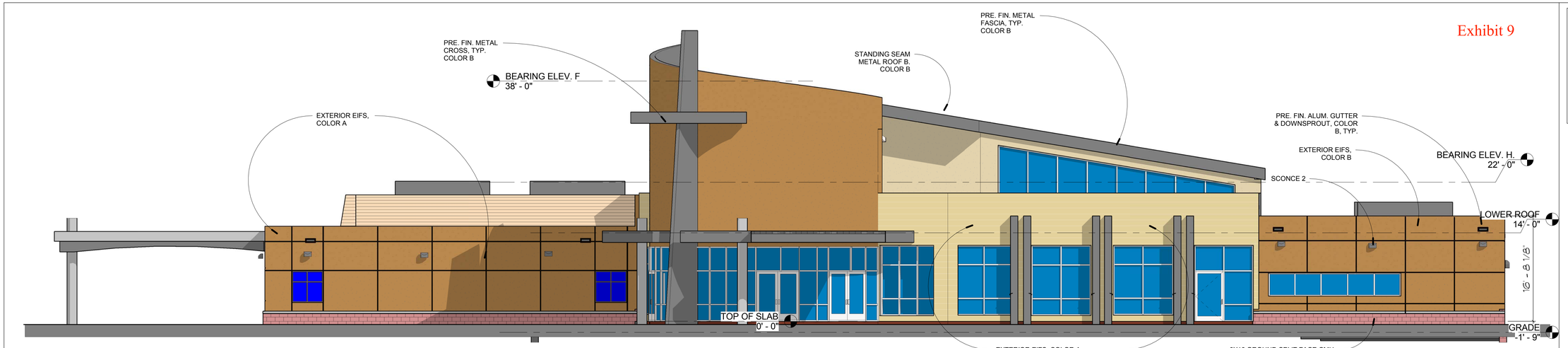
Project number	09-24-2013
Date	12-7-2017
Drawn by	Author
Checked by	S.O

A-1.1

Scale: As indicated

11/18/2021 6:38:18 PM

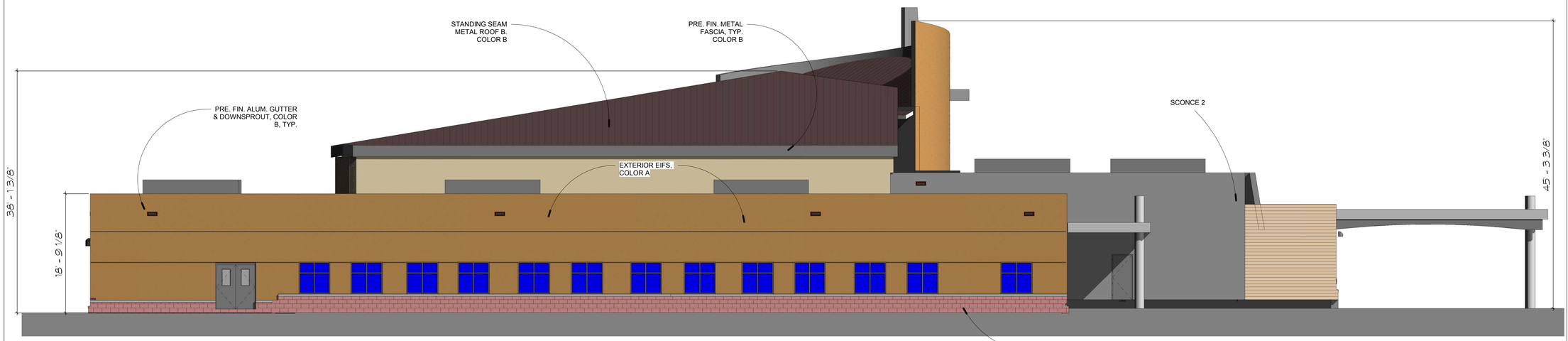
Exhibit 9



1 SOUTH ELEVATION.
1/8" = 1'-0"



2 APPROACH ELEVATION
1/8" = 1'-0"



3 NORTH ELEVATION.
1/8" = 1'-0"

ARCHITECT:
PROACTIVE DESIGN + BUILDING SYSTEMS INC.
6505 Liberty Road
Baltimore, MD 21207
P:(443) 200-3107
(443) 226-8700
F:(443) 436-0148
Email: info@proactivedbs.com
www.proactivedbs.com

GOSPEL FAITH MISSION INTERNATIONAL
ADDISION TO EXISTING BUILDING

10610 LIBERTY ROAD
RANDALLSTOWN, MD. 21133

No.	Description	Date

BUILDING ELEVATIONS

Project number	09-24-2013
Date	12-7-2017
Drawn by	Author
Checked by	Checker

A-2.1

Scale 1/8" = 1'-0"

5/27/2020 4:43:34 PM

IN RE: PETITIONS FOR SPECIAL HEARING & VARIANCE N of Liberty Road, 840 feet SE of c/l Holbrook Road 2nd Election District 4th Councilmanic District **(10610 Liberty Road)** Holbrook Center, LLC; by Arnold T. Abel, Managing Member *Petitioner*	*	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY **Case No. 08-136-SPHA**

Exhibit 10

* * * * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owner of the subject property, Holbrook Center, LLC, by Arnold T. Abel, Managing Member. The Special Hearing request was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to amend the previously approved plan and Order in Case No. 77-167-XSPH. The Variance requests are from Section 259.3.C.1.a of the B.C.Z.R. to permit a building with a gross floor area of 8,400 square feet[1] on the ground floor in lieu of the allowed 6,600 square feet, and from Section 259.3.C.2.a of the B.C.Z.R. to permit a 110 foot front yard setback in lieu of the 19.5 foot required per the averaging requirement. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing and variance relief was Petitioner Arnold T. Abel, Managing Member for Holbrook Center, LLC,

---

[1] Petitioner's original Petition for Variance contained a request to permit a building with a gross floor area of 8,300 square feet on the ground floor in lieu of the allowed 6,600 square feet on the ground floor. At the outset of the hearing, Petitioner requested to amend the petition to reflect an actual variance request for 8,400 square feet, which was granted without objection and redlined on the site plan.

ORDER RECEIVED FOR FILING
Date 12-20-07
By PJS

and his attorney, Jennifer Busse, Esquire, with Whiteford, Taylor & Preston, LLP. Also appearing in support of the requested relief was Phil Carroll with Whitney, Bailey, Cox & Magnani, LLC, the consultant who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a square-shaped parcel containing approximately 180,009 square feet or 4.29 acres, more or less, and zoned R.C.3 and R.O.-C.R. The portion of the property zoned R.C.3 consists of approximately 112,110 square feet or 2.57 acres, and the portion zoned R.O.-C.R. consists of approximately 62,233 square feet, or 1.43 acres. The property is located in a rural area of Liberty Road approximately six miles northwest of Randallstown near the Carroll County line in the Holbrook area of Baltimore County. It is improved with an existing one-story (and partially two-story) wood frame and siding office building consisting of approximately 3,600 square feet. The property utilizes well and septic service.

The property was the subject of a prior zoning hearing in 1977. Prior to that time, the existing structure, constructed in approximately 1969, was utilized as a church for the Holy Spirit Lutheran Church. In 1977, petitions for special exception and special hearing were filed, to use the building as an office building and for offices, and to permit off-street parking in a residential zone, respectively. The testimony and evidence indicated then that several unsuccessful attempts were made to sell the property as a church. At the time of the hearing, the property owner had contracted to sell the property to an insurance agency for office use. The contract purchaser proposed to expand the existing building and to provide 20 off-street parking spaces in the area that was then an R.C.4 zone (now an R.C.3 zone). In Case No. 77-167-XSPH, then-Deputy Zoning Commissioner George J. Martinak granted the special exception and special hearing

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requests. A copy of the petitions, the property description, the Order, and the site plan was collectively marked and accepted into evidence as Petitioner's Exhibit 2.

Petitioner has owned the property since 2003 and has operated a financial services/insurance company at the location. Petitioner indicated that in general, about half his clients come into the office to conduct their business and the other half are serviced off-site. Petitioner has approximately 10-13 employees and desires to expand up to approximately 20-25 employees. Photographs of the property and the building were marked and accepted into evidence as Petitioner's Exhibits 3A through 3I. These photographs were taken from various vantage points on the property and show the front of the building from Liberty Road to the south, the left side of the building to the west, the right side of the building to the east, and the parking area located to the rear of the property. Petitioner is content with the property and the building in general, but in order to expand as he wishes to do, it is necessary to construct several additions to the building. As such, Petitioner proposes to construct a 1,500 square foot one-story addition on the west side of the building and a 3,300 square foot one-story addition on the east side of the building, for a total ground floor square footage of 8,400 square feet. An architectural drawing with elevations was marked and accepted into evidence as Petitioner's Exhibit 4. When compared with the photographs of the existing building, it appears the proposed addition and overall exterior improvements will be a visual upgrade to what is there presently.

In order to enlarge the building as proposed, Petitioner is in need of several variances. The first is to exceed the gross floor area permitted on the ground floor of 6,600 square feet and allow a total of 8,400 square feet. In support of this request, Petitioner indicated that it is important in his type of business to have the flow of employees and the work on one floor. It would not be conducive to have a multi-level building occupied by only one business. In

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addition, the shear size of the lot, and the existing open space on the property provides more than adequate space for an enlarged building, and without any risk of overcrowding the land. Moreover, expanding the current one-story building in lieu of adding a level merely to comply with the maximum floor space requirement would not be in keeping with the aesthetics of the area, nor would it be consistent with the rural character of the R.C. zone.

The second variance is to permit a 110 foot front yard building setback in lieu of the required average adjacent structures resulting in 19.5 feet. Ordinarily, petitioners come before this Commission seeking relief because their proposed setback is too close to the property line or required setback distance. In this case, again because of the size of the lot, Petitioner's variance request is to be farther away from the minimum setback line than what is required. Section 259.3.C.2.a of the B.C.Z.R. states that in a C.R. District, "[t]he front yard setback shall be not less than 15 feet from the street right-of-way line and not more than the average of the setbacks of adjacent buildings." The next adjacent property to the west is a commercial building located in a B.L.-C.R. zone with a front yard setback of 14 feet. There is no structure located to the immediate east because that land is a Baltimore County Recreation Area. Hence, Petitioner used the minimum R.O. front yard setback of 25 feet, resulting in an average of 19.5 feet. In support of the request to exceed that maximum allowance and to permit a front yard setback of 110 feet, Petitioner points out the unique and peculiar characteristics of this property. The property is an office use located in a rural area. The property is also split-zoned R.O.-C.R. and R.C.3. It is also immediately adjacent to several other zones, including R.C.4, R.C.2, R.C.7, and B.L.-C.R. Although most of the subject property is cleared, it is very wooded to the north and east. Petitioner also pointed out that the intent of the C.R. District overlay is to provide opportunities for convenience shopping and personal services that are customarily and frequently needed by

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the rural residential and agricultural population, but may not be easily available. And the purpose of the front yard setback requirement is to give a more uniform, "main street" feel to a commercial center in one of these Districts. However, in the instant matter, Petitioner indicates that it is not applicable because the structure on the subject property is more of a stand-alone building that is not part of a commercial center. In Petitioner's view, allowing the expanded building to be set back further from the front yard than what is normally permitted would actually be beneficial to keeping the rural and agricultural character of the area. Petitioner also pointed out that there would be no practical way to comply with a 19.5 foot front yard setback requirement.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments received from the Department of Environmental Protection and Resource Management (DEPRM) dated November 6, 2007 indicate that the property must comply with the Forest Conservation Regulations and that soil evaluations and a septic inspection may be required. There were no other comments, nor any adverse comments submitted. The State Highway Administration indicated an Access Permit may be required.

In regard to the requests for variance, considering all the testimony and evidence presented, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request, including the large size of the property, as compared with the size of the building thereon, the split-zoning of the property and the various zones adjacent to the property, and the office use in a rural area. Therefore I find the property unique in a zoning sense.

I find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Indeed, it would be virtually impossible

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for Petitioner to construct the proposed addition and also comply with the maximum floor area and front yard setback requirements. I also find that these variances can be granted in strict harmony with the spirit and intent of said regulations and in a manner so as to grant relief without injury to the public health, safety and general welfare.

In granting the variances, I am also persuaded to grant the special hearing request to amend the previously approved plan and Order in Case No. 77-167-XSPH so as to allow the off-street parking to continue in the R.C.3 zone, consistent with the expansion of the building located on the subject property in the R.O.-C.R. zone. It should be noted that the previously granted special exception area is not being expanded, but only the structure itself -- and still within the R.O.-C.R. zone.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 20th day of December, 2007, that Petitioner's requests for Variance from Section 259.3.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building with a gross floor area of 8,400 square feet on the ground floor in lieu of the allowed 6,600 square feet, and from Section 259.3.C.2.a of the B.C.Z.R. to permit a 110 foot front yard setback in lieu of the 19.5 foot required per the averaging requirement are hereby GRANTED; and

IT IS FURTHER ORDERED, the Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the B.C.Z.R. to amend the previously approved plan and Order in Case No. 77-167-XSPH is hereby GRANTED, subject to the following:

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Date 12-20-07
By [illegible]

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

2. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

3. Prior to building permit approval, a usage letter must be submitted. Soil evaluations may be required. A septic inspection may also be required.

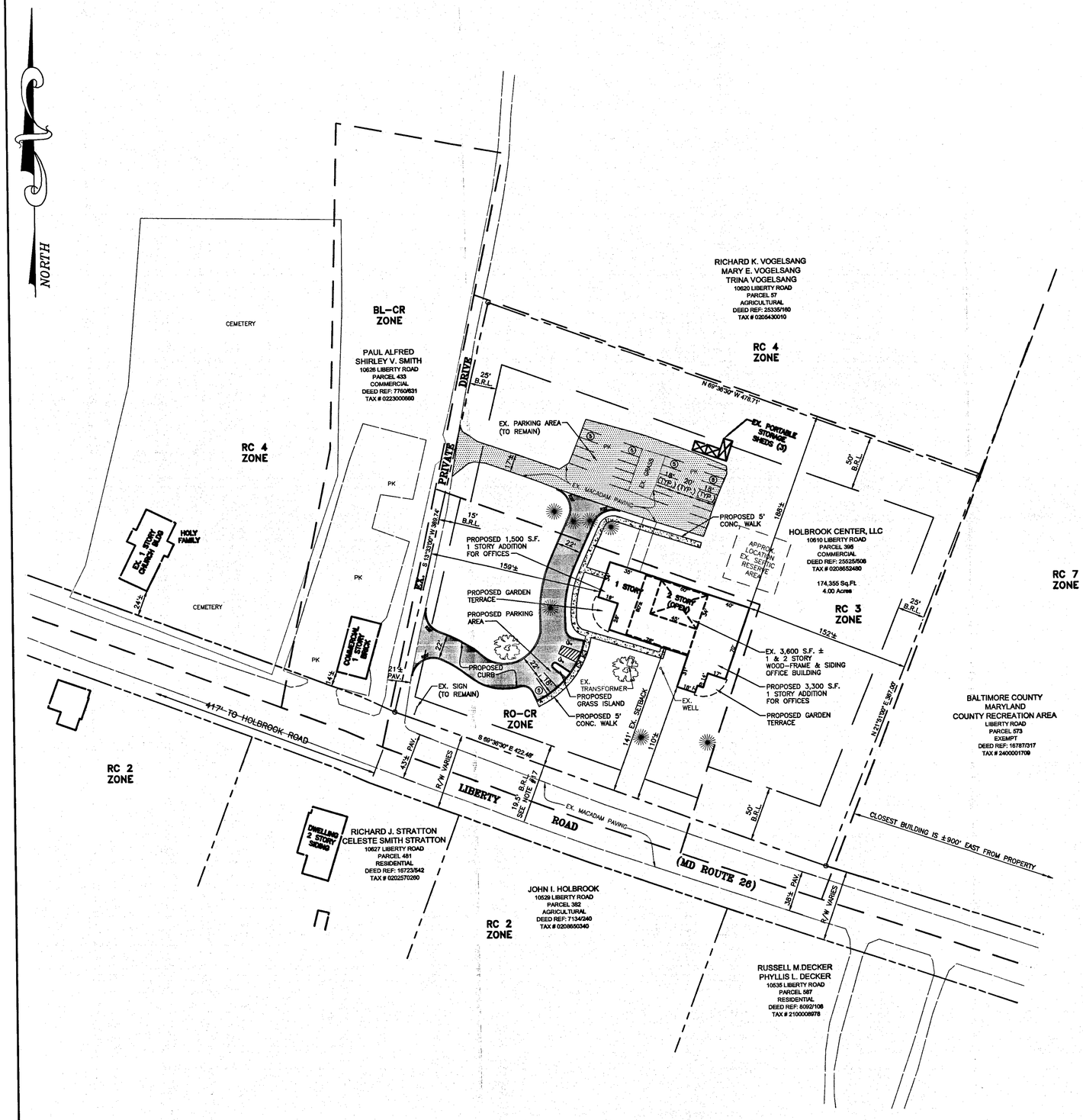
4. Petitioner shall consult with the State Highway Administration (SHA) to determine if an Access Permit for MD 26 is required.

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

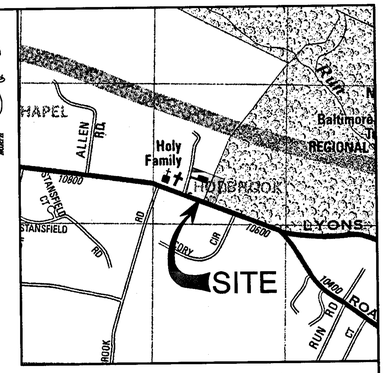
THB:pz

ORDER RECEIVED FOR FILING
Date 12.20.07
By PZ



GENERAL NOTES

1. THIS PROPERTY IS LOCATED IN:
   ELECTION DISTRICT: 2
   COUNTY COUNCIL DISTRICT: 4
   ZONING MAP NO.: 066B2
2. SITE AREA:
   GROSS: 180,009 S.F. / 4.29 ACRES
   NET: 174,335 S.F. / 4.00 ACRES
5. THIS PROPERTY IS ZONED RC3 AND RO-CR. RC3 = 112,110 SF/2.57AC. RO-CR = 62,233 SF/1.43AC.
6. FAR (MAXIMUM): 0.20 (RO CR ONLY)
   FAR (EXISTING): 3,600 S.F. FLOOR AREA / 180,009 S.F. SITE AREA =0.02
   FAR (PROPOSED): 8,400 S.F. FLOOR AREA / 180,009 S.F. SITE AREA =0.05
7. GROSS BUILDING AREA: 8,400 S.F.
8. PARKING: OFFICE - 8,400 .SF. X 3.3 SPACES/1,000 S.F. =28
   EXISTING SPACES =23
   NEW SPACES (INCLUDING 2 HANDICAPPED SPACES) = 5
   TOTAL SPACES REQUIRED =28
9. AMENITY OPEN SPACE (RO-CR ZONE)
   REQUIRED: 1,080 S.F.± X 0.07 = 76 S.F.
   PROVIDED: 108 S.F.
10. THE OWNER IS:
    HOLBROOK CENTER, LLC
    P.O. BOX 1787
    SYKESVILLE, MARYLAND 21784-1780
11. THERE ARE NO KNOWN HISTORICAL BUILDINGS, CRITICAL AREAS, ARCHEOLOGICAL SITES OR ENDANGERED SPECIES HABITATS WITHIN THE SITE BOUNDARY.
12. THE PROPERTY IS SERVED BY A PRIVATE WELL AND SEPTIC SYSTEM. THERE IS NO FIRE HYDRANT ON THE PROPERTY. THE CLOSEST FIRE HYDRANT IS LOCATED AT THE CORNER OF DEER PARK ROAD AND LIBERTY ROAD, ±7400' SOUTHEAST OF PROPERTY.
13. THIS PROPERTY DOES NOT LIE WITHIN THE DESIGNATED 100-YEAR FLOOD PLAIN. IT LIES IN ZONE C. FLOOD PLAIN MAP PANEL 215 OF 525, #240010-0215B.
14. THIS PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
15. IT WAS ORDERED ON THE 18th DAY OF MARCH, 1977, IN CASE NO. 77-167-SXPH, BY THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY THAT THE SPECIAL EXCEPTION FOR AN OFFICE BUILDING AND OFFICES AND THE SPECIAL HEARING FOR OFF-STREET PARKING IN A RESIDENTIAL ZONE SHOULD BE GRANTED, FROM AND AFTER THE DATE OF THE ORDER, SUBJECT TO THE FOLLOWING:
   - THE GENERAL APPEARANCE OF THE BUILDING, INCLUDING THE PROPOSED ADDITIONAL STRUCTURE AROUND THE CENTRAL CORE, MUST REMAIN SUBSTANTIALLY THE SAME.
   - SCREENING TO THE REAR OF THE PARKING LOT CONSISTING OF FOUR (4) FOOT STAGGERED EVERGREENS, MUST BE INSTALLED AND MAINTAINED
   - COMPLIANCE WITH THE AFOREMENTIONED APPROVED SITE PLAN.
16. THE SITE WILL BE LANDSCAPED PER SECTION 259.3.C.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
17. FRONT SETBACK DETERMINED BY AVERAGING PER SECTION 259.3.C.2.a OF THE BALTIMORE COUNTY ZONING REGULATIONS:
    REGULAR RO SETBACK: 25'
    ADJACENT BUILDING SETBACK: 14'
    AVERAGE: (25' + 14') / 2 = 19.5'



VICINITY MAP
SCALE: 1"=1000'

LEGEND

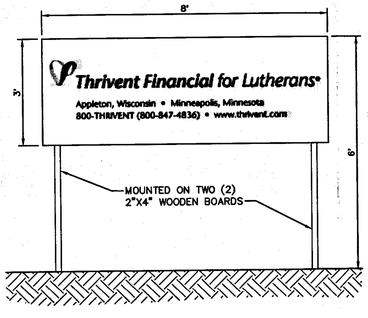
- BUILDING RESTRICTION LINE
- PROPERTY BOUNDARY
- EX. CURB
- PROP. CONC. CURB
- ZONING BOUNDARY
- PROP. WALK
- EX. PARKING AREA
- PROP. PAVING
- EX. RIGHT-OF-WAY
- EX. TREES
- EX. WELL
- EX. TRANSFORMER
- EX. BUILDING
- PROP. BUILDING

RELIEF REQUESTED

1. SPECIAL HEARING TO AMEND PREVIOUSLY APPROVED PLAN AND ORDER IN CASE NO. 77-167-XSPH.
2. VARIANCE FROM § 259.3.C.1.a OF THE BCRZ TO PERMIT A BUILDING WITH A GROSS FLOOR AREA OF 8,400 SQUARE FEET ON THE FIRST FLOOR.
3. VARIANCE FROM BCRZ § 259.3.C.2.a OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A 110'± FRONT YARD BUILDING SETBACK IN LIEU OF THE AVERAGE SETBACK OF 19.5' BASED ON THE ADJACENT BUILDING.

GRAPHIC SCALE

50 0 25 50 100 200
(IN FEET)
1 inch = 50 ft.



EXISITNG DOUBLE-SIDED SIGN ELEVATION
SCALE: 1" = 2'

DATE	NO.	REVISIONS

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING AND VARIANCES

PROJECT TITLE: THRIVENT FOR LUTHERANS
HOLBROOK CENTER
10610 LIBERTY ROAD
BALTIMORE COUNTY, MARYLAND

2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

ENGINEERS: Consulting Engineers
849 Fairmount Avenue (410) 512-4500
Baltimore, Maryland 21286 (410) 324-4100 (FAX)
WHITNEY, BAILEY, COX & MAGNANI, LLC

STATE OF MARYLAND — JOHN P. DER — No. 9972 — REGISTERED PROFESSIONAL ENGINEER

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 #9972 Expiration Date: 08/01/08

DESIGNED:	PJC
DRAWN:	JAB
CHECKED:	JP
DATE:	09-10-07
SCALE:	1"=50'
DRAWING NO:	SE-1

Petitioner's Exhibit 1

© WBCM 2006

1) ALL STRUCTURAL ELEMENTS ARE FOR REFERENCE ONLY.
REFER TO STRUCTURAL DWG FOR FOUNDATION AND COLUMN LOCATIONS.

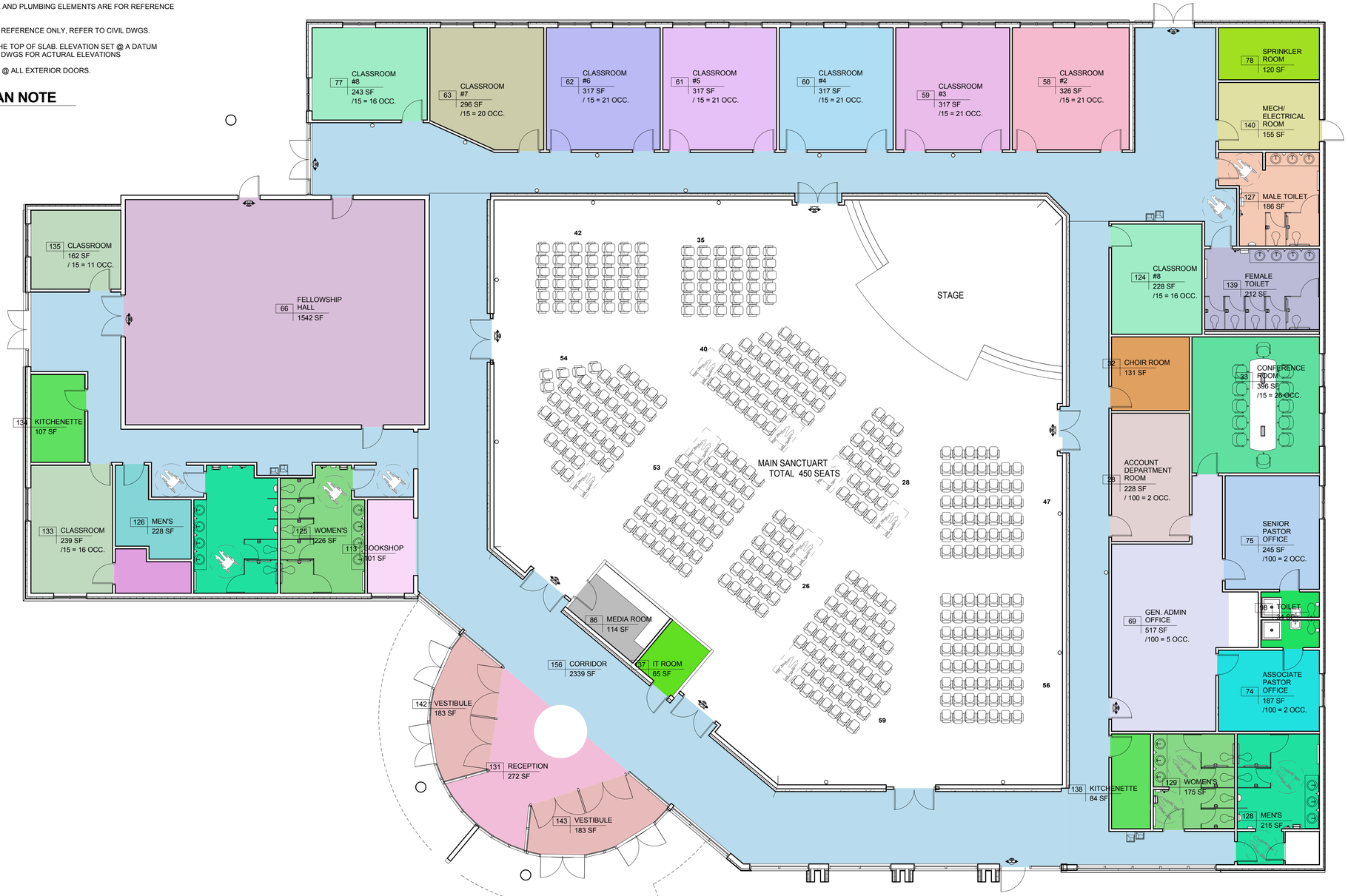
2) ALL MECHANICAL, ELECTRICAL AND PLUMBING ELEMENTS ARE FOR REFERENCE ONLY, REFER TO MEP DWGS.

3) ALL SITE INFORMATION IS FOR REFERENCE ONLY, REFER TO CIVIL DWGS.

4) ELEVATIONS ARE BASED ON THE TOP OF SLAB. ELEVATION SET @ A DATUM ELEVATION OF 0.00". SEE CIVIL DWGS FOR ACTURAL ELEVATIONS

5) PROVIDE METAL THRESHOLDS @ ALL EXTERIOR DOORS.

2 GENERAL PLAN NOTE
1/4" = 1'-0"



1 GROUND FLOOR PLAN
1/8" = 1'-0"

N

ARCHITECT:

PROACTIVE DESIGN + BUILDING SYSTEMS INC.

6505 Liberty Road
Baltimore, MD 21207
P:(443) 200-3107
(443) 226-8700
F:(443) 436-0148
Email: info@proactivedbs.com
www.proactivedbs.com

GOSPEL FAITH MISSION INTERNATIONAL ADDISION TO EXISTING BUILDING

10610 LIBERTY ROAD
RANDALLSTOWN, MD. 21133

Exhibit 11

No.	Description	Date

GROUND FLOOR PLAN

Project number	09-24-2013
Date	12-7-2017
Drawn by	Author
Checked by	S.O

A-1.1

Scale: As indicated

11/18/2021 6:49:29 PM

Exhibit 12

Kenneth W. Schmid

11022 Pfeffers Road
Kingsville MD 21087
410-274-8191 (Cell)
410-760-2911 (Office)

Professional Summary:
Traffic Engineer, 39 years of experience.

Skills:

Traffic Operations Analysis	Speed & Sight Distance Studies
Traffic Impact Studies	Intersection Delay Studies
Intersection Analysis	Parking Studies
Transportation Planning Studies	Trip Generation Analyses
Transportation Management Studies	

Computer software Packages: Microsoft software packages, TP +, MINUTP, Highway Capacity Software (HCS), SIDRA, Critical Lane Volume Analysis

Professional Associations:

- Institute of Transportation Engineers, 1985 - present

Professional Experience:

TRAFFIC CONCEPTS, INC
7525 Connelley Drive, Suite B Hanover, Maryland 21076

Vice-President/Senior Project Manager, January 1993-Present

- Project Manager for Traffic Impact Studies/Traffic Engineering Services Division.
- Develop price proposals and budgets for the preparation of traffic studies.
- Provide expert testimony at public hearings.
- Develop master planning studies, traffic impact studies, and parking studies for private and public sector clients.
- Address technical comments received from reviewing agencies and provide traffic mitigation strategies and solutions for clients.
- Represent clients at project Scoping Meetings, Planning Commission Meetings, Board of Appeals Hearings, and Community Input Meetings.

RONALD W. JOHNSON ASSOCIATES, INC.
2661 Riva Road Suite 420, Annapolis, Maryland 21041

Chief – Traffic Engineering Division, December 1989 – January 1993

- Managed the County Adequate Public Facilities Ordinance (Traffic)
- Provided staff support to the Planning Commission and County Council on transportation issues.
- Reviewed approximately 100 traffic impact studies for Queen Anne's County and recommended traffic mitigation measures to meet the APFO requirements.
- Reviewed major and minor subdivision/site plans for compliance with the County's Zoning Ordinance and the Comprehensive Plan.
- Generated technical subdivision/site plan comments and made presentations at County Council and Planning Commission Meetings.
- Initiated and directed general and specialized land use studies, which included vacant land inventories, site impact analysis and transportation corridor studies.
- Appointed liaison to Federal and State Agencies for Maryland's Smart Growth initiatives and the Federal Clean Air Act Amendment (Air Quality Conformity).

ANNE ARUNDEL COUNTY DEPARTMENT OF PUBLIC WORKS
TRAFFIC ENGINEERING DIVISION
Annapolis, Maryland 21401

Administrator, Office of Transportation, July 1999 – September 2002

- Developed the 2000 Transportation Plan, An Element of the Harford County Master Plan.
- Reviewed of more than 400 traffic impact studies and recommended traffic mitigation measures.
- Initiated and directed planning studies relating to land use and transportation planning, which included computer modeling, transit planning, and traffic impact analysis.
- Developed Transportation Demand Management Strategies for the County.
- Managed the County Traffic Count Program.
- Managed the County Rideshare Program.
- Developed the Unified Planning Work Program for each fiscal year.
- Developed the Transportation Improvement Program (TIP).
- Baltimore Metropolitan Council's Transportation Technical Committee Member.
- Baltimore Metropolitan Council's Bicycle and Pedestrian Advisory Group Member.
- Baltimore Metropolitan Council's Travel Analysis Advisory Group Member.

MARYLAND STATE HIGHWAY ADMINISTRATION, DISTRICT #5 OFFICE
Annapolis, MD 21401

Traffic Engineer I, II, III, May 1981 – December 1986

- Develop traffic signal design and signalization plans
- Review traffic signal design plans submitted by consultants
- Develop equipment and construction design specifications
- Development of traffic signal and traffic signal timing .
- Conduct traffic signal construction inspection
- Conduct various traffic engineering studies in order to make recommendations to the District Traffic Engineer

Publications:

- Developed the Signal Design Manual currently in use by the Maryland State Highway Administration Office of Traffic and Safety.

Expert Witness Experience:

Baltimore County, MD
Calvert County, MD
Caroline County, MD
Carroll County, MD
Cecil County, MD
Charles County, MD
Frederick County, MD
Harford County, MD
Howard County, MD
Prince George's County, MD
Queen Anne's County, MD
St. Mary's County, MD
Talbot County, MD

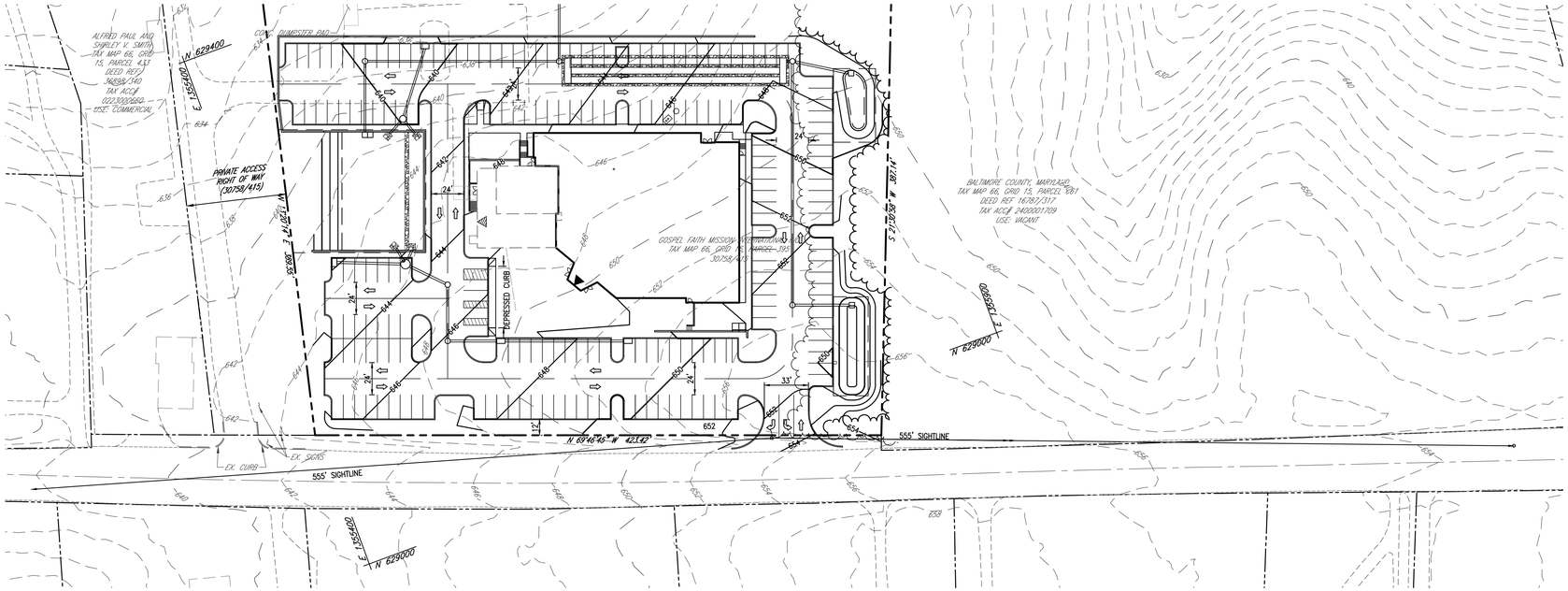
Baltimore City, MD
City of Annapolis
City of Elkton, MD
City of Frederick, MD
City of Bel Air, MD
Town of Bowie, MD
Town of Easton, MD

Education:

UNIVERSITY OF MARYLAND
College Park, MD 20740
B.A. Degree – Civil Engineering, 1981

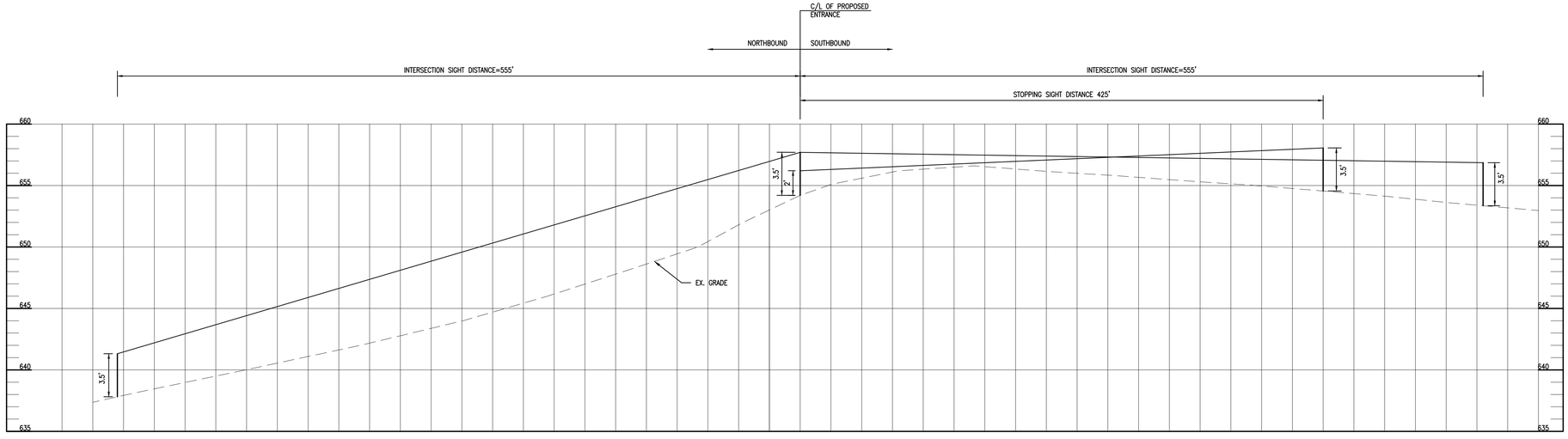
ESSEX COMMUNITY COLLEGE
Rosedale, MD 21237
1976 - 1978

BALTIMORE POLYTECHNIC INSTITUTE
1400 West Cold Spring Lane
Baltimore, MD 21209
Graduated 1976



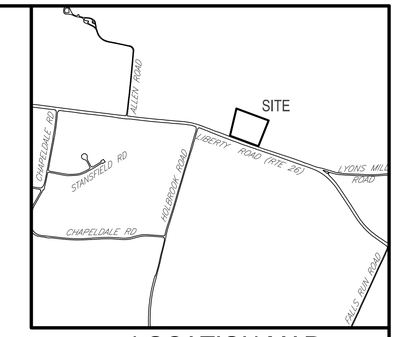
PLAN

SCALE: 1" = 30'



PROFILE

SCALE: H: 1" = 50'
V: 1" = 5'



LOCATION MAP

SCALE: 1" = 1,000'

GENERAL NOTES:

1. OWNERS: THE GOSPEL FAITH MISSION INTERNATIONAL INCORPORATED
   (HOUSE OF CHANGE BALTIMORE)
   10610 LIBERTY ROAD
   BALTIMORE, MARYLAND 21133
   TEL:(410) 992-6500
2. SITE AREA:
   NET 174,548 SF OR 4.007 AC.±
   GROSS 187,251 SF OR 4.299 AC.±
3. DEED REF:30758/0415
4. TAX ACCOUNT: #0208652480
5. COUNCILMANIC DISTRICT: 4TH
6. ELECTION DISTRICT: 2ND
7. CENSUS TRACT:402201
8. WATERSHED: PATAPSCO RIVER
9. THIS SITE IS SERVED BY PRIVATE WATER AND SEWER.
10. TAX MAP #66, GRID #15, PARCEL #395
11. ZONING:(PER 1"=200' ZONING MAP 66B02) – RO-CR, RC-3 & RC-7
12. EXISTING USE: CHURCH
    PROPOSED USE: CHURCH EXPANSION
13. BUILDING AREAS:
    EXISTING: 3,653 SF
    PROPOSED: 16,565 SF
14. FLOOR AREA RATIO
    BUILDING AREA 20,218 SF
    GROSS SITE AREA 187,251 SF
    FAR 0.11
15. PARKING
    REQUIRED:
    350 SEAT SANCTUARY: @ 1/4 SEATS = 88 SPACES
    TOTAL PROVIDED: = 195 SPACES
16. PRIOR ZONING HISTORY:

    CASE 1977-0167-SPHX
    SPECIAL EXCEPTION TO PERMIT THE USE OF THE EXISTING BUILDING AS AN OFFICE AND A SPECIAL HEARING TO PERMIT PARKING IN A RESIDENTIAL ZONE. GRANTED MARCH 16, 1977.

    CASE 2008-0136-SPHA
    SPECIAL HEARING AND VARIANCE REQUEST TO PERMIT A BUILDING WITH A GROSS FLOOR AREA OF 8,400 SF IN LIEU OF THE 6,600 SF AND A VARIANCE FROM SECTION 259.3.C.5 OF THE BCZR TO PERMIT A 110 FT FRONT YARD SETBACK IN LIEU OF THE 19.5 REQUIRED PER THE AVERAGING REQUIREMENT. GRANTED DECEMBER 20, 2007. SPECIAL HEARING TO AMEND THE PREVIOUSLY APPROVED PLAN AND ORDER IN CASE 77-167-SPHX. GRANTED DECEMBER 20, 2007.
17. NO KNOWN PERMITS ON FILE.
18. THE PROPERTY AND STRUCTURES ARE NOT HISTORIC.
19. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
20. SETBACKS REQUIRED – SEE CHART THIS SHEET
21. ALL SIGNS WILL CONFORM TO B.C.Z.R. SECTION 450 OR VARIANCES WILL BE REQUESTED PRIOR TO APPLYING FOR SIGN PERMITS.
22. THE BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
23. THE POSTED SPEED LIMIT ON LIBERTY ROAD IS 40 MPH.
24. ALL PROPOSED LIGHTING IS TO BE CUT-OFF DESIGN SO AS NOT TO SPILL LIGHT POLLUTION ONTO ADJACENT PROPERTIES.

Exhibit 13

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208
don@richardsonengineering.net

TRACKING: LIM-2019-00007 LIMITED EXEMPTION: 19012LN
PAI: 02-0791 DRC: 103117D

SIGHT DISTANCE EXHIBIT FOR GOFAMINT HOUSE OF CHANGE BALTIMORE

10610 LIBERTY ROAD

BALTIMORE COUNTY MARYLAND
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

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 NUMBER 16581, EXPIRATION DATE: 08-01-2021

STATE OF MARYLAND · DONALD N. MITMAN · NO. 16581 · REGISTERED PROFESSIONAL ENGINEER

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	DNM	DNM	1" = 30'
	DATE: 12-10-20	JOB NO.: 17098	SHEET NO.: 1 OF 1

Exhibit 14

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff **DATE:** 7/15/2020
Director, Department of Permits, Approvals and Inspections

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 20-138

INFORMATION:
Property Address: 10610 Liberty Road
Petitioner: The Gospel Faith Mission International, Incorporated
Zoning: RO-CR, RC 3, RC 7
Requested Action: Special Hearing, Special Exception, Variance

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

The site is located in Randallstown, in the rural area of Liberty Road, near the Carroll County line. The property is split-zoned RO-CR, RC 3 & RC 7 and is currently being used as a church. The applicant is proposing to expand the church on the east side for a total ground floor square footage of 16,565 square feet. The property is located adjacent to a commercial building to the west and Baltimore County recreation area immediately to the east. The property to the north is wooded and being used as agricultural.

The property was the subject of prior zoning hearings, cases # 1977-0167-SPXS and 2008-0136-SPHA.

The Department of Planning has no objections to the requests. Should the Administrative Law Judge grant the petitioner's requests, the Department of Planning recommends the following conditions be imposed:

1. Submit architectural elevations of the proposed addition to the Department of Planning for review and approval. Materials and colors should match those on the existing building.
2. Submit a landscape plan and a lighting plan to be approved by the Baltimore County Landscape Architect.
3. Consider breaking the proposed 29 parking spaces located to the north of the property with landscape islands (CMDP page 117).
4. Indicate on the plan the new location for the relocated signs. Provide signage details including dimensions and lettering. Employ signage materials that blend with the landscape. Signage should comply with Section 450 of the Baltimore County Zoning Regulations (BCZR).
5. Incorporate the proposed stormwater management facilities into the landscape setting and ensure that it meets condition I of the Baltimore County Landscape Manual.

6. The proposed plan does not indicate the location for a dumpster. If a dumpster is being proposed, mark it on the plan. Ensure that the proposed dumpster meets condition H of the Baltimore County Landscape Manual.

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

CPG/JGN/kma/

c: Ngone Seye Diop
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Dino C. La Fiandra Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

Exhibit 15

J. Mark Keeley, PTP

Project Manager/ Traffic Impact Studies

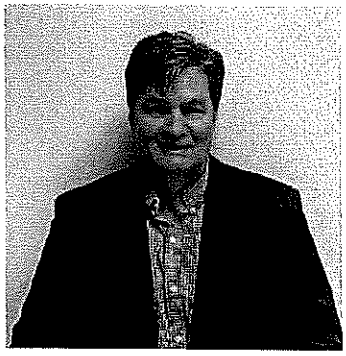
PROJECT ROLE
Lead Transportation Planner

Summary of Professional Skills:

Skills:

Traffic Operations Analysis
Traffic Impact Studies
Intersection Analysis
Transportation Planning Studies
Transportation Management Studies
Speed & Sight Distance Studies
Intersection Delay Studies
Parking Studies
Trip Generation Analyses

Computer software Packages: Microsoft software packages, TP +, MINUTP, Highway Capacity Software (HCS), SIDRA, Critical Lane Volume Analysis



Education
M.A. Geography/Planning
Towson University, 1993

B.A Salisbury University, 1987

Professional Registrations
Professional Transportation Planner (PTP) 2008 – Current

AICP, 2006 to 2010

YEARS EMPLOYED AS TANSPORTATION PLANNER
27

Professional Experience:

Traffic Concepts, Inc
7525 Connelley Drive, Suite B Hanover, Maryland 21076
Contact Number: 410-760-2911
Project Manager/Transportation Planner, July 2005 – Present

- Project Manager for Traffic Impact Studies Division;
- Develop price proposals and budgets for Traffic Impact Studies;
- Provide expert testimony at public hearings;
- Develop Master Planning Studies, Traffic Impact Studies, and Parking Studies for private and public sector clients;
- Address technical comments received from reviewing agencies and provide traffic mitigation strategies and solutions for clients;
- Represent clients at project Scoping Meetings, Planning Commission Meetings, Board of Appeals Hearings, and Community Meetings.

QUEEN ANNE'S COUNTY DEPARTMENT OF PUBLIC WORKS / DEPARTMENT OF PLANNING & ZONING
110 Vincit St #104, Centreville, MD 21617
Transportation/Land Use Planner IV, September 2002 – July 2005

- Managed the County Adequate Public Facilities Ordinance (Roads);
- Provided staff support to the Planning Commission and County Council;
- Review Traffic Impact Studies & recommended APFO mitigation measure requirements;
- Reviewed major and minor subdivision/site plans for compliance with the County's Zoning Ordinance and the Comprehensive Plan;
- Generated technical subdivision/site plan comments and present findings at County Council and Planning Commission Meetings;
- Initiated and directed general and specialized land use studies, which included vacant land inventories, site impact analysis, and transportation corridor studies;
- Appointed liaison to Federal and State Agencies for Maryland's Smart Growth initiatives and the Federal Clean Air Act Amendment (Air Quality Conformity).

J. Mark Keeley, PTP

Project Manager/ Traffic Impact Studies

PROJECT ROLE
Lead Transportation Planner

HARFORD COUNTY DEPARTMENT OF PLANNING AND ZONING
220 South Main Street Bel Air, Maryland 21014
Administrator, Office of Transportation, July 1999 – September 2002

- Developed the 2000 Transportation Plan, An Element of the Harford County Master Plan;
- Reviewed Traffic Impact Studies and recommended traffic mitigation measures;
- Initiated and directed planning studies relating to land use and transportation planning, which included computer modeling, transit planning, and traffic impact analysis;
- Managed the County Traffic Count Program;
- Managed the County Rideshare Program;
- Developed the Unified Planning Work Program;
- Developed the Transportation Improvement Program (TIP);
- Baltimore Metropolitan Council's Transportation Technical Committee Member;
- Baltimore Metropolitan Council's Bicycle and Pedestrian Advisory Group Member;
- Baltimore Metropolitan Council's Travel Analysis Advisory Group Member.

HARFORD COUNTY DEPARTMENT OF PLANNING AND ZONING
220 South Main Street Bel Air, Maryland 21014
Transportation Planner I & II, September 1993 – July 1999

- Planner assigned to the Edgewood Community Planning Council;
- Conducted transit-planning studies and rider-ship surveys for Harford Transit;
- Coordinated with the Harford Transit to develop new rural transit routes;
- Organized a Bicycle and Pedestrian Task Force to select bicycle routes;
- Managed the Commuter Assistance Grant for MTA;
- Developed a Regional Employees Commuter Option (ECO) Program for both the public sector and private sector businesses as mandated by the MDE;
- Prepared and reviewed Traffic Impact Studies for the County;
- Managed the Regional Travel Demand Model;
- Performed intersection analysis and recommended traffic mitigation measures.

Master Plan Writings:

- Co-author: 2000 Transportation Plan, Element of the Harford County Master Plan

Expert Witness Experience:

Baltimore County, MD	City of Easton, MD	Howard County, MD
Carroll County, MD	City of Elkton, MD	Town of Bel Air, MD
Harford County, MD	City of Salisbury, MD	Town of Denton, MD
Queen Anne's County, MD	Town of Centreville, MD	Westminster, MD
Montgomery County, MD	City of Frederick, MD	

EDUCATION:

TOWSON UNIVERSITY
M.A. Degree - Geography and Planning, 1993

SALISBURY UNIVERSITY
B.A. Degree - Political Science, 1987

MT. ST. JOSEPH HIGH SCHOOL 4403 Frederick Ave., Baltimore, MD 21229
Graduated 1983

Petitioner's Exhibit List
Case 2020-138-SPHXA
10610 Liberty Road
The Gospel Faith Mission International, Inc.
House of Change, Baltimore

Hearing Date: November 23, 2021

1. Mitten CV
2. Redline Zoning Plan (November 18, 2021).
3. Blackline Zoning Plan (November 18, 2021).
4. Existing Conditions (Colored Zones)
5. Proposed Conditions (Colored Zones).
6. Zoning Comments (5/14/2019).
7. SHA Approval (March 9, 2021).
8. Floor Plan (w/ Zone Line)
9. Building Elevations
10. Zoning Case 2008-136-SPHA
11. Floor Plan
12. Schmid CV
13. Sight Distance Exhibit
14. Department of Planning Comments (7/15/2020)

Board of Appeals of Baltimore County

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

January 25, 2023

NOTICE OF ASSIGNMENT

IN THE MATTER OF: The Gospel Faith Mission International, Inc. – Legal Owner
(House of Change, Baltimore)
20-138-SPHXA 10610 Liberty Road
2nd Election District; 4th Council District

Re: Petition for Special Hearing pursuant to BCZR §500.7 to:

1) Approve the building for religious worship (church) in all zones in which it is proposed as shown on the Plan to Accompany Petition for Zoning Hearing;
2) Determine whether the parking located in the RC 7 zone is permitted by right under BCZR §1A08.3.A.7.d as an accessory use to the principle use permitted by right under BCZR §1A08.3.E, or whether a special exception is required for parking in the RC 7 zone under BCZR §1A08.3.B.2.
3) In the alternative to Request No. 2, approve institutional parking in a residential zone pursuant to BCZR §409.8.B for 26 proposed parking spaces that partially extend into the adjacent RC 7 zone, as shown on the Plan to Accompany Petition for Zoning Hearing;
4) Determine whether the two Moro-Bioretention Facilities (SWM Facilities) located in the RC 7 zone are permitted by right under BCZR §1A08.3.A.7.d as an accessory use to a principle use permitted by right under BCZR §1A08.3.E, or whether a Special Exception is required for these facilities in the RC 7 zone under BCZR §1A08.3.B.2;
5) Determine whether a Variance from BCZR §§259.3.C.4 and 409.6 is required for the number of parking spaces in the RO-CR zone, specifically in this instance;
6) Determine whether the building height of 44 feet is permitted by right pursuant to BCZR §300.2, or whether a Special Exception under BCZR §259.3.B.3 or Variance under BCZR §300.7 is required;
7) For such further and other relief as the nature of the case may require.

Petition for Special Exception as follows:

1) In regard to Special Hearing Request Nos. 2 and 4, if the ALJ determines that a Special Exception is required for the parking or the SWM Facilities in the RC 7 zone (identified as Use Area A), then a Special Exception for parking and/or the storm water management facilities Use Area A as proposed on the Plan to Accompany the Petition for Zoning Hearing, as an accessory use to a church, pursuant to BCZR §1A08.3.B.2;
2) From BCZR §259.3.B.3 to approve a building for religious worship (church) of 8,710 sq. ft. on the ground floor in Use Area B in the RO-CR district in lieu of 6,600 sq. ft. permitted on the ground floor, and if the ALJ determines pursuant to Special Hearing Request No. 6 that a Special Exception for building height of 44 feet is required in this instance, then a Special Exception for a building height of 44 feet in Use Area B in the RO-CR zone in lieu of the 30 feet permitted.

Petition for Variance as follows:

1) Pursuant to BCZR §259.3.C.2 to allow a setback from the street right-of-way line to the building of 103 feet in lieu of a maximum setback of 19 feet otherwise permitted;
2) In the alternative to Special Exception Request No. 2 a Variance from BCZR §259.3.C.1 as follows:
   a) For a building with 8,710 square feet on the ground floor in the RO-CR zone in lieu of 6,600 sq. ft. on the ground floor in the RO-CR zone;
   b) If the ALJ determines pursuant to Special Hearing Request No. 6 that a Variance for building height of 44 feet in lieu of 30 feet otherwise permitted is required in this instance, then a variance for a

building height of 44 feet in the RO-CR zone in lieu of 30 feet otherwise permitted in the RO-CR zone.

3) If pursuant to Special Hearing Request No. 4, the ALJ determines that a Variance is required for the number of parking spaces in the RO-CR zone, then a Variance from BCZR §409.6 for 57 parking spaces in the RO-CR zone in lieu of 88 parking spaces required, or such lesser relief as the ALJ determines is necessary.

12/13/22 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing Request Nos. 1, 5 and 6 were GRANTED, Request No. 3 was DENIED, and Request Nos. 2 and 4 were withdrawn and are MOOT; Special Exception Request No. 1 was DENIED; and Request Nos. 2 and 3 were GRANTED; and the Variance request was GRANTED; all of the relief granted was subject to conditions.

ASSIGNED FOR: APRIL 19, 2023, AT 10:00 A.M.

The above scheduled hearing will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the hearing will be posted on our web calendar at** www.baltimorecountymd.gov/departments/appeals **the night before**.

A complete set of **exhibits must be emailed** at least **48 hours before the hearing** to **appealsboard@baltimorecountymd.gov** in a format that complies with MDEC (Maryland Electronic Court) standards.

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you require special accommodations, please contact this office at least one week prior to hearing date.

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled hearing.

Krysundra Cannington, Administrator

c. Counsel for Petitioner/Appellant : Dino C. La Fiandra, Esquire
Petitioner/Appellant : Pastor Taiwo Fabbuyi
The Gospel Faith Mission International, Inc.
(House of Change, Baltimore)

Counsel for Protestants : Michael R. McCann, Esquire
Protestants : Richard and Mary Vogelsang and Trina Vogelsang

Donald Mitten, P.E./Richardson Engineering, LLC

Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law

IN THE MATTER OF:

10610 LIBERTY ROAD
THE GOSPEL FAITH MISSION INTERNATIONAL INCORP.
CASE NUMBER: 2020-0138-SPHXA

Hearing Date: November 23, 2021

Pursuant to Notice, the above-entitled hearing was held before the Office of Administrative Hearings for Baltimore County by remote access.

PRESIDING:

PAUL MAYHEW, ADMINISTRATIVE LAW JUDGE

PRESENT FOR THE PARTIES:

DINO LA FIANDRA, ESQUIRE
Counsel for Petitioner

MICHAE MCCANN, ESQUIRE
Counsel for Richard, Mary and Trina Vogelsang

Christine R. Leary
crleary1@comcast.net

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[ON RECORD]

ALJ: All right. Good afternoon, everyone. It is November 23rd, 2021. This is a zoning hearing at the Baltimore County Office of Administrative Hearings. My name is Paul Mayhew. I'm the Administrative Law Judge assigned to hear and decide the case, which is case number 2020-0138-SPHXA. It's a special hearing/special exception/variance request for a property at 10610 Liberty Road. Counsel, please identify yourselves for the record.

MR. LA FIANDRA: Good afternoon, sir. My name is Dino La Fiandra. I'm an attorney in Towson, Maryland. I represent the Petitioner, The Gospel Faith Mission International Incorporated, House of Change Baltimore.

MR. MCCANN: And good afternoon, Judge. I'm Michael McCann on behalf of Richard, Mary and Trina Vogelsang, V-O-G-E-L-S-A-N-G.

ALJ: Okay. Thank you, counsel. All right. Mr. La Fiandra, you have the floor. I don't know if you want to give a brief overview or just get right to your witnesses. Unless there's anything preliminary to, that either one of you have.

MR. LA FIANDRA: Sir, I, it's a very brief overview if I might.

ALJ: Um hm.

MR. LA FIANDRA: The, I think it's more a matter of simplifying things. If you have the Petition before you, --

ALJ: I do.

MR. LA FIANDRA: -- I, I would say that the, the, the zoning case came about as a result of comments from the Department of, of, the Bureau of Zoning Review, the Office of Zoning Review to a, a, a limited exemption development plan that was being processed, which you'll see. You'll see the comments in the course of the hearing.

The Petition itself asks a number of questions in the section related to the special hearing. And for the purpose of this hearing, I would say that item number, special hearing request number two and number four, as it relates to determining whether a special, determining whether the parking in the RC-7 zone is permitted by right or whether a special exception is required.

And determining whether the storm water management facilities in the RC-7 zone are permitted by right or a special exception is required. We're, we're going to move forward with the special exception. We, we're not going to be submitting evidence on the point that those are, are permitted by right in this hearing. So, we'll just be moving forward with the special exception on, on those two --

ALJ: Okay. So, they're withdrawing request numbers two and four of your special hearing relief?

MR. LA FIANDRA: For the purposes of this hearing, we, we will just be moving forward with a special exception

request.

ALJ: Okay.

MR. LA FIANDRA: We're not withdrawing it for the purpose of the Petition, but just for the purposes of this hearing, we're moving forward with the special exception request. If there's an appeal for any reason, we'd like to preserve the, the, we'd like to preserve the, the, those items for the purpose of any appeal that might, that, that we may need to move forward with. But for the purpose of this hearing, we're going to be moving forward with the special, with, with proof of the special exception on those two points. So, you don't need to make the decision as it relates to the special hearing.

ALJ: Mr. McCann, do you have any comment on that request?

MR. MCCANN: Yeah, I'm a little surprised by it, but I'm not so sure we can do that, Your Honor. I understand the appeal might be de novo. But I don't think you can withhold issues on a Petition you file and just, you know, avoid your adjudication of them and then give it another shot.

ALJ: Yeah, I mean, I, I have not considered that question before. I've, I've not had anyone make such a request. I don't know without giving it some more thought and maybe some research whether that's something you can do, but.

MR. LA FIANDRA: Well, we'll be, we'll be presenting

the evidence at the special hearing, of the special exception.

MR. MCCANN: Yeah, I don't want (inaudible) --

ALJ: I'm not telling you how to, how to present your case, Mr. La Fiandra, of course. But I'm also not vouching for the fact that the special hearing request will be preserved if you, if you do not present it at this level. So, I, I just don't know what the answer to that question is. And it, it may be moot if, obviously it will be moot, if the special exception is, is granted, but.

MR. LA FIANDRA: That's right. And, and that being said, I think that we can move on.

ALJ: Okay.

MR. LA FIANDRA: So, with that, I will call Don Mitten, who is present on the line to present, to present testimony.

MR. MITTEN: Good afternoon, gentlemen and lady.

ALJ: Good afternoon, good afternoon.

MR. LA FIANDRA: And I will start sharing some exhibits.

MR. MCCANN: You know, if you want you can proffer his expertise and the areas of his testimony, rather.

MR. LA FIANDRA: Thank you. I have Mr. Mitten's test, Mr. Mitten's resume, his c.v. and I am going to, I would like to offer Mr. Mitten as a, an expert in civil engineering and land development and the Baltimore County zoning and

development regulations. I believe he's been offered and accepted in these areas before the Office of Administrative Hearings before and Mr. McCann has offered, has offered to accept a proffer in those areas. Mike, Mr. McCann?

MR. MCCANN: Yeah, I have no objection to him, to him being (inaudible) --

ALJ: Okay. He'll be admitted as such then, as an expert in engineering, land planning and the BCZR.

MR. LA FIANDRA: Thank you. Mr. Mitten, do you recognize exhibit number two that I'm showing you on the screen?

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: And what is this?

MR. MITTEN: Exhibit number two is a red lined plan showing changes from the original zoning plan we submitted.

MR. LA FIANDRA: And what are, what are the, what are the changes that, that you, that you made to this, that are reflected on this red line plan?

MR. MITTEN: Changes are as follows. We relocated the entrance from the west side of the property to the east side of the property, we restriped some parking spaces. We also showed some additions to the storm water management facilities. We added a quality manage, a quantity management facility at the back of the church.

We have also changed a number of seats shown from

three hundred fifty to four hundred fifty to make that conform to our development plan, which was circulating. And also, since we revised the number of required spaces from eighty-eight to one thirteen, again, to confirm, conform to the development plan.

MR. LA FIANDRA: And now, the, I also see that there's a change to the number of parking spaces that are provided.

MR. MITTEN: Yes, that, that came about as, from our restriping and reorganizing of the entrance.

MR. LA FIANDRA: Okay and was that an increase in the number of parking spaces provided or decrease in the number of parking spaces provided?

MR. MITTEN: I think we decreased. Let me just show you, I can't see this plan well on the screen because of a --

MR. LA FIANDRA: Pardon me. Let me see if I can find that for you.

ALJ: Looks like a hundred thirteen are provided and --

MR. MITTEN: We went up one space from one ninety-four to one ninety-five.

MR. LA FIANDRA: Okay. Just so there's no misunderstanding, the one thirteen that's shown here, do you see it, Mr., Mr. Mitten? And what does the one thirteen refer to?

MR. MITTEN: The one thirteen requires, it refers to the number of spaces required for four hundred fifty seats.

MR. LA FIANDRA: And the one hundred ninety-five, what does that refer to?

MR. MITTEN: That, that refers to the number of spaces provided on the site plan.

MR. LA FIANDRA: And that's the red line number, am I correct?

MR. MITTEN: That's the red line number.

MR. LA FIANDRA: And the red line number, the one ninety-five, what does that replace?

MR. MITTEN: One ninety-four.

MR. LA FIANDRA: Okay. So, that's a net increase of one, of one space provided?

MR. MITTEN: Yes.

MR. LA FIANDRA: Now, this, the, the four hundred fifty number, can you explain to the Judge how that came about? What was that?

MR. MITTEN: I, to be quite plain and simple, I made a mistake. I, I put the wrong number down when I prepared the designing plan. The four hundred fifty has always been there on the development plan. I can't give you a good reason why I made the mistake, but I did.

ALJ: You know, the world would be a better place, Mr. Mitten, if more people would just do that.

VOICE: (inaudible) mistakes.

ALJ: Admit that they've just made a simple mistake.

MR. LA FIANDRA: Okay. We don't need to, thank you. We don't need to harp on that, but so that, that, that, that four hundred fifty corrected an error that was brought about with the, the, the three fifty and, and the, the, the three, the one hundred and thirteen corrects the earlier error for the number of spaces that was required, is, is that correct, Mr. Mitten?

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: Okay. Now, and those are the changes to the plan as, as compared to what was submitted with the zoning Petition. Is that the sum total of the changes that were, that, compared to the, the plan that was submitted?

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: And I'm showing you Exhibit 3. What is Exhibit 3, sir?

MR. MITTEN: Exhibit number three is just the, the plans that were shown, the changes that were shown in red have now been put into black and the plan was updated. So, the previous exhibit showed where the changes occurred and this plan shows the plan with the changes made, not in a red line form.

MR. LA FIANDRA: Okay. And moving on to Exhibit 4. What is exhibit --

ALJ: Could, could you mute everyone who is not currently testifying or questioning?

VOICE: I just did.

ALJ: Thank you.

VOICE: I just did. Thank you.

MR. LA FIANDRA: Sir, what does Exhibit 4 show?

MR. MITTEN: Exhibit 4 shows the existing conditions with the different zones shaded in different colors, just to make it easier to describe because it gets a bit complicated when you start talking about the (inaudible), you know, CR on the left-hand side of the page and the line goes, and the line goes there. So, this, it's just an attempt to make it easier to understand.

MR. LA FIANDRA: So, let's take a few moments to describe the existing conditions for the Judge based, based on, using this plan as the existing conditions plan.

MR. MITTEN: Okay. The, the, the site is located on the north side of Liberty Road, approximately one thousand feet west of the intersection of Liberty Road and Lions Mill Road. The site has a gross area of approximately 4.3 acres and is mostly cleared except for a narrow strip of woods approximately fifty feet wide along the eastern boundary.

The site is gently sloped from the southeast corner of the property to the middle of the north, northern property line. A portion of the site drains towards the western

boundary. The, the site is currently split zoned and is mostly zoned RC-3, which is the green area, with a lesser amount of ROCR on the southwest corner of the property, which is the yellow shaded area, and a strip of RC-7 along the eastern boundary, which is the red shaded area.

The property is currently improved with an approximately three thousand six hundred fifty square foot church building and associated parking. The site is served by an existing well and septic system.

The existing access to the property is currently located within an existing private right of way located on the adjacent property on the western side of the property. The access road is currently used by both the church and the neighbors on the north side of the church property. And provides access to Liberty Road, which is situated adjacent to the southern boundary of the property.

An existing conditions (inaudible) property is directed towards an (inaudible) property line, as well as towards the western property line.

MR. LA FIANDRA: If I may, could you, that last point that you made, could you explain that a little? I'm not sure I understood what you were saying.

MR. MITTEN: So, excuse me, if you look at the, the bottom righthand corner of the plan, that's where the highest part of the property occurs. And then water naturally funnels

down, as (inaudible) funnel down towards the northern property line, approximate, say to the northern property line. You'll see a cross hatch area up on that northern property line. That's where most of the runoff at the moment is going.

But as you, as you progress to the western side of the property, the contours slope away from that northern property line. So, a portion of the site will naturally drain to the west and the, and a larger portion will drain towards that lower point on the northern property line.

MR. LA FIANDRA: Okay. Now, you were making a point earlier in your answer to that, answer to that question about the access easement and the access drive. And I wanted to make sure that the Judge understood what you were referring to. To the left of the, the colored parcels, the colored zones on the parcel, there's a, a, a narrow rectangle that I'm pointing my cursor, my pointer to. Is that the access easement that we're referring to?

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: And within that rectangle there appears to be what looks like a driveway, is that the --

MR. MITTEN: There's an existing driveway, which goes up probably three-quarters of the way, a use in common driveway, that are used by the Vogelsangs and the church. And then, as you continue, continue further north, the Vogelsangs use that to access their property.

MR. LA FIANDRA: Now, is it your understanding that this entire rectangular area is property that belongs to the Vogelsangs?

MR. MITTEN: I believe it belongs to the Vogelsangs, yes.

MR. LA FIANDRA: And its, is it your understanding that the, the church has an easement to use this, use in common, with the Vogelsangs?

MR. MITTEN: There's a right of way referred to in the deed of the church, if that, I think it's fifty foot wide.

MR. LA FIANDRA: Okay, okay. Do you have any other comments on the existing conditions with regard to this, this exhibit?

MR. MITTEN: No.

MR. LA FIANDRA: Okay. Moving on to Exhibit 5, what does this show?

MR. MITTEN: Exhibit 5 shows what, what we propose to do on the site and the proposed development to the site consists of the following elements. So, we have construction of a sixteen thousand, six hundred, approximately square foot addition to the existing three thousand six hundred and fifty square foot church building.

We have associated parking that supports that building. We have an onsite sewage disposal system, which is located just north, on the northeast side of the building. We

have storm water facilities that will provide both quality and quantity management. And this also includes onsite storm drains.

We will have landscaping and lighting on the, on the plan, or on the site. Access to the site will now be directly to Liberty Road on the southeast side of the property. And I think that sums up what we propose to do.

MR. LA FIANDRA: Okay. So, then taking this one element at a, at a time, if, if you might break this down a little bit. With regard to the zone, the, the colors on the map, I don't want to, I don't want to put words into your mouth, but maybe you can break it down a little. What, what are the, what are the colors on the map show?

MR. MITTEN: Again, the colors represent, the yellow colors, the yellow shaded area represents the portion of the property that's zoned ROCR, the green represents the portion of the property zoned RC-3 and the red shaded area represents the portion of the property zoned RC-7.

MR. LA FIANDRA: Okay. So, then, what is, why, why, tell, tell the Judge what is proposed in the RC-7 zone specifically.

MR. MITTEN: What is proposed in the RC-7 zone are two small water quality storm water management facilities. And also approximately, there's a strip of parking which is about six foot wide over the, all the parking spaces down that

western side of the property, or sorry, the eastern side of the property. So, especially the storm water management facilities and a portion of the parking, which encroaches into the RC-7 zone.

MR. LA FIANDRA: Okay and what is proposed in the ROCR, the, the yellow area?

MR. MITTEN: What's proposed there? We've got a portion of, well, the existing building is obviously in the RC, the ROCR portion of the site, as well as a portion of the new building. So, and then also we have associated parking and storm water management in that ROCR zone as well as storm drains.

MR. LA FIANDRA: Okay and then, this green area?

MR. MITTEN: The green area, which is the RC-3 area, which is the bigger portion of the property, will accommodate the remaining portion of the new church building, as well as parking, the septic area, septic system and the storm, storm drain outfall area.

MR. LA FIANDRA: Now, tell us about the process that you've, have you been involved with this, have you been involved with this development proposal since its inception, so to speak?

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: And what, what process has this development proposal gone through?

MR. MITTEN: So, the, the first step we did was we applied to the Development Review Committee, DRC, for a limited exemption, which we obtained, I think, was in 2017. And they granted what they call a B-8 exemption, which allows us to not have any public hearings and go straight to the preparation of a development plan.

So, we have since that time submitted the development plan and have received our first round of comments, at which, which they, which certain issues were raised by the Zoning Office. And so, before continuing, we also had other issues with the State Highway Administration, so all, what happens is, all the review agencies make comments, and then what we would do is we would go and address all those comments and obtain approval from every agency.

And once we got all the, the agency approvals, we would get the development plan approved and signed, and then we would move on and do our final design.

But since we had some zoning issues come up, we have stopped the process of, of processing the development plan and, and now being the zoning case, once the zoning case is over and whatever decision is reached, we'll either modify the plan or react to the, to the zoning situation. And then we'll proceed to get the development plan approved.

MR. LA FIANDRA: Okay. Do you recognize these, exhibit number six?

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: And what is that?

MR. MITTEN: It's the zoning review comments for the limited exemption plan.

MR. LA FIANDRA: And, and tell, tell the Judge about these comments and, and what, and what you did as a result of them.

MR. MITTEN: Yeah, could you just make that a little bit bigger for me? It's not showing up quite big on my screen.

MR. LA FIANDRA: Is that better?

MR. MITTEN: Okay. That's, that's great. So, these are, the, the first one, general note number twelve, they, what, what they're saying is there was no permit to convert a church or to, to take care of the conversion of the office back to a church. And hopefully by, by this zoning case, we will take care of that issue because we will now have permission to put the church on the site.

And then, number two is pretty straight forward (inaudible) note to the development plan stating that the existing building will remain. And then there was note number twenty-five, that's just a housekeeping note, they will change that.

And then the fourth comment was about the parking in the RC-7 zone, which is the purpose of today's hearing. And then also the storm water management is in the RC-7, which

again, is the purpose of today's hearing.

So, that's how we're going to address, depending on the outcome of this zoning case, we will update the notes, add notes to the development plan and we'll move forward.

MR. LA FIANDRA: And you, you've read the Petition in this case, have you not?

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: In addition, so, is it fair to say that in addition to the items that were identified by the zoning office, that we've identified additional issues as well, is that fair to say?

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: Okay. So, I, I didn't want to leave the Judge with the impression that these were the only issues that were in the, in the zoning Petition, that there were a number of other issues as well. Okay. Now, going back to the red lined development plan and I'm going to pull up the one that you prepared with the color. I think that that's helpful for the Judge to see.

I'd like to address the issue of the realignment of the entrance. Can you discuss why, how, why it is that on, that between the time that the plan was filed and the time of this hearing, the entrance has been relocated?

MR. MITTEN: So, on the, when we did the development plan, we had shown, we had shown an entrance right in the

middle of this property as, and that's sort of what the church wanted. They wanted to bring the traffic came in and faced the building. So, that's, that's the current development plan shows that entrance.

Subsequent to that, the State Highway Administration, in their comments, development plan comments, made a comment that sight distance, sight distance was an issue if we were in the middle. We needed to move the entrance, the access point for the church, to the west. So, that's what we showed, we showed on the original plan.

Subsequent to that, the Planning Office, Mr. Lippincott, I believe it was, notified us that there was an agricultural preservation easement, or some environmental easement, on that fifty-foot strip of land, and he wasn't to keen for us to have the entrance there.

So, now we couldn't have it on the left like the State wanted, we couldn't have it in the middle because the State didn't want that, so we moved it all the way to the southeast corner, where we could obtain sight distance. Because as you're moving from the west to the east on Liberty Road, as the road goes up, and as you get further to the east of the property line, it starts cresting on the top of the hill.

So, the further you move to the east, the better your sight distance becomes. So, we, we relocated the entrance to

the southeast corner of the site and the State Highway Administration subsequently concurred and approved that location. So, that's how that change came about.

MR. LA FIANDRA: And, and, and you mentioned that the State Highway Administration has reviewed this entrance here?

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: And they approve of that entrance, that entrance location?

MR. MITTEN: They've approved that location.

MR. LA FIANDRA: Do you recognize this exhibit number seven?

ALJ: And, and so, just, just so I'm clear, you are not, you're, you're, you no longer intend to use that, that right of way for exit purposes either?

MR. MITTEN: For, yeah, that's correct. We're not going to be using that right of way at all anymore.

ALJ: Okay, all right.

MR. LA FIANDRA: I lost control of my screen for just one second. I wanted to go back to this Exhibit 7. There we go. Sir, the, Exhibit 7, does this indicate that the State Highway Administration has approved the alignment of the entrance at the southeast corner of the property?

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: Okay. Now, and then just following up on the Judge's question, I wanted to go back to the red

line. Pardon me, I, there we go. Are there any, are there any connections between the, the church's property and the right of way remaining between the church's property and the, the use in common right of way remaining on, on this red line plan?

MR. MITTEN: No, we, we are not connecting to the fifty foot right of way.

MR. LA FIANDRA: Okay, okay. So, then sticking with this red line development plan, red line zoning plan, what, what zoning issues are there? What zoning issues are presented by this plan?

MR. MITTEN: So, there are a few issues. The first one is that we have, we're not meeting the bulk requirements for the CR zone. So, we, we are proposing eight thousand seven hundred and ten square feet on the ground floor in lieu of a sixty-six hundred otherwise permitted in the ORCR zone. That's one issue.

The second issue is (inaudible) proposing, and this goes back to the, the Zoning Office comments, we're proposing storm water management facilities and parking in the RC-7 zone.

The third issue is that in the ROCR zone, the, the regulations require that parking is provided, the required parking for the CR zone is provided in the CR zone. So, we obviously have an abundance of parking on the property, but not all of it is in the CR zone. It's spread out over the RC, RC-3 zone, the CR, the ORCR zone and some portion of it in RC-7

zone.

And then the other issue is that our building height is approximately forty-four feet and the maximum height in the CR district is thirty feet. (inaudible) Section 72 or 300.2 allows for a height of fifty feet for all religious worship buildings. So, that's just an issue that's out there.

And then we have a setback issue because of the ROCR zone, we're required to have a fifteen foot minimum setback and the maximum setback is (inaudible) provision, which is meant to be the average of the adjacent building setbacks. So, in our case we have 19.42 building, which actually is not adjacent to us, it's one piece of property removed. And then, we have nothing on the righthand side.

So, there, we're required, and that comes from (inaudible) the building is 19.42 feet. So, (inaudible) we have to be fifteen and 19.42 feet and we are eight hundred feet. So, those are the issues we have to deal with today.

MR. LA FIANDRA: Okay. So, digging right in, the, the special exception for the church with a ground floor area of eight thousand seven hundred and ten squared feet in lieu of the sixty-six hundred square feet otherwise permitted, what are the adverse effects typically associated with a church, with a church of eighty-seven hundred, well, with a church in the ROCR zone? What are the, what are the adverse effects typically associated with a church in the ROCR zone?

MR. MITTEN: The normal issues are traffic, increased traffic, impervious areas, storm water management runoff and then other minor conven, inconveniences, like noise, etcetera. Those are the main things that normally come up with churches.

MR. LA FIANDRA: And is there any indication that those adverse effects would be worse in a sense of unique and different here than they would be if the church were located elsewhere in the ROCR zone?

MR. MITTEN: No. And I, I think it's actually better here because the RC, I mean, the ROCR zone is so small in comparison to the whole site, and everything is spread out on the site so.

MR. LA FIANDRA: Can you expound on that answer?

MR. MITTEN: Well, the RO, ROCR zone takes, takes up a small portion of, or a smaller portion of the property, the whole property, the property as a whole and the development in the ROCR zone is, the actual building itself is negligible compared to the whole site. So, if the whole site was RC-7, I mean, ROCR, that would be a different situation to what we have now, because we kind of minimal.

MR. LA FIANDRA: So, what does that mean for your development in terms of, for example, here you have the rest of the site, a vast, much of the site is RC-3 --

MR. MITTEN: Well, for example, --

MR. LA FIANDRA: What does, what does your previous

statement mean with regard to the, the presence of the, the CR, pardon me, the RC-3 zone on this site?

MR. MITTEN: I think it just, it sort of gives you the buffer and we're doing all our mitigation as, storm water management mitigation, is all done outside the zone, or the ORCR zone, so it makes it, I think it makes it a better situation from that perspective.

MR. LA FIANDRA: And what about the size of the building at eighty-seven hundred and ten square feet on the first floor? Does that, the ground floor area of eighty-seven hundred and ten square feet in lieu of the sixty-six hundred square feet, do, are there any adverse effects that you would attribute to, to that aspect of the building itself that would be unique and different in the, in the sense of being worse here than there would be elsewhere, if, if located elsewhere?

MR. MITTEN: I don't think it, I don't think it will be worse than elsewhere.

MR. LA FIANDRA: What can you say about the marginal effect of the additional twenty-one hundred and ten square feet of, of ground floor area in the, in the context of this, of this development?

MR. MITTEN: Well, I think it's a small percentage of, a smaller percentage of the whole site, of, of the whole development. So, again, I don't think it makes, makes much of a difference.

MR. LA FIANDRA: And let me let you see the site plan. Do you, do you happen to recall what the overall size of the building is? The entire building?

MR. MITTEN: I've got it written down somewhere. It's --

MR. LA FIANDRA: Let me direct your attention to note, note fourteen.

MR. MITTEN: Yes, that's it. It's twenty thousand two hundred and eighteen square feet.

MR. LA FIANDRA: Okay. So, would the additional two thousand one hundred and ten square feet be a, in the, in the ROCR zone, how would you characterize that in terms of the overall size of the building?

MR. MITTEN: I would say it's not that significant.

MR. LA FIANDRA: Okay. The, would the adverse effects be, would this, would the adverse effects be, would the approval be detrimental to the health, safety or general welfare of the locality in, involved here?

MR. MITTEN: No.

MR. LA FIANDRA: Would it tend to create congestion of roads, streets or alleys of this locality?

MR. MITTEN: No.

MR. LA FIANDRA: Would it create a potential for, a potential hazard from fire, panic or other danger?

MR. MITTEN: No, sir.

MR. LA FIANDRA: Would it tend to overcrowd the land or cause undue concentration of population?

MR. MITTEN: No, sir.

MR. LA FIANDRA: Would it interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements?

MR. MITTEN: No, sir.

MR. LA FIANDRA: Would it interfere with adequate light and air?

MR. MITTEN: No, sir.

MR. LA FIANDRA: Would it be inconsistent with the purposes of the property's zoning classifications, or in any other way consistent with the spirit and intent of the zoning regulations?

MR. MITTEN: No, sir.

MR. LA FIANDRA: Would it be inconsistent with the impermeable surface and vegetative retention provisions of the zoning regulations?

MR. MITTEN: No, sir.

MR. LA FIANDRA: Does the proposed development take into account existing and proposed roads, topography, existing vegetation, soil types and the configuration of the site?

MR. MITTEN: Yes.

MR. LA FIANDRA: Does the proposed development disturb slopes with grades exceeding twenty-five percent?

MR. MITTEN: No.

MR. LA FIANDRA: Will it minimize disturbances to vegetative areas, wetland, wetlands and streams?

MR. MITTEN: Yes.

MR. LA FIANDRA: Will it not result in undue site disturbance or excessive erosion and sediment loss?

MR. MITTEN: Yes.

MR. LA FIANDRA: Will infiltration be maximized, and storm water management discharge be de, decentralized?

MR. MITTEN: Yes.

MR. LA FIANDRA: Will architecturally, this is all pertaining to the ROCR districts, sir. Will architecturally his, his, will architecturally or historically significant buildings and their settings be preserved and integrated into the site plan?

MR. MITTEN: Yes.

MR. LA FIANDRA: So, are there historically, architecturally or historically significant buildings?

MR. MITTEN: (inaudible) I actually should just stick to the architecture part because I believe the architect incorporated the existing building into his overall design. So, I will, I will change the answer to the historical, because I don’t believe they are historically significant buildings.

MR. LA FIANDRA: Okay. Are the buildings sighted to protect scenic views from public roads?

MR. MITTEN: Yes.

MR. LA FIANDRA: And so that natural and rural features, including, but not limited to, pastures, croplands, meadows and trees, are preserved to the extent possible?

MR. MITTEN: Yes.

MR. LA FIANDRA: And the, the proposed development will not be detrimental to neighboring uses and the tranquility of the rural area through excessive noise and will not result in, in nuisance or air pollution from dust, fumes, vapors, gases and odors. Is there any indication that any of that will result?

MR. MITTEN: No, it won't result in that.

MR. LA FIANDRA: Okay. Okay, moving onto the --

ALJ: Mr. La Fiandra, for my benefit --

MR. LA FIANDRA: Sure.

ALJ: -- what's the, what's the BCZR reference for those factors you just, ticking off?

MR. LA FIANDRA: That's 259.3-E.

ALJ: All right.

MR. LA FIANDRA: Moving on to the special exception for the, the parking and the storm water management accessory to the church and the RC-7 zone, sir. What adverse effects would you typically associate with a building for religious use like a church in the RC-7 zone?

MR. MITTEN: Again, it would be the traffic,

impervious area increase and probably moderate inconveniences like noise and such, basically the same as, as the ROCR.

MR. LA FIANDRA: And do you have an opinion as to whether these adverse effects would be unique and different here in, in, in the, in the, in the sense of worse here compared to the adverse effects that would otherwise result from the development of a church anywhere within the RC-7 zone?

MR. MITTEN: I do not believe it would be worse.

MR. LA FIANDRA: And, and how, on what do you base that opinion?

MR. MITTEN: Because it's, it's, particularly this, in this particular case, the, the increase is so small, it's, it's minor, a very minor impact to the RC-7 zone. So, it's actually, from a, from a, if the whole site was RC-7 it would obviously be a bigger impact. But since this is so small, it's a, it's a minor, minor impact to the RC-7 zone, which is being mitigated by storm water management in any case. So, I don't think it's going to be worse at all.

MR. LA FIANDRA: Now, if you could just take a moment to, to, to expound on your answer, particularly the part where you said mitigated by storm water management. What, what do you mean, and can you please explain that a little more for the Judge?

MR. MITTEN: Yeah, so, one of the things I said was that there would be an increase in, in, in impervious area.

And if you increase the impervious area, you have to normally treat that increase in impervious area because you get more runoff and there are pollutants from the parking lot.

So, in this case, the portion of parking area is very small within the RC-7 and that runoff will be treated in the two-storm water management quality facilities that are being proposed in the RC-7 zone. So, that's what I'm talking about mitigating this increase in impervious area will be managed from a quality perspective and a quantity perspective.

MR. LA FIANDRA: Okay. Now, now, the third item that you had identified, I believe, was the parking in the, do you have any other comments before I move onto the parking?

MR. MITTEN: No.

MR. LA FIANDRA: No other comments about the special exception? Oh, we should probably, for the record, are you, are you familiar with, we had just gone over the special exception criteria from the BCZR Section 502.1 with regard to the expansion of the church in the ROCR district. You recall doing that just a minute ago?

MR. MITTEN: Yeah, let me just get, yeah.

MR. LA FIANDRA: Will the, the accessory uses for the, for the church in the RC-7 zone, I'll just go through it very quickly, be detrimental to the health, safety or general welfare of the locality here?

MR. MITTEN: No.

MR. LA FIANDRA: Would it tend to create congestion in the roads, streets or alleys?

MR. MITTEN: No.

MR. LA FIANDRA: Be a potential hazard from fire, panic or other danger?

MR. MITTEN: No.

MR. LA FIANDRA: Would it tend to overcrowd the land or cause undue concentration of population?

MR. MITTEN: No.

MR. LA FIANDRA: Would it interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements?

MR. MITTEN: No.

MR. LA FIANDRA: Interfere with adequate light and air?

MR. MITTEN: No.

MR. LA FIANDRA: Be inconsistent with the property zoning classification or in any way, or in any way inconsistent with the spirit and intent of the, of the zoning regulations?

MR. MITTEN: No.

MR. LA FIANDRA: Be inconsistent with the impermeable surface and vegetative retention provisions of the zoning regulations?

MR. MITTEN: No.

MR. LA FIANDRA: Okay. Now, with regard to the

parking in the ROCR zone, how do you determine the required number of parking spaces for a church?

MR. MITTEN: For a church, the parking is based on the number of seats in the facility. And you need to provide one parking space for every four seats.

MR. LA FIANDRA: Now, I want to be very clear, is it in the facility or is it in a particular place (inaudible)?

MR. MITTEN: Well, I think the, the, the zoning code doesn't specify particular zones, it just talks about the building. So, if four hundred and fifty seats would require the hundred and thirteen spaces. So, (inaudible), except now the CR talks about parking must be (inaudible) in the CR zone.

MR. LA FIANDRA: Let me just take a moment, just give me one second. I just want to. Do you see the zoning regulations before you?

MR. MITTEN: No.

MR. LA FIANDRA: You don't see it on the screen, sir?

MR. MITTEN: No, I see a red line plan. Actually, I beg your pardon, I do see it now.

MR. LA FIANDRA: Okay. So, it's a church, house of worship or religious, one per four seats in the principal place of worship, do you see that?

MR. MITTEN: Yes.

MR. LA FIANDRA: Okay. Now, going back to the red line plan. How many seats are located in the main sanctuary of

this church? We've gone over this, but just for the sake of this exercise.

MR. MITTEN: Four hundred and fifty.

MR. LA FIANDRA: And how many parking spaces are, are located on the site?

MR. MITTEN: One hundred and ninety-five.

MR. LA FIANDRA: Now, the, as you noted earlier, four hundred and fifty seats require how many parking spaces?

MR. MITTEN: One hundred and thirteen.

MR. LA FIANDRA: So, the site as a whole would seem to have a surplus of parking spaces, is that correct?

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: Okay. Now, do you recognize Exhibit 8? Do you see Exhibit 8?

MR. MITTEN: I'm seeing Exhibit 7.

MR. LA FIANDRA: You don't see Exhibit 8 on your screen?

MR. MITTEN: Now I see Exhibit 8, yes.

MR. LA FIANDRA: I guess there seems to be a little bit of a lag, I'm sorry about that. So, you see Exhibit 8 now?

MR. MITTEN: Yes.

MR. LA FIANDRA: Do you recognize it?

MR. MITTEN: I recognize it.

MR. LA FIANDRA: Okay. Why don't you tell the Judge what this shows?

MR. MITTEN: So, what, what I did on this particular exhibit, I obtained the floor plan from the architect and I superimposed on that floor plan the zoning line between the RC-3 zone and the ROCR-3 zone, which is the line going, you'll see a dark line going along the top side of the plan and then coming vertically down through the sanctuary.

ALJ: Yep.

MR. MITTEN: And then we highlighted the number of seats in the ROCR zone, and the other ones just remain unhighlighted.

ALJ: Okay.

MR. LA FIANDRA: Now, how were you able to locate this, this, this zone line? If you could just explain briefly how that, how you did that?

MR. MITTEN: The zone line is, the zone line is electronically obtained from the County GIS system and that's apparently the official zoning line. So, I know where that is in space and then I superimpose the architect's plan on our site plan and then marry the two together. So, so this zoning line has been, the, the, the architectural plan has been fitted to the zoning line in, in two dimensions.

MR. LA FIANDRA: Okay.

MR. MITTEN: Electronically.

MR. LA FIANDRA: And do you have a, do you have a reasonable degree of confidence that this zone line is correct?

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: Okay and does this, does this floor plan tell you how many seats are located in the ROCR zone?

MR. MITTEN: Yeah, I, I counted them, and they were, came up to be a hundred and ninety seats in the ROCR zone.

MR. LA FIANDRA: And how many parking spaces does a hundred and ninety seats require?

MR. MITTEN: Forty-eight spaces.

MR. LA FIANDRA: Now, going back to our red line site plan, how many parking spaces are in the ROCR zone?

MR. MITTEN: Fifty-seven.

MR. LA FIANDRA: Do you have an opinion whether the fifty-seven parking spaces in the ROCR zone portion of the property complies with the zoning regulations pertaining to the CR district?

MR. MITTEN: Yes, I do.

MR. LA FIANDRA: And what is your opinion?

MR. MITTEN: I believe it does meet, meet the zoning, the zoning requirements for parking.

MR. LA FIANDRA: Okay, thank you. Now, --

ALJ: Have, have you ever, just out of curiosity, have you ever diced a, a structure up like this and apportioned the parking as you're doing in this case?

MR. MITTEN: I have not. But it's, it's sort of, it's a bit unusual to have this weird split zoning down the

middle of a church building.

ALJ: Yes.

MR. MITTEN: This is a very unusual situation in this case.

ALJ: Um hm, okay. Yeah, I, I've not seen this done before. Then again, I haven't been doing this forever, so. All right. Go ahead, Mr. La Fiandra.

MR. LA FIANDRA: Thank you. Mr. Mitten, turning to the issue of the building height which you earlier identified as an issue that we need to deal with, how is building height measured under the zoning, Baltimore County zoning regulations?

MR. MITTEN: It's measured from the highest point on the building and the, if you take a vertical distance between that highest point to a horizontal projection of the closest point of exterior (inaudible).

MR. LA FIANDRA: And I, I'm just finding my exhibit here. Here we go. Now, I suspect that there's a little delay, so you'll tell me when you see Exhibit 9.

MR. MITTEN: I see it.

MR. LA FIANDRA: Now, do you recognize Exhibit 9?

MR. MITTEN: Yeah, these are (inaudible) sections provided by the architect.

MR. LA FIANDRA: With reference to, you've, you've seen these before?

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: And briefly for the Judge, because we're going to have the architect testify in a, in a little bit. But what, what do they show?

MR. MITTEN: So, the, the, the middle elevation shows a (inaudible) there's like a circular, where, where the cross is, there's a circular façade that kind of rotates and goes upwards and this middle section or elevation shows the height from that highest point to the, to the elevation outside the front door of the church.

MR. LA FIANDRA: And do you believe, what, what is that? What, what do you believe that is?

MR. MITTEN: It's, for all intents and purposes, it's forty feet, but it's actually forty-nine feet, ten- and three-quarter inches, forty-four feet --

MR. LA FIANDRA: Pardon me, one more time?

MR. MITTEN: Sorry.

MR. LA FIANDRA: What did you say the height is?

MR. MITTEN: It's forty-three feet thin and three-quarter inches but for our purposes, forty-four feet is the close rounding off of that.

MR. LA FIANDRA: Okay. Now, what is the height limit for religious buildings under the BCZR?

MR. MITTEN: I believe it's fifty feet.

MR. LA FIANDRA: And where does it say that?

MR. MITTEN: In Section 300.2. It says buildings for

religious, hospital, educational purposes may be built to a height of fifty feet in any zone in which they are permitted.

MR. LA FIANDRA: And does this building, does this proposed building comply with that requirement?

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: Okay. Now, I think the, the last issue that you had identified was the setback, the hundred- and three-foot set, the setback for a hundred and three feet from the right of way in lieu of nineteen feet otherwise required or permitted. And let's go to the plan for that. Here we go. Now, that regulation is in the CR district, am I correct?

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: So, how are you computing the required front foot, front setback, the required front setback in this zone?

MR. MITTEN: So, for the first requirement, or the first condition was, it has to be a minimum of fifteen feet for the regulation. And the second requirement is not more than the average of the setback, setbacks of adjacent buildings.

So, we don't have adjacent buildings on the eastern side. We just have an adjacent building on the western side, which is actually one property away from us. And that, that distance of that existing building I measured as an existing condition as 19.42 feet.

MR. LA FIANDRA: And that's, do you see my pointer,

sir?

MR. MITTEN: Yes, that's it.

MR. LA FIANDRA: Is that this, that's this dimension right here?

MR. MITTEN: That's the dimension right there.

MR. LA FIANDRA: Okay. Do you know what this building is?

MR. MITTEN: It's a, currently I think it's operating as a snowball stand --

MR. LA FIANDRA: Okay.

MR. MITTEN: -- or last time I was there it was a snowball stand.

MR. LA FIANDRA: Okay and you said that there's an intervening property. Would that be the property, the Vogelsangs that --

MR. MITTEN: The Vogelsangs, yeah.

MR. LA FIANDRA: -- intervenes between the snowball stand property and the church property?

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: Okay and so, the snowball is setback 19.42 feet. Okay, continue. So, you determined that our front setback needs to be between fifteen and 19.42 feet, is that where you --

MR. MITTEN: Yes.

MR. LA FIANDRA: Okay. What's the setback of the

existing building on the church property in the ROCR zone?

MR. MITTEN: I think it's about, it's a hundred and forty feet I measure.

MR. LA FIANDRA: Okay. So, this, the existing building is a hundred and forty, a hundred and forty feet from the right of way?

MR. MITTEN: From the right of way, yes.

MR. LA FIANDRA: And the setback of the proposed addition to the R, from the proposed addition is dimensioned on the plan, if I'm not mistaken, is --

MR. MITTEN: Yeah, it's 102.46 feet.

MR. LA FIANDRA: Okay. Are there any unique aspects, are there any unique aspects of this property that create a practical difficulty in complying with the setback requirement in the ROCR zone?

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: Well, can you describe them for the Judge?

MR. MITTEN: So, the, the, if we were going to keep the existing building and try and meet the setback, the church would have to be extended southerly, towards the southern property line to meet the setback. Then, if you couple that, if, if (inaudible) and we try and meet the entrance location on the southeast corner, then traffic circulation around the, the church would be impossible. Which would obviously also be a,

a, from a safety point perspective, you couldn't get firetrucks around the building, which is desirable. It would just be unnatural. It would just be unpractical to do that and --

MR. LA FIANDRA: And then the, yeah, pardon me. (inaudible) go ahead.

MR. MITTEN: -- then also we have to deal with the, the split zoning issues with setbacks. We'd have to keep everything within the RO zone because the setbacks for the RC-3 is different. And so, it just becomes an impossible task to try and fit this, a church building the size we want to do in this particular configuration of zoning lines.

MR. LA FIANDRA: Did you have an opportunity to review any of the zoning history in this case?

MR. MITTEN: Yes, I --

MR. LA FIANDRA: Relevant to this property?

MR. MITTEN: I looked at the previous zoning case, which was case number 2008-136-SPHA, I believe it is.

MR. LA FIANDRA: Do you see Exhibit 10 on your screen? It might take a moment to come up.

MR. MITTEN: Yes.

MR. LA FIANDRA: Is, is it that case?

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: And is this, does this case have any, any particular relevancy to this particular issue?

MR. MITTEN: I think it, it deals in the same

difficulties that we're dealing with in that they needed to have a larger (inaudible) area than the sixty-six hundred permitted.

And then, they also dealt with the same setback issue because the existing building being where it is, they were, they were going to put an addition onto that building as well and it's impractical for, in that case it was impractical to do it, similar to what we believe is impractical for our situation and --

MR. LA FIANDRA: And (inaudible) --

MR. MITTEN: -- (inaudible) things were granted, both those variances and special exception were granted.

MR. LA FIANDRA: Okay. Now, before I let you go, there's one point that I'm not sure I made. The, flipping back to one of our color plans here. The green area is the RC-3 zone. Does the green area, the RC-3 zone, does that require any special approvals, like a special exception for a church in the RC-3 zone?

MR. MITTEN: Churches, I believe, are permitted by right in the RC-3 zone.

MR. LA FIANDRA: Okay, okay. Okay, Mr. Mitten. Thank you very much. I'm sure Mr. McCann has some questions for you.

ALJ: Be, before, before you, before I let Mr. McCann ask, in the RC-7, I looked briefly at it, and it looks, it's,

it's worded kind of clumsily. But it, it appears that churches are allowed in the RC zone by right, even though it's in the section for, by special exception.

If they were, if they were allowed in the former zone by right, they're allowed in the RC-7 by, by right, is that, or does it even matter because we're just talking about the associated parking, not the church itself?

MR. MITTEN: Is, is that question directed to me, sir?

ALJ: Yes, yes.

MR. MITTEN: I believe that the, the previous zoning as RC-4 sometime back.

ALJ: Okay.

MR. MITTEN: And the church wasn't permitted in that zone at that time, I believe. And that's why we're just pursuing this special exception now.

ALJ: Okay. All right, thank you. All right, Mr. McCann. I'm going to take a five-minute recess to make a, a phone call and then I'll let you, or is that going to give you enough time to get your ducks in a row?

MR. MCCANN: Ten minutes would be great, Your Honor, if that's okay.

ALJ: All right. All right. It's, we'll, we'll call it 10:40, 2:40, rather. We'll be back at 2:50.

MR. MCCANN: Great, thank you.

ALJ: All right, thanks.

MR. LA FIANDRA: Good, thank you.

(PAUSE)

VOICE: We're back on the record.

ALJ: All right, thank you.

MR. MCCANN: Thank you, Donna.

ALJ: All right. Mr. McCann?

MR. MCCANN: Thank you, Judge. Good afternoon, Mr. Mitten.

MR. MITTEN: Good afternoon, sir.

MR. MCCANN: Can you hear me well?

MR. MITTEN: I can hear you well, thank you.

MR. MCCANN: Good. I don't think you and I have had the pleasure of engaging in cross examination before, so this is always a first. You didn't, sir, talk much about the area in which this property sits. So, you, are you familiar with the area?

MR. MITTEN: Reasonably so, yes.

MR. MCCANN: Have you, have you been to the site?

MR. MITTEN: Several times, yes.

MR. MCCANN: Okay and would you, would you agree with me that the area of this site is, is very much rural? Would you agree with that?

MR. MITTEN: I would agree with that, yes.

MR. MCCANN: In fact, there's, on almost all sides,

so to the north, to the east and to the south, there is predominantly RC rural conservation zoning, correct?

MR. MITTEN: Yes.

MR. MCCANN: And then, I think to the west, to be fair, there are some intermittent pockets of like business zoning, but would you agree with me that even those are relatively small uses?

MR. MITTEN: Yeah.

MR. MCCANN: For instance, not too far down to the west, I would, maybe more accurately northwest, there is a, a very small church that has been there for a number of years, correct?

MR. MITTEN: That's two properties away.

MR. MCCANN: Yeah. But, and it's a small, it's a very small church, is it not, the cemetery?

MR. MITTEN: From what I remember, yes.

MR. MCCANN: Okay. So, this, this building, this twenty thousand square foot plus building, in all fairness, would be the largest institutional or commercial building in some stretch of Liberty Road. Wouldn't that, is that fair?

MR. MITTEN: That's, I cannot answer that question because I haven't looked at what's up or down particularly.

MR. MCCANN: Okay. Well, a couple other things about the property. We are outside of what's known as the URDL, correct?

MR. MITTEN: Correct.

MR. MCCANN: And we are in what's known as a growth tier four area?

MR. MITTEN: I believe so.

MR. MCCANN: And growth tier four areas are the, the most restrictive in terms of development of these, of the designated growth tiers that apply in Baltimore County, correct?

MR. MITTEN: I believe so.

MR. MCCANN: In fact, for residential development, you, in tier four areas, only minor subdivisions are allowed, correct?

MR. MITTEN: I haven't looked at that lately, that, that doesn't come up in my experiences recently but I --

MR. MCCANN: Okay.

MR. MITTEN: -- think that would be a fair statement.

MR. MCCANN: And then we talked about the RC zoning. Are you familiar with, aside from my client's property, which is, as you've indicated, is, runs along the side of it and to the north of the subject site, that there are other properties surrounding the subject property that are under conservation easements, are you familiar with that?

MR. MITTEN: I'm not aware of which ones those are.

MR. MCCANN: Are you aware of where Soldier's Delight is?

MR. MITTEN: No.

MR. MCCANN: Have you ever heard of Soldier's Delight?

MR. MITTEN: I've, I've heard of it. It's like a natural area.

MR. MCCANN: You didn't speak at all to the, to the master plan. Do you know what the master plan calls for in terms of this site?

MR. MITTEN: I do not know the answer to that question.

MR. MCCANN: Okay. Let me show you, I can share now, thank you, Donna, the development plan. I'm sorry, the, the zoning plan, the red line zoning plan, which is Petitioner's Exhibit 2. I just wanted to go through a couple aspects of the plan. So, let me share that with you. Okay. Can you see that?

MR. MITTEN: I can see it.

MR. MCCANN: Okay, great. I'm going to blow up this, because I understand it looks considerably smaller on your end than it might on my end. Just a couple maybe points of clarification. This is note thirteen, again, on Petitioner's Exhibit 2, the red line plan.

In terms of square footage of the existing and then the proposed building. It says here on note thirteen, existing thirty-six hundred roughly square feet, proposed sixteen

thousand five hundred square feet, that, that reference to proposed building area of sixteen thousand five hundred square feet is the addition, correct?

MR. MITTEN: Correct.

MR. MCCANN: Okay. And then, in terms of parking, as you indicated, a hundred and thirteen spaces are required under the zoning regulations, a hundred and ninety-five are provided for. Do you know why, sir, why there are so many parking spaces proposed for this site, well, well above, considerably above the, the required spaces?

MR. MITTEN: I can tell you, I can tell you why I did that. In my experience, every time I've done a church, if you park a church at four to one, you don't have enough parking spaces. I think that's something that Baltimore County should look at increasing that requirement.

So, we, we try and provide more parking than four to one. That's the logic, because in today's world, Mom comes in one car, Dad comes in another car and the kids come in another car.

So, we just found, based on experience with churches, that the, the church operated, or the congregation of the church (inaudible) want more parking because they're always running out of parking. And in this situation, we don't have the luxury of parking on Liberty Road with overflow parking, or parking anywhere in the immediate vicinity.

So, it seems prudent to us to put as much parking as we can to support the church.

MR. MCCANN: Okay. A couple things about what you just said. Number one, in a nutshell, I guess your response to my question is that you're proposing a hundred and ninety-five spaces is based on what you anticipate this church, and most churches apparently, need, is that, is that a fair statement?

MR. MITTEN: Yeah, I just, I'm of the opinion that four to one is not a good ratio to use, so we try and use more.

MR. MCCANN: Okay. Obviously, that, your, your doing so increases the amount of impervious surface on this site considerably, would you agree with that?

MR. MITTEN: Yes, sir.

MR. MCCANN: And you mentioned Liberty Road, people can't park along Liberty Road. Liberty Road is a two-lane road, correct? Without much shoulder at all? Is that fair?

MR. MITTEN: Reasonable statement, yeah.

MR. MCCANN: And the speed limit is forty miles an hour, is that correct?

MR. MITTEN: I have, I can't remember. I did remember checking it one time. I can't remember if it's forty or forty-five.

MR. MCCANN: Okay. You also mentioned there's really no other place for, I'm sorry, go ahead.

MR. MITTEN: I'm sorry, it is forty according to my

plan.

MR. MCCANN: Okay. You also mentioned that there wasn't really any other areas outside of, I guess the site itself, to park. Are, are you, have you been to this site on any given Sunday or any other day when services are ongoing?

MR. MITTEN: No.

MR. MCCANN: Okay. Are you familiar with the fact that church goers presently park their cars in the right of way, as well as along this driveway and my client's property that we spoke about? Are you familiar with that at all?

MR. MITTEN: I am not aware of that situation.

MR. MCCANN: Okay. In terms of the building itself, this exhibit really doesn't tell the story, but there was another exhibit. I believe it was Petitioner's Exhibit 8, that does provide some detail. And I think Mr. La Fiandra indicated that there would be an architect that would be testifying. But let me just ask you while I have you. There are, and if I zoom in, it's much better to see. There are multiple classrooms and other spaces, office and otherwise, are you, did you participate in any way in the formulation of this, what I'll call floor plan?

MR. MITTEN: No, I, I tend to be responsible for everything outside of the building.

MR. MCCANN: Okay. So, you couldn't talk to us, or strike that. You didn't have any conversations with the church

or any of its leadership about what their particular needs are in terms of building space?

MR. MITTEN: No.

MR. MCCANN: Okay. You were essentially told that you needed to put a twenty thousand plus square foot building on this site.

MR. MITTEN: That's correct.

MR. MCCANN: (inaudible).

VOICE: Excuse me?

MR. MITTEN: I think I missed something. I, I heard --

MR. MCCANN: No, I was just waiting for the, the fire engine to pass.

MR. MITTEN: Okay.

MR. MCCANN: It's a busy area right here. Hey, Dino, can you confirm for me that the architect will be testifying?

MR. LA FIANDRA: Yes, he'll be testifying third.

MR. MCCANN: Okay, great. Thank you. I'll, I'll move on then. Is it, putting aside the building itself and the, and the church's needs, do you have any knowledge or understanding as to the church itself? That is, how many members it has, how many employees it has, the, any particular history in terms of growth of the church (inaudible) do you have any knowledge of any of that, sir?

MR. MITTEN: No, sir.

MR. MCCANN: All right. Let's go back to the plan real quick. You mentioned briefly storm water management and septic systems onsite. Let me just ask a couple quick questions about that. I know it's difficult to see.

MR. MITTEN: I, I can see, just, sorry to interrupt you. I have a big version of that on my other screen.

MR. MCCANN: Great.

MR. MITTEN: I can see very well.

MR. MCCANN: And the Judge, I assume, has a --

ALJ: Yes, I do.

MR. MCCANN: Okay, great. All right. So, just a couple questions. First about storm water management. And I, the Judge can read the plan as well as, as you and I can. But I just wanted to point out a few things.

VOICE: (inaudible).

MR. MCCANN: Number one, I see at least three bioretention areas, one on the southeast corner of the site, one on the, towards the northeast corner of the site and one over on the western portion of the site, correct?

MR. MITTEN: That's correct.

MR. MCCANN: Okay. And then, in addition, there is a, as part of this red line plan, again, we're looking at exhibit number two, Petitioner's exhibit number two, we're looking at what appears to be an underground one-hundred-year storm water management facility behind the building, sort of in

the center of the property, correct?

MR. MITTEN: Correct.

MR. MCCANN: Okay. Give, give us, if you would, just a little detail of how this storm water management system is proposed.

MR. MITTEN: So, (inaudible) proposed on the development plan were, let me just back up a second.

MR. MCCANN: Sure.

MR. MITTEN: Storm water management has two components. There's a, what we call a quality component and another component which we call the quantity component. So, on our development plan, we just showed the quantity components, which are the three micro bioretention facilities.

And that concept, storm water management, has been approved by the Department of Environmental Protection and Sustainability. And under the new regulations, the focus is more on quality than on quantity. So, in the new regulations, we (inaudible) minor storms controlling the flow of the minor storms.

So, at this point in the development plan, we were approved for three micro bioretention facilities only. But we understand the concern of the neighbor, the Vogelsangs to the north, about discharge.

So, we are, we've gone the extra step and in our, in our final design we're going to provide what we call quantity

management, which is akin to having a, if you have a big bucket with a hole in it, you make the bucket bigger and you make the hole smaller. So, less water runs off and the bucket holds a whole lot of water.

So, that's what we're doing on this project now. We've added this underground facility. So, to give you an idea of how it's going to work, the, from the southeast corner, that's, that's the high spot on the site for, for our parking area as well as the natural topography.

Water on the, on the east side of the project and (inaudible) will be directed to the two micro bioretention facilities that will run over land, they'll run along the curbs, run into these facilities and (inaudible) filter material in them and under drains.

So, this now dirty water will run into these facilities, percolate through the, the filtered medium and then that discharge will be directed to the big underground facility.

And the same thing goes on the east side of the, sorry, on the west side of the property. We will funnel water into bioretention facility number three, and we have a couple other tricks. We have what is a full bay in the front, which picks up trash and coarser material and then the water goes through the permeable rocks, through the permeable material. Again, collected and diverted to the big underground

facilities.

The trick comes in in sizing the underground facility. So, we have a, we have a dis, so all the water goes in, and we have a discharge out of the facility. So, the trick is to regulate the size of the outflow orifice, we call it, and you balance it out with the volume storage. So, the smaller you make that hole, the less water comes out. But the more water you have to store in these pipes.

So, we, the, the, the aim of this design would be to have the same discharge at that discharge point on the northern property line, we, the aim is to have it less or the same as before development.

So, those calculations all get approved by Baltimore County. We have to prove to them what's running off there now. At the end of the day, we have to prove to them what's running off after the development. And, and the key lies in the sizing of those pipes. How many pipes? Well, we've done a preliminary sizing and this, this sort of represents what we think we need.

Now, when the water comes out of that facility we will build a discharge at the low point of the northern property line, which would spread the water out. That's the goal of what we're trying to do. So, that's not just going to be an, an eighteen-inch pipe running full flow across the pasture.

We will build, and the details of this have yet to be worked out exactly (inaudible) survey of the area. But we will spread it out, what we call a level spreader, which allows the water to come over in a, in a natural way. And the key is to have that natural flow to be less after development than was there before development. That's the goal.

MR. MCCANN: Okay. (inaudible) thank you for that, Mr. Mitten. In a very practical way, these, the, the water will get from these bioretention facilities to either the, the larger storm water management facility or elsewhere via, via these, this piping you have indicated.

It's very small, but it's, for example, it's from this bioretention facility, there will be an underground pipe under the parking lot that'll distribute that water to the, the facility on the northern portion of the site, correct?

MR. MITTEN: Yes, sir.

MR. MCCANN: The, and then you mentioned the outfall, which is depicted in red here. Is this checkered area where you, where the water will be spread in addition, to a level spreader itself, which is, which is indicated here. But this, this crosshatch section, is that where the water will be distributed?

MR. MITTEN: Yes, so that cross hatch section actually represents the, the technical twenty-five percent slopes. But those areas, that area at the moment is eroded.

So, when we do our final design, we're going to come up with some system to repair the erosion and then just spread the water out in whatever the final design level spreader is going to be in that area. That is the actual low, low spot on the northern property line.

MR. MCCANN: And that's, that's a grade of twenty-five percent in that checkered area?

MR. MITTEN: Yes.

MR. MCCANN: And you cannot outfall to that area, correct? You cannot discharge to a twenty-five percent --

MR. MITTEN: Technically, I can't, I can't disturb a twenty-five percent area. So, it may be, but the practical nature of it is that that twenty-five percent slope is not like a natural occurring twenty-five percent slope. It's actually eroded. So, we will discuss that with EPS to see if we can grade that and fix it up. Fix the erosion problem and stabilize it and make that the outfall.

MR. MCCANN: Okay and again, a couple other things about all this. The, the topography is such that generally speaking the water runs from, and this isn't the best plan to use, obviously because there's no topo lines. But water generally runs across the site in a northwesterly direction?

MR. MITTEN: Correct.

MR. MCCANN: Okay and on this portion of my client's property, that is, you know, just north of the, the spreader,

level spreader, and the outfall, this area beyond the, the eroded area that you have indicated on your property, this area of my client's property is also some, sloped considerably, correct?

MR. MITTEN: It's, it's, getting, getting steeper as you go further north.

MR. MCCANN: Okay.

MR. MITTEN: I believe, now just across there's, there's a pasture there to (inaudible) and on the other side of the pasture the woods begin and that's where, sort of a natural stream, for want of a better word, begins. And the water runs across the pasture to that stream and then continues north.

MR. MCCANN: Okay.

MR. MITTEN: (inaudible) Mrs. Vogelsang is having an issue with water running across the property. So, that's the reason that we've come up with this hundred-year management, in addition to the normal requirement.

MR. MCCANN: And again, I think as you said a couple times now, at least with respect to storm water management, the plan, the plan is currently under review, correct?

MR. MITTEN: The, the plan is being, the, the concept storm water management was approved without the hundred-year management. So, when we submit our final drawings, we are going to add in the hundred-year management as part of the final storm water management plans.

MR. MCCANN: Okay. Let's, let's talk a little bit about that. I'm sure the Judge is familiar with all of this. But you mentioned a, a DRC request that was granted in, I believe it was November of 2017, correct?

MR. MITTEN: Yes, sir.

MR. MCCANN: And that was for an exemption from the development review process?

MR. MITTEN: Yes, a limited exemption.

MR. MCCANN: Yeah. You asked for, and I'll show you the documents in a moment, but you asked for a certain exemption, the County granted you another one, exemption as you indicated, was a B-8 exemption. And the County apparently believed, and I suppose you supported, an exemption for a quote, minor development, end quote?

MR. MITTEN: That's the terminology they used.

MR. MCCANN: Okay.

MR. MITTEN: They, you know, that's, that's the, the particular section of that Code that they use when we come in and we need a development plan --

MR. MCCANN: (inaudible) and I know the Judge is familiar with this, but for everybody else's benefit maybe, there is no posting, when the DRC makes a decision, an extraordinary decision, that this twenty thousand plus square foot church is, with all its parking, is a minor development, when the DRC makes that determination, there's no posting on

the property of, of that decision, is there? In your experience?

MR. MITTEN: There's no posting requirement as far as I know.

MR. MCCANN: So, that decision not having been appealed, correct?

MR. MITTEN: It, it wasn't appealed, I, my understanding.

MR. MCCANN: The, what happens next in the, in the development review process is what's called a limited exemption development plan is then processed by the County, correct?

MR. MITTEN: Correct.

MR. MCCANN: And you've indicated that that's been filed. I'll show you that as well. But as we sit here today, the limited exemption development plan has not been finally approved by the County, is that correct?

MR. MITTEN: That's correct.

MR. MCCANN: Okay. So, there could be, not only as a result of this hearing, but there could be other changes to that storm water management or otherwise, to that limited exemption development plan before it is finally approved by the County, is that fair?

MR. MITTEN: That's fair.

MR. MCCANN: Okay. Your Honor, I'm going to, I'm going to stop at this point and (inaudible) an objection that

I've had, that I've been thinking about for the last forty-five minutes while listening to Mr. La Fiandra questions.

The, the problem I have with where we are is that, we're, you're, you're being asked to approve a, a special exception and variance relief based on a plan that essentially, effectively, is still under review and could be changed.

In my experience, it, it's highly unlike, highly unusual, I'm trying to think of a single case I've had where DRC exemptions are granted often, too often in my opinion. But where the development plan was processed, and the zoning plan follows it.

What I, and I think what I've, what I am fearful of, I'm not, this is not just a technical objection. I think it would create some real issues, is if this plan, and I, I can, I can tell you, I know all the limited exemption development plans that have been filed and they have changed considerably since that DRC exemption was granted.

There, there are no less than six iterations of this plan that have just happened since the DRC exemption was granted, and that's a whole nother problem. The entrance has changed, the number of sanctuary seats have been increased.

But my point is is that you're going to be asked to determine zoning relief when the plan very well may change. And I'm not so sure we can do that. We can, in fairness to us, that we can guess what those changes may be. And make

arguments about the relative impacts of those changes and how they fit within the special exception standard.

So, I have a problem with, with even proceeding, I guess is what, is what I'm suggesting.

ALJ: I tend to agree with you. Mr. La Fiandra, what's your response to that? In other words, I have to make, I have to, I have to make findings that, under *Schultz v. Pritz* and the *Tollgate* case that the proposed site plan will have no greater impacts here than it would in, in, in any place else in the, in the zone. How can I do that if I, if I don't know I'm looking at the final impacts?

MR. LA FIANDRA: Well, Your Honor, I think that you have a site plan that's before you and that if it changes --

ALJ: Yes, which your witness has just agreed is, is not necessarily the final plan. He's, he's testified affirmatively that changes will likely need to be made and they're still seeking, they're, or they're going to seek permission to do grading in the steep slopes in the back due to existing erosion and so, it's, it seems like it's still a work in progress. How can I make, make zoning rulings, when I don't have, when, when it's a moving target?

MR. LA FIANDRA: Well, with all due respect, I don't think it's a moving target. I think that we have a plan that's before us and I think that there's a process in place for if, if, if, if, if Your Honor were to approve the plan, that we're

bound to that plan and that if things were to change in the future, there's a process for either amending the plan, either through a hearing process, or through an administrative process that doesn't require a hearing, in the case of minor changes that are immaterial or insignificant.

So, I understand what the testimony is and, and I, you know, I object to the motion. I don't think that it's, there's a plan before you and we, we don't know if the plan is going to be changed or not. So, I understand. I process development plans as well and some, sometimes they change and sometimes they don't.

MR. MCCANN: Usually, usually what happens, sorry, you were done, Dino. But usually happens, you know, this is usually in the context of a development plan that's being either decided by the ALJ at the same time or certainly subsequent to any zoning approval.

But here we have a limited exemption development plan, which isn't subject to public purview. There was no community input meeting, there's no development plan hearing, it's all been done out of, out of the public eye. And I think that creates more problems for folks like us who are trying to challenge a, a special exception.

And then, then we're left in the position of arguing and, and maybe even filing a Petition for Special Hearing. Arguing that there was a material, as opposed to a non-

material, change to the special exception plan. And whether, we'd be arguing about whether the special exception plan needs to be amended or not. Dino will say no, I'll say yes. So, --

ALJ: How, how are you going to be prejudiced, Mr. La Fiandra, if, if you need to wait until the final development plan is approved by the County agencies to come back and have this zoning case?

MR. LA FIANDRA: Well, we've gone to the Department of Planning, and they won't process our development plan any further until we have the zoning approval. So, that's one way that we'll be prejudiced. We, we can't get any further traction under the Department of Planning's approval of the development plan until we have an Order from you, sir.

MR. MCCANN: Your Honor, if I could, if I could give a concrete example of what I'm talking about.

ALJ: Go ahead.

MR. MCCANN: The, the DRC decision, let me just pull it up. Bear with me one second, I'm sorry. I think I'm still sharing. Can you see that?

ALJ: Um hm.

MR. MCCANN: Yeah, so here's, you've seen these before, I'm sure, Your Honor. These are, this is the DRC application that was completed, and this is the approval letter from PAI or PDM back then, or PAI in November 2017 granting the exemption. And here, you know, here's, here's the, the

granting of the B-8. And it says, remove parking from RC-7 portion of site.

So, as a condition to the granting of the limited exception, the Petitioner was supposed to remove this parking we're talking about from the RC-7 portion of the site. And instead, what they've done is they've proceeded anyway, despite that, despite that condition.

And I would submit that that's a, you know, a contingency, a condition, that must be complied with before any processing of the limited exemption plan can proceed. And yet the plan that's, that has been processed, both by PAI and the zoning plan that's before you still has the parking in the RC-7 portion of the site. So, you know, --

ALJ: Yeah.

MR. MCCANN: -- what (inaudible) --

ALJ: Well, well, that, that would make it very easy for me to just deny the zoning relief, at least to the extent that it encroaches on the RC-7 zone.

MR. LA FIANDRA: Well, if I may, may I?

ALJ: Sure.

MR. LA FIANDRA: Well, we've, we've specifically asked for permission to have the parking in the RC-7 zone portion of the site. And that is not part of the approval, at least none that I've seen, as it relates to the B-8 exempt, exemption that was granted. And that, that doesn't --

ALJ: Well, it says it right there.

MR. LA FIANDRA: -- that, that's not the approval letter and that doesn't speak to the storm water management in the RC-7 zone portion of the site. And it doesn't speak to the other zoning relief that we've asked for.

MR. MCCANN: Then they, then they shouldn't have proceeded with the limited exemption then. They should have gone first, before they filed a limited exemption plan that still had the parking in the RC portion of the site, they should have filed a zoning plan that requested the relief that we're here for today. And then, after getting that relief, then filed a plan. I mean, so, in my opinion, the plan that has been processed for the last two years is, is, you know, is it's, is nugatory. Not, not only for that reason. I can give you another example. The plan that was processed by the DRC had the parking in the middle of the site.

ALJ: Whose, whose, who --

MR. MCCANN: What's that?

ALJ: -- whose, whose writing is that, remove parking from RC-7 portion of site? Who, who approved the plan? Whose signature is on the plan?

MR. MCCANN: (inaudible) and Dino can correct me if I'm wrong, that the County fills this in.

ALJ: Yep.

MR. MCCANN: I see it all the time. County use only.

This is someone in the County, --

ALJ: Rick Richardson was the engineer.

MR. LA FIANDRA: I, I, I suspect, if you can still hear me, I suspect that was Jon Cook, but, but I, I really don't know. I, I, I just don't know. Mr. Jablon was the director at the time. He didn't run the DRC. I, I'm looking at the letter and it, it was signed by Jon Cook and I suspect that Jon Cook was the chair of the DRC at the time. So, and as you saw from the letter, --

ALJ: And the letter makes, I haven't seen the letter. I, I --

MR. MCCANN: It's right here, Your Honor.

MR. LA FIANDRA: Pardon me, I, I misspoke. As you saw from the comments that we introduced as Exhibit 6, the comment from the zoning planner said the parking spaces on the east side requires a special hearing to allow, it says, commercial parking in the RC-7 zone, which we've asked for. You may include the special exception for the bioretention facilities for use by the church in the RC-7 zone, which is exactly what we did.

MR. MCCANN: Yeah, but the Zoning Office isn't familiar with the, the conditions under which the DRC plan --

MR. LA FIANDRA: Well, if I may, it, it's a representative of the Zoning Office who sits on the DRC. It's either Joe Marry (phonetic) or, at the time, it was Carl

Richards. It, it's the Zoning Office that sits on the DRC.

MR. MCCANN: (inaudible) --

MR. LA FIANDRA: (inaudible) zoning Petition before you.

ALJ: As usual, all the County agencies just punt it off and the ALJ is left with a pile of you know what to try to sort out and I'm going to let you finish presenting your case and then, and then I'll decide whether I can even properly reach a decision on the, on the requested relief. But we're all here, so let's go ahead and proceed.

MR. MCCANN: Okay. Thank you. All right.

ALJ: I, I too don't understand how a twenty thousand square foot building in this location could be con, with all the split zoning and, and where it sits, surrounded by RC zones and conservation easements could be deemed to be a, a minor development. But --

MR. LA FIANDRA: May I speak to that issue, sir?

ALJ: But I'm, I'm bound by that so it's really not worth wasting any more time on.

MR. LA FIANDRA: Well, you've raised the issue. I, I agree that it's, you're bound to it. But minor development --

ALJ: Right, so, let's just move on. I'm, I'm bound by it. I, I think it's, it's, let's just move on.

MR. MCCANN: Okay, thank you. Mr. Mitten, let me ask you real quick about the septic system and the plan, we're

looking again at Exhibit 2, Petitioner's Exhibit 2. As I understand the septic system that is being proposed is that there are, on the northern portion of the site, identified two septic reserve areas, is that correct?

MR. MITTEN: Yes, sir.

MR. MCCANN: Okay and how will the septic get to those reserve areas?

MR. MITTEN: Okay. If you, if you look on the northeast, I'm sorry, the northwest corner of the building.

MR. MCCANN: Yep.

MR. MITTEN: Right adjacent to the existing building.

MR. MCCANN: Okay.

MR. MITTEN: There's a series of four tanks. And what happens is, in a normal septic system for a residential house, the input into the tanks are sporadic. With a, with a church it's different. On a Sunday when you have a church service, at the end of the service there may be a huge inflow into the tanks, and you can't just let that run into the septic system.

So, these, these designs, they have what they call an equalization tank. So, it's a big holding tank. So, all the outflow goes into one tank and there's a series of pumps that pumps this outflow around through those, typically like four tanks shown on the plan.

And it (inaudible) small batches over the course of

the whole week into the septic system. So, the septic areas, you'll see a pipe running slightly northwards out of one of the tanks and then it cuts across on the diagonal to a distribution box.

MR. MCCANN: Right.

MR. MITTEN: And from that distribution box, box, it goes into the, there are these septic area (inaudible) absorption fields. So, the whole concept of this design is that you, you accept the full flow into a tank, it's circulated around through a dig, where the digestion takes place, and then the liquid gets pumped out in does. There are manageable doses for the septic area.

MR. MCCANN: Okay. Has the septic system that you've just described, has that been approved by ground water, Ground Water Management Section of --

MR. MITTEN: That will come in the final design stage. We, we've done these on other churches and there's a --

MR. MCCANN: Okay.

MR. MITTEN: -- specific way of doing it to get the, to get the design approved.

MR. MCCANN: Well, in churches, it sounds like you have some familiarity with churches, certainly a church that has four hundred and fifty seats is going to generate quite a lot of sewage, correct?

MR. MITTEN: Relatively, yeah.

MR. MCCANN: The, and do you know, have you done any investigation into or submitted to the County, any documentation of the, since we're on well water out here, correct?

MR. MITTEN: There was a, a test done, I believe, that was submitted to the County. That's my understanding. For the well.

MR. MCCANN: Okay and the well, just for everyone's benefit, the well, you'd planned on using the existing well on site, correct?

MR. MITTEN: Correct.

MR. MCCANN: And that's located just south of the building where my pointer is?

MR. MITTEN: Yes, sir.

MR. MCCANN: And you, you believe but aren't, sound like you aren't certain, there's been some testing of that well that have been submitted to the County, but not yet, has not yet been approved?

MR. MITTEN: I, I think it has. But I just, I just don't have the documentation with me.

MR. MCCANN: Okay.

MR. MITTEN: It, it will be required irregardless. To get the final design approved, we have to have, we have to have that approval of the well.

ALJ: Do, do you know what level of use is, is

expected the other days of the week? If this system is predicated on, on Sunday essentially being the only time that there's significant use of the, of the premises, what if there's significant use all week for, say there's a bunch of classrooms and there's a fellowship hall that may or may not be leased out? I mean, have you been given any information about the rest of the week and the expected level of use?

MR. MITTEN: So, to answer your question, one of the, one of the components of the approval process is that we have to provide a usage letter to the Ground Water Management. And that will spell out in detail how many services on a Sunday, what happens on a Monday, what happens on a Tuesday, etcetera, for the week in generalized terms.

So, that becomes part of that report. And based on that, the system will be sized to accommodate that anticipated flow. That's part of the report that goes into Ground Water Management Section.

MR. MCCANN: And sitting here today, you don't know what that water usage letter will, would say in terms of the gallons per day proposed for this use?

MR. MITTEN: It depends on, on the final size of the building. So, when, when we come to do that onsite sewage disposal system design, we'll present all that information to Ground Water Management.

MR. MCCANN: Or, or stated differently, the size of

the building could, could determine whether or not you have approval --

MR. MITTEN: That's another way of putting it, yes.

MR. MCCANN: Okay.

ALJ: But, but we're, so this leads me back with the question, you just ticked off, you, you went with Mr. La Fiandra directing you, you went through all of the 502.1 factors and have offered the opinion that there's going to be no greater impacts and it's not going to have various impacts on the surrounding uses and properties. But if we don't know the intensity of the use, how are you able to offer those opinions?

MR. MITTEN: Because I, based, for me to get approval, I have to meet Ground Water Management Department's rules. I have to get it approved by them. So, if I can't get it approved by them, I'm not impacting anybody. That's what I said what I say. It's not based on a number --

ALJ: Well, maybe Ground Water Management says, well, from our perspective, as long as you're able, as long as you put the technology in place to manage the ground water, you're fine. But that's a different issue than how many people are going to be there every day and how much traffic is going to be generated. I, it's, it's, it's those questions that appear to still be very much up in the air.

MR. MITTEN: I can, I can say this. If the system

produces, just for number, if we, we do something in the hundred gallons a day, the tanks are, are sized accordingly. If we produce two hundred gallons a day, the, the holding tanks increase in size and the design changes to meet the usage then or the discharge.

It's the same thing as storm water management. If, if the flow is more, we make the tank bigger. So, that's why I have a level of confidence as an engineer to say despite what comes out of there, I can, we can design a system that will handle it. It's not like there's going to be sewage running across the property onto the neighbor's property. We, I feel confident that the sizing of those tanks will take into account the anticipated usage on this site.

MR. MCCANN: Your Honor, can I ask a question?

ALJ: Yes.

MR. MCCANN: Okay. I wasn't sure if you were done.

ALJ: Yes.

MR. MCCANN: But that, that assumes that there's sufficient water, water supply, does, does it not?

MR. MITTEN: And again, if the, when the well test, we, we can't, we can't get to the next level until we prove we've got water. We can't get to the next level until we prove that the State's okay with the traffic. We can't get to the next level until we get storm water management approved.

MR. MCCANN: No, I understand that. But all the

things you just said, includes, including, the, the, the sufficiency or the, the level of water supply, the size of the tanks that are necessary, you know, the amount of storm water management that's necessary, all of, all of those things and each of those things individually could have an impact on things that could impact my client's and others around here, including the size of the building, the number of cars, correct, as an example?

MR. MITTEN: I'm, I'm not sure how the traffic would impact particularly, because we're not going to use their driveway. We're going onto Liberty Road, for example.

MR. MCCANN: You don't think, you don't think four hundred, several hundred cars coming to and from this facility on a regular basis will impact the people around here?

MR. MITTEN: Well, it depends on the background traffic and the traffic engineer can talk to that, but he's got to do studies again, the same thing that's going to have to be approved by the State Highway Administration.

MR. MCCANN: Okay, all right.

MR. MITTEN: So, I don't think that's going to be an impact because the background traffic, this, this is a limited impact on a Sunday for the big, big amount. During the rest of the week, there's hardly any impact. So, again, that's based on traffic studies which I'm not an expert on.

MR. MCCANN: Well, first of all, we, we don't know

how much traffic there's going to be because you, you've already acknowledged that you have no idea how, what, what and how often this building will be used. You didn't participate in those discussions, and you have no idea, right?

MR. MITTEN: Correct.

MR. MCCANN: So, they could have, as an example, as churches sometimes do, as synagogues sometimes do, they could have not only services every day, but they could also have Bible study or other events or activities every single day. But you don't know whether they do or not in fairness, right?

MR. MITTEN: Correct.

MR. MCCANN: But I, I thought I, I mean, I could have sworn I wrote it down, that you said one of the inherent impacts associated with the parking lot is the amount of traffic. I mean, it is the impact of a church, right? Right?

MR. MITTEN: (inaudible) is a historical impact. I mean, that's what, that we, we can't deny there's going to be some impact to the, to the roads. But (inaudible) detrimental, that's subjective. And then, the traffic engineer will speak to what percentage of traffic is, as opposed to the background information. (inaudible), I'm not privy to that information.

MR. MCCANN: Okay. Okay. I think lastly with respect to the plan itself, Petitioner's Exhibit 2, I think you, you indicated in response to Mr. La Fiandra's questions that this proposed, previously proposed entrance/exit in, on my

client's property will no longer be there but, is that correct?

MR. MITTEN: That's correct.

MR. MCCANN: It's no longer, it's x'ed out, I can see that. But I don't see, and maybe I'm not reading this red line correctly. It, it, it certainly appears to me that this parking lot isn't just closed off, that there's no curb and gutter here.

MR. MITTEN: Well, just, just to the right of your arrow --

MR. MCCANN: Yeah.

MR. MITTEN: -- you'll see a double red line going vertically (inaudible) curb.

MR. MCCANN: Yeah.

MR. MITTEN: That's the new limited curbing there.

MR. MCCANN: Okay. I was wondering then, why isn't this, not to split hairs, but why isn't this x'ed out, this, all this line, this, this portion right here should be x'ed out, should it not?

MR. MITTEN: I, I would agree with you splitting hairs.

MR. MCCANN: Okay. Well, it's awfully important to my folks who have to deal with cars coming up and down their, their property, parking in their property. They, they want to know that if this is approved, there's not going to be any people exit, trying to get out onto Liberty Road over here, and

you're telling me that's not going to happen.

MR. MITTEN: That's not going to happen according to this plan. That's what we're showing.

MR. MCCANN: Okay.

ALJ: What, what about the, the, the existing driveway to the north?

MR. MITTEN: That will continue to be used as it is now by the, the neighbors to the north. We will not be using that driveway at all.

ALJ: Okay. So, the, the double line there is, is curbing and guttering, where, where there currently is an entrance to the site?

MR. MITTEN: Yes, so that --

ALJ: That's going to be curbed and guttered?

MR. MITTEN: That was a response to the State Highway Administration asking us to move the entrance to the south.

ALJ: Um hm.

MR. MITTEN: So, we built, we, we, we came up with a new entrance (inaudible) so that the neighbors could continue their driveway. That's gone, that's off the table at the moment now in response to the comments by EPS. So, we're not doing anything in that fifty-foot strip anymore. There will be no access to the fifty-foot strip. It will be entirely the Vogelsang's driveway.

ALJ: Okay.

MR. MCCANN: Let me, let me ask you about those, those two things that you just mentioned. The, the proposed entrance was removed from the right of way, my client's fee simple property, based on concerns expressed by Wally Lippincott of, of the Department of Planning, correct? Correct? I'm sorry, I didn't hear you, Mr. Mitten. I think you may be on mute.

MR. MITTEN: Can you hear me now?

MR. MCCANN: Now, I can, yes. Is that --

MR. MITTEN: I'm not sure what happened there. Must be old age. So, the answer is you are correct. It was in response to Wally Lippincott's comment.

MR. MCCANN: Okay and, and specifically, Mr. Lippincott thought because my client's property is under an agricultural easement, that the comings and goings of an institution such as a church may, may, would have an impact on that easement property. Is that a fair characterization?

MR. MITTEN: That's my understanding. Now, Mr. Lippincott didn't speak to me directly. He spoke to Mr. La Fiandra.

MR. MCCANN: Okay.

MR. MITTEN: So, I, I don't want to put words in Mr. La Fiandra's mouth but that was the, the understanding of what was conveyed to me.

MR. MCCANN: Okay.

MR. MITTEN: That the Planning Office did not want us to do the entrance in the location shown on this, on this plan.

MR. MCCANN: Okay and then, as you indicated, the, the entrance is now on the southeastern, on the other southeastern portion of the site, right here. The, and you say that that, it was moved there, that is to the southeastern portion of the site, due to concerns expressed by State Highway Administration?

MR. MITTEN: Correct.

MR. MCCANN: Okay and I indicated earlier, and I'll show you a plan to this effect, because a third option for this entrance, or the original option, or a original option for the entrance, was sort of in the middle of the, this site, correct?

MR. MITTEN: Correct.

MR. MCCANN: Okay. Let me just show you those couple plans real quick and just confirm what they are. Bear with me one second. Okay. Let me show you plan, this is, I'll zoom in for you, Mr. Mitten. But this is dated, looks to be October 9th, 2017, and it's entitled plat to accompany DRC request. It looks to be prepared by your firm and has your signature, is that correct?

MR. MITTEN: Correct.

MR. MCCANN: So, this was the plan that was submitted to the DRC and upon which the limited exemption was granted, correct?

MR. MITTEN: Correct.

MR. MCCANN: And as I indicated earlier, this plan shows the entrance to be sort of in the middle of the site, correct?

MR. MITTEN: Correct.

MR. MCCANN: And it also just, we can go in, I don't want to go into too much detail, but this plan also shows the parking in a different configuration, is that fair?

MR. MITTEN: Correct.

MR. MCCANN: Okay and then lastly, --

ALJ: Was there parking shown in the RC-7 on that, that plan?

MR. MITTEN: Yes, sir.

ALJ: Okay.

MR. MCCANN: Yes. And at this point in time, again, at the, at the time of the DC, DRC's approval, the, there was three hundred fifty seats proposed, not four hundred fifty, correct?

MR. MITTEN: Correct.

MR. MCCANN: The required number of spaces being eighty-eight and the total provided, according to this plan approved by the DRC, a hundred and ninety-four spaces, correct?

MR. MITTEN: Correct.

MR. MCCANN: All right. Your Honor, I'm going to, I, I did not pre-mark any of these. But this would be

Protestant's Exhibit 3. And I'll, I'll send Dino copies and, and you copies right when we get done. But this would be --

MR. LA FIANDRA: Pardon me. What's the date of this plan?

MR. MCCANN: This is October 9th, 2017.

ALJ: That's Protestant's three?

MR. MCCANN: Correct. DRC, Plat, Plat to accompany DRC request. Okay.

ALJ: I, I'm, I'm stymied by the last question and answer. So, at the time you applied for DRC exemption, you stated that there would be three hundred and fifty seats. And on that basis, or at least partly on that basis, or that statement, the plan was approved. How can you now just unilaterally add another hundred seats and proceed under the same approval?

MR. MITTEN: Is that a question --

MR. LA FIANDRA: Are you asking the witness or are you asking me, sir?

ALJ: I'm asking the witness and, if he knows.

MR. MITTEN: Yeah, this, I'm not sure exactly how the four hundred and fifty came about, to be honest with you, because there's been, there's been quite a time between 2017 and 2021. During the course of that project development, it came about with the four fifty. The exact details of that change, I'm not sure.

But that's what, that's what was decided when we were doing the development plan, was going to be four hundred fifty, architect's plans were for four hundred fifty, that's what I submitted. The reasons for that, I'm not a hundred percent sure of.

ALJ: I, I mean, it seems to me someone could just go in and say all right, well, we're only going to have a hundred seats. They get the, the minor exemption and then say, well, you know, we're going to have five hundred. How, how is that legitimate? And that's, to a lesser degree, what has happened here. I mean, you've increased it by, you know, basically a third. I, I don't, it's kind of becoming murkier and murkier.

MR. LA FIANDRA: If I may?

ALJ: Sure, yeah.

MR. LA FIANDRA: I do a fair amount of DRCs and the, the DRCs have very little to do, they're, the, the term minor development is not keyed to, is a defined term. You can find it. I'm not going to tell you what, I mean, I'm not going to recite the definition for you.

But it, it, it, it's a technical definition that has to do with the number of lots, not anything else. It has to do with the, the, the number of, the amount of public improvements and the number of lots. It doesn't have to do with the size of the development, the size of the lots, the size of the buildings involved or the number of seats, so --

MR. MCCANN: (inaudible) absolutely does. I have appealed cases and won them before the Board of Appeals on the basis that the square footage, as well as the storm water management, the, in fact, Your, Your Honor, you're familiar with the Starbuck's in --

ALJ: Um hm.

MR. MCCANN: (inaudible) that was proposed as a limited exemption and it was granted, and we appealed it and, and won based in part on the size and the square footage of, of the buildings. There's --

MR. LA FIANDRA: Yes, and we're, we're talking here about the, the term minor development. I think that was the --

MR. MCCANN: No, I'm talking about the same thing, same issue, same issue. Minor development is, is defined in the Baltimore County Code. It's also defined in the, in the policy manual and it has explicit reference to the square footage of the building, as well as, ironically, the amount of, whether or not there's a measurable amount of community interest, all within the meaning --

MR. LA FIANDRA: (inaudible) and you may be thinking of the term minor commercial structure, which certainly has a square footage associated with it. A minor development is three, three or fewer lots in a, a Public Works agreement less than five, fifty thousand dollars. And I think that's in the statute.

MR. MCCANN: Well, I'm, I don't think I'm wrong about that, but --

ALJ: All right.

MR. MCCANN: -- and that was the issue in, and certainly the issue in the Starbuck's case. In any event, --

ALJ: All right. Do you have any more questions for --

MR. MCCANN: I do, I'm sorry. I got sidetracked.

ALJ: No, I've been interrupting you, but.

MR. MCCANN: The, let me show you another plan, sir. This is, we'll have this marked as Protestant's exhibit number four. This is a plan prepared by your office, sealed by you, which is dated May 6, 2019, if you can see that. I'll zoom in even more. And this is the limited exemption development plan, three pages. Do you recognize it as such?

MR. MITTEN: Yes, sir.

MR. MCCANN: Okay. This plan, contrary to the one, the one that was approved by the DRC, has the, the entrance on the southeastern portion of the site, correct?

MR. MITTEN: Correct.

MR. MCCANN: And it also has no reference to the number of seats, I didn't see any in the legend. It does have reference to average daily trips based on square footage of the, of the building. And then lastly, one second. This would be Exhibit 5. Do you recognize this plan?

This is dated, sorry if I'm going too quick here. This is dated, I believe it's May of 2020. And this is plat to accompany zoning petition with your seal and signature. Do you recognize it, sir?

MR. MITTEN: Yes, sir.

MR. MCCANN: And this, this one, this plan has the entrance back over on my client's property, does it not?

MR. MITTEN: Yes.

MR. MCCANN: And it has the number of seats, if I zoom in, at three hundred fifty. I know it's difficult to see. Does that sound right to you?

MR. MITTEN: Yeah.

MR. MCCANN: Okay. Next exhibit is a red lined plat to accompany zoning petition. This one is dated June of 2020. That's your seal, correct, sir?

MR. MITTEN: Yes, sir.

MR. MCCANN: And this one has the entrance, again, back on the southeastern corner of the property and has, in the legend, indicated three hundred fifty seats, correct?

MR. MITTEN: Correct.

MR. MCCANN: Okay. And then lastly, I guess for purposes of completeness, this is yet another plat to accompany zoning petition. This one is dated December 2020 and that's your seal, correct, sir?

MR. MITTEN: Yes, sir.

MR. MCCANN: And this one has indicated in the legend at note fifteen, again, three hundred and fifty seats, correct?

MR. MITTEN: Correct.

MR. MCCANN: Okay, all right. Let me move on. One question I have. You, you indicated, sir, that the State Highway Administration, let's pull up the current plan, this is Petitioner's Exhibit 2. The State Highway wanted you to move the entrance to the southeastern portion of the site to allow better site distance, correct?

MR. MITTEN: Correct. Actually, they asked us to move it, I believe, to the southwestern corner and then that, because of EPS' comment, we didn't do that. We then moved it to the northeast, because this is the only place I could get sight distance.

MR. MCCANN: You mean, southeast?

MR. MITTEN: On the southeast corner.

MR. MCCANN: But the, let me just show you. This is a letter from State Highway Administration to PAI dated June 22nd, 2020, regarding this project. And it says, as a condition of approval, referring to this case, see attached letter from SHA dated 10/30/2017. These comments remain valid. Do you see that?

MR. MITTEN: Yes, sir.

MR. MCCANN: Okay. The attached letter is dated October 30th, 2017, letter to Jan Cook. And it says, let me

focus you on here, this portion of the second full paragraph, I'm not doing it good, well, there it is, but, and I'll just read it.

This, SHA has concerns that the proposed entrance to Maryland 26 for this church expansion will not meet the minimum intersection sight distance requirement when looking east and therefore recommends that the site continue to utilize existing Gaitaway Lane for their access. A sight distance profile should be sent verifying the actual sight distance achieved at the proposed entrance, etc.

In other words, so, rather than move, and you said why you couldn't do that, but rather than move the access to the west to allow more distance when looking east, you put the access at the southeastern and have now kept it at the southeastern corner of the site, correct?

MR. MITTEN: The southeastern corner is where we can get site distance.

MR. MCCANN: Well, you say you can.

MR. MITTEN: Yeah, we can.

MR. MCCANN: All right. But at the time, at the time of the SHA's comments, just to close this issue, I'll move on. At the time of these comments in October 2017, this is right before the DRC approval, the proposed entrance was, as we've just looked at, was in the middle of the property rather than at the southeastern corner, correct?

MR. MITTEN: That's my understand.

MR. MCCANN: Okay. So, instead of moving it away from the sight distance issue, you moved the entrance closer towards the site, closer or eastward, lessening the available sight distance that the State Highway Administration was concerned about, correct?

MR. MITTEN: That's not, that's not correct.

MR. MCCANN: Well, you --

MR. MITTEN: In the middle, in the middle, in the middle of the site, we have sight distance issues. If you go to the west, because of the, the peak is to the, to the east of our site, if you take the entrance further west, you get better sight distance. If you take it further east, you get better sight distance because you're getting closer to the top of the hill. If you're in the middle, you don't get sight distance.

MR. MCCANN: Okay.

MR. MITTEN: That's my understanding how this whole thing came down. The entrance in the middle doesn't have sight distance.

MR. MCCANN: Okay.

MR. MITTEN: Because the hill prevents you from having sight distance over the crest.

ALJ: Is, is that, is that southeast entrance at the crest of the hill? In other words, you can see east from there as well as west?

MR. MITTEN: Yes, sir.

ALJ: Okay.

MR. MITTEN: Because the, the crest is just past our property. So, the closer you get to the crest, the further you can see to the east. And you can always see to the west because it's downhill all the way.

ALJ: Yeah.

MR. MITTEN: So, if you go, if you move the entrance to the west, to the middle of the property, the, the peak comes into play, and you can't see over the hill. If you get far enough away from the peak, in other words, having an entrance all the way on the west side, sight distance becomes good again. So, there's like a, a dead spot in the middle of the site where you have sight distance issues.

ALJ: Yeah.

MR. MCCANN: Okay. But you didn't do the sight distance analysis, did you, sir?

MR. MITTEN: Excuse me?

MR. MCCANN: Did you perform the sight distance analysis that the State Highway Administration spoke of in its letter?

MR. MITTEN: I prepared the exhibit, yes.

MR. MCCANN: Okay and we'll get to that. Okay. One second. Okay. You, you described, Mr. Witten, Mitten, I'm sorry, the, sort of the split zoning nature of the property. I

guess depicted in part, although that's not the best exhibit either. Bear with me one second. This is Exhibit 4, Petitioner's Exhibit 4. You have the, the different colors indicating the zones, correct?

MR. MITTEN: Correct.

MR. MCCANN: Okay. In fact, I think there's another version that has --

MR. MITTEN: Exhibit 5, I believe.

MR. MCCANN: Yeah, thank you. I appreciate it. So, this is the actual site plan with the, with the various zones indicated, correct?

MR. MITTEN: Correct.

MR. MCCANN: Okay. Okay. I wanted to first speak to you about the ROCR zone, which is the yellow zone, correct?

MR. MITTEN: Correct.

MR. MCCANN: So, in, roughly, in, in that zone, we have a bunch of parking, we have roughly, roughly half of the building and we have a bioretention facility among other things, correct?

MR. MITTEN: Correct.

MR. MCCANN: Okay and I can pull these provisions of the zoning regulations up if you want me to, if you need me to, just let me know. But the R, in the RO zone, the, the way, I assume, that you're indicating that this church is allowed, is by virtue of the provision in the RO zone, this is 204.3, which

allows in the RO zone uses permitted as of right and as limited in DR-5.5 zones, correct?

MR. MITTEN: That's not correct because we don't meet the bulk regulations.

MR. MCCANN: I'm asking you how it is, well, let me ask you this. Ask it this way. In the RO zone, (inaudible) --

MR. MITTEN: Oh, sorry, I beg your pardon, sorry.

MR. MCCANN: Say that again?

MR. MITTEN: Just, ask your question again, sorry, sir.

MR. MCCANN: The question is, in the RO zones, and I'm, I have this up on the screen if it helps you, sir, this is the RO regulations from BCZR. The use regulations and the special exception regulations applicable to the RO zone, do not make reference to churches. They're not, they're not referenced explicitly either as permitted as of right or by special exception, correct?

MR. MITTEN: No, I think in the use regulations, 204.3, it says uses as permitted as right in a DR-5.5 zone. So, --

MR. MCCANN: Right.

MR. MITTEN: -- whatever is permitted in the 5.5 zone is permitted by right.

MR. MCCANN: Right, you're a step ahead of me. I'm just, I'm just taking you through that step. My first question

is simply, I think you've already answered it, churches aren't explicitly referenced, explicitly referenced, either as a permitted use or a special exception use in the RO zones. But rather, they are permitted by virtue of this provision, which says uses permitted as of right and as limited in DR-5.5 zones, correct?

MR. MITTEN: Correct.

MR. MCCANN: Okay. So, in that language, uses permitted as of right and as of limited, as, as limited in the DR-5.5 zones, you would agree with me that whatever the, the limitations are on a church in a DR-5.5 zone, whatever rights and whatever limitations there are that would apply to this proposed church, correct?

MR. MITTEN: Correct.

MR. MCCANN: Okay and then over the top, since we have an ROCR district, ROCR zoning, there are separate regulations for the CR districts, correct?

MR. MITTEN: Correct.

MR. MCCANN: Okay and one more thing about the RO before I leave this, so that was 204.3.A.1 that I just referenced. If we go down to 204.4, it says, and I'll read it to you. Uses permitted as of right or by special exception are governed by the following bulk regulations.

So, and it says, if you read Subsection A, it says that uses permitted under 204.3.A.1, which is the section we

just looked at, and new accessory structures, are governed by the bulk regulations in the DR-5 zones.

So, would, would you agree with me as, as I, I think you've already indicated, that in an RO zone, a church is permitted as of, as of right and as limited in the DR-5.5 zone, but it is also governed by the bulk regulations in the DR-5.5 zone, correct?

MR. MITTEN: Yes.

MR. MCCANN: Okay, all right. Moving onto the CR, just a couple questions about the CR districts. I'm going to pull that up as well for your reference. These, this is in Section 259, districts, correct? CR district is, is addressed in 259.2.A, correct?

MR. MITTEN: Let me just, sorry, let me see where I am.

MR. MCCANN: Yeah, if I'm going too fast, just let me know. I'm just trying to --

MR. MITTEN: You're jumping, you're jumping around a bit for me there.

MR. MCCANN: Yeah, I'm sorry.

MR. MITTEN: Just say the question again, please.

MR. MCCANN: The question is simply whether or not this section that I pulled up, 2, 259.2, in the zoning regulations, and the provisions that follow, apply to the CR district.

MR. MITTEN: So, it looks like it yes.

MR. MCCANN: Okay. So, let me just go down to, and I think this is the provision that you mentioned earlier, 259.3, special regulations for CR districts. And it has use restrictions and bulk regulations. I want to focus in on this provision here because I think this is the one that you were referring to when you were speaking with Mr. La Fiandra.

MR. MITTEN: Yes, sir.

MR. MCCANN: It says, it says in the CR district, the gross floor area for all buildings on a lot shall not exceed eighty-eight hundred square feet, of which no more than six thousand six hundred square feet shall be on the ground floor. Did I read that correctly?

MR. MITTEN: Correct.

MR. MCCANN: So, as I, as I read that section, it doesn't like this is the, this is the way that you read it, that the actual variance that the, according to the CR regulations, the maximum square footage, total square footage, for all floors, that this building can be, is eight thousand eight hundred feet, not twenty thousand plus, correct?

MR. MITTEN: I don't read it that way. I, I interpret this as being, referencing to the portion on this, the, the ROCR area only, not to the other zones. Because this is unusual with the multiple zones.

MR. MCCANN: No, I understand that. I understand

your, your, your, I've never seen it done before, but I think your, what you're referring to now is the fact that in the RO zone, only a certain portion of the building is in that zone and whatever portion that is, is subject to this eighty-eight hundred square foot limit, correct?

MR. MITTEN: Correct. And that's, that's my, my interpretation of this is based on the previous zoning case, which interpreted it the same way as I think we are interpreting it.

MR. MCCANN: Well, I, you're talking about the 2008 case? That's the way you read that case?

MR. MITTEN: Yeah.

MR. MCCANN: Okay. Did that involve the split zoned property?

MR. MITTEN: Excuse me?

MR. MCCANN: Was the, was the property zoned, split zoned at that time, back in 2008?

MR. MITTEN: Yes.

MR. MCCANN: It was, okay. And just for everyone's benefit, it says here, the gross floor area for all buildings on a lot shall not exceed eighty-eight hundred square feet. When it says gross floor area, that's a defined term in the, in the, in the regulations, is it not?

MR. MITTEN: Yes, sir.

MR. MCCANN: Okay and let me go to that definition.

I'm going to pull that up. This is from Section 100.1 of the zoning regulations. There's a definition of gross floor area I just highlighted. Do you recognize that as the definition in the zoning regulations of that term?

MR. MITTEN: Yes, sir.

MR. MCCANN: Okay and it says, I guess the beginning portion of it, says the sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of exterior walls. Okay. Well, that speaks for itself.

ALJ: What regulation is that, Mr. McCann?

MR. MCCANN: That's in the definitional section of BCZR, which is 100.1.

ALJ: Okay.

MR. MCCANN: Or maybe 101.1.

ALJ: Yeah, yeah, yeah.

MR. MCCANN: Okay. Back to the, the CR provisions. I think I lost them already. Oh, here it is. Okay. So, we, we just talked about the use restrictions and bulk regulations in the CR district and the eighty-eight hundred square foot maximum. I understand your interpretation of it. I guess we can argue about that at a later time. But there are a number of other bulk regulations, use restrictions in the, in the CR district that you didn't discuss. First off, the floor area ratio. Did you take a look at whether or not, either under your (inaudible) things or otherwise, that the building is, has

a floor area ratio that does not exceed .2? Did you look at that?

MR. MITTEN: Our, our floor area ratio in the, in this ROCR zone is .15.

MR. MCCANN: Okay. In the ROCR zone, correct?

MR. MITTEN: Yes, sir.

MR. MCCANN: What about at the building as a whole? Do, you've disregarded the boundaries as you've done --

MR. MITTEN: The building, the building as a whole has got a .13 on my, on my latest calculations.

MR. MCCANN: Okay. So, either way it meets the floor area ratio?

MR. MITTEN: Yes, sir.

MR. MCCANN: Okay and then we have this provision here, which says, building height shall not exceed thirty feet. I think you've, you've addressed that by indicating that in your opinion, this provision is trumped, for lack of a better word, by the provision in the zoning regulations that allows church buildings to be as high as fifty feet, correct?

MR. MITTEN: Section 300.2.

MR. MCCANN: Right, okay. And Subsection 3 in C-1. Again, these are use restrictions. It talks about a, in, in a, landscape standards, that in addition to the requirements of landscape manual, the following landscape standard shall apply. The entire front, side and rear setback shall be landscaped.

Is, is, are you proposing such landscaping?

MR. MITTEN: The landscaping plan will be, will meet requirements per the landscape manual and per the zoning code. It doesn't been done yet.

MR. MCCANN: It doesn't what?

MR. MITTEN: The landscape, final landscape plan has not been done. The schematic landscape plan was submitted by the landscape architect and is currently being reviewed. I haven't got comments on it.

MR. MCCANN: So, as we sit here today, we don't know what landscaping will or will not be approved by the County?

MR. MITTEN: Whatever we do will have to be approved by the County or else we can't continue, it's --

MR. MCCANN: Do you know whether the schematic landscape plan as proposed, proposed landscaping in the entire front, side and rear setbacks?

MR. MITTEN: I don't know the details of that landscape plan.

MR. MCCANN: Okay. Well, can you tell me whether 3-B is complied with? That is, are you providing for a minimum of seven percent of the parking area to be pervious?

MR. MITTEN: I believe it will be met, yes, sir. I don't know the exact numbers, but we've got the storm water management area takes up a lot of that space. So, you get past your seven percent reasonably easier, I believe.

MR. MCCANN: It sounds like you haven't looked at that.

MR. MITTEN: I haven't looked at it in detail, no.

MR. MCCANN: What's that?

MR. MITTEN: I have not looked at that in detail yet.

MR. MCCANN: Isn't it sig, I mean, pervious and it says seven percent of the parking lot. It doesn't say seven percent of the lot, it says seven percent of the parking lot.

MR. MITTEN: So, (inaudible), etcetera, so we have to measure the pervious area and we have to put enough islands in to meet that requirement. And the Zoning Office already asked us, one of their comments was to put more islands in so we meet, when we go through that process, we will meet the seven percent. If I don't meet it, I won't get the landscape plan approved.

MR. MCCANN: Okay. So, again, that's something that could have an impact on the parking area.

MR. MITTEN: And if that's the case, to, to achieve that it's not that difficult. You just, we'll have to leave out one or two spaces and since we already have eight spaces in surplus, we'll take it up (inaudible).

MR. MCCANN: Okay. But it sounds, sitting here today, you didn't do that calculation yet.

MR. MITTEN: I have not done that calculation yet.

MR. MCCANN: And it, it also sounds like, based on

your, your answers, that your understanding of this provision is that you can, the parking lot itself doesn't have to be pervious, but you can get a, you can put islands in the middle that make, as long as those islands amount to seven percent of the entire parking lot, then, then that's okay?

MR. MITTEN: Correct.

MR. MCCANN: Okay. What do you base that on?

MR. MITTEN: There's a minimum of seven percent of the parking lot shall be impervious surface, with a minimum of one tree per eight parking spaces provided. I will meet, or the landscape architect will meet 3-B.

MR. MCCANN: Okay. But other than this provision itself, do you rely upon anything else, you know, any policy manual, any other regulation that we haven't looked at yet, for your interpretation that you can meet this seven percent pervious surface threshold by creating islands?

MR. MITTEN: Yeah, I believe that's a way to do it and the other, it doesn't have to be, exactly be islands. You can have strips between the storm water management facility, for example, and the, and the sidewalk, you can landscape that as well.

MR. MCCANN: But my question is, what do you rely upon for that? Anything other than this, this regulation itself, or is it just simply your reading of this?

MR. MITTEN: This is in, this is in addition to the

landscape manual.

MR. MCCANN: My question is, are, when you say that that's your interpretation of 3-B, are you relying upon anything other than 3-B itself?

MR. MITTEN: I'm readying, based on 3-B, that's my interpretation. I have to provide seven percent of pervious area.

MR. MCCANN: Okay and then, what about this requirement a minimum of one tree per eight parking spaces? As I, as I read it, read that provision, you'd have to have about eight times two hundred is sixteen hundred trees, no, I'm sorry. I did the math wrong. I did the math the wrong way. Two hundred divided by eight would have to have --

MR. MITTEN: Thirty-five trees.

MR. MCCANN: Yeah, and are, those trees aren't depicted on this site plan, are they?

MR. MITTEN: No, sir. They will be on the, they will be on the approved landscape plan.

MR. MCCANN: Okay. But you, you weren't involved, you aren't involved in that aspect of, of this project. That is, you didn't prepare the landscape plan?

MR. MITTEN: We have a, we hire a subcontractor landscape architect.

MR. MCCANN: Okay. Okay and then this provision that, I think you did speak to about parking must be located in

a CR district. This is C-1-4. Your interpretation is that you don't need to comply, that all parking on this site doesn't need to be within the CR district, only some portion of it that is proportional to this, the (inaudible) building that's in the CR --

MR. MITTEN: The amount, the amount of the seats that are in the CR, that's our interpretation.

MR. MCCANN: Yeah, and I think as, as you, Mr. La Fiandra was asking you that based on the, the square footage of the building that's in the CR district, you would forty so, forty something or so, I don't know whether it's forty-six parking spaces, would be required in the CR district, correct?

MR. MITTEN: (inaudible) on the number of seats, not the, not the area.

MR. MCCANN: Oh, I'm sorry, number of seats, right. (inaudible) I recall that.

MR. MITTEN: That, that's the rule for determining how many spaces based on the seats.

MR. MCCANN: Okay and --

ALJ: And, and what did you consider the adjoining development?

MR. MITTEN: Well, there is no real adjoining development because you have, you have forest to the east, a farm to the north, farm to the west technically, a snowball stand, a church to the west, open, open space property to the

south, so.

ALJ: And so, perhaps no parking is consistent.

MR. MITTEN: Well, that, that would be unreasonable.

ALJ: Okay.

MR. MCCANN: And just before I forget, I think the question I was getting at was you looked at the CR district and the CR district alone and you found that based on the number of seats in, in the CR district, this artificial line through the middle of the sanctuary, that you're actually providing more than the forty or so parking spaces in the CR district, providing fifty something, correct?

MR. MITTEN: Correct.

MR. MCCANN: Doesn't that, doesn't that defeat the purpose of locating all parking in the CR district?

MR. MITTEN: What, providing more spaces?

MR. MCCANN: Yes, and not including others that are out, immediately outside of it.

MR. MITTEN: Well, the stuff outside of it, if we take the parking spaces outside of it, we have more there as well.

MR. MCCANN: I know, that's my point. All right. I'll move on. Maybe I'm missing something. Okay. By that token, you could have five hundred spaces in the CR district, but I'll move on.

Then lastly, you didn't mention five at all. Have,

have you, on behalf of the Petitioner, proven to the satisfaction of the director of DEPS that the land can support the proposed development without overburdening sewage disposal and the potable water supply, etcetera? Have you, have you made that showing?

MR. MITTEN: All these, that particular aspect will be dealt with in the final design of this project.

MR. MCCANN: How will it be, how will it be handled? Is it, is it a formal letter, is it not, that's submitted to the director?

MR. MITTEN: Well, I, I don't, I'm not sure there's going to be a formal letter, but by implication, if I get my onsite sewage disposal system approved, if I get the storm water management approved, by implication, based on their signatures on the documents, we've got the approval.

MR. MCCANN: Okay. Have you ever had a case involving a CR district, been involved in a project involving the CR district?

MR. MITTEN: No, sir.

MR. MCCANN: All right. Bear with me one second.

ALJ: I think I might have asked you this before, Mr. Mitten, but if not, have you ever designed a plan where you had a building up like this and a portion of parking and other things were different zones?

MR. MITTEN: Not particularly with this, the RO, ROCR

complicates things a bit. I'm sure in my past I, I may have gotten a split zone somewhere, but not in recent memory.

ALJ: Um hm.

MR. MCCANN: Your Honor, before I let him go, I just want to make sure I, I, I did not jot down these exhibits as I was adding them. There were, there were several plans. I guess I could handle that after I send them to you. I don't need to identify them by number now. But I'll just, I'll go in the order --

MR. LA FIANDRA: Michael, Michael, on the issue of the plans, are you going to label those plans before you send them in?

MR. MCCANN: That's what I was just indicating. I need, I need to --

ALJ: I have five different ones that you referenced as Protestant's three, four, five, six and seven.

MR. MCCANN: Okay, good. And I did them in date order, so I'll label them and send them both to you and Dino. Lastly, --

MR. LA FIANDRA: I did not get all of them, so if you, if you could label them before you send them in, I'd appreciate it.

MR. MCCANN: Yep, will do.

MR. LA FIANDRA: Thank you.

MR. MCCANN: Okay. Just two more things. Did, did

you, Mr. Mitten, did you perform or participate in any of the traffic analysis? I think you said you did the sight distance.

MR. MITTEN: All I did was the sight distance exhibit.

MR. MCCANN: Okay and let me just show that to you and have that marked as the next exhibit. Just, I'm not going to ask you any questions about it, just want you to confirm that this is what it is.

ALJ: So, that will be Protestant's eight.

MR. MCCANN: Yes, please.

ALJ: All right.

MR. MCCANN: So, this is, just to show it to you, Mr. Mitten, this is, it's got your seal on it, I believe, and it's dated December 2020, correct?

MR. MITTEN: That's correct, yes.

MR. MCCANN: Okay and this sort of graph at the bottom, does this, does the dotted line show the crest of the hill that we were speaking about?

MR. MITTEN: Yeah, the dotted line shows the crest of the hill and then you'll see the point where I, where our entrance is. So, if you, (inaudible) I think it's three and a half feet, that's where your eye would be if you're sitting in your car.

MR. MCCANN: Right.

MR. MITTEN: So, as you look eastward, you look over

the top of the hill and you can see the top of the vehicle coming. So, those were the two lines, the stopping sight distance and the intersection sight distance, I believe it is.

MR. MCCANN: Okay.

MR. MITTEN: So, you can see, and, and you can, if you look at that, if you see, if you go to the west and that three and a half, just a short distance further down to the west, you won't see over the hill anymore.

MR. MCCANN: Okay.

MR. MITTEN: If you can imagine that.

MR. MCCANN: Okay. So, I take it in preparing this, you, you used the, the chart that we're all familiar with in the (inaudible) standards?

MR. MITTEN: Yeah, I got, I got the sight distance from the, from the traffic engineer, what I should use. And that's, that's the exhibit we prepared.

MR. MCCANN: Okay. But the, are you familiar with the (inaudible) standards --

MR. MITTEN: They're different for different design (inaudible), different distances.

MR. MCCANN: Right, but did, did you look at those or did the traffic engineer, do you know?

MR. MITTEN: I have, I have looked at them and he also confirmed them.

MR. MCCANN: Okay. So, we can all look at that chart

and confirm that the minimum site distance and minimum intersection sight distance standards are met?

MR. MITTEN: Should, should be met, yes, sir.

MR. MCCANN: Okay. Did you also take into consideration the grade of the hill? There's a, there's a provision in (inaudible) that, that, it's a separate chart, that changes the sight dis, intersection and stopping sight distance minimums based on any grade difference in the road. Did you look at that chart as well?

MR. MITTEN: Yes.

MR. MCCANN: Okay and is that reflected in this profile?

MR. MITTEN: Yes, sir.

MR. MCCANN: Okay and then finally, you said three and a half feet, is that, did you use, and that's the distance from the ground to the, to the driver's eye, the average distance?

MR. MITTEN: Correct, that's the distance that (inaudible) use.

MR. MCCANN: Okay and you used that, that height, three and a half feet, for both the stopping sight distance and the, and the intersection sight distance?

MR. MITTEN: The stopping sight distance, the, the intersection sight distance is three and a half to three and a half. So, you just, all you need to do when you're looking out

is see the top of the car eventually, essentially coming to you. The stopping sight distance is three and a half, three-and-a-half-foot eye, eye height to a two-foot object height. So, that's something on the ground. So, that's, that allows you to have enough space to stop.

MR. MCCANN: Okay. Okay and then lastly, let me show you this document. I'm not sure, this would be a March 2nd, 2021 letter from Traffic Concepts to SHA signed by J. Carey. Are you familiar with this document?

MR. MITTEN: I've seen this letter.

MR. MCCANN: Okay and Traffic Concepts was the, is the traffic consultants hired by the Petitioner to look at the trip generation?

MR. MITTEN: Yes, sir.

MR. MCCANN: And, okay. Your Honor, I would move that as nine, or have it marked as nine and then I'll send you guys a copy of it.

ALJ: All right.

MR. MCCANN: And with that, I don't think I have any other more, any more questions of Mr. Mitten.

ALJ: Okay. Mr. La Fiandra, do you have any re-direct?

MR. LA FIANDRA: I do, thank you. Mr. Mitten, just picking up on the sight distance exhibit. Let me just get, I have my own, which I had marked. And I will use that. Is

Donna available that she could let me share?

ALJ: Donna, can you turn the --

VOICE: Yes, I can.

ALJ: Okay.

MR. LA FIANDRA: Thank you, Donna. Thank you.

VOICE: You're welcome.

MR. LA FIANDRA: There we go. Now, this, my Exhibit 13 is the same as Mr. McCann's Exhibit 8. I'll gladly have the witness authenticate my Exhibit 13. Mr. Mitten, do you recognize my Exhibit 13?

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: And is this the same as the sight distance exhibit that you were just referring to for Mr. McCann?

MR. MITTEN: I believe so.

MR. LA FIANDRA: Okay. Now, will you, can you explain for the Judge how this, how this exhibit shows that you cannot, how, how this exhibit shows that there's a sight distance issue from the original location of the entrance in the middle of the site?

ALJ: I, I understand that completely and it's kind of --

MR. LA FIANDRA: Okay, that's fine. Thank you, then I won't spend the time.

ALJ: Yep.

MR. LA FIANDRA: I won't, I won't, I won't spend the time, thank you for saying that. Moving onto the, some of the statutory issues in the 259.3, which is the CR district regulations. Mr. Mitten, Mr. McCann asked you some questions about the environmental holding capacity and this Section 5 of the use restrictions in 259.3. Do you recall that, those questions about the environmental holding capacity?

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: Had you submitted perk tests for this site, for the septic reserve area?

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: And were they approved?

MR. MITTEN: Yes.

MR. LA FIANDRA: And can you, can you describe where in the process the perk tests fall in terms of the various approvals for the environmental, the different environmental approvals?

MR. MITTEN: Well, we need approved perk tests before we can get a development plan approved to make sure the septic system will operate (inaudible) work.

MR. LA FIANDRA: So, are the, are the perk tests, and the perk test approvals, part of the showing that's required for this environmental holding capacity approval for showing?

MR. MITTEN: I believe they would be.

MR. LA FIANDRA: Take a look here. Is that your

answer, yes?

MR. MITTEN: Yes.

MR. LA FIANDRA: And then the other thing, so you had mentioned (inaudible) to Mr. McCann, in terms of the, the remainder of the approvals, they come later in the process?

MR. MITTEN: Yeah, the, the onsite sewage disposal system gets approved after the development plan gets approved.

MR. LA FIANDRA: Okay and is that typical for those onsite disposal, disposal systems?

MR. MITTEN: That's the way we, that's the way we've done it before.

MR. LA FIANDRA: Okay. Now, so, gross floor area that you had been talking about, this, this, this section of Code, of course, this only applies to the CR district, am I correct?

MR. MITTEN: Be a bit more specific with that question. Can you make this a little bigger for me, please?

MR. LA FIANDRA: Yes, of course, I'll do my best. Now, we're, we're talking about the, the bulk regulations. We're in C-1 as it relates to, this is, this is follow-up of the questions that Mr. McCann was asking you as it relates to the, the, the bulk regulations and applicable to the CR district. So, we're in 259.3, special regulations for the CR districts.

MR. MITTEN: Yes, sir.

MR. LA FIANDRA: And it says the gross floor area for all, for all buildings on the lot shall not exceed eighty-eight hundred square feet, of which no more than sixty-six hundred square feet shall be on the ground floor. And it goes on with some other restrictions. These, these apply to the CR districts, --

MR. MITTEN: CR district only, yes.

MR. LA FIANDRA: Okay and despite the fact that it, it says on a lot, it still only applies to the CR district?

MR. MITTEN: That, that would be my opinion.

MR. LA FIANDRA: Okay.

ALJ: Just, just to be, play devil's advocate, if, if the building ballooned to the size of the Taj Mahal once it got out of the CR district, you would still feel that it was compliant if what was within the CR district complied with those regulations?

MR. MITTEN: That's an unlikely situation. I, I would still think that what's, based just on my reading of this, that we have to provide parking in the CR zone for the portion of the building in the CR zone. And the other ballooned Taj Mahal would have to provide its parking on the, on the site as well. It's kind of just an unusual situation with the CR zone plunked in the corner of the site. It's just, it's just, it's unusual.

ALJ: Yes, I, I agree with that.

MR. LA FIANDRA: Would you call that a unique situation, sir?

MR. MITTEN: Are you talking to me?

MR. LA FIANDRA: Mr. Mitten?

MR. MITTEN: I'm sorry?

MR. LA FIANDRA: Yes, Mr. Mitten. Would you, would you call that a unique situation?

MR. MITTEN: I would think it's unique.

MR. LA FIANDRA: And how many years have you been doing this in Baltimore County?

MR. MITTEN: Since 1988.

MR. LA FIANDRA: Have you encountered a situation like that before?

MR. MITTEN: I haven't come across a situation with the CR zone with half a building in it, no.

MR. LA FIANDRA: Okay. Now, we really have an issue to explain here with the, the three hundred and fifty seats changing to the four hundred fifty seats. Can you take a minute to, to go over that again? I, I don't think we need to belabor the point, but I think Mr. McCann's cross examination of you does, does deserve some, some more explanation. If you could just take a minute to, to explain all those plans that he, that he, that he demonstrated.

MR. MITTEN: So, I'm, I'm, I'm at a little bit of a loss because I'd have to look, first of all, let me just back

up. This project started in 2017 and it's progressed to 2021. During the course of this project, obviously, at some stage we wrote three hundred fifty seats.

And obviously the DRC plan, if that's the latest plan, I'd have, I'd have to look at all my drawings, sequence of drawings, which I don't have right now, at some stage during that point, we wrote three fifty. And for some reason, the number of seats in the building increased.

I'm not sure exactly where that point occurred. I, I can't answer that question right now without going to, to go back some multitudes of plans. But clearly now it's, when we submitted that development plan, it was four hundred and fifty.

The building size didn't appear to change, just the number of seats changed inside the building. So, maybe, maybe the architect knows more about when that happened, I don't know. But my understanding is the latest thing that we were processing when we did the development plan was four hundred and fifty.

What triggered that change, it just could be design development, which I would imagine would be just, I'm at a loss to know exactly when it occurred. But currently, what the, what the client wanted was four hundred and fifty seats in the sanctuary. That's the best I can do right now.

MR. LA FIANDRA: But once again, the size of the building has not changed, is that correct?

MR. MITTEN: I don't think the size of the building changed particularly, no. Looking at, just having a quick look at all the plans that Mr. McCann showed me. But I operate on an updated master plan all the time, so, but I, it doesn't appear to me that the building size or the layout of the parking, all that didn't change, just the number of seats inside the building changed.

So, the massing of the building I think is the same, certainly the layout, (inaudible) parking is the same, it's just this magic number, the four fifty seats in the building itself has changed. And I think that was a design development.

ALJ: And is it, is it your interpretation of, of the regulations that the number of seats was not a material aspect of the B-8 approval?

MR. MITTEN: Yeah, I, I think, my honest opinion is, I think if I went in with four hundred fifty seats, I'd get the same results. Because generally speaking, we're going for a limited exemption on these commercial jobs and institutional jobs.

You either get an A exemption, which is what we like to get because that means you can go straight to building permits. Or we have to go the other route of a development plan. And I don't think it effects, whether it's four fifty or three fifty, would have given me a different decision at, at the DRC.

I'm con, I'm pretty confident we (inaudible) got the B-8, in which case, all the agencies see it and all the agencies make their comments and we get an approved development plan. So, I don't think it would have made a, a substantial change to that. There aren't many other options to the B exemptions to get a limited exemption. There's weird things in there, but the B-8, I think I would have got that regardless if there was three fifty or four fifty.

ALJ: Okay.

MR. LA FIANDRA: Okay. Thank you, sir. I don't have any other questions for you.

ALJ: Based on that, Mr. McCann, do you have any follow-up?

MR. MCCANN: No, I don't, Your Honor. Thank you.

ALJ: Okay. All right. Who's your next witness and how long do you anticipate it's going to take, Mr. La Fiandra?

MR. LA FIANDRA: I have, I have three more witnesses. Two, two are technical witnesses and one is the pastor. I think the pastor will be, my direct of him is relatively brief and he's next. And then I've got two technical witnesses, an architect and a transportation planner, both of whom I think, the transportation planner I am now foreseeing will, will be longer. And he, I am anticipating will go last. All together --

ALJ: Okay. It seems to me, it seems to me we're

going to need another half day. So, I don't really see the sense in getting into another witness right now. It's quarter to five. I'd rather not keep Ms. Mignon any later than five or, or so. So, unless you guys strongly disagree with, with that approach, I think since we have to reconvene anyway, there's no sense getting into the pastor.

MR. LA FIANDRA: I, I agree.

ALJ: Obviously, okay --

MR. LA FIANDRA: I wonder if a half day is going to be enough, to be honest. I wonder if, if, if we should plan for a day.

ALJ: Okay. Well, I'll let you and Mr. McCann chat about that, and our office will abide by what you guys decide. I will say that, that lawyers tend to underestimate the amount of time, myself included, that things are going to take. So, you're probably right. It makes, to be on the safe side, we ought to set a whole, a whole day in and if it doesn't take that long, that's great. So, --

MR. LA FIANDRA: I, I was hopeful that we'd get through it today and you can see where we are, so.

ALJ: Yeah, yeah. Well, Mr. McCann is a, a thorough questioner, so. And I, I can't --

MR. MCCANN: Nice way of putting it, Judge.

ALJ: I, I can't keep my mouth shut either, so things, things take a while. All right. Well, I'll work with

you in terms of my calendar and obviously we're, we're in the middle of a hearing and nothing needs to be reposted or anything like that. So, just, if you would, chat with each other about dates and give my office a few dates and I will, I will do it as soon as humanly possible.

MR. LA FIANDRA: Thank you.

MR. MCCANN: Sounds good. Thank you, Judge.

ALJ: Okay. Thank you, all. Enjoy your holiday.

MR. LA FIANDRA: Thank you very much and you too, sir.

MR. MCCANN: You too.

ALJ: All right and thank you, Donna.

MS. MIGNON: You're welcome.

MR. MCCANN: Thank you, Donna.

MS. MIGNON: You're welcome.

MR. LA FIANDRA: Thank you, Donna.

MS. MIGNON: You're welcome.

ALJ: Bye.

(OFF THE RECORD)

CERTIFICATE OF TRANSCRIBER

I hereby certify that the hearing in the matter of 10610 Liberty Road, The Gospel Faith Mission International Incorporation, case number 2020-0138-SPHXA, heard before the Office of Administrative Hearings, November 23, 2021, were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers 1 through 121 constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness thereof, I have affixed my signature this 3rd day of October 2022.

Christine R. Leary

Christine R. Leary

Transcriber

IN THE MATTER OF:

10610 LIBERTY ROAD
THE GOSPEL FAITH MISSION INTERNATIONAL INCORP.
CASE NUMBER: 2020-0138-SPHXA

Hearing Date: September 15, 2022

Pursuant to Notice, the above-entitled hearing was held before the Office of Administrative Hearings for Baltimore County by remote access.

PRESIDING:

PAUL MAYHEW, ADMINISTRATIVE LAW JUDGE

PRESENT FOR THE PARTIES:

DINO LA FIANDRA, ESQUIRE
Counsel for Petitioner

MICHAE MCCANN, ESQUIRE
Counsel for Richard, Mary and Trina Vogelsang

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[ON RECORD]

ALJ: All right. Good morning, everyone. It is September 15th, 2022. This is a continuation of a zoning hearing in case number 2021-0138-SPHXA. Counsel, please identify yourselves for the record.

MR. LA FIANDRA: Good morning, Judge. Dino La Fiandra for The Gospel Faith Mission International, House of Change Baltimore.

MR. MCCANN: Good morning, again, Judge. Michael McCann on behalf of the Protestants.

ALJ: Okay. Thank you. And I'll swear witnesses in as we go so who is --

MR. LA FIANDRA: Pastor Fagbuyi.

ALJ: All right and could you spell, spell his name?

MR. LA FIANDRA: Yes, it's F-A-G-B-U-Y-I. His first name T-E-A-W-O.

PASTOR: T-A-I-W-O.

MR. LA FIANDRA: Pardon me, thank you, Pastor. Sorry about that.

ALJ: All right. I see you up there now, thank you, Pastor.

PASTOR: Good morning, sir.

ALJ: Good morning.

MR. LA FIANDRA: Pastor, where do you work?

PASTOR: I work at The Gospel Faith Mission

International, House of Change, Baltimore.

MR. LA FIANDRA: And are you, are you the, the lead pastor there?

PASTOR: Yes, sir.

MR. LA FIANDRA: What are your responsibilities as pastor of that church?

PASTOR: I am the pastor of the church and I provide both spiritual and administrative leadership for the church.

MR. LA FIANDRA: Okay. Taking a step back, what is the Gospel Faith Mission International?

PASTOR: The Gospel Faith Mission International is a church organization. It started in 2002 here in Baltimore, Maryland and we preach the gospel, teach the gospel and carry out Christian activities.

MR. LA FIANDRA: So then, was it, you said it started in, in Maryland in 2002. What, did it, did it exist prior to 2002 elsewhere?

PASTOR: Yes. In America, the church started in 1984 before this branch in Baltimore started in 2002.

MR. LA FIANDRA: And so then moving a little closer to home, what is the House of Change Baltimore?

PASTOR: House of Change Baltimore is the name of the assembly of the Gospel Faith Mission International. We have branches of that church, and each branch has (inaudible) name. So, the (inaudible) name for House of, for our branch here is

House of Change Baltimore.

MR. LA FIANDRA: Got it. So, you've been active as a church in Maryland since 2002. How long have you been at this particular property that we've been discussing in this hearing?

PASTOR: I would be here since 2009.

MR. LA FIANDRA: Okay. How, how many members do, does your church have?

PASTOR: Plus or minus on record one fifty.

MR. LA FIANDRA: A hundred and fifty members. Now, is that individuals or families or how do you count members?

PASTOR: We count members on an individual basis. People who have been baptized and registered.

MR. LA FIANDRA: I understand. I'd like to, I'd like to --

ALJ: Just so I'm clear, because I run into this in these, in these church cases, a hundred fifty members includes women and children and the whole family or is, or is it more in the nature of a hundred fifty heads of families?

PASTOR: We register the members and some of the members have children, husbands and wives. But generally, we register them as individuals. And what makes it so is every individual takes a form, a registration form of the church, and fills it and submits it. That makes them a member.

ALJ: So, if I'm a father of three and I have a wife, will there, will there, will there be five people registered?

PASTOR: No.

ALJ: If they're all baptized?

PASTOR: When, when they are baptized, they become members.

ALJ: Okay.

MR. LA FIANDRA: I'd like to take us through a typical week at the church starting with Sunday, Pastor. Is there a service on Sunday?

PASTOR: Yes, sir.

MR. LA FIANDRA: What time is that service?

PASTOR: Service starts at 10:00, Sunday School at 9:00, service at 10:00.

MR. LA FIANDRA: Sunday School at 9:00, service at 10:00. Sticking with the service for a moment, how many people attend that service regularly?

PASTOR: Regularly, we have about a hundred people, sometimes one forty, one fifty, plus or minus.

MR. LA FIANDRA: Now, is that personal attendance, in person?

PASTOR: Yes, please.

MR. LA FIANDRA: Do you have virtual services, or do you have any virtual aspect, a hybrid service or anything like that?

PASTOR: Yes, we run our programs hybrid.

MR. LA FIANDRA: Okay. So, you said there are a

hundred forty, hundred and fifty people in attendance in person. Is there, do you happen to know how many people join virtually?

PASTOR: Post-COVID, a good number of our people attend virtually, sometimes more than fifty, sixty. We, we can't cast the number in stone, but a good number of people post-COVID join virtually.

MR. LA FIANDRA: Okay. Now, and the one forty, is that a, the one forty in person, is that a, a post-COVID number?

PASTOR: Yes, please.

MR. LA FIANDRA: Okay. Now, we'll come back to the Sunday School. Well, actually, let's discuss the Sunday School now since we're on Sunday. What, can, can you tell the Judge about the Sunday School?

PASTOR: The Sunday School starts at 9:00 and it holds for one hour. And it's the educational aspect of our church programs where people of different age groups go to various classes to learn about the Bible, all right, before we transition to the main service every Sunday.

MR. LA FIANDRA: Okay. So, Sunday School lasts about an hour and then the participants in the Sunday School go to the main service?

PASTOR: Yes, please.

MR. LA FIANDRA: Now, how many participants in the

Sunday School do you have?

PASTOR: Sometimes we have about a hundred, a little less, a little more, but around a hundred.

MR. LA FIANDRA: Okay. Now, are those --

ALJ: Do a lot of the parents attend with the children, is that, --

PASTOR: Many times, yes.

ALJ: Okay.

MR. LA FIANDRA: Now, how many Sunday School classes do, do you run on Sunday at 9:00?

PASTOR: Currently, we run about six.

MR. LA FIANDRA: And I think you said a moment or two ago that that's based on age group, is that correct?

PASTOR: Yes, please.

MR. LA FIANDRA: Okay, all right. What happens after service, what time does service end on Sunday?

PASTOR: Excuse me?

MR. LA FIANDRA: What time does the service end, the religious service, the one that starts at 10:00, what time does that end on Sunday?

PASTOR: Generally, between 11:30 and 12:00.

MR. LA FIANDRA: Okay. What happens after, after the Sunday service at the, at the, at the, at the church?

PASTOR: (inaudible) usually we don't have other programs after the church service on Sunday, so everybody goes

home.

MR. LA FIANDRA: Okay. The, what church activities do you have during the week? Pardon me, before I get to the rest of the week. Is there, is there anything else that happens on Sunday on a regular basis?

PASTOR: On a regular basis, no. After Sunday School and then the service, pretty much everybody goes home.

MR. LA FIANDRA: Okay. What happens during the week? We can start with Monday. Do, are there any church activities that occur on Monday?

PASTOR: No.

MR. LA FIANDRA: So, who's present at the, at the facility during the week? On, on Monday?

PASTOR: The pastor and the admin assistant.

MR. LA FIANDRA: Okay. The, what about Tuesday? Are there any services or activities that occur on Tuesdays on a regular basis?

PASTOR: Yes, please. We have prayer meeting from 7:00 p.m. to 8:30 p.m.

MR. LA FIANDRA: And how many people attend that in person?

PASTOR: Post-COVID, thirty, thirty-five.

MR. LA FIANDRA: And is there an online component to that as well?

PASTOR: Yes, always we have them. They're on a

program's hybrid.

MR. LA FIANDRA: So, how many people attend, if you know, pardon me, that prayer service on Tuesday at 7:00 p.m. virtually?

PASTOR: Virtually more people attend, more than thirty.

MR. LA FIANDRA: More than thirty, okay. Is there anything that happens after the prayer service ends at 8:30 on Tuesdays? Do you have any other programs or activities?

PASTOR: No.

MR. LA FIANDRA: Moving onto Wednesday. Are there any activities that occur on Wednesdays?

PASTOR: Yes, please.

MR. LA FIANDRA: What happens?

PASTOR: Bible study.

MR. LA FIANDRA: Bible study. What time is that?

PASTOR: Seven p.m. to 8:30 p.m.

MR. LA FIANDRA: And how many people do you have attend that in person?

PASTOR: (inaudible) thirty, thirty-five.

MR. LA FIANDRA: And do you know how many people attend online?

PASTOR: Same number.

MR. LA FIANDRA: Same number.

PASTOR: Yeah.

MR. LA FIANDRA: You mean, thirty to thirty-five?

PASTOR: Yes, please.

MR. LA FIANDRA: Okay. Do you have any activities that occur at the church, at the church on Thursdays?

PASTOR: No.

MR. LA FIANDRA: Okay. So, are there any activities that occur on Fridays?

PASTOR: No.

MR. LA FIANDRA: Do you have a prayer vigil that occurs on, at, at any point during, during the month?

PASTOR: Yes.

MR. LA FIANDRA: When is that?

PASTOR: We have our prayer vigil on the second Friday of the month during the night.

MR. LA FIANDRA: Okay. Tell, tell the Judge about the prayer vigil.

PASTOR: The prayer vigil is from 11:00 p.m. to 2:00 a.m.

MR. LA FIANDRA: So, it starts at 11:00 p.m. on Friday and it ends Saturday morning at around 2:00 a.m.?

PASTOR: Two a.m. That's once a month.

MR. LA FIANDRA: Once a month and when is that during the month?

PASTOR: Second Friday.

MR. LA FIANDRA: Second Friday. Now, how many people

do you have attend that?

PASTOR: Sometimes thirty, forty or a little more.

MR. LA FIANDRA: And online?

PASTOR: Oh, people join online more.

MR. LA FIANDRA: More online?

PASTOR: Yeah, online.

MR. LA FIANDRA: What happens at the prayer vigil on Friday nights at 10:00, at, at 11:00 a.m., 11:00, 11:00 p.m.?

PASTOR: We pray.

MR. LA FIANDRA: Can, can you explain to the Judge why you choose that time? Is there a reason that you choose that time to have this prayer vigil?

PASTOR: We believe that the nighttime is the time that people can pray more quietly and then concentrate in prayer and that people who go to work during the day have time to come at night to pray.

MR. LA FIANDRA: And this, this is going to seem like a very elemental question but explain why this prayer vigil is important to your religious practice.

PASTOR: We believe that, we should pray, what our Bible teaches us is that we pray without (inaudible), we pray all the time. So, when we come at night, like I said, there are people who do not have the time to come to church or to pray during the day.

So, when they come at night, they can concentrate

more and they have more time to come, you know, to pray, right? So, it affords us the opportunity to focus more in prayer, you know? Especially that everywhere is quiet, you know, and can quietly pray, you know?

MR. LA FIANDRA: Okay. Now, what is the supernatural night of wonders?

PASTOR: Okay. The supernatural night of wonders is a prayer, administration prayer, that we hold once every two months, the last week of every two months.

MR. LA FIANDRA: And does that occur on a particular night?

PASTOR: We hold it in the evenings.

MR. LA FIANDRA: And explain, is it one, does it occur, is it one night at the end of the month or is it for the, I think you said the, the last week of the month. It, it's not the whole, is it the whole week?

PASTOR: The last week of every two months, Monday through Friday, 7:00 to 8:30.

MR. LA FIANDRA: Seven to 8:30.

PASTOR: But on the, the last day it is a little extended more than 8:30, we conclude at 9:30 or so.

MR. LA FIANDRA: How many people attend the supernatural night of wonders?

PASTOR: Post-COVID (inaudible) one sixty, one seventy, for the last day.

MR. LA FIANDRA: And that's total people, that's in person, that's in person attendance?

PASTOR: Yes, please.

MR. LA FIANDRA: Okay. And you said that goes until, sometimes 9:30 on a Friday?

PASTOR: Yes.

MR. LA FIANDRA: Now, were you involved in the discussions that led the church to, to desire to expand its facilities?

PASTOR: Yes, please.

MR. LA FIANDRA: Now, can you, can you describe the need for the expansion of the facilities?

PASTOR: Oh, thank you. We believe that where we are right now, we have space constraints in that when the service is going on in the main sanctuary, we have an overflow whereby people have to be in adjoining rooms, and we have to put large screens for them. So, we believe that having a bigger facility will enable us to bring everyone together in one room.

And that when we have our Sunday School classes, we'll have more spaces for the age groups, especially for the children, which we do not really have now. We group them together now. But it will be better for us if we have more spaces, more classrooms for them. And that's why we design the new church facility the way it is now.

MR. LA FIANDRA: Okay. Now, what about the virtual

or digital participation in, in these services. Do you expect that, do you expect that as we move more into post-COVID, that people are going to continue to use the electronic services, or do you expect that they will move back to attending in person?

PASTOR: Thank you. We, from our experience, people are comfortable being online but there are some who have moved to the church. So, it's neither here nor there. Those who move online, who join virtually, express convenience. And those who join, also prefer it that way. You know, so that's why we attend both and that's why going forward, we do our programs hybrid so that anyone who wants to come in is free, anyone who wants to remain online is also free.

MR. LA FIANDRA: Okay and those are my questions for the pastor.

ALJ: All right. Mr. McCann?

MR. MCCANN: Yes, thank you, Judge. Good morning, Pastor.

PASTOR: Morning, sir.

ALJ: While, while Mr. McCann is getting his notes together and thoughts together, have you noticed much of an uptick in in-person attendance in say the last six months to a year?

PASTOR: It's been stable.

ALJ: Okay.

PASTOR: In 2020, the number really went down because

of COVID. But as the lockdown was lifted people started coming. And in the last six months, the number, the attendance, has been quite stable.

ALJ: Okay and so, that stable number is the hundred forty to hundred fifty that are coming each Sunday in person?

PASTOR: Yes.

ALJ: Okay, thank you. All right, Mr. McCann.

MR. MCCANN: Okay, great. Thank you. Pastor, on that point, I'm not sure I got your answer to Mr. La Fiandra's question about your hybrid service, the remote part of it, that is. I think he was asking you whether or not you anticipate going forward whether the number of folks who participate remotely, which you've identified, will stay the same or increase now that we're moving out of COVID.

Do you anticipate at least some of those folks that currently or in the past have been participating remotely, do you anticipate them actually coming to the church for these services and other activities?

PASTOR: Yes, sir. Like I just said now, in the past six months the number has been stable. And so, going forward it may increase and it may not increase. We are not able to definitely say.

MR. MCCANN: Okay, okay. Fair enough. The, the size of your current building, that is according to the plan that we submitted in evidence, it looks to be about thirty-six hundred

square feet, does that sound about right?

PASTOR: Yeah, yeah.

MR. MCCANN: And in that space, describe, describe what rooms are in that space currently?

PASTOR: We have a main sanctuary, and we have other rooms, the building that we use for Sundays, we have the lobby and the other rooms that we use on Sundays for the Sunday School and the main service. About three, three rooms. And that's what we use for our children and our young adults for their programs apart from the main sanctuary.

MR. MCCANN: Okay. So, it sounds like the main sanctuary and three other rooms that you use for, for Sunday School and other things.

PASTOR: Yes. Yes, please.

MR. MCCANN: Okay. Are there, how many bathrooms are in your current building?

PASTOR: We have two, for men, for women and the pastor.

MR. MCCANN: Okay. So, two bath, one man, one male and one female?

PASTOR: One male, one female and then the pastor, three bathrooms.

MR. MCCANN: Okay and you've been at that location since, I'm sorry, you said 2009, correct?

PASTOR: Yes, please.

MR. MCCANN: Okay. In terms of parking, again, we're talking about the current situation. How many parking spaces do you have, do you know offhand?

PASTOR: I can't tell the exact number.

MR. MCCANN: No? Okay and we'll see some photographs a little bit later. But would you agree with me that the number of spaces that you do have are, are not adequate? That is, people often have to park elsewhere on the property or on, along the entrance road, for example, in order to fit their cars on, on, when they attend service, is that fair?

PASTOR: On the field on the property, yes.

MR. MCCANN: Yeah, anywhere on the property, you have to, the parking lot is not sufficient right now, correct?

PASTOR: Yes, that's correct.

MR. MCCANN: In terms of, well, strike that. You have one entrance right now to the church?

PASTOR: Right.

MR. MCCANN: So, I take it even with the hundred forty, hundred fifty people coming and going for the, for the main services, there's a lot of traffic coming in prior to service, prior to Sunday School and a lot of traffic all leaving at the same time after service on Sundays, correct?

PASTOR: Not at the same time. People start coming early and then when it is time to go, it is not always, the pressure is not always on the road. Once in a while it happens

that way, but not always.

MR. MCCANN: Okay. So, it's staggered somewhat, is what you're saying?

PASTOR: Excuse me?

MR. MCCANN: Is it staggered a little bit is what you're saying?

PASTOR: Possibly. People don't leave the church at the same time.

MR. MCCANN: Right. So, after, after service on Sunday, I think you said it ends at 11:30, 12:00-ish, how long is it before everybody clears out? Does it take fifteen minutes, half hour before everybody leaves?

PASTOR: Some people leave after the Sunday School.

MR. MCCANN: Okay.

PASTOR: And some people after the service.

MR. MCCANN: Okay. So, in terms of Liberty Road, since you've been there for twelve, thirteen years now, would you agree that that is a rural road, a somewhat narrow road and that cars speed on it a lot? Do you see that a lot?

PASTOR: Well, that may be.

MR. MCCANN: Yeah. Do you agree, can, can we agree that sometimes it's, it can be a bit dangerous coming out of the church onto that road, or in some cases, turning into the church off of Liberty Road because of the speed of the, the traffic?

PASTOR: We never had such incident.

MR. MCCANN: Okay. You've never had an accident, is that what you're saying?

PASTOR: Never.

MR. MCCANN: Okay.

PASTOR: At that point, never.

MR. MCCANN: But do you think it's a little bit dangerous for folks coming out onto Liberty Road when leaving or entering the church off of Liberty Road?

PASTOR: Well, I may not agree because there's also an ice cream shop, shop beside us, right? So, they also do their thing.

MR. MCCANN: Okay. Well, that would make it a little more dangerous, wouldn't it? If you have an ice cream shop right next door, people coming and going? Is it a little, is it a little unsafe, at least a little? Can we agree on that?

PASTOR: I can't answer that.

MR. MCCANN: Okay. Let's see. When you first started out, I think you said, at this location in 2009, how many members did you have back then?

PASTOR: Give or take eighty, less than a hundred, eighty, give or take, a hundred or one ten or something.

MR. MCCANN: Okay. Well, with the new church, if, if the building is approved by the Judge, I take it it's your expectation that both the membership and the folks who attend

the services and other activities will, will grow. That's what you anticipate, right?

PASTOR: We believe so.

MR. MCCANN: Okay. Because you are proposing a church with four hundred fifty seats, right?

PASTOR: Yes.

MR. MCCANN: And you expect and hope that the seats will be filled, right?

PASTOR: Maybe, maybe not. We're looking at long time (inaudible).

MR. MCCANN: Okay.

PASTOR: What we are looking for is more space for the worshipers and for the children, right? So, it's a projection, okay?

MR. MCCANN: Right.

PASTOR: Just look at the church from 2009 to now and the growth rate. So, it's a projection.

MR. MCCANN: Okay. So, you may not need that much space, is that what you're saying?

PASTOR: I didn't say so. It's a projection.

MR. MCCANN: Okay. I want to show you, bear with me one second. This has already been introduced. It's the floor plan for the church.

ALJ: So, in twelve years, Pastor, the, the church has, has grown from about a hundred to about a hundred fifty

members?

PASTOR: Yes, sir.

ALJ: Okay.

MR. MCCANN: And during that time, Pastor, has, have you expanded the building in any way or is it the same building?

PASTOR: No.

MR. MCCANN: Okay, all right. I'm going to show you, this is Petitioner's Exhibit 11. Your Honor, could I share?

ALJ: Sure.

MR. MCCANN: Thank you.

ALJ: Ms. Mignon, can you give Mr. McCann the --

MS. MIGNON: I can. One sec. (inaudible) sent it to you.

MR. MCCANN: Great, thank you.

MS. MIGNON: You're welcome.

MR. MCCANN: Okay. Pastor, do you see that? I know it's, it's a, there's a lot, a lot going on. But this is, do you recognize this as the floor plan for your proposed building?

PASTOR: Yes, please.

MR. MCCANN: Okay and, and I'll blow it up where necessary. But this, this is the main sanctuary we just spoke about with four hundred fifty seats, correct?

PASTOR: Correct.

MR. MCCANN: Okay and you can see my pointer a little bit?

PASTOR: Yeah.

MR. MCCANN: Okay, great. Were those seats, do you know whether those seats will be permanent, or will they be chairs that can be moved, do you know by chance?

PASTOR: These are questions that I believe the architect should be in a better place to answer.

MR. MCCANN: Okay. Well, it certainly looks to me in addition to the four hundred fifty seats that are here, that there's a lot of room for people to, to stand if need be. Was that sort of the, the design to have room for people to get up and stand and move around? Was that part of your, your wish? Do you understand my question, Pastor?

PASTOR: Please come again.

MR. MCCANN: I'm sorry?

PASTOR: Your question again, please?

MR. MCCANN: Okay, sure. As I see this site plan, I see a lot of room, lot of space between the, the seats, or the grouping, groupings of seats. And it certainly appears to me that there's a lot of room to hold a lot more than four hundred fifty people in this, in this space. So, my question was, was that part of the design, is that, to have some room for people to stand, or for people seated to get up and move around? Was that the design?

PASTOR: Well, like I said, this is a projection for future growth, okay? That will have more space for people during the service.

MR. MCCANN: Okay. So, well, you wouldn't make a projection without having some expectation that that will be necessary, right?

PASTOR: I didn't say so. The architect will be in a better position to explain that.

MR. MCCANN: Okay. I'll move on then. I noticed and we can, certainly the Judge can look at it in his time, but I noticed there are ten classrooms, is that correct? You have classrooms up here, sort of at the, I'll call the northern portion of the building. You have a classroom over on the right-hand side, or eastern side of the building, and you have some classrooms, I think, near the front of the building, correct?

PASTOR: Correct.

MR. MCCANN: And then, let me ask you this. This site plan, you said that the architect may be able to answer some of these questions. Is it fair to say that the architect prepared this site plan based on what you told him, and other church representatives told him that you would, would, would need or want in terms of space and types of spaces?

PASTOR: Yes, based on our current situation, we do not have enough classes for the age groups of the children for

Sunday School. And so going forward, would like to have enough classrooms so that we can group them appropriately. Right now, we lump some of the groups together. Going forward, (inaudible) each of them in the appropriate classes.

MR. MCCANN: Okay. That certainly makes sense to me. So, but ten classrooms, are there, they're going to be, you'll anticipate that they'll be different classrooms for each age?

PASTOR: And then usually during Sunday School, adults also have different classrooms for their Bible study. So, it's not just children alone. There will be (inaudible) Sunday School.

MR. MCCANN: Okay. You, you mentioned Sunday School, of course, and that's, I think that's what we're talking about here. Do you anticipate at any time in the future, having the, the building if, if approved, used as a, sort of a permanent school? That is, a school that has kids that come every day of the week as their normal education?

PASTOR: That's not a plan.

MR. MCCANN: That's not the plan? Could, could it happen? Is it possible that it may happen?

PASTOR: That's not the plan. Our plan is to teach Sunday School.

MR. MCCANN: Okay, all right. And I take it these same classrooms would be used for some of the weekday activities that you spoke about with Mr. La Fiandra, correct?

PASTOR: Well, weekday activities, no. We only use them for Sunday School. But if there is any special reason, well, maybe. But we usually use these classrooms for Sunday Schools every Sunday.

MR. MCCANN: Okay and each of these rooms, if we look a little closer, there is a number of occupants that it can hold and, for instance, classroom number six says twenty-one occupants. So, and they range, I took a close look at sort of the ranges. They range between, I think, sixteen and twenty-one or so.

Do you, and I added those up, in fact, there's, there's enough room in these ten classrooms to hold a hundred and eighty-four occupants. Does that sound, does that sound about right to you? That is what you may have discussed with the architect and what you wished to have?

PASTOR: Don't forget that this design was done before COVID, before COVID. So, we want to use classrooms to have enough space for the children and for the adults that will be using them for Sunday School.

MR. MCCANN: Okay. Well, you say it was designed pre-COVID. Are you saying that this is not the design or the plan that you will be using if, if the Judge approves the relief requested in this case?

PASTOR: No, no, that's not what I'm saying. I'm only telling you that when you see twenty-one people or

something, it may not actually be twenty-one people actually because of the COVID situation right now, there will be more spacing in each of the rooms. More spacing for people. So, instead of the twenty-one here, it may not be up to twenty-one.

ALJ: I'm, I'm having a hard time hearing you the last couple minutes, Pastor. Could you maybe get closer to the microphone or --

PASTOR: Yes, sir.

MR. MCCANN: Okay. Just a couple more questions, Pastor, about the plan. So, there's also a fellowship hall, so approximately fifteen hundred square feet. What sort of things will the fellowship hall be used for?

PASTOR: Yes, thank you. The fellowship halls, when we have mid-week services, we may not use the, the main sanctuary because the main sanctuary is big. So, we use the fellowship halls for focus groups and ministries in the church, maybe the men's group, maybe the women's group, maybe the youth fellowship, you know, smaller meetings, that may not necessarily need the main sanctuary for their use.

MR. MCCANN: Okay. You mentioned a couple things there and I was going to ask you about that anyway. You said for services during the week. You didn't mention services during the week when you were speaking to Mr. La Fiandra, you spoke about other things, maybe I missed it. But do you anticipate having church services during the week if the

building is approved?

PASTOR: Currently we use the place for prayer meetings on Tuesdays and the Bible study on Wednesdays, you know, currently. And that's pretty much what we do. And then once in a while, once a month vigil on Friday, second Friday of the month.

MR. MCCANN: All right.

PASTOR: That's our program, regular program.

MR. MCCANN: Right. No, I understand that's the program now. I'm asking about in the future if the building is approved and constructed, you, I, I take it, number one, I take it you, you continue, you, it's your plan to continue doing the same sorts of things during the week that you're doing right now?

PASTOR: Oh, yeah, yeah.

MR. MCCANN: But, and you mentioned prayer meetings, you mentioned Bible study. Those, those are things you're doing right now, correct?

PASTOR: Yes, please.

MR. MCCANN: Okay and, but you're not holding services during the week right now.

PASTOR: We do, Tuesdays, Wednesdays.

MR. MCCANN: Okay. When I, when I say services, I mean church services. Is --

PASTOR: What, what I mean by church service may be a

bit different from what you mean by church service.

MR. MCCANN: Okay.

PASTOR: Prayer meeting on Tuesday is a church service, all right? Bible study on Wednesday is a church service. Sunday celebration service is a church service.

MR. MCCANN: Got it, okay. Thank you for that. But going forward, the, the type of services that you presently have on Sunday, I think you said celebration services or something like that?

PASTOR: Worships, yeah, worship service.

MR. MCCANN: Worship service. Do you anticipate in the future if this building is approved to have worship services during the week in addition to Bible study and prayer services that you've talked about?

PASTOR: No, no, no, no.

MR. MCCANN: You don't?

PASTOR: It's what we've been doing for thirteen years and that's the order of our services.

MR. MCCANN: Okay. But what about, I mean, I think it's reasonable to expect if, if you're going from a church that presently has a hundred forty to a hundred fifty members to a church that, on a Sunday service, can hold four hundred fifty or more, it's reasonable to expect that the types of, I mean, that the number of services during the week is going to increase, isn't that fair?

PASTOR: No, no, no.

MR. MCCANN: No?

PASTOR: No, (inaudible), yeah.

MR. MCCANN: Okay. So, sitting here today --

ALJ: The, the prayer service and the Bible study may grow in numbers but only on the Sabbath will you have the, the worship service, is that fair?

PASTOR: Yeah.

ALJ: Okay.

MR. MCCANN: Okay. Thank you, Judge. That was my next question. And then also, you, can you confirm for us today with certainty, Pastor, that during the week there will be no other services of any kind other than the ones that you described this morning that are taking place currently?

Specifically, the prayer services on Tuesday, Bible study on Tuesday, and then, I'm sorry, on Wednesday and then some of the other midweek things that you've described already? You're not going to have anything other than those?

PASTOR: We don't, we don't.

MR. MCCANN: But will you in the future have them? Anything other than those?

PASTOR: As a church, well, I don't think so.

MR. MCCANN: (inaudible) he asked you since the, the, the anticipation is, is growth and you proposed four hundred fifty seats, is it possible that you will have a, a Bible study

class at, on a day or at a time other than it currently is from 7:00 to 8:30 on Wednesdays? You may have more Bible study classes, isn't that fair?

PASTOR: No, no, we don't do that. Bible study day is strictly on Wednesday.

MR. MCCANN: Okay and you will, the same with respect to prayer services on Tuesday. You will not, if this building is approved, you will not have prayer services on any other day --

PASTOR: No.

MR. MCCANN: -- or any other time other than Tuesdays, correct?

PASTOR: No.

MR. MCCANN: Okay. In terms of staff, I think you mentioned right now there's you, you are the pastor, and you have an assistant, is that right, administrative assistant?

PASTOR: Yes.

MR. MCCANN: Okay. I've seen reference to staff, if the building is approved, that there will be five full-time employees and five part-time employees. Does that sound about right to you? Does that sound about right to you, Pastor?

PASTOR: Yes, please.

MR. MCCANN: Okay. So, and for that staff, it looks like you have some offices here.

PASTOR: Yes, please.

MR. MCCANN: Again, the Judge can look at it in his time, but you have an administrative office, you have a senior pastor office, you have an associate pastor office, and you have an account department room, right?

PASTOR: Yes, please.

MR. MCCANN: And you also have a conference room proposed, correct?

PASTOR: Yes, please.

MR. MCCANN: Okay. And then in terms of bathrooms, I counted six bathrooms, I'm sorry, eight bathrooms and we can, three men, three for men, three for women and then you'd have individual bathrooms over here on the eastern side of the building for yourself, the pastor and the associate pastor. Eight, eight in total, does that sound about right?

PASTOR: Okay, yeah.

MR. MCCANN: Okay. The kitchen, there's two kitchens that I've, that I see on the plan. What will those kitchens be used for?

PASTOR: Right now, we have a kitchen, okay? And then, usually, sometimes when we have visitors or go to church or after service for the children, prepare tea, give them snacks, all right? We use the kitchen for that.

MR. MCCANN: Okay and you anticipate doing the same thing in these two kitchens?

PASTOR: Yes, please.

MR. MCCANN: Will there be any cooking appliances? Stoves, refrigerator?

PASTOR: No.

MR. MCCANN: No? Okay. You say that with certainty?

ALJ: There will just be a sink? I mean, you're not going to have a refrigerator and (inaudible) any appliances?

PASTOR: Oh, yes, yes.

MR. MCCANN: So, a refrigerator and a sink. Anything else?

PASTOR: Pretty much, a microwave oven.

MR. MCCANN: But nothing else in those kitchens?

PASTOR: I don't think so. Those are the things we currently have.

MR. MCCANN: Okay. Just a couple things, more things, Pastor. Make sure I cover everything.

ALJ: Pastor, will there possibly be weddings or things of that nature held in the fellowship hall?

PASTOR: Currently, we don't, we don't hold weddings.

ALJ: Well, you don't have the room for it now. I'm saying if this were --

PASTOR: We don't, no, we don't.

ALJ: -- this building were approved, you have this good size fellowship hall. Do you envision there being weddings there on weekends, perhaps on Saturdays?

PASTOR: Saturdays, no. We don't, we, I don't think

so.

ALJ: Okay.

MR. MCCANN: What about other days of the week, weddings?

PASTOR: We don't hold our weddings during the week.

MR. MCCANN: Okay. Well, the, the question simply, and I'm sorry, I'm, will you, will you in the future, if this building is approved, will you have weddings at the, at the building on any day of the week?

PASTOR: It is possible on Saturday, it is possible.

MR. MCCANN: Okay. What about funerals? Will you have funerals and other, baptisms and other life events like that as well?

PASTOR: It is possible we have baptisms but funerals I'm not sure.

MR. MCCANN: Okay and then, in terms of holidays, that is, Christian holidays that your, your church celebrates other than, that occur on other than Sundays, you know, regular Sunday services, will you have either services or other activities on those days?

PASTOR: At the Christmas service.

MR. MCCANN: Okay.

PASTOR: Yes.

MR. MCCANN: Anything else? Any other holidays that will be celeb, celebrated?

PASTOR: Apart from Christmas, the Christmas service, the only other Christian celebration we hold in our church is Easter Sunday.

MR. MCCANN: Okay, all right. So, other than, I guess, Bible study, prayer services during the week, will there be other, do you anticipate having other meetings or groups of people attending the church or visiting the church during the week? Anything else?

PASTOR: I don't think so.

MR. MCCANN: For example, you know, Boy Scouts or those type of --

PASTOR: We don't have such groups.

MR. MCCANN: Okay. So, during the week only Bible study and prayer service?

PASTOR: Yeah, yes. There may be --

MR. MCCANN: Would --

PASTOR: Sorry. There may be what we call the choir practice on Saturday afternoon, about an hour or two.

MR. MCCANN: Okay. Yeah, I saw a reference to that. What about leadership training?

PASTOR: We don't do that here. We use other facilities for that. We have headquarters elsewhere.

MR. MCCANN: And where are the headquarters?

PASTOR: Brentwood.

MR. MCCANN: I'm sorry?

PASTOR: Brentwood, Brentwood, Maryland.

MR. MCCANN: Okay and is that a, is, is that an office or what, is that an actual church?

PASTOR: A church.

MR. MCCANN: Okay.

PASTOR: It's a church, it also has offices.

MR. MCCANN: Okay. Let me show you another exhibit and bear with me one second. Okay. Pastor, this is a document I obtained from Baltimore County. It's a, I'll, I'll scroll down and then I'll let you read it if you want. It's two pages. It's from Mr. Richardson of Richardson Engin, I'm sorry, Don Mitten, your engineer. You, you know Mr. Mitten, correct?

PASTOR: Yes, correct.

MR. MCCANN: Okay and it's what's called a water usage letter. Have you seen this document before?

PASTOR: I can't really remember (inaudible).

MR. MCCANN: Okay. In this letter, Mr. Mitten is telling the County sort of what the church anticipates in terms of its expansion. He mentions, for instance, the four hundred fifty seat sanctuary, the classrooms, the fellowship hall and kitchen.

He mentions, as you just mentioned, that the kitchen will be used as a warming kitchen, not as a commercial kitchen. But it does mention a couple things here that I wanted to ask

you about.

For instance, I'll highlight it, there will be evening functions of typical church groups such as Bible study, leadership training, community groups and choir practice for about fifty people from the church. Is that, is that an accurate statement?

PASTOR: Yes.

MR. MCCANN: Okay and then it also mentions the ten staff persons that I think you acknowledge would be expected. And then next line, additionally, they expect various special services, such as weddings, funerals or holidays. Is, is that an accurate statement?

PASTOR: I believe so.

MR. MCCANN: Okay, all right. It says here, for weddings or special events, two hundred congregants is expected. I guess that's an estimate of some sort. Does that sound accurate to you?

PASTOR: Well, currently we've not been having weddings, currently.

MR. MCCANN: Right, but this is for the proposed building.

PASTOR: Um hm, for members of the church.

MR. MCCANN: Okay. So, you don't, you're not going to allow non-members or people who don't attend to have weddings or other special events?

PASTOR: We've never done that and then we've not thought about it.

MR. MCCANN: Okay. So it, is it, is it possible that you may rent out the facility to folks that don't necessarily have a membership there?

PASTOR: We don't do that. That's not our practice.

MR. MCCANN: But will you do it in the future, yes or no?

PASTOR: Excuse me?

MR. MCCANN: Will, will you do, will you do, will you do it in the future is the question.

PASTOR: In the future?

MR. MCCANN: Yes, if this building is approved, will you rent out the facility to non-members?

PASTOR: Our regular programs, services, Sunday School, leadership training and so on.

MR. MCCANN: Yeah, but the, the question is, will you rent it out.

PASTOR: Oh, sorry. No.

MR. MCCANN: Okay.

ALJ: I saw in, in the body of that letter that there's the expectation or, or possibility, I guess, of having two services with as many as nine hundred attendees. Sunday, nine hundred congregants, two services. Is that what you communicated to Mr. Richardson was a possibility?

PASTOR: Well, like I say, these are projections, long term projections that may happen in the future as we grow.

MR. MCCANN: Okay. I think, Your Honor, having seen these before, I'm sure you have as well, I think that is total congregants for the entire day. That is, two services at four hundred fifty each.

ALJ: Right, I understand that. But that's still a total of nine hundred or more people coming in and out of the site on a, on a given day, yeah.

MR. MCCANN: Okay. I think that's it, let me just make sure. When, when are the choir practices?

PASTOR: Saturday afternoon.

MR. MCCANN: And how many people attend those right now?

PASTOR: Typically, maximum twelve.

MR. MCCANN: Okay and you don't anticipate the, the number of choir practices increasing? Just once a week?

PASTOR: Just once a week.

MR. MCCANN: Okay. Pastor, thank you very much. I appreciate your time.

PASTOR: Thank you, sir.

MR. LA FIANDRA: Mr. McCann, does this exhibit have a number? I'm not sure I saw a number.

MR. MCCANN: No, and it's not on my exhibit list. So, Your Honor, this would be --

ALJ: Fifteen?

MR. MCCANN: Fifteen, yes. This is a water usage letter, is what it's called, from Mr. Richard, from Mr. Mitten to Baltimore County dated March 11, 2019.

ALJ: All right and you'll provide --

MR. MCCANN: I will.

ALJ: -- me and Mr. La Fiandra with copies? Thank you.

MR. MCCANN: Yep.

MR. LA FIANDRA: Michael, I'll get you, pardon me, Mr. McCann, I'll get you copies of all my exhibits if I haven't already.

MR. MCCANN: Sounds good.

MR. LA FIANDRA: Can we, Michael, could, would you be kind enough to share that letter again?

MR. MCCANN: Sure.

MR. LA FIANDRA: Thanks. And if you could just scroll, scroll up to, scroll down a little bit. I wanted to see where we discussed the, yeah, that's right. Now, Pastor, the, Mr. McCann asked you about the two services, one hour each, and the total of nine hundred congregants that the letter projects into the future. And you see the statement to that effect in the middle of the page there?

PASTOR: Yeah.

MR. LA FIANDRA: And this same information was

presented at the lower, the lower part of the page, which is not shown on the screen, but you saw that as well?

PASTOR: Yes, please.

MR. LA FIANDRA: Now, how many people, if I'm not mistaken, you, you said there's about two hundred or two twenty-five that participate either in person or virtually on, on a Sunday today, is that correct?

PASTOR: Yes, yes.

MR. LA FIANDRA: So, and you've grown by about fifty members in the past thirteen years?

PASTOR: Yes.

MR. LA FIANDRA: So, how long do you think it would take to achieve attendance of two services, four hundred and fifty people in person each Sunday for a total of nine hundred congregants coming to the property?

MR. MCCANN: I'm going to object.

PASTOR: That will be a very long time (inaudible) --

MR. MCCANN: Objection.

MR. LA FIANDRA: Wait --

ALJ: I think it's fair. You, you kind of opened this door and I think it's a fair question.

MR. MCCANN: Okay.

ALJ: What, what was your answer, Pastor?

PASTOR: Let me add that some of our, that many of our members do wait for both services. For example, Sundays

when we have Bible study and Sunday School, main service, many wait. So, usually, because we have people that we call workers to the church. Workers are people who carry out various activities at the church like the choir, like the ushers and so on and so forth, who do both services. Okay? Who wait behind for all the activities in the church. So, that amounts for that high number.

And for the other question that how long will it take? It's going to be a long time, long time judging by what we have currently and the growth, growth rate in the church.

MR. LA FIANDRA: Okay. Now, there were a couple of other things in this letter I just wanted to make sure that we came back and talked about. Ten staff persons during the week. How many staff do you currently have?

PASTOR: Right now, we have three.

MR. LA FIANDRA: And who are they?

PASTOR: Myself, the assistant pastor and the admin assistant.

MR. LA FIANDRA: So, do you anticipate, the letter suggests that you anticipate growing your staff from three to ten as a result of this expansion, is that correct?

PASTOR: Yes, when we have more space, we'll be able to accommodate more staff.

MR. LA FIANDRA: And if you know, or if you have an idea, how long would it take you to, to, to grow out so that

you had ten staff?

PASTOR: It's going to be years, years.

MR. LA FIANDRA: And what kind of staff people do you think that they would be?

PASTOR: It's tough, we're talking about here (inaudible) that we'll be taking care of (inaudible), you know, a full-time staff at all.

MR. LA FIANDRA: Okay and the, Mr. McCann, would you share, share that letter again? I wanted to focus on that paragraph. Thank you. The, moving on from that particular sentence. There will be evening functions typical of church groups, such as Bible study, are you referring to the Bible study that you, you currently, that, that you, that you currently conduct?

PASTOR: Yes.

MR. LA FIANDRA: And leadership training, now, if I'm not mistaken, in response to a question that Mr. McCann asked, you said that leadership training currently happens at another facility offsite?

PASTOR: Yes.

MR. LA FIANDRA: Do you anticipate moving leadership training onto this property, or do you anticipate keeping it offsite?

PASTOR: Leadership training was to be on that property. For example, for example, on Sunday mornings,

leaders meet early in the morning, about thirty minutes before Sunday School starts, right? Every Sunday morning, okay? That's leadership training, okay? So, on Sunday mornings, you know, that's what we mean.

MR. LA FIANDRA: Okay. Now, the next activity is community groups. Are there any community groups that meet onsite presently?

PASTOR: For example, we have, the answer is yes. For example, we have back to school program for the community. And we do that usually once a year during the summer when we give out school supplies to the community, to children, students. And also, during Thanksgiving, right? We give out free turkey, food items. During Christmas. That's what we mean, we mean.

MR. LA FIANDRA: Okay. And then, of course, do, do you intend continuing with that practice from this site as you expand?

PASTOR: Yes.

MR. LA FIANDRA: Okay and then, of course, you discussed choir practice. One of the things that the letter discusses in the next paragraph, or sentence, is weddings, funerals and holidays. Holidays you limited to Christmas and Easter. Are there any other holidays that, that this, that this letter is referring to?

PASTOR: I don't think so. Those are the only days

that we, that we observe.

MR. LA FIANDRA: Okay. And I'd like to take a moment to clarify your testimony as it relates to weddings and funerals. So, does the church currently conduct weddings?

PASTOR: We have done so once. A couple of, I'm sorry, I'm sorry, we have done so twice in the last thirteen years. So, going forward, we may as the need arises.

MR. LA FIANDRA: Okay. Now, but is it, it's, is it fair to say that that's not a significant por, a significant component of the activities that you conduct or anticipate conducting into the future.

PASTOR: So, if the need arises, like I said now, in the last thirteen years we have done weddings twice.

MR. LA FIANDRA: Okay. Now, what about funerals? You seemed, after Mr. McCann was asking you some questions, you seemed pretty clear that there were no funerals. But the letter suggests that there might be funerals. So, can you take a moment to clarify that?

PASTOR: Yes. We, when a member dies, we hold a celebration of life for them, all right? So, going forward, that kind of service may happen.

MR. LA FIANDRA: So, I want to make sure we're talking about the same thing. When you say celebration of life, is that what a lay person might consider a funeral service?

PASTOR: Yes, but we don't bring casket in and don't, no, we don't do that.

MR. LA FIANDRA: Okay.

PASTOR: All those happen at the funeral home.

MR. LA FIANDRA: Funeral home, okay.

MR. LA FIANDRA: So, what we call funeral service is the gathering of the family and they're praying for them and, and celebrating the life of the departed.

MR. LA FIANDRA: Now, those services or celebrations of life, they might be, they might be scheduled at times other than your typical service times, like Sunday. They might not be scheduled to coincide with your Sunday morning service, or might they?

PASTOR: Correct.

MR. LA FIANDRA: Okay. Mr. McCann, could you just scroll down. I think I hit everything I wanted to on this letter, but I just want to take a quick look. And was there a second page? Okay. Okay. Thank you, Mr. McCann.

ALJ: Pastor, while we have a moment, what is the projected cost of this, of this proposed church and, and have you done a, a capital campaign?

PASTOR: We are looking at about five, four or five million.

ALJ: Okay and, and where do you stand in the, in the fundraising for that?

PASTOR: Yeah, we already have some, some funds because members do give voluntary donations towards that. So, we are keeping some funds for that purpose.

ALJ: Okay. How long do you anticipate the construction will take?

PASTOR: Hopefully, two years or so, maximum two years or so.

MR. LA FIANDRA: May I share my screen, please?

MS. MIGNON: Yes. Give me one sec.

MR. LA FIANDRA: Thank you. Pastor, do you see the floor plan?

PASTOR: Yes, please.

MR. LA FIANDRA: Now, Mr. McCann asked you some questions about the, a number of things on this floor plan. The, the fellowship hall, which is shown on the floor plan, I'm going to try and zoom in on that. Sometimes it's not that smooth. There we go. Now, this, the fellowship hall, what has, is the fellowship hall part of the building that exists currently?

PASTOR: I believe the fellowship hall is the current sanctuary.

MR. LA FIANDRA: Current sanctuary. How many seats do you have in the current main sanctuary, the sanctuary?

PASTOR: A little over a hundred.

MR. LA FIANDRA: A little over a hundred. And with

that capacity seats, I believe you said that, correct me if I'm wrong, there's a need for congregants on Sundays to go into other rooms and watch a screen of the service, is that right?

PASTOR: Yes, when the sanctuary is full.

MR. LA FIANDRA: And how many, how many folks would you antic, how many folks do you estimate watch remotely, or on screens, from other rooms?

PASTOR: Give or take, like fifty or so.

MR. LA FIANDRA: Okay. The, do you anticipate having any seats fixed to the ground or to the floor in the fellowship hall in the, in, in the expansion, once you expand the building?

PASTOR: In the new sanctuary?

MR. LA FIANDRA: No, in the fellowship hall.

PASTOR: No.

MR. LA FIANDRA: No, okay. Will that function more as a multi-purpose room?

PASTOR: Yes.

MR. LA FIANDRA: Okay. And moving over to the main sanctuary, where we see four hundred fifty seats, did you or anyone with the church, to your knowledge, instruct the architect to leave the space between the aisles? Or between the seats in the aisles?

PASTOR: I don't understand that question, I'm sorry.

MR. LA FIANDRA: Mr. McCann asked you questions about

the, the amount of space between the seats and why are the aisles so wide and why is there so much space. Did you, did you instruct the architect to leave space between the seats?

PASTOR: I believe that the architect, being a professional, knows how a standard church building should, should go. And that's why we have what we have now.

MR. LA FIANDRA: Okay. So, if I understand your answer, you, you did not instruct him to leave this amount of space between the seats. This is what he decided to do.

PASTOR: I believe so.

MR. LA FIANDRA: Okay.

PASTOR: Sir, (inaudible) we, we need space when we, you know, when, in worship, we sing, we dance, you know? So, that space, I believe, is justified for --

MR. LA FIANDRA: So, is it typical for there to be people arise from their seats and move into the aisles during your services?

PASTOR: Yeah, when it is time for praise and worship, yes.

MR. LA FIANDRA: Okay and that, that type of activity requires more room than a person has just standing at their seat.

PASTOR: Yes. People move around, dance around, you know, (inaudible) --

MR. LA FIANDRA: Okay.

PASTOR: -- worship and praise.

MR. LA FIANDRA: Okay. Pastor, thank you. Those are my questions for you.

PASTOR: Thank you.

ALJ: Anything based on that, Mr. McCann?

MR. MCCANN: Yeah, just real quick. I, I opened the door, I'll open it up again. Pastor, this, this question that you were asked about growth. Mr., I think you said that you believe that it would take a long time for the number of members to grow to the point where you would be using this new building if it was approved. Do you remember that testimony?

PASTOR: Yes, sir.

MR. MCCANN: Then in terms of the staff, I think you indicated that you have three staff right now and it would take, in your words, years, to have, to get to the point where you would need five full-time and five part-time staff. Did I hear that correctly?

PASTOR: Yes.

MR. MCCANN: I think the other, the other question you were asked or, or maybe you even said in response to questions from Mr. La Fiandra, that there's been growth of about fifty members since you first started back in 2009, is that, is that right?

PASTOR: Registered members (inaudible).

MR. MCCANN: Registered members, right. And are

there, on that point, are there people that attend services regularly that aren't registered members?

PASTOR: Regularly?

MR. MCCANN: Yeah.

PASTOR: Hm hm. Now, this is how it works with us. There are people who come to church, but they are not officially our members because they are not registered. And there are people who register as members of the church, okay? So, those who register as members of the church are our official members, okay? Those ones are the fifty that I refer to, okay? All right? There are others who have not registered yet who may choose to register as members as time goes on.

MR. MCCANN: Okay. Fair enough. So, in terms of registered members, there's been about a third, thirty-three percent or so growth, right? Fifty is one-third of a hundred and fifty or so, correct?

PASTOR: Yes.

MR. MCCANN: Okay. So, on, on all of those points about growth, let me sort of posit this to you. Those members, the question that I, I'm getting to is not with the current facility, what kind of growth you would anticipate and I, I, I don't disbelieve your answers about growth.

But what, what we're talking about here is a brand new, twenty thousand square foot beautiful, apparently, church that you are building on this property. Would, don't you think

that there will be, there will be, because it's a new church, because it's big and people will recognize that as such, that there will, the growth will be exponential?

It won't occur at the same rate that it's occurring right now, or has occurred over the past eleven, twelve years in a facility that's, you know, older and much smaller. You understand what I'm getting at?

PASTOR: Hm hm.

MR. MCCANN: No? You don't understand what I'm getting at?

PASTOR: No, no, please (inaudible).

MR. MCCANN: And you may not be able to answer this but the question is, given the fact that you're constructing a brand new church, a nice church, with four hundred fifty seats, twenty thousand square feet, don't you think the growth will be much greater than it has been over the past eleven or twelve years with your existing thirty-six hundred square foot rather old looking building? Don't you think the growth would be much greater with a new, brand-new building?

PASTOR: (inaudible) but we only speak based on our current realities.

MR. MCCANN: Okay, all right.

ALJ: Well, Pastor, you must have had extensive discussions with other church leaders, or church elders, about the size of, of the church that you desire, right? I mean, you

don't build a four hundred and fifty seat sanctuary and spend all that money unless you intend to fill it, right?

PASTOR: Correct, sir.

ALJ: Okay. Okay.

MR. MCCANN: Yeah, I have nothing else. Thank you, Judge. Thank you, Pastor.

ALJ: Okay, all right. Who's next, Mr. La Fiandra?

MR. LA FIANDRA: Suin Owojuyigbe, Owojuyigbe, pardon me. Mr. Owojuyigbe, are you on the line?

MR. OWOJUYIGBE: Yeah, I'm on the line.

MR. LA FIANDRA: Okay, great. Mr. Owojuyigbe, Judge, I intend to offer Mr. Owojuyigbe as an expert in the field of architecture.

ALJ: Okay.

MR. LA FIANDRA: Mr. Owojuyigbe, can you describe for the Judge your education?

MR. OWOJUYIGBE: I have a, a Master's in Architecture from Morgan State University. And I'm also --

MR. LA FIANDRA: And, yeah --

MR. OWOJUYIGBE: -- a current member of American (inaudible) Architect.

MR. LA FIANDRA: Okay and how long have you, when did you receive your degree, your Master's in Architecture from Morgan State?

MR. OWOJUYIGBE: I graduated in 2007, I finished my

Master's in 2007.

MR. LA FIANDRA: Okay and how long have you been a member of the AIA?

MR. OWOJUYIGBE: Since 2010.

MR. LA FIANDRA: And very briefly, can you tell us what the AIA is?

MR. OWOJUYIGBE: AIA is the, is the (inaudible) regulates the practice of architecture. So, you know, it's, it's a board that the licenses architects to, to practice architecture.

MR. LA FIANDRA: Okay. And your current employment, what's, what's your current employment?

MR. OWOJUYIGBE: I'm the owner of the, of the business, of Pro Active Design and Building Systems.

MR. LA FIANDRA: Pro Active Design and Building Systems.

MR. OWOJUYIGBE: Correct.

MR. LA FIANDRA: How long have you, how long have you been practicing architecture at Pro Active Design and Building Systems?

MR. OWOJUYIGBE: Since 2011.

MR. LA FIANDRA: Two thousand eleven.

MR. OWOJUYIGBE: Yes.

MR. LA FIANDRA: And what types of work do you do at that firm?

MR. OWOJUYIGBE: Majorly, we do churches. We also design other commercial building. We design clinics and restaurants. And also, we, we design offices. But we, we focus mostly on church building.

MR. LA FIANDRA: Church buildings.

MR. OWOJUYIGBE: Yes.

MR. LA FIANDRA: How long have you been involved with the Gospel Faith Mission International House of Change?

MR. OWOJUYIGBE: I think we, we started the project, I think in 2017, I believe we started working on this project.

MR. LA FIANDRA: And have you testified as an expert in the field of architecture before the Office of Administrative Hearings?

MR. OWOJUYIGBE: Yes.

MR. LA FIANDRA: And do you recall when that was or what that involved?

MR. OWOJUYIGBE: I think it involved a strip mall on Liberty Road, no, on Rolling Road. I think I did it twice. And there's (inaudible) building on, on Liberty Road. I think we did it twice actually, twice.

MR. LA FIANDRA: I missed a point also. With regard to Pro Active Design and Building Systems, how many, you're the, you're the owner? Are you the sole owner of the company or are you a partner or something?

MR. OWOJUYIGBE: Yeah, I have a partner.

MR. LA FIANDRA: How many employees do you have?

MR. OWOJUYIGBE: Currently we have five, two, two architectural designer and we have two architect. Then we also have an administrative staff.

MR. LA FIANDRA: And you supervise, you and your partner supervise the work of the non-partners?

MR. OWOJUYIGBE: Correct, we do.

MR. LA FIANDRA: Okay. I offer Mr. Owojuyigbe as an expert in the field of architecture.

ALJ: Do you have any questions, Mr. McCann?

MR. MCCANN: I do not, and no objection to him being (inaudible).

ALJ: All right. He will be accepted as such.

MR. LA FIANDRA: Mr. Owojuyigbe, when were you, I think you just answered this. You, you were hired to do the work for Gospel Faith Mission International in 2017, is that correct?

MR. OWOJUYIGBE: That's correct.

MR. LA FIANDRA: What were you hired to do?

MR. OWOJUYIGBE: I'm hired, we, we were hired to, to provide (inaudible) design the, the new church building.

MR. LA FIANDRA: And how did you go about that task? What, tell, tell us the process that you used?

MR. OWOJUYIGBE: Okay. Designing, architecture design is a process. Actually, it's a, it's, it's four phases.

The first phase is we, we, we conduct a pre-design evaluation. The second phase is from a pre-design evaluation, we move it to a schematic design. From the schematic design we, we, we transform into design development phase.

So, when the client is okay with it, then we move the, the phase to construction drawing phase. So, the construction drawing phase is the phase whereby the drawing is then finally completed, all the detail is done and submitted for building permit. So that that can be used for construction.

So, the way we, the way we conducted this project is when we're hired to, as an architect to provide the, the service, we, we, we, you know, came to the site and studied the site. We had a meeting with the, with the pastor and we got some information from the, the pastor based on what the church required, the spaces they needed, you know, and the goal, the value of the church.

So, based on the need that we got, of spaces that we got from the, the pastor, so we moved that design phase to design, schematic design. So, design, schematic design, we now prepared program whereby we associated a square footage to all the different spaces needed by the church. And also, we now transformed that into a layout of spaces.

So, you know, the layout of spaces, we can, we look at it to make sure the layouts conform with the international

building code and also a life safety code. So, with that, and also based on the budget of the church. So, we, from that phase, we now transforming to design development, whereby we start putting into physical form. Like a, you know, spaces, three dimensions and all that. So, which where we are currently right now.

MR. LA FIANDRA: Okay. (inaudible) share, which I'm going to do. Here we go. Mr. Owojuyigbe, do you see Exhibit 11, the floor plan, on your screen?

MR. OWOJUYIGBE: Yes.

MR. LA FIANDRA: Can you, can you take a moment to walk us through this floor plan and, however you'd like to. I'd like to, however you'd like to approach it. I'd like to discuss the elements of the floor plan. So, if you want to start with the main sanctuary, that's fine.

MR. OWOJUYIGBE: Okay. So, so, the main sanctuary is the center core of the building, which is the, is part of the addition to the existing building. Existing, the existing building curr, currently is on the west portion of, of the plan. And again, the main sanctuary, the center core, and all the classrooms are on the north part of the building.

Then (inaudible) part of the building is the, is the east section, which is to the right of the, the build, of the building.

Then the entrance, the main entrance, is towards the

south, where we have like an entrance, a vestibule that (inaudible). People come (inaudible) that juts out is a canopy to kind of shade people, you know, when they come in, you know, when, as the drop off, shade.

So, from there, you're moving to the, into the entrance vestibule. From the entrance vestibule, they're now moving to the corridor. From the corridor, they can now go to the different section of the building.

So, so, now let's, let's, let's start from the main sanctuary. So, when the member comes from the entrance vestibule, they're moving to the main sanctuary. Then, some of the, the, the, the member can also, on Sunday like the pastor said, that they have Sunday School, which is the meeting before the main service.

They, you know, some people, some member coming from the main entrance and just from the corridor goes into classroom (inaudible) the Sunday School classes.

We also have a corridor that flank the, the main sanctuary. From there, there's a, there's a, another entrance from the west of the building that they can also use to get into the corridor, that from there they can get into the classroom for the Sunday class, you know, class.

They also, there's a door to the north also for the, that members can also come in from there. The reason for all these entrances is just comply with the life safety

requirement. It's a mix of egress to make sure that in case of emergency people can quickly exit conveniently out of the building. You can see all exits flank the corridor. So, that's the, the main purpose of that.

Then again, the, to the west of the building is where we have the existing building, which now, when the building is renovated, is going to become a fellowship hall. Then to the east is going to become a restricted part of the, for the church. (inaudible) section of the church where we have the pastor's office, the, the conference room, the accounts, the, the administrative space of the church.

We also provide the toilet. The toilet generally is going to be (inaudible) the, the, the, the whole building. So, and we, we cannot, we made it to make sure they have enough male and female bathrooms. So, we have a toilet that's off the main sanctuary and also (inaudible) the classroom. The one that's going to be next to the main sanctuary, is going to be the one towards the, the north, or the south of the building. And (inaudible) sanctuary is going to be the toilet towards the north.

You know, then, the member of the, the staff can also still come and use those toilet, but we dedicate toilets for the senior pastor, personal toilet for the senior pastor.

For the fellowship hall, we also created toilets to also (inaudible) just to make sure the building is well staffed

with enough bathrooms.

MR. LA FIANDRA: Okay. The, you've referred to the, the fellowship hall and the, the part of the building that's currently existing. I'd like to make sure the Judge understands that from this perspective.

MR. OWOJUYIGBE: Yes.

MR. LA FIANDRA: Is it just the fellowship hall or are there other parts of the building that are currently existing?

MR. OWOJUYIGBE: The whole, the whole block that's on the, on the west is currently existing. Currently, the, the, where (inaudible) fellowship hall is the main, is the sanctuary right now that they use. And I believe, because I've been there a couple of times, they have, a kitchenette is there right now, and they have toilets and the church office.

So, this is what we also do. I, I been, I've been to this church a couple of time to kind of understand how to use the building and also to understand the culture of the church so that we can adequately design for the, for the, for the church.

So, what I, when I go there, I've seen on Sunday when they have classroom, they have Bible study, they are all over the corridor, there's no space for them at all. And I also have attended the church service. I've seen the whole place been (inaudible) so tight because of, of the, the numbers that

they have now. So, (inaudible) the new addition for the church.

MR. LA FIANDRA: Okay and then, the bathrooms that you referred to, that are in the existing portion of the building, are these spaces currently bathrooms?

MR. OWOJUYIGBE: Say that again?

MR. LA FIANDRA: The, the bathrooms that are shown on the west side of the property in the block that currently exists, are they currently bathrooms? Are they, are they bathrooms now?

MR. OWOJUYIGBE: No, so, so that, that place currently, the (inaudible) is part of the pastor's office. They, they have a male and female bathroom. So, so, but (inaudible) space to be able to give them enough bathroom space. So, the pastor's office and the church office is in that location where we have the bathroom right now.

MR. LA FIANDRA: Okay. So, you're repurposing some of these areas within the existing (inaudible)?

MR. OWOJUYIGBE: Correct, correct.

MR. LA FIANDRA: Okay. Now, I see that there's at least nine, maybe ten classrooms that are shown. How did you arrive at that number to, for the, for the, I think, let's just make sure that we understand. There's seven classrooms that are shown at the top part of the plan.

There's classroom number eight, that's over here on

the right side, on the right side. And then, you've got two classrooms in the existing part of the building. How did you arrive at that number, ten classrooms?

MR. OWOJUYIGBE: Oh, well, so, another thing, what, what we do in our practice is after, when we design, again, we've done a couple of churches, so we have a clear understanding of how churches work.

So, so, what we do is after, after the church has been built, we also go to all the church buildings and see how they use it. (inaudible) of the, of the design and that help us in, in coming up with a better design for new clients.

So, sometimes, when, when, when the pastor calls, you know, when we're hired, and we, and they give us a brief, we use our experience also to provide more comfortable space for them. Sometimes they might say they need a, you know, certain number of classrooms and, for the comfort of the kids, because we, we, we also focus on the comfort of the, of the users of the space.

So, so, so, when I saw that they have, they have overflow and, you know, members sit in the corridor during the, the, the Sunday Schools and I just, we believe that we need to provide more than enough classroom for them so that they would, they would never, they will not ever, you know, (inaudible) kind of program when they move into the main sanctuary.

That's why we created more classroom for the church,

to make sure their need is, is, is, you know, provided, more than what is required.

MR. LA FIANDRA: Now, did you, here, I'm going to attempt to zoom in on these classrooms a bit. Were you present for the pastor's testimony, including his cross examination by Mr. McCann?

MR. OWOJUYIGBE: Yes.

MR. LA FIANDRA: And, and I see that on these classrooms, there's a designation for each one for the square footage. And then a notation for the, what, what appears to me to be the, the number, the occupancy. Is that what these numbers represent?

MR. OWOJUYIGBE: Now, the, the occupancy that you see there, it's when the furniture and all there. By the time you put furnitures into those classroom, the number of the, the occupant is going to be less than that.

But when we are designing, we also design in such a way that, because the classroom, sometimes they might want to, you know, kind of demonstrate to, you know, during the Sunday, you know, to kind of demonstrate to the, to the members in the class and they are to kind of move the chairs around and we want to make sure this space is enough, you know, they have enough space to do whatever they want to do in the classrooms.

So, that's why we create those classrooms to be that size. You know, so, so by (inaudible) classrooms, the, the,

the, the number is going to be less than that. But we just calculate and say at most, the classroom is going to be that number.

MR. LA FIANDRA: So, so, that's a maximum occupancy number for the size of the room --

MR. OWOJUYIGBE: That's correct.

MR. LA FIANDRA: -- with either no furniture or minimal furniture, is that what you said?

MR. OWOJUYIGBE: That's correct.

MR. LA FIANDRA: Okay and so, would you anticipate that these classrooms would, you've got eight classrooms right here. Each one is about twenty occupants. This number eight is sixteen occupants. Is your plan to have twenty-one occupants in classroom number four?

MR. OWOJUYIGBE: No, though again, that would, that, that's going to be the maximum. Also, what this also does is to guide the users, that, that the, the maximum amount of people that's going to be in that classroom should not exceed more than twenty-one.

But they can have, you know, ten, ten people in the class. But it's just that they cannot exceed that number of people. That's what, that is like a guide that, you know, is, is a guide to show that okay, that cannot exceed that number of people.

MR. LA FIANDRA: Okay. Now, --

ALJ: Is, is that based on like fire code or life safety code?

MR. OWOJUYIGBE: Yeah, it's based on life safety code.

ALJ: Okay.

MR. LA FIANDRA: Now, when we see something like, how did you determine the, the administrative space?

MR. OWOJUYIGBE: Okay and so --

MR. LA FIANDRA: (inaudible) did they tell you that they needed room for an accounting department?

MR. OWOJUYIGBE: No, no. Now again, like I said, based on the past project that we've done and that's completed, we, we see the building and see how they use it.

And we found that, even though currently right now the church does not have the space, they don't have accounting space, but by the time they move into the new facility, they're going to have a need for accounting space, because when they have offering, they're going to have a place to be able to count the, the money. You know, to make sure they can adequately account for each, so there's a need for a place to have that.

They're going to need a file where checks are going to need to be placed, you know, to secure those financial materials. So, so, we, we created, we put that space. The church didn't tell us, but we just believe they're going to

need it. So, and, and we put that there.

The conference room as well. They never asked for conference room, but they need a conference room because they're going to have to be having meeting, conference with probably they have a guest pastor to come and preach in the church.

They're going to need a conference room to kind of, you know, maybe the guest pastor is going to need a place to prepare and also to be able to meet with the pastor, you know. So, they're going to, they're going to need that space.

So, we needed new spaces that, well, the main spaces that the client always tells us oh, they need a pastor's office, they need a, a, the general administration office, but all those spaces that are associated to administrative space that they're going to need. So, we put all those spaces for them.

MR. LA FIANDRA: Along the same lines, did they tell you that they needed a mechanical room or sprinkler room?

MR. OWOJUYIGBE: No, no, they don't, they didn't. But it's, it's a, it's a need because a building of this size, size, code require that there has to be, it has to be a sprinkler. So, we have to provide for that. Code required that there has to be, of course, a water heater, electrical room. So, it's a building requirement that, required for new spaces. Of course, the client never (inaudible) for it.

MR. LA FIANDRA: Okay. Now, moving to the main sanctuary. Tell us how you are, first of all, how did you arrive at the number, or did you, did, did you arrive at the number four hundred fifty seats? How did that number came, come to be?

MR. OWOJUYIGBE: Okay. First of all, the, the main sanctuary is (inaudible) seats. It, they're going to bolt the seat to the floor, is, they're not going to be able to move the seats. So, and as a code, there's a, the, the, the, the code says that twenty-five square foot of, per, per person if you bolt the seat to the floor. So, so that's one of the ways that we used in calculating the number of seats, was the fixed seat.

Now, now, the issue of those wide corridor, there's a minimum size of a corridor, an aisle, aisle space, that, that's required for a sanctuary for, because of movement, chair of people in, you know, in the, in the sanctuary. So, but what we, what I also did is that because we have been to the church, I've seen, I've seen them, how they worship, I can, sometimes I just go there so I can have a clear picture of how the church function.

So, as I see the culture of the church, I see that they worship a lot. And also, when they pray, they stand up on the seat and move around (inaudible). So, they need space around the seat to be able to do all that. And also, is a very, is, is a church that they praise a lot. Now, when

they're praising, they get out their seat, they dance around. So, there has to be enough space for that activities to be able to take place.

They, the church is a very active church. When I, studied them very well, and I, I, and I believe for that church to be able to be function very well for them, for the ability of them to function very well and be comfortable for them, they need space to be able to do all that.

If you look at the front of the, the, the sanctuary in front of the stage, I also discovered that they do Thanksgiving. In the Thanksgiving, every member of the church come to the front to get a prayer from the pastor.

So, you imagine four hundred fifty people coming to get up from the seat and come to the front? So, there has to be that ample space to be able to do that.

So, so, in a way, when those four hundred fifty people come to the front, they have to bleed all the way to the back. For them to be able to accommodate that bleeding, they're bleeding to the aisle space. So, we have to have all those aisle spaces wide as that for that building to function better for the church.

Again, it's based on the culture of the church. So, those are the, the, the, the information that, that we use in creating space of this nature for them.

MR. LA FIANDRA: Okay. That's, thank you. Now, the

number of seats, four hundred and fifty, was that communicated to you, or did you make that determination that they needed four hundred and fifty seats? How did the church arrive at that number or how did you arrive at that number to show in this sanctuary?

MR. OWOJUYIGBE: So, the, so, the one, it's the projection of what we have right now, we project the, we use that projection also. And I, I think when I was talking to the pastor, when they were giving us the brief, I think, they let me know that they, the church is, the place they have right now is not adequate for them. And we came up, we just came up with that numbers for them that the, the, you know, to be able, to for the main sanctuary.

MR. LA FIANDRA: Okay. I'm going to show you another plan. Do you see the building elevations on your screen?

MR. OWOJUYIGBE: Yes.

MR. LA FIANDRA: Now, did you, did you prepare these building elevations?

MR. OWOJUYIGBE: Yes, I did.

MR. LA FIANDRA: Okay. Let's, let's, let's run through these elevations. And however, we can start with the south elevation. Tell us about this elevation.

MR. OWOJUYIGBE: Okay. So, the, when, when we were hired, I, I came to the site. So, one of the things we also do is study the neighborhood, look at the architectural fabric of

the neighborhood and, and that will help us in generating the elevation, the aesthetics of the building as well.

And also, the topography of the building, of the site, this site slopes towards the back, away from the road, is sloped dramatically towards the back. And we, we discovered that we have to elevate the height of the building. Even though it's one single story building, but we have to elevate the height of the building so that the building can be visible from the main road.

One thing I, I, I also discovered that a church building is a house of refuge. It's a building where, that solves the special needs, the special need of the, the community. And I think it needs to be seen by community.

Also, when they're driving around to be able to see that. Just like a clinic, you know, so that people can know it's a clinic, or in this neighborhood, in case I'm sick, I can go there. So, a church is also the same thing because they take (inaudible) special need of people, so I just think we need to let the (inaudible) building to be able to be visible when driving on the major road.

So, we, that's why we make the, the, (inaudible) to go up so that that would be visible to the, to the street. Also, we, we, also create the (inaudible) unify architectural character of the, the whole neighborhood. So, when we drove around the neighborhood, we found that the, the materials that

they use mostly in the neighborhood, they use siding, they use brick, and the roof cover is a shingle.

So, we, so, we came up with (inaudible) architectural element by using, combining all those materials on this building. If you look at that main front view, there's a, we use siding on that part of the building because there's siding in the neighborhood buildings.

We use cement, fiber board as a siding for the building. We also use split face brick as the base band for the building because they, a lot of building has same materials and (inaudible).

And then we use stucco also as part of the, the exterior of the building. Stucco is a, is a sustenant material. We want the building to be a sustainable building, energy efficient building. So, we use that material also.

We also put a lot of glass so that there can be daylights to make the building, also to be sustainable. So, the (inaudible) you can see in the front, there's a lot of glass there to bring a lot of daylight so that they don't have to be turning on lights even in the daytimes.

So, the, the, the, the glass bring a lot of daylight in the corridor, just to light up the corridor. The, you look at the, the, you look at the building, the top part of it with the blue glass there. That also bring daylight into the sanctuary so that the, during, during the service, they don't

have to turn on the light.

They can save energy. So, you know, daylight flowed into the sanctuary from the top. You know, so that the whole sanctuary is bright enough without turning on lights just to make sure the building is energy efficient. So, that's, that's those, no, those are the, where we came up with the, with the building materials.

Now, the roof. We use, most of the building over there use pitch roof with shingle, that's why we also did the same thing. We, we, we have some areas to be flat because of the heating and cooling system that's going to be on top of the roof.

But we made the main building to be a pitch roof, so that we can also follow the same character (inaudible) all the buildings around it. So, the building, we made it to be pitch and have shingle on top of the roof. So, that's, that's how we came about how the building looks like.

MR. LA FIANDRA: Then, this is a single-story building, there's --

MR. OWOJUYIGBE: It is, it is a single-story building.

MR. LA FIANDRA: And is there a mezzanine or anything in the building?

MR. OWOJUYIGBE: No, no.

MR. LA FIANDRA: Is there a basement?

MR. OWOJUYIGBE: No basement.

MR. LA FIANDRA: Okay. Now, what is the height of the building?

MR. OWOJUYIGBE: The height of the building, the, the, the most, the topmost of, the height of the building is where we have the, the wall over there. I think it's forty-three, forty-three feet, I believe. Yeah, it should be forty-three feet. But that's just, it, it's not, again, it's just that element, just to be able to kind of, like a little taller so they can be visible from the main road. It's not --

MR. LA FIANDRA: Now, can you characterize this wall? Is this, is this a load bearing wall, is this a parapet wall? How would you characterize this wall?

MR. OWOJUYIGBE: It, it's a parapet wall.

MR. LA FIANDRA: And so, I'm looking, I'm trying to determine from looking at these elevations, is, is there any building space behind this wall?

MR. OWOJUYIGBE: No.

MR. LA FIANDRA: Okay.

MR. OWOJUYIGBE: No building space.

MR. LA FIANDRA: Now, do you happen to know, or can you approximate, the height of the, to the top of the cross that's (inaudible) --

MR. OWOJUYIGBE: The top of the cross should be maybe forty-five, you know, if you measure from the top of the, the

parapet is forty-three, I'd say probably two feet above the, the parapet wall, say the cross is going to be at forty-five feet.

MR. LA FIANDRA: Now, is the cross, it looks to me from looking at this elevation, is the cross affixed to the wall?

MR. OWOJUYIGBE: Yeah, it's, it's attached to the wall.

MR. LA FIANDRA: Okay. Now, see if we have anything else. I'm looking at the, the next elevation on the page, this elevation two, approach elevation. This part on the left of the, of the, of the elevation where there's a part of the building that doesn't have many windows, where my pointer is--

MR. OWOJUYIGBE: Yeah, that's, that's, that part is where we have the toilets. Of course, we, there's not, we're not providing toilets, window to the toilet. But the other two windows that you see, I think is a window, actually, those windows, the two windows exist currently. So, that, that's the existing building. So, we just kind of renovated, we're going to renovate it to kind of match the, the existing, the new building, so.

MR. LA FIANDRA: Okay and the, you, you discussed the windows at the, at the top of the structure that let light into the sanctuary. And we, we discussed that on the south elevation. They're similar windows on the opposite side? It's

either the west or the north, north elevation to let windows into the sanctuary as well, where my pointer is?

MR. OWOJUYIGBE: Where is that? Yes, exactly. That's where the, the, that's part of the sanctuary to, to bring daylight into the sanctuary, you know, in the two sides.

MR. LA FIANDRA: And I'm just moving down to the next, the north elevation, we see, these are the classroom windows that you that you were, that you designed --

MR. OWOJUYIGBE: Correct, those are the classroom windows. Also, classrooms need daylight so that they can, it can be comfortable, you know, when people are in, in there as well.

MR. LA FIANDRA: Okay. Okay, thank you.

MR. OWOJUYIGBE: Thank you, sir.

MR. LA FIANDRA: I'm sure Mr. McCann has some questions for you.

MR. MCCANN: Okay. Good afternoon, sir. Can you hear me?

MR. OWOJUYIGBE: Yeah, I can hear you. Good afternoon, sir. How are you?

MR. MCCANN: Good, thank you very much. I, I won't actually be that long at all. Just have a couple questions. First, while we have this, the elevations on the screen here, the south elevation at the top, thank you, Dino. That, that's the rear of the building, just so we're clear, correct?

MR. OWOJUYIGBE: Say again, sir?

MR. MCCANN: The south elevation is the rear of the building?

MR. OWOJUYIGBE: No, the south elevation is facing the, the, the main road, is going to be facing the Liberty Road.

MR. MCCANN: Okay. So, the, so the --

MR. OWOJUYIGBE: That's the front of the building. The rear of the building is the north.

MR. MCCANN: Okay. I should have figured that out. Okay. So, and that's, if you could scroll down, Dino, I'd appreciate it.

MR. LA FIANDRA: You want to see the north? Sure.

MR. MCCANN: Yeah, great.

MR. OWOJUYIGBE: Yeah, that is the north.

MR. MCCANN: Okay. So, that's the north. So, you indicated that the, the property slopes dramatically from Liberty Road towards the back of the property, correct?

MR. OWOJUYIGBE: That's correct.

MR. MCCANN: So, this, this, this view that we're looking at, this north elevation, that will, from, from that side of the building, is it fair to say that the building will look much bigger from that side than it might from Liberty Road? Is that fair?

MR. OWOJUYIGBE: No.

MR. MCCANN: Okay. Why is that? It's --

MR. OWOJUYIGBE: So, the, that part of the building, it's, is the classroom.

MR. MCCANN: Well, I'm not talking about any particular part of the building, I'm talking about the building as a whole. I think as you indicated, the cross is forty-three feet high, forty-three feet or so, and then the building right, just a few short feet below it is, is close to that in height.

But the building as a whole, because of the slope of the road, will, will appear to be much bigger from the rear of the, of the building than it would, might be from Liberty Road, correct?

MR. OWOJUYIGBE: Actually, when you look at it from the Liberty Road, you'll have, you'll, you'll have to see the size, just going to see the, because of the topography of this, the, the side that, that drifts towards the back, you will be seeing the, the tower. You will see the tower and the top of the main sanctuary.

MR. MCCANN: From Liberty Road.

MR. OWOJUYIGBE: From Liberty Road.

MR. MCCANN: That's why I'm asking --

MR. OWOJUYIGBE: So, when you are looking at the building, you, you actually, you can just (inaudible) the classroom, I'm sorry, sir, I'm sorry. The, the cross. You will, you will not be able to, you might not be able to

determine the size of the building until you, you get into the, into the premises, into the, you're driving to the, the site.

MR. MCCANN: All right. I, I think we're saying the same thing. So, I don't want to belabor the point. But as you just indicated, from Liberty Road, you won't be able to see the whole building because of the slope. But from the other side of the building when you're facing the north elevation, you'll be able to see much more of the building from that side, correct?

MR. OWOJUYIGBE: That's correct, sir.

MR. MCCANN: Okay. The other thing, and perhaps the last thing I'll ask you about is, I'm not sure I quite understand the, the extent to which the existing structure is going to remain and if I could share real quick, Donna? And as she's doing that, yeah, I'll wait for the exhibit here. Let me show you real quick. So, this is, I'm going to show you Mr. La Fiandra's Exhibit 2, which is the actual site plan. Have you seen this? And I'll zoom out. Have you seen this plan before?

MR. OWOJUYIGBE: Yes, I've seen it.

MR. MCCANN: Okay. So, focusing in on the existing building, this plan, again, Exhibit 2, shows the location of the existing building and I'll just highlight it. It's right here, correct?

MR. OWOJUYIGBE: Yeah, that's correct.

MR. MCCANN: Okay. So, what I don't, and if you

compare that to, I guess, the building elevation, well, not the building elevation but the --

MR. OWOJUYIGBE: Yeah, that's it there.

MR. MCCANN: One second. This is the floor plan. I think you indicated that on the floor plan, which is also Petitioner's exhibit, this build, this, this area right here, which is depicted as the fellowship hall, is, is pretty much the existing building.

MR. OWOJUYIGBE: Yeah, it, it's, it's a component, it's a component in the existing building.

MR. MCCANN: Okay. So, what I don't get and I'm not an architect, I'm certainly not an engineer, but I can't see how possibly you're going to be able to keep anyone, any one of the four walls of the existing building --

MR. OWOJUYIGBE: No, we, we, we are keeping, please, can we go back to that plan?

MR. MCCANN: Sure. The other plan? One second. Bear with me. This plan?

MR. OWOJUYIGBE: Exactly. So, now, the existing building, we (inaudible) the footprint of the existing building. We're not, we're not going to add to it. We're only working on the, then we're also, we're keeping the, the main sanctuary right now, the one that you highlight, that's the, that's the --

MR. MCCANN: No, I understand that, I understand

that. But when, when I walk, or someone walks in this western entrance, are they going, when they walk into this foyer, are they going to see the existing building when they walk in? Is that what they're going to see?

MR. OWOJUYIGBE: Yeah, when they walk into the, into that foyer, they're going to see the existing sanctuary, not the building.

MR. MCCANN: And the, the wall --

MR. OWOJUYIGBE: (inaudible) going to see that wall, yes.

MR. MCCANN: Okay. So, literally, you're building, you're building this entire thing around the existing structure. You're going to keep all, all four walls and the foundation of the existing structure are going to be part of this building?

MR. OWOJUYIGBE: Correct.

MR. MCCANN: Okay. So, no external modifications to any of the, to the --

MR. OWOJUYIGBE: No, no.

MR. MCCANN: Okay.

ALJ: So, how, how will you tie the rooflines together with the current roof and the --

MR. OWOJUYIGBE: Now, the current roof, we, we, we're going, we're keeping the current roof system. We're not going to change it because the current roof system is, is still good.

So, what we're only working on is the, the existing façade of the, the existing building, which is going to renovate it to be able to (inaudible) with the new addition. So, it's not going to look radical, the new addition. So, both new and existing speak the same language, that's, that's the, that's the intent.

MR. MCCANN: Okay, all right. I'm not sure how relevant it is, but I was just curious about all that. It's interesting. And then lastly, it certainly sounds like in preparing this site plan and preparing the building, the elevations that we looked at now, you, you did that, it's fair to say, and based on, it sounds like multiple conversations with the pastor and other church representatives, is that fair?

MR. OWOJUYIGBE: Yeah, so, yeah, I, I had a meeting with the, with, with the pastor and (inaudible) senior member of the church, yes.

MR. MCCANN: And so, and obviously we wouldn't be showing these exhibits if the pastor and other church representatives hadn't approved both the floor plan and the elevations, correct?

MR. OWOJUYIGBE: That, that's correct.

MR. MCCANN: Okay and as you said, you're in, you're in phase three of four phases already, correct?

MR. OWOJUYIGBE: Yes, that's correct.

MR. MCCANN: Okay, all right. Thank you, sir. I appreciate your time.

MR. OWOJUYIGBE: Thank you, sir.

MR. MCCANN: Yep.

MR. LA FIANDRA: Judge, can I just ask a few follow-up questions?

ALJ: Sure.

MR. LA FIANDRA: Mr. Owojuyigbe, may I share, Donna? Thank you. I want to make sure the Judge understands the part of this floor plan that currently exists. When I heard you testify on cross examination to Mr. McCann's questions, I had the impression that you were, you were saying that only the fellowship hall currently exists. Is that true?

MR. OWOJUYIGBE: That, no, that, it's not a fellowship hall. The hall where we have the toilet, the classroom, the kitchenette, all that is currently existing with the fellowship hall.

MR. LA FIANDRA: Okay. So, this area that's roughly square, where my pointer is going around, where we've got the bathrooms, the book shop, the men's room, the women's room, the classroom, the kitchenette, the foyer, the other classroom and the fellowship hall, that all currently exists?

MR. OWOJUYIGBE: That currently exists.

MR. LA FIANDRA: Okay. Now, and that's on a foundation, yes?

MR. OWOJUYIGBE: Yes.

MR. LA FIANDRA: And you're not, you're, you're, and,

and you're retaining that foundation?

MR. OWOJUYIGBE: We are retaining that foundation.

MR. LA FIANDRA: Okay. Now, but, getting back to a question that I had asked you on direct, you're, are you reconfiguring these rooms and repurposing them from what they currently are, that are shown on, on the floor plan, on, on the western part that currently exists?

MR. OWOJUYIGBE: What is the question again, sir?

MR. LA FIANDRA: I, I had asked you on direct exam, I'll ask you again. Are, are you repurposing the rooms that currently exist within the existing area of the building?

MR. OWOJUYIGBE: Yes.

MR. LA FIANDRA: You had said, you had said that the pastor's office is here and there's some other offices and my question just merely is to illustrate that you're, you're repurposing the rooms --

MR. OWOJUYIGBE: That's correct, that's correct.

MR. LA FIANDRA: -- and retaining the fellowship hall.

MR. OWOJUYIGBE: That's correct.

MR. LA FIANDRA: And, and to be clear, the fellowship hall is where the existing main sanctuary is.

MR. OWOJUYIGBE: The main sanctuary is.

MR. LA FIANDRA: Okay.

MR. OWOJUYIGBE: That's correct, sir.

MR. LA FIANDRA: You've been in that sanctuary?

MR. OWOJUYIGBE: I've been there a couple of times.

MR. LA FIANDRA: And how many seats would you say that there are in that sanctuary?

MR. OWOJUYIGBE: I think, I mean, I would, each time I go there I don't physically count the seats. But I think it might be around a hundred number of seats, I believe.

MR. LA FIANDRA: A hundred or so. Okay and, and are those seats fixed to the floor currently?

MR. OWOJUYIGBE: They, they're not, they're not fixed (inaudible).

MR. LA FIANDRA: Okay, okay. Those were my questions for you. Judge, unless you have any other questions.

ALJ: No, I don't.

MR. LA FIANDRA: Okay. Thank you, Mr. Owojuyigbe.

MR. OWOJUYIGBE: Thank you, sir.

ALJ: Thank you, sir.

MR. OWOJUYIGBE: Thank you, sir.

MR. LA FIANDRA: Judge, do you want to continue with another witness?

ALJ: I, I think we ought to take, let's take like forty-five minutes for lunch so Ms. Mignon can get a break and we can all get a break. How, how, how many more witnesses do you have?

MR. LA FIANDRA: I've got one more, one more on

direct and then I have probably a rebuttal witness at the end of the case.

ALJ: Okay and Mr. McCann, how, how many do you anticipate calling?

MR. MCCANN: I have three relatively short witnesses (inaudible).

ALJ: I, I've heard that before. We'll see. All right, that's fine. Okay. So, it's basically 12:15. I'll see everybody at one.

MR. LA FIANDRA: Okay.

ALJ: All right, thank you.

MR. LA FIANDRA: Thank you very much.

ALJ: Yep.

(PAUSE)

ALJ: All right, Mr. La Fiandra, who's your next witness?

MR. LA FIANDRA: Mark Keeley.

ALJ: All right.

MR. LA FIANDRA: Mark, are you present?

MR. KEELEY: Yes, can you hear me?

MR. LA FIANDRA: Yes, thank you.

VOICE: Yes.

MR. LA FIANDRA: Let me share my screen here. There we go. Judge, I intend to offer Mr. Keeley as an expert in traffic, transportation planning.

ALJ: Um hm.

MR. LA FIANDRA: I'll ask him a few questions. All right. Mr. Keeley, --

ALJ: I doubt, I doubt Mr. McCann has an objection to him being accepted as an expert in that.

MR. MCCANN: I do not.

MR. LA FIANDRA: Okay, wonderful. Thank you very much.

ALJ: We can dispense with the voir dire, yeah. I've had Mr. Keeley several times.

MR. LA FIANDRA: And then, Mr. Keeley, what were you hired to do in this case?

MR. KEELEY: So, in this case, we were hired to perform a, a speed study along Maryland 26 at the site, and also a trip generation analysis.

MR. LA FIANDRA: And I'm going to show you the plan as soon as I can find it. Here we go. Here we go. Mr. Keeley, do you, have you seen this plan before, Exhibit 2?

MR. KEELEY: Yes.

MR. LA FIANDRA: And when you first started working on the plan, working on this case, where was the entrance, or the access, to the, to the site located or proposed to be?

MR. KEELEY: It was long the, the southwestern most portion of the site.

MR. LA FIANDRA: Where my pointer is showing?

MR. KEELEY: Yes.

MR. LA FIANDRA: Now, on the redline plan, the access is indicated on the southeast portion of the site. Is that as a result of the work that you did?

MR. KEELEY: Yes.

MR. LA FIANDRA: Okay. I'd like you to take me through how, how you, the steps you took in arriving at locating the access on that, in the new location of the southeast portion of the site.

MR. KEELEY: Okay. Originally, we had discussions with State Highway where the access originally is, where it is now on the southwest portion of the site. And that, I believe that's an easement, a shared easement. It's at the top of the hill and it's, SHA had concerns about intersection sight distance and stopping sight distance and wanted us to further evaluate options to take access to this property.

So, we started, we then conducted the speed study. The, the speed limit, the posted speed limit on Maryland 26, Liberty Road, is forty miles an hour. We collected travel speeds during the off-peak time, and we determined that most vehicles were traveling forty miles an hour to forty-nine miles per hour.

That was seventy-eight percent of the vehicles were traveling, but the eighty-fifth percentile speeds were forty-nine miles an hour. So, with that information, we gave that to

the, Don Mitten, the civil engineer, and then he drew up an intersection sight distance triangle diagram.

Based, based, forty-nine miles an hour and based on the ASHTO, American Association of State Highway and Traffic Engineers, standards. If you look at, because it's forty-nine miles per hour is the eighty-fifth percentile, then you go to the fifty mile an hour design speed and intersection sight distance standard for fifty miles an hour is five hundred fifty feet and four hundred twenty-five feet for stopping sight distance. So, Don Mitten used those distances in his sight triangle --

ALJ: Could you say that again, Mr. Keeley, I was--

MR. KEELEY: Yeah. So, I, so, so for fifty miles an hour, a fifty mile an hour design speed, intersection sight distance is, the standard is five hundred and fifty feet. And for sight, for stopping sight distance, it's four hundred twenty-five feet.

So, those distances are labeled on a sight distance exhibit for the proposed new entrance located at the southeast portion of the property.

MR. LA FIANDRA: And just to interrupt you for a moment. Exhibit 13, do you see that on your screen?

MR. KEELEY: Yes.

MR. LA FIANDRA: Is that the site distance exhibit that you're referring to?

MR. KEELEY: It is, yes.

MR. LA FIANDRA: Okay. Can you take a moment to describe for the Judge and anybody else, the difference between the intersection sight distance and the stopping sight distance, the two figures that you said were important to this analysis?

MR. KEELEY: Sure, right. So, stopping sight distance is the length of, the distance that a vehicle needs traveling in a direction so that they can come to a stop before they hit an object in the road. So, an object three and a half feet tall, which represents the eye level of a driver.

So, it's four hundred twenty-five feet is the minimum distance that is required to stop a veh, to, once you see an object, to stop your vehicle so you don't strike the veh, strike the object.

Intersection sight distance is the distance you need when looking left as you're stopped before you pull out onto a roadway. So, that's, the five hundred fifty feet is for a fifty mile an hour design speed. You need that distance to make a decision before you turn left from a, in this case, the parking lot onto the main road. So, that's the difference.

MR. LA FIANDRA: Okay. Now, --

ALJ: What exhibit do you have up, Mr. La Fiandra?

MR. LA FIANDRA: It's Exhibit 13, sir.

ALJ: Okay.

MR. LA FIANDRA: The, can you walk through this exhibit for the Judge and what this shows and how those figures go into the placement of the access in the southeast corner of the site?

MR. KEELEY: Sure. So, the, the top portion just shows Liberty Road and the site and the access, the proposed access at the southeast portion of the property. And then the bottom exhibit, the bottom portion of this exhibit shows the, the sight distance measurements.

So, there's a line in the center that represents the center line of the proposed entrance. And then, there's a, you can see where it says intersection sight distance five hundred fifty-five feet. That's intersection sight distance and then four twenty-five.

And then, below that there's a graph and that gives you the, the actual grade changes along Liberty Road. And it, it, the purpose of the diagram is to show that there's adequate sight distance for this entrance.

MR. LA FIANDRA: And so, is, is that shown actually using these straight lines that, that are shown emanating from the center line of the proposed entrance?

MR. KEELEY: Right, so, yep. So, Richardson Engineering did a, this is done with, with the survey, survey equipment to show that there's adequate sight lines. And this information was submitted to State Highway.

MR. LA FIANDRA: So, if I'm not mistaken, the, the straight lines that are, so the, the, we have this, the line that's the existing grade and that's the dotted line that goes throughout this lower part of the plan. That's the existing grade of Liberty Road, in the vicinity of this project, am I correct?

MR. KEELEY: That's correct.

MR. LA FIANDRA: Now, is the, is the lower figure synced to the upper figure in terms of the proposed, the location of the proposed entrance on the page? What I'm saying is, is the location of the proposed entrance as shown on the graph, does that match up to the location of the proposed entrance as shown on the, the diagram at the top of the page?

MR. KEELEY: Yes.

MR. LA FIANDRA: And is it the same horizontal scale?

MR. KEELEY: Yes.

MR. LA FIANDRA: Okay. So, and the sight distance is shown from this point that's indicated at the top, it says three and a, I'm going to zoom in on there.

MR. KEELEY: Yeah.

MR. LA FIANDRA: What, what are these figures that are shown here --

MR. KEELEY: Yeah, so, three and a half --

MR. LA FIANDRA: three and a half, two feet, yeah.

MR. KEELEY: Yeah, for sight dis, intersection sight

distance, it's three and a half feet to three and a half feet. And for sight, stopping sight distance it's three and a half feet, which again is, represents the eye level of a driver to an object, to, it's actually two feet high. That's the standard, that, these are ASHTO standards to measure, yeah --

MR. LA FIANDRA: An object two feet high?

MR. KEELEY: Yes, I had to correct myself. It's not three and a, the object is two feet high. So, when the surveyors are out there, they lower that, the mark that they're shooting to two feet.

MR. LA FIANDRA: So, if I'm reading this correctly, does this indicate that a, so to, towards the left of the page is traveling west, am I correct?

MR. KEELEY: Correct.

MR. LA FIANDRA: So, if I'm reading this correctly, does that, does that mean that a, a driver approaching this access point from the east traveling west, has four hundred and twenty-five feet of sight distance of an object that is two feet high located in the road directly in front of the proposed access point?

MR. KEELEY: That's correct.

MR. LA FIANDRA: Okay and then if I'm looking at this correctly as well, does this indicate a driver sitting in a car at the access point looking towards the east has, I want to make sure I have the correct number, five hundred and fifty-

five feet of intersection sight distance in order to make a, a, a left turn onto Liberty Road from that access point?

MR. KEELEY: That, that is correct. And, in fact, if I, there's five hundred fifty feet of clear sight distance looking each direction from the site access point.

MR. LA FIANDRA: Okay.

MR. KEELEY: Proposed site access point.

MR. LA FIANDRA: So, that would seem to indicate that there's both intersection sight distance and stopping sight distance in both directions east and west, or north and south, however we're going to look at that. But at the proposed redlined access point, at the southeast corner?

MR. KEELEY: That is correct.

MR. LA FIANDRA: Okay and does that meet Baltimore County and State of Maryland requirements for a, a proposed entrance like this?

MR. KEELEY: Yeah, it's, it's, as I testified before, it's, this is, these are the ASHTO standards that SHA, State Highway Administration, uses.

MR. LA FIANDRA: And okay, so the SHA uses the ASHTO standards.

MR. KEELEY: Correct.

MR. LA FIANDRA: As a result of this analysis, just need to find my next exhibit, pardon me. There we go. Have you seen Exhibit 7 before?

MR. KEELEY: The March 9th letter, yes.

MR. LA FIANDRA: Yes, tell us what this letter says.

MR. KEELEY: So, this is a letter from the State Highway Administration that basically says an access permit will be re, required for the construction of the access onto State Road. And then it just goes on to describe the type of access that State is requiring.

In this case, it's a standard commercial access with a thirty-foot-wide curbed commercial entrance. The letter also says that the shoulders must be reconstructed to provide a minimum of a ten-foot-wide shoulder from the edge of the gutter pan. So, --

MR. LA FIANDRA: So, yeah, go ahead, pardon me.

MR. KEELEY: The, the developer, once, if this building is approved, the developer will have to go through the access permit process with Maryland State Highway Administration.

MR. LA FIANDRA: Now, was interpreting this letter, do, does this, would this indicate to you that SHA approved or was, was pleased with this new access point, or the location of this access point?

MR. KEELEY: Yes. I should have stated, in the first paragraph, it says Maryland Department of Transportation, State Highway Administration, has reviewed the submission listed below, along with additional information recently provided and

we find it to be acceptable. No further analysis will be required.

MR. LA FIANDRA: Okay.

MR. KEELEY: So, yes, it's approved.

MR. LA FIANDRA: Now, were you involved with the, so this letter is predicated on a number of pieces of information that were submitted to the State Highway Administration, that are listed here. Trip generation and sight distance evaluation, peak hour trip distribution dated March 2nd. Are you familiar with the peak hour trip distribution dated March 2nd?

MR. KEELEY: Yes.

MR. LA FIANDRA: Okay and you've been present for this, the, for the hearing we've had, several hours of hearing at this point, you've been present for it?

MR. KEELEY: Yes, I have.

MR. LA FIANDRA: Okay. So, the peak hour trip distribution, did you, did, is that predicated on a, how do you determine the peak hour, peak hour trips for a church?

MR. KEELEY: We use the ITE trip generation manual, it's the Institute of Transportation Engineers trip generation manual.

MR. LA FIANDRA: And is that, when you use that manual, what are the inputs? Do you put in square footage, number of seats, number of congregants, what do you put in?

MR. KEELEY: I'll use, for a church, you can use the building floor area or number of seats. You can use either.

MR. LA FIANDRA: Okay and what did you use in this instance?

MR. KEELEY: So, we used seats.

MR. LA FIANDRA: Okay. Do you recall the number of seats that you put into the formula when you determined the peak hour trip distribution as reflected on March 2nd?

MR. KEELEY: Yes, we used three hundred and fifty seats.

MR. LA FIANDRA: Now, the, the actual number is four hundred fifty seats, as you've come to know. How, how does that change the peak hour trip distribution as reflected in that analysis?

MR. KEELEY: All right. So, when I started this, my trip generation was dated March 2nd, 2021. And again, the plan represented three hundred fifty seats, which generated one hundred and eighty-nine total Sunday trips. And since then, that was with the ITE trip generation manual tenth edition.

Since then, the eleventh edition came out. So, if I, if I use four hundred fifty seats, the total Sunday peak hour trips would be two hundred and twelve, which would be a difference of twenty-three trips.

MR. LA FIANDRA: An additional twenty-three trips.

MR. KEELEY: That's correct.

MR. LA FIANDRA: During the peak hour?

MR. KEELEY: During the Sunday peak hour, right.

MR. LA FIANDRA: Sunday peak hour. Now, what's the significance of the peak hour? Why do you use that, that phrase?

MR. KEELEY: Typically, we do traffic impact studies during the weekday and the peak hours mean the commuter times. So, a typical week, weekday peak hour defined by State Highway Administration and the County uses this as well, this is 7:00 to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. That's also a standard in ITE, it actually says that.

Generally, we don't do a study on a Sunday because you're outside the peak commuting time period. So, we'll do a study on a Saturday, which the peak hour typically falls, depending on the surrounding land use, it falls between the hours of 11:00 a.m. and 2:00 p.m. Typically, we don't do a Sunday traffic impact study --

MR. LA FIANDRA: And, yeah, go ahead.

MR. KEELEY: Yeah, I was going to say that State, the State didn't require a full traffic study because of the, it's an institutional use that only generates traffic on a Sunday.

MR. LA FIANDRA: So, and is the reason for that because the other ambient traffic is so minimal that what, regardless of the peak hour trips generated by this use at, at, during their peak hour on Sunday, why don't you characterize

that for the Judge?

MR. KEELEY: Yes. Again, it's, it's outside the peak hour, so presumably the traffic volumes on Sunday would be much less than a weekday during the peak commuting hours.

MR. LA FIANDRA: Okay. Now, --

ALJ: I, I'm confused by your testimony that you use Saturday data.

MR. KEELEY: I'm sorry, Sunday, we use Sunday. I, I was just explaining traffic studies are typically done during the weekday and if it's a commercial use, on a Saturday.

ALJ: Okay.

MR. KEELEY: But this is a church so it's, it's a sanctuary use only and it only impacts, you know, Sunday.

MR. LA FIANDRA: So, the peak hour reflected on your peak hour trip generation, that's a Sunday hour?

MR. KEELEY: It's a Sunday, correct. Peak hour on a Sunday.

MR. LA FIANDRA: And did, did your analysis identify the actual hour or just --

MR. KEELEY: No, the ITE says, that it says Sunday peak hour of the generator. So, for a church, the ITE studies, I believe it was eighteen studies that ITE performed or collected from other traffic engineering companies, during the peak hour for a church. Based on my experience, that's somewhere between maybe 9:00 and 1:00.

The peak hour of a church is usually when one service is ending and traffic is leaving and people are coming in for, for the next service, that's usually a peak hour and falls somewhere between 9:00 and 1:00. So, that's, the peak hour, the generator is, it, it's somewhere in that on a Sunday.

MR. LA FIANDRA: And is the pastor's testimony with regard to the, the hours that the church keeps on Sunday consistent with your expectation of the peak hour given your experience?

MR. KEELEY: Yes, and I've, I've actually been to the site a couple times on a Sunday and just my observation is that their services follow standard church services in the morning.

MR. LA FIANDRA: Okay and the, can you characterize the significance or materiality of twenty-three additional trips during the peak hour on Sunday for this church use as, as reflected in your, in, in your recent analysis based on, of the peak hour trips, based on four hundred fifty with ITE eleven?

MR. KEELEY: Right, --

MR. LA FIANDRA: Compared to the, the, the original number which was a hundred and eighty-nine based on three hundred fifty trips on ITE ten?

MR. KEELEY: Yeah, based, based on the ITE rates, it's twenty-three trips. It's not significant. So, that's IT, for the church trips, the, the original study I did, a hundred and eighty-nine trips, that will be ninety-three inbound and

ninety-six outbound, you know. If we had ten more trips inbound and eleven trips outbound, or whatever it comes out to be. It, it's not significant in terms of adding traffic to the road network.

MR. LA FIANDRA: Um hm and does that change in number give you any reason to think that, ultimately, when the church goes and seeks the access permit, that that's going to have, that increase in number of trips as shown on the trip generation material will have a bearing on whether that access permit will be granted?

MR. MCCANN: Objection. That's --

ALJ: Basis? That calls for speculation or --

MR. MCCANN: Yeah, I mean, he's, he's going to guess what S, SHA is going to do when, when it comes time to reviewing it.

ALJ: Yeah.

MR. LA FIANDRA: He's an expert in the field, he's dealt with these access permits before. He's testified about materiality --

ALJ: You can say based on, based on your experience or maybe lay a foundation, have you ever had to submit figures that are different than what had previously been submitted and if so, would an increase of this magnitude likely cause them to deny an access permit? I don't know. I agree with Mr. McCann it's speculation, but he can go ahead and answer if he can.

MR. KEELEY: We, again, we didn't do a full traffic impact study. We did trip generation analysis and, in my opinion, it's not going to have any affect. The, the entrance type is requested, required by State Highway is a commercial entrance.

Commercial, it's a standard commercial entrance that's thirty-foot wide that's, that would be used for any retail, commercial, retail service, commercial use. So, I don't see how the, that standard is not going to change. It's a standard commercial entrance. With (inaudible) foot wide shoulders.

ALJ: A, a, a church's traffic is significantly different though from a myriad of other commercial uses in that if you're going, if, if you're talking about a, a Home Depot, people stream in and out of there at, over an hour, at a regular rate. Whereas a church, the whole, or a substantial portion of the congregation leaves, leaves or comes pretty much in a five- or ten-minute window, isn't that true?

MR. KEELEY: Yes, based on my observation, it's similar to a school where, you know, traffic lets out, it takes whatever, you know, fifteen minutes to clear and you're back to normal travel conditions. But that, and I don't understand how the, the width of the intersection, width of the entrance or design would change.

Again, it, this is a Sunday, so traffic study wasn't

required. I mean, I can only testify to the fact that the State's requiring, requiring commercial access here. And that, that standard doesn't change based on additional trips. It's, it is the standard.

MR. LA FIANDRA: And you've referred to a couple of different types of studies, I think. I want to make sure that we're talking about the same thing. Is a traffic study the same thing as a traffic impact analysis?

MR. KEELEY: Yes, a traffic impact analysis would, typically looks at the site access and then looks at the nearest intersections and you would study those intersections to make sure they have adequate capacity.

But again, as I testified, this is a Sunday use, it's, State Highway didn't require a traffic impact study to look at offsite intersections. They, they required us to, to look at, and the engineer to do the site distance triangle exhibit. And the trip generation is really just background information.

MR. LA FIANDRA: And, pardon me, I just lost you there. Switching again to the site plan, which I have here. Do you have an opinion as to whether the redlined location of the entrance access point is superior to the original proposed location of the access point as shown on the, the plan in black?

MR. KEELEY: Well, it's superior in, in that it has

adequate stopping and intersection sight distance. It also would be an access for the church only. There wouldn't be any other shared uses, that I know of. It would just be for the church, an access specifically for the church.

MR. LA FIANDRA: So, what would that do to whether or not this access or your opinion as to whether or not this access as proposed would create any congestion or traffic in the streets, in the, in the vicinity of this project?

MR. KEELEY: Well, we didn't do a study on off, offsite, nearby intersections, but, you know, I guess to the Judge's point, when the church service ends, traffic, you know, the traffic would store, cue onsite and then enter onto Liberty Road when there's a gap in traffic.

And just as any unsignalized intersection operates. And it, it would do so safely because it would, it meets all the sight distance standards. And it's also a Sunday, you know, we're only talking about Sunday. We're not generating traffic during the peak, peak hours of a weekday or a Saturday.

MR. LA FIANDRA: So, two points. Number one, the fact that it's onsite and not using the easement, which is utilized for the access currently, and as originally proposed, does that internalize the, the storage onto the site as it's leaving as opposed to creating a burden or nuisance for adjoining properties that might use the easement?

MR. KEELEY: Well, certainly, so because it's not a

shared proposed access on the southeast portion of the property, it's not a shared access, so the only traffic would be church traffic on a Sunday. It, it wouldn't include any other residential, I guess that's residential behind the property. So, there would be no other trips, it would just be church generated traffic.

MR. LA FIANDRA: And, and if it was storing in order to get onto the public road, it follows, correct me if I'm wrong, but it's, it, it would be storing on the site as opposed to storing within the easement or on somebody else's property?

MR. KEELEY: Yes, on, on, it would, traffic would be cued up onsite, on the church property only.

MR. LA FIANDRA: Are there any other access points as proposed for this property to the public road, or to, or to a private easement for that matter?

MR. KEELEY: Not that I'm aware of.

MR. LA FIANDRA: Okay. Okay, thank you, Mr. Keeley. I appreciate your time.

MR. KEELEY: Thanks.

ALJ: All right. Mr. McCann, do you have questions?

MR. MCCANN: I do. Yeah, thank you. Donna, can I share, please? Good afternoon, Mr. Keeley.

MR. KEELEY: Good afternoon.

MR. MCCANN: I want to go back to the State Highway's letter of March, March 9th, 2021, which is Petitioner's Exhibit

7. You have, do you see that, Mr. Keeley?

MR. KEELEY: I do, yes.

MR. MCCANN: Okay, great. So, there's reference in here to peak hour of distribution dated March 2nd, 2021. Do you see that?

MR. KEELEY: I do see that, yes.

MR. MCCANN: So, that's, I think the point here is that that was something that the State Highway Administration reviewed prior to issuing this letter, is that correct?

MR. KEELEY: That's correct.

MR. MCCANN: In fact, in the first sentence, I should have directed you to the first sentence. It said, says thank you for the opportunity to review the trip generation analysis, sight distance evaluation and trip distribution report, correct?

MR. KEELEY: Yes, that's what it says.

MR. MCCANN: And those, those are all things that you submitted to State Highway before this March 9th, 2021 letter, correct?

MR. KEELEY: Yes.

MR. MCCANN: Okay and to be specific, let me show you this March 2nd, 2021 letter from Traffic Concepts. Is this, in fact, one of the submittals that is referenced in SHA's letter?

MR. KEELEY: Yes.

MR. MCCANN: Okay. So, this wasn't shown to you by

Mr. La Fiandra, but this is the, the analysis that you did for three hundred fifty seats, correct?

MR. KEELEY: That's right, yes.

MR. MCCANN: Okay and so when you say, when you said, I mean, you've acknowledged you didn't do the traffic impact study, correct?

MR. KEELEY: Yes, correct.

MR. MCCANN: You said you did a trip generation analysis, is that what you did?

MR. KEELEY: Yes, that's what this is.

MR. MCCANN: Which, you know, can we agree that that's simply a matter of you picking up the ITE manual, turning to the page where it says land use five sixty and looking at how many trips ITE says are generated during peak hours, that's the extent of the analysis, right?

MR. KEELEY: Yes.

MR. MCCANN: Okay. So, all this discussion about, in here, this is, I guess this is the third full paragraph of this letter, which I'll mark soon, this is a quote from the ITE manual, correct?

MR. KEELEY: Yes.

MR. MCCANN: And this quote, so all this, all this discussion about peak hours, and they're actually referenced in this paragraph, those peak hours that are identified by ITE are just the peak hours that are used in the studies which, upon

which this manual is based, correct?

MR. KEELEY: That's where the, yeah, that's where ITE gets their rates.

MR. MCCANN: Yeah, yeah, so there's, there's no connection at all between whatever hours the, this church has services, as a matter of fact, and what the ITE manual bases its trip generation on and, and those studies that it bases it on, correct?

MR. KEELEY: Not this, I mean, this church wasn't part of the data.

MR. MCCANN: Right.

MR. KEELEY: Yeah.

MR. MCCANN: So, in other words, let's say this particular church, the Petitioner in this case, had its services on Sunday from 5:00 to 6:00 p.m., you would still use this land use five sixty to determine what the trip generation would be for that peak hour, for that hour, correct?

MR. KEELEY: Un, unless the State or County said, you know, you need to perform your own studies.

MR. MCCANN: Okay and you, you could have done a study, you said you've been to the site, apparently on a Sunday during services. You did not at any time, nor did anybody else in your firm, ever direct, conduct traffic counts for the traffic generated by those services, correct?

MR. KEELEY: That's right.

MR. MCCANN: Okay. So, number one, the fact that this letter is based on three hundred and fifty seats, and this is the letter upon which the State Highway apparently granted its approval in Petitioner's Exhibit 7, we've already talked about, is it fair to say that the State Highway has not signed off on any trip generation analysis for four hundred and fifty seats as we sit here today?

MR. KEELEY: No, they haven't seen it, but I'm not sure, I mean, they don't really sign off on it, it's, as I testified, it's background information for the SHA and the developer still has to go through the site access permit process.

MR. MCCANN: Well, you say they don't sign off on it in the letter, but look at the letter itself, bear with me one second. (inaudible). The letter itself from State Highway says we reviewed your trip generation analysis, and no further analysis is required. I mean, that, this is what, this is part of what they reviewed in issuing this March 9th, 2021 letter, correct?

MR. KEELEY: Right.

MR. MCCANN: Okay. And then, Mr., the Judge's questions to you about, I think, well, strike that. I think what you said, I guess, trying to avoid the fact, is you said that even if the State Highway Administration were to take a look at a trip generation analysis for four hundred and fifty

seats, that wouldn't change the SHA's decision in your experience, correct?

MR. KEELEY: Well, no, it, it's, the commercial access is, it's a standard design. It's a typical in their manual. It's thirty feet wide, so that's, that's the only reason why I said that.

MR. MCCANN: Okay and, and that gets to the point I guess I'm trying to make here is, State Highway Administration's review of this project is for purposes of granting an access permit and that only, correct?

MR. KEELEY: Right, yes.

MR. MCCANN: That's the only, that's the only jurisdiction it has in these matters?

MR. KEELEY: Yes.

MR. MCCANN: So, in other words, State Highway, so when you say that it wouldn't affect the size of the entrance to the, the church, that's what, really what we're talking about here. If there were, instead of three hundred fifty seats there were five thousand seats, then that may require, in the State Highway's mind, a wider egress and ingress, correct?

MR. KEELEY: Wider?

MR. MCCANN: Or, or a better planned, or something different?

MR. KEELEY: Might require multiple access points if it's, you know, five thousand trips or whatever.

MR. MCCANN: Five thousand, I was exaggerating to make the point.

MR. KEELEY: Right.

MR. MCCANN: Okay. Your, your point simply is, although the State Highway Administration didn't review this trip generation analysis, it wouldn't change the access point in terms of its physical characteristics.

MR. KEELEY: That's, that's my opinion, yes.

MR. MCCANN: Okay. Okay and then, another thing I wanted to show in this March 2nd, 2021 letter, which I guess, before I move, move on, Your Honor, I'll mark this as Exhibit 16, please.

ALJ: Okay.

MR. MCCANN: And I guess the best way to describe it is trip generation analysis, peak hour trip generation analysis. So, as we go down in this, on this document, on the first page, this is the peak hour trip generation that the ITE manual tells you for three hundred and fifty church seats, correct, a hundred and eighty-nine?

MR. KEELEY: Yes.

MR. MCCANN: Okay and then, I guess, the ITE manual also tells you how many of those vehicles will be going in versus out, is that correct?

MR. KEELEY: Yes, ITE provides the directional distribution.

MR. MCCANN: Okay. But you did, it sounds like, you did an analysis, is that, bear with me one second. On the fourth page of this document, there's a, well, I guess, what, what is called a distribution, you have site trips and distribution pattern, correct?

MR. KEELEY: That's right, um hm.

MR. MCCANN: So, what this tells us is that for vehicles entering the site, of those hundred and eighty-nine peak hour trips, this number seventy and this number twenty-three, that's the distribution of vehicles entering the church entrance during peak hour, correct?

MR. KEELEY: Correct.

MR. MCCANN: In other words, seven, you put over here, seventy-five percent of the vehicles entering this site during the peak hour will be entering from the east as opposed to the west, twenty-five percent, correct?

MR. KEELEY: Correct.

MR. MCCANN: And vehicles traveling from the east, that's the, what I'll call the problematic side of things, that's where the site distance is, is an issue, correct?

MR. KEELEY: Well, not at the new location, it's not an issue.

MR. MCCANN: Well, it's, okay. Well, it's, it was an issue, vehicles heading westbound, correct?

MR. KEELEY: Maybe at the old, I didn't do a sight

distance analysis at the shared easement access. But that's, you know, based on comments from the State --

MR. MCCANN: That's what they were concerned about.

MR. KEELEY: Yeah, that's what they were concerned about so that's why we moved the access, access point further east.

MR. MCCANN: Okay. So, even under the four, the trip generation analysis for four hundred fifty seats, which I think you said was two hundred twenty-one vehicles rather than a hundred and eighty-nine, is it your opinion that the distribution for those vehicles would be the same, that is, seventy-five percent are heading from the east or westbound and twenty-five percent would be heading eastbound or from the west?

MR. KEELEY: Right, correct.

MR. MCCANN: Okay and then likewise on, for vehicles exiting the site during the peak hour, sort of the same, looks like the same, these are the exiting numbers, right? Seventy-two and twenty-four, right?

MR. KEELEY: That's right.

MR. MCCANN: So, whether it's three hundred fifty seats or four hundred fifty seats, it's your opinion that the distribution for vehicles exiting will be roughly the same, that is, seventy-five percent of those vehicles will be heading eastbound and twenty-five percent will be heading westbound?

MR. KEELEY: Right. Distribution wouldn't change, yeah.

MR. MCCANN: Okay, got it. Okay. So, you said that, you gave reasons why you did not conduct a study and why, I guess, you didn't conduct traffic counts, but, you, you could have, there's nothing prohibiting you from doing so, right?

MR. KEELEY: Right. We conduct studies when the local jurisdiction or State Highway requires a study.

MR. MCCANN: Okay. Have you ever, have you ever conducted a study when it wasn't required in order to address concerns from the community?

MR. KEELEY: I've done studies for a developer when they're preparing to buy a property so they understand what kind of access they can, they can get. I don't recall doing, conducting a study specifically for the residence. But it's, I mean, it's --

MR. MCCANN: Well, that wasn't my question.

MR. KEELEY: Yeah.

MR. MCCANN: My question wasn't for the residence or who was your client. My question was simply have you, in your many years of experience, ever conducted a traffic study or, or traffic counts for that matter, when it wasn't required?

MR. KEELEY: I've conducted traffic impact studies for clients, yes, when it wasn't required for the client's review only.

MR. MCCANN: Okay. All right. Let's talk about the sight distance. I'm going to show you the, this sight distance profile again. This is Petitioner's Exhibit 13. I know it's very difficult to see. But before we get, as, as you, you've testified, just to make sure I understand, the required intersection sight distance at this entrance is five hundred and fifty feet you said, correct?

MR. KEELEY: Five hundred fifty-five feet.

MR. MCCANN: That's what I thought, okay. Because I, --

MR. KEELEY: Yeah.

MR. MCCANN: -- as I see the ASHTO chart, and I can pull that up or not, but I, I read five hundred fifty-five. I think you said five hundred fifty. It, it's the, the former, correct?

MR. KEELEY: It is the former, it's five fifty-five, right.

MR. MCCANN: Okay and then intersection sight distance again is the distance that is necessary in order for a vehicle traveling, in this case, westbound to, I'm sorry, intersection sight distance is the distance necessary for a vehicle turning out of this site, trying to turn left, to safely do so without causing any issues in, in, in, in that, correct?

MR. KEELEY: That's correct, yes.

MR. MCCANN: And then the stopping sight distance, you said, the required, or the standard distance for that parameter is four and twenty-five feet, correct?

MR. KEELEY: Yes.

MR. MCCANN: And that, unlike intersection sight distance, is the distance needed for a car traveling, in this case, westbound on Liberty Road towards the intersection, distance it would need to safely stop if a, an object, not necessarily a car, but any object, were to be in the road, right?

MR. KEELEY: That's right, yes.

MR. MCCANN: Okay and that's why it's two feet as opposed to, when you measure stopping sight distance, it goes from 3.5, and I'll blow this up, it goes from 3.5 feet, the analysis, to 2.0 feet because we want to consider something else in the road, perhaps, other than a car. Maybe a bouncy ball or something, right?

MR. KEELEY: That's right, yes.

MR. MCCANN: Okay. So, here's my question about this profile. I mean, you have these numbers here. Did you prepare this, by the way?

MR. KEELEY: I did not.

MR. MCCANN: Okay. You asked Mr. Mitten to do so?

MR. KEELEY: Yes.

MR. MCCANN: Okay and I take it you stand by what he

did?

MR. KEELEY: Right, it's, yes.

MR. MCCANN: So, here's what, here's what I'm having a problem with. This says, stopping sight distance, four hundred twenty-five, and it says intersection sight distance five hundred fifty-five and it shows where those distances are from, I guess, the center line of the egress, ingress.

Where on, where on this profile does it show, not what the standard sight distance is, the required sight distance, intersection and stopping, but rather the actual sight distance? That is, at what point in time can a car traveling westbound on Liberty Road, at what, how many feet can, will they be able to see an object in the road at the center line of the intersection? Where is that on this profile?

MR. KEELEY: It's not on the profile.

MR. MCCANN: Okay. So, in other words, and at least in all the cases I've been involved in, someone actually went out in the field with a, and stood in the road and measured, and measured at what point in time that he or she could see an object in the road at the point of the intersection, that wasn't done in this case, was it?

MR. KEELEY: I, no, no, it was done. So, you see the standards. So, where it says five hundred and fifty-five feet, that's the, I, he could have gone back maybe another couple

hundred feet. But it shows that, we meet that standard of five hundred and fifty-five feet. It could be longer than five hundred fifty-five feet.

MR. MCCANN: I know it can be. I can be a whole lot shorter too. But my question is, did you or somebody else at Traffic --

MR. KEELEY: It can't be shorter.

MR. MCCANN: I'm sorry?

MR. KEELEY: It can't be shorter, it's got to be the minimum distance is five hundred fifty-five feet.

MR. MCCANN: It can be, it cannot meet the standard and that's what I'm getting at. I'm trying to find out what is the site distance. We, we all know the required sight distance, we can all look at a chart and figure that out. But I'm asking you, well, let me ask you this first.

Did you or anybody else at Traffic Concepts, go out to Liberty Road, stand in the middle of the road, have somebody stand at the, the center line of the intersection and did you measure the, the exact point at which the, the first person could see that object? Was that, was that done here?

MR. KEELEY: Yeah, this is a sealed plan that says sight distance and stopping sight distance are measured, are --

MR. MCCANN: I'm asking you, was that done? Put aside the profile, was it actually done?

MR. KEELEY: Richardson Engineering did it. You

have, yes, it was done. You have a sealed plan in front of you.

MR. MCCANN: Well, I, I don't see anywhere on here where it shows, it shows the standard, we know that.

MR. KEELEY: It shows the profile and that's, that's sight distance. It meets, it meets the standard. This is a sealed plan. That, the, the plan, this plan doesn't just show you what the standard is. This was done with a survey and it's a signed and sealed plan.

MR. MCCANN: Okay. I think we're, we're talking around each other. I think I understand what you're saying. But this doesn't, what you're saying is, I, I assume what you're saying is, that you, the, the extent of the analysis reflected in this profile is that someone stood at five hundred and fifty-feet, I'm sorry, at, at four hundred twenty-five feet in the road and they, they confirmed that they could see the, an object in the road, that was done, as far as you know?

MR. KEELEY: As far as I know. I didn't, I didn't do this plan, maybe that's a question for the civil engineer. But, you know, when --

ALJ: The, the dotted line is, is the actual profile of Liberty Road through that cross section of road, right?

MR. KEELEY: That's correct.

MR. MCCANN: Yeah, but I, every time I've seen one of these profiles I've seen, you know, actually on the profile

where it is that the stopping sight distance, the actual in the field, sight distance is. You know, is it short of the line or is it after the line?

ALJ: I think it's depicting, they just don't run the lines past where, where they stopped. They, they, they show at the required number of feet distant that it is, that it does meet the requirement, at that point in the profile.

MR. MCCANN: Yeah, yeah, I do get that. I think I'm sharp enough to get that, Your Honor. I'm just wondering why nothing more is shown. I guess --

MR. KEELEY: Maybe at the top it, if you pan up, it shows, but it doesn't, I mean, it shows the dot.

MR. MCCANN: Yeah, that, I mean, --

MR. KEELEY: Yeah.

MR. MCCANN: -- in other words, this says, this, this profile would look exactly the same if, as if no one went out there and this is just what it should be. This is what the profile shows what should be in the field. But it doesn't, other, other than the fact you say it's sealed and think somebody went out there.

Doesn't actually show where anybody was standing and, and more specifically, where the actual stopping sight distance is and the actual intersection sight distance is. We just have to assume that it's precisely four twenty-five and it's precisely five fifty-five, right? Can we, right?

In other words, I think the Judge, I think the Judge, my client should know if the stopping sight distance is forty-two, four hundred twenty-five feet and three centimeters. I mean, you may argue, well, it doesn't matter because it meets the standard.

But I think that's, that, this profile doesn't show that. Can we agree on that? It doesn't show the actual stopping sight distance and actual intersection sight distance, right?

ALJ: So, so I'm, I'm to just assume that it's actually greater than, than either one of the minimum requirements, is that what you're getting at, Mr. McCann?

MR. MCCANN: Yeah. I just think that we should know more than, it, it should be more than just an assumption. They're out there, measure it, what is it? Is it four twenty-six, is it a thousand and fifty?

ALJ: Right.

MR. MCCANN: And this profile tells us nothing as far as I'm concerned. It's meaningless. But I've certainly seen them done other ways. But in any event, you, you didn't do the measurements, right?

MR. KEELEY: No, no, we're not a surveying company.

MR. MCCANN: And you're, you're certain that Mr. Mitten did?

MR. KEELEY: Yes.

MR. MCCANN: Okay and when I say the measurements --

MR. KEELEY: His, his seal is on the plan.

MR. MCCANN: Oh, I understand that.

MR. KEELEY: Yeah, so he did it.

MR. MCCANN: His seal doesn't verify things that aren't on here. Do, do, I know his seal verifies that he pinpointed the standard on this profile.

MR. KEELEY: Yeah, you, I mean, you would have to ask Mr. Mitten.

MR. MCCANN: Okay. All right, sorry about that. One thing I, doesn't sound like you addressed, Mr. Keeley, is the impact of, well, strike that. Mr. La Fiandra asked, said that any cuing that will take place will take place onsite, correct? Do you recall that testimony?

MR. KEELEY: Yes.

MR. MCCANN: And that's, I don't, don't disagree but that's with respect to vehicles that are leaving the church and headed eastbound or westbound, correct? There's, there will be no cuing because it'll be physically impossible for there to be cuing for that movement, correct?

MR. KEELEY: Is your que, your question is, they would cue, yeah, it's traffic leaving the site would have to cue onsite.

MR. MCCANN: What about traffic entering? Let's say traffic, both from the, from the east of the seventy-five

percent of the cars that are entering the site from the east, particularly in, in a situation with a church, which is unique I think as the Judge pointed out, where cars arriving all at once.

Would you agree with me that any cuing that would take place for vehicles trying to get into the entrance, coming from the east, heading in this direction, particularly since there's parking right there, that any cuing on Liberty Road of those vehicles heading, I'm sorry, heading west from the east, that cuing would affect the stopping site distance? It could affect it?

MR. KEELEY: Well, no, I mean, it's a right turn, so I wouldn't expect there to be cues.

MR. MCCANN: You, so you think all the vehicles that are coming here, let's assume it's just four hundred fifty seats, nothing more, no more people than that can accommodate, that, that all those people that are coming, seventy-five percent of the traffic that are coming from the east heading west, are simply going to glide into this site, without having to slow down or stop in order to do so? Through a single entrance point?

MR. KEELEY: I mean, this isn't a new, this is an existing church and we're, it'll, I think the testimony, the existing church has a hundred seats. So, you know, I mean, there are trips here now. I don't know how that changes

stopping sight distance.

MR. MCCANN: Well, I, I'm saying, --

MR. KEELEY: Even if cars are cued along, try and turn in, you know, you can move that point. I'm not going to testify on that because I haven't done the analysis. I don't know where, you're saying if it's a cue, I don't know where that cue would be, but I --

MR. MCCANN: Well, the cue, the cue would be in the righthand, righthand lane of Liberty Road headed westbound. Let's just say for --

MR. KEELEY: That --

MR. MCCANN: Let me just finish, Mr. Keeley and (inaudible) --

MR. KEELEY: I'm sorry, my apologies.

MR. MCCANN: That's okay. You can say whatever you want to say. First of all, when you're considering cuing in sight distance situations, what is the length of a car, the standard?

MR. KEELEY: Twenty-five, twenty-five feet.

MR. MCCANN: Okay. So, --

MR. KEELEY: Average.

MR. MCCANN: -- just, just assume for me that instead of every single car that's entering this site doesn't get in without hesitation, just glides right in, perhaps at fifty miles an hour, but rather there is two cars that are waiting on

the righthand land of Liberty Road to take a righthand turn, would you, wouldn't you agree with me, just theoretically, that that's going to affect the available, the available sight distance for a car behind those folks to stop? It's going to lessen that by, in the instance I just gave you, fifty feet, correct?

MR. KEELEY: Well, no, the sight, how do you, how do you know that? I mean, if, let's say there is a cue at some point east of the site, I mean, then you would measure sight dis, stopping sight distance from that vehicle, maybe you have it. I mean, you're looking uphill at that point.

MR. MCCANN: Listen, I'm not, I'm not asking you --

MR. KEELEY: How would that, how would that, you're just moving, you may have the four hundred and twenty-five feet from this new point going back.

MR. MCCANN: You may, but we don't know because the profile doesn't tell us where --

MR. KEELEY: But we never do, I mean, I don't, that's not the (inaudible) --

MR. MCCANN: Let me finish my questions, Mr. Keeley. I know you want to make your points but let me just finish.

MR. KEELEY: Okay.

MR. MCCANN: Because no actual, actual sight distance was shown on this profile, just the standards themselves, we don't know whether or not the, that actual sight distance would

be affected by the cuing of one vehicle, two vehicles, ten vehicles. We just simply don't know as we sit here today, is that, can we agree on that much?

MR. KEELEY: I guess so. If you're moving, I mean, you're moving the starting point, but --

MR. MCCANN: Yeah, you've done, have you done, have you ever, in, and I've had lots of cases where cuing is considered in determining sight distance, is it not?

MR. KEELEY: My experience, the sight distance measurement is from the center line of the proposed access point, not from a back of a cue. I have never done that analysis.

MR. MCCANN: Well, yeah, I mean, and I'm talking inter, sight, stopping sight distance now, not intersection sight distance.

MR. KEELEY: Right.

MR. MCCANN: So, yeah, I don't know why it's measured in the center line of the entrance. The, any object that's going to be in the road is going to be in the center of the road. But, in any event, I think you agree with me that sitting here we don't know.

ALJ: Is there, I assume there's a shoulder along Route 26?

MR. KEELEY: There is. There's a ten-foot shoulder and I think the State letter said that the shoulders, if

they're not ten feet wide, they have to be reconstructed to a minimum of ten feet. And that could be used, any reconstructed shoulder would be full depth pavement and traffic bearing. So, you could use the shoulder as, as a decel lane.

MR. MCCANN: Okay. So, getting back, and I'll let you go after this, Mr. Keeley. You, the entrance was originally sort of in the middle of the site here, correct?

MR. KEELEY: I don't recall that.

MR. MCCANN: Somewhere roughly? Do you recall that in any of the plans?

MR. KEELEY: I know it was at the westernmost, where the easement was. That was when I first looked at it.

MR. MCCANN: Okay. So, but it was moved this way, I think as you've already described, it was moved eastward in order to avoid the effect of sort of the, the hill, right?

MR. KEELEY: Yes.

MR. MCCANN: Okay. So, what about vehicles leaving the entrance to, for example, my client's property, this entrance right here? If there is cuing of some sort at that entrance, either coming from the east heading westbound or in, in particular, that direction, that also could have effect, perhaps a greater effect, on sight distance, could it not?

MR. KEELEY: I don't understand the question.

MR. MCCANN: It seems to me that having, if you're saying that having the entrance farther to the east is safer --

MR. KEELEY: Right.

MR. MCCANN: -- and that the more you head west it becomes less safe because of the crest of the hill just east of the site, --

MR. KEELEY: Right.

MR. MCCANN: -- it seems to me that doesn't, moving the entrance of this particular church to the east doesn't remove any safety issues associated with cars of the type that may be entering my client's property farther to the west, where the original entrance was.

MR. KEELEY: I mean, to, it's an existing condition. Not, the church moving their entrance to a safer point, I don't, has any bearing on the existing entrance for your client.

MR. MCCANN: Okay. Okay, thank you, Mr. Keeley. I don't have any other questions.

MR. KEELEY: Thank you.

ALJ: Do you have anything based on that, Mr. La Fiandra?

MR. LA FIANDRA: I do, I do, very, I was going to say very briefly, but let's see how it goes. May I share, please?

ALJ: Mr. Keeley, so I understand the, the trip distribution study is, is, simply describes the seventy-five percent, twenty-five percent that you touched on earlier, right?

MR. KEELEY: Yes, that's how, yes, that's, yes, sir.

ALJ: Okay, all right.

MR. LA FIANDRA: Mr. Keeley, do you see that I put Exhibit 13 back on the screen? The site distance exhibit that you testified to, both for me and Mr. McCann?

MR. KEELEY: Yes.

MR. LA FIANDRA: I, I, I want to be clear, I want to make sure the record is clear about a couple of points that might have been confusing on cross examination. Can you describe for the Judge how this exhibit demonstrates that this site actually will comply with the minimum standard as reflected in ASHTO?

MR. KEELEY: Right. So, the, the point of where you meet the minimum intersection sight distance of five hundred and fifty-five feet is depicted on this exhibit. So, at the top part of the exhibit where there, there's a point east of the site.

From that point to the center line of the proposed access is five hundred fifty-five feet and that represents the clear sight distance. You can see the sight, the line is drawn, it goes off the road. There's no vegetation to block sight distance.

So, that, that represents the clear line of sight from Liberty Road to the center line of the proposed access, which is five hundred and fifty-five feet. And that's the

minimum acceptable ASHTO standard for intersection sight distance.

MR. LA FIANDRA: So, let me interrupt you for just a moment. So, these (inaudible) as shown on this exhibit, do, where it says five hundred fifty-five-foot sight line, does that indicate a five hundred- and fifty-five-foot unobstructed sight line as prescribed in the ASHTO manual?

MR. KEELEY: Yes.

MR. LA FIANDRA: And that's not reflecting the standard, that's actually reflecting that, that there is at least five hundred and fifty-five feet of actual unobstructed view from the location at the center line of the access point and --

MR. MCCANN: Objection, objection. I think, I understand Mr. La Fiandra's point, but we are asking, that's an extremely leading question. This is his witness --

ALJ: Okay, yeah.

MR. MCCANN: Yeah.

ALJ: Sustained. I mean, he's --

MR. LA FIANDRA: Okay.

ALJ: -- he's already gotten it out, but, but I take your point, Mr. McCann.

MR. LA FIANDRA: Okay. So, let me have the witness characterize the, the, what, what it means by the five hundred fifty-five sight, sight line. Why don't you do that, Mr.

Keeley?

MR. KEELEY: The five hundred and fifty-five feet is, is the minimum ASHTO site distance required for a vehicle that's three and a half feet in height to the center line of the proposed access point. You need the, you need that minimum for Maryland State Highway to say yes, there's adequate sight lines for intersection sight distance.

MR. LA FIANDRA: Okay and that is the standard --

ALJ: If, if we were hovering over this in a helicopter where that little dot is could be, if a, if an orange cone was, was placed there in the road, that's what that terminal dot is, would, would be representing, is that what you're saying?

MR. KEELEY: Yeah, I mean, I, I'm not a surveyor, but I was out there, and we have lasers. I can't use my laser to create because, again, it's got to be a surveyed plan. But I observed adequate unobstructed site distance five hundred fifty feet, five hundred fifty-five feet away. And I believe that's what this plan represents.

MR. LA FIANDRA: Okay, okay. I don't have any other questions.

ALJ: Do you remember what, what was, what you were standing in front of at the time?

MR. KEELEY: We use, I mean, I use a cone with a, with a ruler and try to hit that spot. But again, that's just,

I, I do that for my own, so I get an idea when we're out there doing the speed study. But then I give the information to the engineer and, you know, engineering surveying companies and they survey it and generate a sight distance triangle profile.

That's what they're supposed to do, and this information is given to the State Highway so everybody understands that there's, where the access point should be located and built.

MR. LA FIANDRA: Does this reflect the sight distance triangle, the sight distance triangle?

MR. KEELEY: It, in my mind, it does. Yes.

MR. LA FIANDRA: And the sight distance triangle is the minimum amount of sight distance that's required to meet the ASHTO standard?

MR. KEELEY: Yes.

MR. LA FIANDRA: Is it possible that the actual unobstructed distance in the field is greater than the minimum standard?

MR. KEELEY: It is possible, yes.

MR. LA FIANDRA: All right. Would that be reflected on this plan?

MR. KEELEY: No.

MR. LA FIANDRA: Okay. Okay. Thank you. Judge, I don't know if there are any other questions for this witness.

ALJ: Mr. McCann?

MR. MCCANN: I do not, thank you.

ALJ: Okay. I, I have one, one question. That's got to do with the traffic generation. I'm curious why an additional hundred seats only, only adds twenty-three expected trips instead, I would expect more like fifty expected trips based on the fact that three fifty generates a hundred eighty-nine. You understand why the expected number of trips decreases so radically? It's about half of what I would have expected in additional trips.

MR. KEELEY: It's, again, Judge, the, the new trip generation, there was a, the original study was done with the ITE tenth edition and the, the new trip generation came out with slightly different rates. But if I use, if I, to remain consistent, if I use the tenth edition, there's an equation. So, it's three hundred fifty times 8.18 plus 63.81 gives you the hundred and eighty-nine trips.

And then if you go to four fifty, it's actually using the old tenth edition, let me do the math real quick.

ALJ: A hundred eighty-nine is fifty-four percent of three fifty. So, I would have expected fifty-four or more seats. I guess there's diminishing (inaudible) --

MR. KEELEY: Yeah, so, right. So, three hundred fifty seats generates a hundred and eighty-nine trips. Four hundred fifty seats generates two hundred and seven, two hundred and eight trips. So, I mean, my analysis is just doing

the math based on the fitted curve equation.

ALJ: Okay.

MR. KEELEY: And that fitted curve equation is 8.18 or, and the variable is three hundred fifty seats, plus 63.81, I mean, it's simple math. It's a linear equation.

MR. MCCANN: And, can I ask a question, Judge, just on that point?

ALJ: Sure, yeah.

MR. MCCANN: And, and all of that, everything you just said, those proportions, are all based on studies that have been done by ITE, correct?

MR. KEELEY: Correct.

MR. MCCANN: On other churches elsewhere in the country.

MR. KEELEY: Correct.

MR. MCCANN: And sitting here today, we don't know whether those studies found that all four hundred fifty seats were full during that peak hour or whether they, those studies contemplated some sort of attendance less than full, right?

MR. KEELEY: It's based on churches with four hundred fifty seats and it's, it's an average.

MR. MCCANN: But you don't, right, but you don't know whether those four hundred fifty seats were, are full or not by looking?

MR. KEELEY: No, I don't think ITE gives, provides

data on, on that. But I mean, this is how we, I mean, --

MR. MCCANN: I know what you did, I know it's what you do, but it's --

MR. KEELEY: Okay, right.

MR. MCCANN: -- it's the voodoo that you guys do.

MR. KEELEY: Well, it's not, I mean, it's there for you to look at. I mean, your, your argument is with ITE, not me.

MR. MCCANN: Thank you, Mr. Keeley.

MR. KEELEY: Thank you.

ALJ: Okay. Thank you, Mr. Keeley.

MR. KEELEY: Thank you, Judge.

MR. LA FIANDRA: Judge, we don't have any other witnesses.

ALJ: All right. Mr. McCann, you want to take a brief break before you get into your case or --

MR. MCCANN: I think I'm ready to go since we're, we're running short on time, I'll, I'll be sufficient as I can be. I'll call if, Lynell Tobler, is she, I see her name. If she could be unmuted. Great.

MS. TOBLER: Okay, I'm here. Can you hear me?

MR. MCCANN: We can.

MS. TOBLER: Okay.

MR. MCCANN: And I think we can see you, there you are. Good afternoon.

MS. TOBLER: Good afternoon.

MR. MCCANN: Okay. Ms. Tobler, tell the Judge where it is that you reside.

MS. TOBLER: I live at 10012 Lions Mill Road in Owings Mills, which is exactly two miles down Liberty from the entrance to the Vogelsang property.

MR. MCCANN: Okay. So, if we head out of, if we head eastward past the site, Lions Mill, you would take a left on Lions, Lions Mill Road a little ways down?

MS. TOBLER: That's correct.

MR. MCCANN: Okay and you said two miles away?

MS. TOBLER: Yes.

MR. MCCANN: Okay and have you sat through the hearing thus far, both day one and this day, this day as well?

MS. TOBLER: I have.

MR. MCCANN: Okay. What, what do you do for a living, Ms. Tobler?

MS. TOBLER: I am a paralegal.

MR. MCCANN: Okay. For whom?

MS. TOBLER: For a national law firm in Dallas, Texas.

MR. MCCANN: Okay. Do you do land use or zoning?

MS. TOBLER: No, no, it's mass torts, toxic torts.

MR. MCCANN: Ah, okay. More exciting stuff. Where, what, so what is your connection with either this site, this

site of the church or the Vogelsang property, my client's property?

MS. TOBLER: For ten years, from 2004 to 2014, I kept a horse at the Vogelsang property, at her farm. And I volunteered there for many years three times a week and then eventually two times a week in exchange for riding lessons and a discount on my boarding fee for my horse.

MR. MCCANN: Okay. So, we haven't talked about the Vogelsang's property or what, what that business is. But just describe briefly, we'll get into it a little bit later about what, what kind of business that is that Ms. Vogelsang runs there.

MS. TOBLER: My understanding is that, and what I've observed, is that she has a boarding farm that is approximately seventy acres and it's surrounded by County property and other green zoned areas for trails, which have trails on them and that we ride on those trails.

MR. MCCANN: Okay. Maybe I'll show you a, an exhibit here. Maybe that would help us best. Okay. Do you see that?

MS. TOBLER: I do.

MR. MCCANN: Okay. Judge, this has already been marked and sent to you as an exhibit. It's entitled map of easement area. And I'm not sure what number you have, but --

ALJ: It's one according to your --

MR. MCCANN: Yeah, it is, it is, okay. So, do you

recognize what's depicted in this aerial map?

MS. TOBLER: I do.

MR. MCCANN: Okay. So, why don't you, why don't you tell us what it is and, and describe, you've described some areas just now, seventy acres and so forth. Just tell us where all this is located on this particular map, if it is.

MS. TOBLER: My understanding is that it would be everything that's in that red line.

MR. MCCANN: Is, the Vogelsang's property, is that what you mean?

MS. TOBLER: Yes, um hm.

MR. MCCANN: Okay and then you mentioned it, the property adjoins green space and State property. Is that, is that this area behind it and around it?

MS. TOBLER: Yes.

MR. MCCANN: Okay. So, this is the area that when you, that you used to ride your, and others, rode their horses through?

MS. TOBLER: Not, Locus Run is the blue streak that you see just to the north of the redline on the right of the diagram.

MR. MCCANN: Okay.

MS. TOBLER: That is a property boundary that designates State property on the, the, to the right of that belongs to Soldier's Delight National Environment Area.

MR. MCCANN: Okay and what is Soldier's Delight?

MS. TOBLER: Soldier's Delight Natural Environment Area is a State designated wildland that has been set in preserve because it is a habitat that houses more than thirty endangered, rare and endangered species of flora and fauna. So, it's an extremely fragile environment.

MR. MCCANN: Okay and what is your affiliation with Soldier's Delight, if any?

MS. TOBLER: I am vice president of the friends' group for that area.

MR. MCCANN: Okay and what do you mean by friends' group? Describe, what do you mean by friends' group?

MS. TOBLER: It's a conservation group that oversees the caretaking of the land to make sure that it is not, the, the land was set aside in the 1950's, when the area was subject to massive development. And it was set aside then to make sure that it was not developed and to preserve the native habitat and the native flora and fauna so that it would not disappear.

MR. MCCANN: Okay. So, it sounds like between your, your riding at the Vogelsang's stables and your riding on, or your participation with Soldier's Delight, you spent a lot of time with this area?

MS. TOBLER: I did.

MR. MCCANN: Okay and just for the record, the subject property where the, where the church is, could you tell

us where that is on this map?

MS. TOBLER: I see it on the far left. If the yellow, the yellow streak running vertically is Liberty Road, then the white area that's immediately to the right of that --

MR. MCCANN: Right here?

MS. TOBLER: -- is the building and the parking area, I believe.

MR. MCCANN: This is --

MS. TOBLER: For the church.

MR. MCCANN: Right here?

MS. TOBLER: The existing church. Um hm.

MR. MCCANN: Okay. Okay, great. Okay. Having sat through the hearing and given your, your background with the area, what, if any, concerns do you have?

MS. TOBLER: Well, I have several concerns. Initially, I can speak as a long-time patron of Gaitaway Stables, which is the name of the, the Vogelsang's property's ranch, farm. I have actually, in keeping my horse there for ten years, I spent a lot of time riding there and volunteering there.

And the thing that struck me most about the experience was how quiet and serene and bucolic it was. And that was interrupted on Sundays once the church took over the ownership of what I think had been a mortgage lender, which was never there on weekends.

When, with a lot of traffic started coming in on Sundays for parking and you had patrons of the church, parishioners, coming up to the fence line where the horses are and disturbing them. And they're, it's hard to put a value on how peaceful that area was.

When you approach that property, drove onto the Vogelsang property and parked your car and turned off the engine and walked into the barn, you were overcome by a sense of peace. You smelled hay and you smelled leather and there was no machinery.

And it was just trans, a way to transport yourself out of the hectic workaday world into a place that you could really be quiet with yourself and commune with the horses. So, to my mind, it was an absolute respite to be able to get away from noise and traffic and light and pollution.

Because that property is set back from Liberty Road, it is a distance, you don't hear any traffic. And it became a very, and, and it still is, to my knowledge, a very wonderful place to relax and be one with nature, basically.

MR. MCCANN: Okay.

MS. TOBLER: So, my concern on that front is that if you have, as the pastor testified earlier today, you have additional meetings that could occur, you know, an occasional wedding and then you have choir practice and then you have meetings and then he mentioned that there would be men's groups

and women's groups and, and classrooms for other things taking place during the week.

As the church expands its population, you have the potential for cars coming in all times of the day and night. And the traffic lights, as they turn into the property, are going to shine right northward onto the Vogelsang property where she has a two-story house and her bedroom, the bedroom, two of the bedrooms are upstairs and those headlights will potentially shine right into those bedrooms.

And then you have horn honking, and you have noise, and you have people littering and all kinds of, of noise pollution, light pollution. There's going to be, I assume, parking lot lights in the church parking lot that will be going on not only in the evenings during the prayer groups and the Bible study, but also these overnight international prayer vigil that goes to 1:00 in the morning once and a month and all these other things I wasn't even aware of.

Where you're going to have that traffic, and the light, and the noise at all hours of the day and night. So, to me, that strikes me as a huge concern about really threatening the, the peacefulness and the serenity of the property.

MR. MCCANN: Okay. Let me ask you a question before you move on. I'm sorry to interrupt or break up your train of thought. But you mentioned a couple things. You mentioned the fence line and church members going up to the fence line. Is

that fence line that you're speaking about, is that in this area along the border of the Vogelsang's property and the church property right here?

MS. TOBLER: I believe so, yes.

MR. MCCANN: Okay and then, the, this sort of area right here, is this the driveway that you're speaking about, is that (inaudible) --

MS. TOBLER: (inaudible) easement, yes. That's the driveway the church currently uses, and it is the driveway to get to the Vogelsang property.

MR. MCCANN: Okay. Okay and in this area right beyond the fence that I just was pointing to, is this area right here, is this used by the horses and --

MS. TOBLER: Yes, yes, those are pastures, yes.

MR. MCCANN: Okay, all right. And I'm sorry to interrupt.

MS. TOBLER: No, that's quite all right.

MR. MCCANN: Is there anything else that you wanted to add?

MS. TOBLER: I also wanted to speak from the position of vice president of Soldier's Delight and on behalf of the group because I don't know, nothing has been shared so far about what the landscaping plans are for the church property. I know that on November 23rd there was some testimony about, from, from Dr., I mean, from Mr., from the engineer, that, that

there was going to be an impermeable parking lot.

And I'm, I'm concerned that, about runoff because it's downhill from the church property to the Vogelsang property. And as we saw on that diagram, there are tributaries of Locust Run that run very close to the edge of the church property.

So, I'm assuming that runoff from car liquids and so forth are going to run downhill to that stream. And that stream is a direct tributary to Liberty Reservoir, which is drinking water for the City of Baltimore. So, that's, that's one concern. I don't have that concern so much as a participant of Soldier's Delight. But as a citizen, I have that concern.

In addition to that, with regard to the landscaping, so many big box stores and landscaping plans call for the planting of invasive, non-native plants. Speaking as an example, I can say that miscanthus is an ornamental grass which is sold at every big box store in this area and is used in several of the school and other neighborhood properties around and it is a horrible invasive that encroaches on to Soldier's Delight property.

It doesn't have any natural enemies because it's not from this country. So, therefore, there is no way to keep it in control and it end, it ends up forcing out the native plants. And that's the thing that we are most concerned about.

Japanese barberry is another huge offender. It is almost single handedly responsible for the Lyme disease on, in the east coast because it is a harboring plant for the deer mouse, which takes the deer tick and the deer actually bed down by Japanese barberry and deer mice also bed down in Japanese barberry because it has very sharp thorns to protect it from predators.

The ticks then latch onto the deer and the mice and are spread throughout. And that's one of the reasons that Lyme disease has become so widespread. You can buy Japanese barberry in any of the box stores around here.

So, at the very least, I would request that landscaping plans be required to not incorporate any non-native plants. That would be my very, number one consideration for the protection of Soldier's Delight.

MR. MCCANN: Okay. Any other concerns?

MS. TOBLER: In addition to that, Soldier's Delight has a viewing field that is home to the Westminster Astronomy Society because it's considered a dark sky area. And if you have the tall parking lot lights and the church that are going to be on, especially till 1:00 in the morning on these various times when they have these prayer vigils.

I'm very, very concerned that that's going to create a huge amount of light pollution, that will impact Soldier's Delight property and the neighboring properties.

MR. MCCANN: Okay. What's been your experience with traffic, the church traffic that's been generated now, presently?

MS. TOBLER: It has been my, I, I do patronize the snowball stand that is also at that, the entrance to the easement to, to, to the Vogelsang property. And I have noticed that it, it is, when you come over that crest heading westbound on Liberty, it is startling to come across people entering and exiting that easement.

If you now are going to move the entrance to the parking lot even further, close, closer eastward, to where people are coming over that crest on Liberty, I, especially if they're cuing up to enter the parking lot for Sunday services, I can see where it's going to be quite startling, potentially dangerous, for cars to come over that crest and suddenly be met with a string of cars on the shoulder waiting to enter that parking lot.

Or at the end of services, come over that crest and see cars pulling out of that entrance. I, I understand that five hundred and fifty-five feet may be what's designated, but that doesn't, I mean, it doesn't account for all human, for frailties. And I'm just afraid that it's a, a recipe for disaster.

MR. MCCANN: Okay. Anything else, Ms. Tobler, that you --

MS. TOBLER: (inaudible) that concerns me is that if they're going to be, I don't know, I mean, the pastor talked about not having weddings potentially with constituents that are outside his, his parishioners. However, a church needs to raise money to keep functioning.

And if you can lease out your fellowship hall for weddings, if you can lease out those classrooms for counseling and other sort of classes, I can see where there would be an incentive to open up those rooms for addiction counseling and other kinds of counseling.

And I, I, I'm concerned about the fact that when you have a stable, a horse stable, it is a natural area where very young girls and teenage girls and young women gather.

And I'm just concerned about what kind of protection might be offered for the safety of the patrons of the stable when, when you have patrons coming in, potential users of the classrooms and the fellowship hall and other places within the church, that aren't specifically for church gatherings.

MR. MCCANN: Okay. Well, great. Thank you, Ms. Tobler. I appreciate your time.

MS. TOBLER: You're welcome.

MR. LA FIANDRA: Mr. McCann, can we see Exhibit 10, please?

MR. MCCANN: Sure.

ALJ: Mr. La Fiandra may have some questions for you,

okay?

MS. TOBLER: That's fine.

MR. LA FIANDRA: Thank you.

MR. MCCANN: You know what, sorry. I forgot to show Ms. Tobler this exhibit. I think she wanted to, tell, if you don't mind, just, I'll just ask her what it is, and I'll move to introduce it.

ALJ: Um hm.

MR. MCCANN: Ms. Tobler, what's this?

MS. TOBLER: This is, this is the brochure, the Soldier's Delight friends group brochure.

MR. MCCANN: Okay.

MS. TOBLER: We designed it a long time ago. It's due for a revamp. But it basically shows what our mission is and what we do there and what different activities can be done there.

MR. MCCANN: Okay and is that why you wanted to show it to the Judge?

MS. TOBLER: Yes.

MR. MCCANN: Okay. All right, great. Your Honor, I would move that in as the next exhibit, which I think is already on my list.

ALJ: Yeah, it is. And unless there's an objection, and this goes for both sides, the, the exhibit submitted will be admitted unless you ask me to strike any of them from the

record.

MR. MCCANN: Okay, great.

MR. LA FIANDRA: I have no objection to that.

ALJ: All right.

MR. LA FIANDRA: (inaudible) exhibit number on this, I'm not sure I got it. Is that Exhibit 17 or 11?

MR. MCCANN: Well, I'm going to ask the Judge what he has on his list. Brochure --

ALJ: Twelve is, is what, --

MR. MCCANN: Yep, yep.

MR. LA FIANDRA: Twelve. Thank you.

MR. MCCANN: Yeah, thank you.

MR. LA FIANDRA: Ms. Tobler, now you mentioned that you had kept a horse between twenty, 2004 and 2014. Have, have you, at the, at the stable or the boarding facility. Have you kept any horses there since 2014?

MS. TOBLER: I have not.

MR. LA FIANDRA: Okay. How often do you go to, do you go to the Vogelsang property these days?

MS. TOBLER: Once or twice a year.

MR. LA FIANDRA: Okay and do, do you ride at the Vogelsang property anymore or is that --

MS. TOBLER: I have but that's not what I've been going for recently.

MR. LA FIANDRA: Okay. Now, what is the distance

between the fence that separates the church property from the Vogelsang property to the State of Maryland property on the other side of, that, that you had pointed out on the other side of that red line that's shown on the right side of the plan?

MS. TOBLER: I don't know. I know there's County property is what you see to the, on, on the bottom left.

MR. LA FIANDRA: Um hm.

MS. TOBLER: Which is also a designated green space.

MR. LA FIANDRA: Yes, and so the, the dark area that you were referring to, that's on the State property, am I right?

MS. TOBLER: Dark area?

MS. TOBLER: Yeah, you had said that there was an area that was a certified dark sky area.

MS. TOBLER: Oh, oh, yes. That's on the, on the, it's, I don't think I said it was certified, but it is considered a dark sky area. And that is on the State property, yes.

MR. LA FIANDRA: Okay. Is that, is there an actual geographic area that's designated as the dark sky area?

MS. TOBLER: No, there's a State designated wildland and it is, that is State designated, but not a dark sky, there is no certified dark sky area that I know of.

MR. LA FIANDRA: Okay. Now, you're concerned about, I just want to make sure I understand your concern. You're

concerned about light pollution onto the State property from the church, which has a seventy-acre parcel intervening, is that correct?

MS. TOBLER: That's correct.

MR. LA FIANDRA: Okay.

MS. TOBLER: Light goes up.

MR. LA FIANDRA: Yeah. Do any other uses along Liberty Road generate light in the vicinity of say the snowball stand or the uses across the street or anything like that?

MS. TOBLER: Not to the degree that a parking lot, commercial parking lot would.

MR. LA FIANDRA: Okay. Now, you mentioned that you were testifying as the vice president of Soldier's, the friends of Soldier's Delight, is, is that the capacity in which you're testifying?

MS. TOBLER: With regard to Soldier's Delight, yes. I'm also testifying as a citizen and, and user of Liberty Road. I'm also testifying as a past patron of the stable.

MR. LA FIANDRA: Okay. Now, with regard to the friends of Soldier's Delight, you're the current vice president, is that correct?

MS. TOBLER: That's correct.

MR. LA FIANDRA: And have you, is there a board or --

MS. TOBLER: A board of directors.

MR. LA FIANDRA: There's a board of directors. And

does the board of directors have a position on, on this zoning application?

MS. TOBLER: No, I discussed it with the president, and we agreed that it probably is not a very good idea to have a, a big church with a lot of lights and traffic and noise and, and fluid pollution in the area. And, and the potential for birds and animals carrying the seeds of these, any invasive landscaping that might be planted there onto Soldier's Delight property. Or even nearby.

MR. LA FIANDRA: Okay, thank you. Appreciate your time.

MS. TOBLER: You're welcome.

ALJ: Anything based on that, Mr. McCann?

MR. MCCANN: No, Your Honor. Thank you.

ALJ: Okay. Thank you very much, Ms. Tobler. Thank you for taking the time.

MS. TOBLER: You're welcome, Your Honor.

ALJ: Okay, take care.

MR. MCCANN: Okay. May I proceed, Your Honor?

ALJ: Yes, you may.

MR. MCCANN: Okay. Mary Vogelsang, are you there?

MS. VOGELSANG: I'm here.

MR. MCCANN: Okay, great. Can we see you? Okay, looks like we can't. Do you have a camera, Mary? Oh, there we go.

MS. VOGELSANG: Okay.

MR. MCCANN: Okay. Judge, should you swear her in, or you just want me to proceed?

ALJ: Yeah, just go ahead and proceed. I've, I've forgotten to do that with the others, so.

MR. MCCANN: All right, it's okay.

ALJ: They all seem like very, very honest people, so.

MR. MCCANN: They are.

ALJ: We're going to dispense with that.

MR. MCCANN: Okay. Mary, tell the Judge who you are and where you live, those sorts of things.

MS. VOGELSANG: I'm Mary Vogelsang. I live in Pasadena, Maryland and we are co-owners of the farm, Gaitaway Stables, LLC.

MR. MCCANN: Okay. So, you don't live on the site, did you used to live on, on the property at one point in time?

MS. VOGELSANG: I have stayed on the property overnight many times.

MR. MCCANN: Okay and who lives there --

MS. VOGELSANG: We, we have our own home.

MR. MCCANN: Okay. You and your husband?

MS. VOGELSANG: Right.

MR. MCCANN: Okay and who lives on the site of Gaitaway Stables?

MS. VOGELSANG: My youngest daughter, Trina Vogelsang.

MR. MCCANN: Okay. But you're, you're the owner, or one of the owners, correct?

MS. VOGELSANG: Right.

MR. MCCANN: Okay. So, you have some familiarity with the property?

MS. VOGELSANG: Absolutely.

MR. MCCANN: And what is that? What kind, how, have you been there before and how many times have you been there, those sorts of things?

MS. VOGELSANG: For a while, we were there every weekend and then we'd go up visiting. I've taken my, my younger children up there to, you know, visit and ride. I've walked the property, you know, so I've been up there quite a bit.

MR. MCCANN: Okay.

MS. VOGELSANG: So, we, we go up periodically.

MR. MCCANN: How long have you owned the property?

MS. VOGELSANG: I would not be able to tell you because all I know is my daughter was twenty-nine when she bought it.

MR. MCCANN: Okay, okay. And you've, you sat through the hearing today, correct?

MS. VOGELSANG: Yes, I have.

MR. MCCANN: And you've sat through the first day as well, many months ago?

MS. VOGELSANG: Yes, I did.

MR. MCCANN: Okay. Do, do you have any concerns that you want to express to the Judge about what's being proposed?

MS. VOGELSANG: Well, I'm worried about runoff because I work with that in Anne Arundel County and so I work with a lot of the, you know, there's planning and zoning for it. And I am worried it's going to make the drain down into our fields.

MR. MCCANN: Um hm.

MS. VOGELSANG: And I'm also, in the front field is our well system for the farm.

MR. MCCANN: Um hm.

MS. VOGELSANG: And if it drains down into that well system, what's going to happen to our well water?

MR. MCCANN: Okay. Well, I was going to ask, before you move on, and I'm sorry to interrupt, I was going to ask some of these questions of your daughter, but let me just show you the, the map we've been looking at again so you can tell the Judge, as we're talking about it. You mentioned the well system for the, for the property is, can you tell me where that is? Do you see the exhibit?

MS. VOGELSANG: It's right in front of the house.

MR. MCCANN: Okay.

MS. VOGELSANG: Right about, no, a little bit --
MR. MCCANN: Here?
MS. VOGELSANG: Right about in that area, yeah.
MR. MCCANN: Okay. So, on the, I guess that would be, okay, on this side of the house, that is, in this, in this particular photograph, which is Protestant's --
MS. VOGELSANG: It's right in front of the house.
MR. MCCANN: Okay, all right. So, go ahead, you were, I cut you off.
MS. VOGELSANG: That, that, I'm worried about the waters running off.
MR. MCCANN: Um hm.
MS. VOGELSANG: I'm worried about the traffic and behaviors that I've observed up there at the church. I know it's their, part of their religion, but for me it's not. I've always told people our horses are very sensitive to noise because of the stuff that bounces off of the barn from the church, because it goes right down and bounces off the side of our barn.
MR. MCCANN: Um hm.
MS. VOGELSANG: So, our horses are pretty soundproof. I'm worried about what the impact of the church is going to do for the farm as far as value and the trash they have to clean up because they are not a neat church. Every time they have services, we have to go out in the field and pick up trash, you

never know what you might find. They do not keep the kids out of the road. You've got kids darting back and forth when you drive in there, especially on a Sunday.

ALJ: Are you talking about along the, the shared driveway now, that they currently use for access?

MS. VOGELSANG: That, that's right.

ALJ: Okay.

MS. VOGELSANG: And they, they are frequently hanging over the fence and it's marked not to touch the fence. So, we've been lucky no one's got hurt yet.

MR. MCCANN: Okay. Are the horses kept in this area, this pasture, is --

MS. VOGELSANG: Yeah, there's a whole, there's a whole herd, group kept there. That's one of the paddocks.

MR. MCCANN: Okay. Right behind the church?

MS. VOGELSANG: Right.

MR. MCCANN: Okay. You mentioned trash and things of that, where have you seen trash and now do you know it's from the church?

MS. VOGELSANG: In the field.

MR. MCCANN: Yeah.

MS. VOGELSANG: And it blows across the road, so we have it in, near the rink, the outdoor riding rink. So, it's a lot of issue.

MR. MCCANN: Okay. Where's the rink? Do you see it

on this photograph?

MS. VOGELSANG: The rink is right in front of the house.

MR. MCCANN: So, right in this area?

MS. VOGELSANG: Up that area, yeah.

MR. MCCANN: Okay.

MS. VOGELSANG: And, and I've heard from my daughter that the well water on Sundays runs brown at her house.

MR. MCCANN: Um hm.

MS. VOGELSANG: So, this really makes me concerned because of safety because the water normally is very good. I have well water here and we don't use any chlorine and I'm worried about what's going to happen with the well water. And also, what about our horses if this is going to increase the use, that water table level. Because horses have to have water.

MR. MCCANN: Okay.

ALJ: And you're, you're attributing the, the brown water on Sundays to the increase usage by the church on that day?

MS. VOGELSANG: Yes, that's right.

ALJ: Okay.

MR. MCCANN: You mentioned runoff. Where do you, what, why are you concerned about runoff, Mary?

MS. VOGELSANG: Because it's already a steep slope

there and it's going to be coming, the septic system is going to be draining over there, so --

MR. MCCANN: Where, where is it steep? I know we've talked about it a little bit in this hearing, but where is it steep?

MS. VOGELSANG: It's right, right behind the church.

MR. MCCANN: Um hm.

MS. VOGELSANG: That whole area by the red line is a steep area.

MR. MCCANN: So, the, but the, the property line between the church property and your property?

MS. VOGELSANG: Yeah, that's a steep area.

MR. MCCANN: Okay.

MS. VOGELSANG: We have a running shed right at the top off the driveway.

MR. MCCANN: Is that right here?

MS. VOGELSANG: Uh huh.

MR. MCCANN: Okay. Okay. Anything else you wanted to add before we call your daughter?

MS. VOGELSANG: Not right now.

MR. MCCANN: Okay. This is your last chance to say anything.

MS. VOGELSANG: No, I think so.

MR. MCCANN: Okay. Thank you, Ms. Vogelsang. Appreciate it.

MS. VOGELSANG: Thank you.

MR. MCCANN: Okay.

ALJ: All right. Thank you, ma'am.

MR. MCCANN: Dino, did you have any questions, I'm sorry? I think you're on mute.

ALJ: Dino?

MR. LA FIANDRA: Thank you. I do not have any questions for her. Thank you very much.

ALJ: Okay, all right. Thank you, Ms. Vogelsang.

MR. MCCANN: Okay. One more, Your Honor.

ALJ: We'll hear from your daughter now.

MR. MCCANN: Yep, from, Trina, are you there?

MS. VOGELSANG: Yes, I'm here.

MR. MCCANN: Okay, great. Do you have a camera?

MS. VOGELSANG: I do not have a functional webcam, I apologize. I don't have much use for modern technologies in what I do.

MR. MCCANN: Okay. Well, tell the Judge what it is that you do do?

MS. VOGELSANG: I own and operate this boarding stable here, it's twenty-four/seven operation caring for these animals. It's my life's work. It's my life's passion. As my mother, I'm sure, can tell you, it's all that I've ever wanted to do and, you know, I'm very passionate about these animals, their care and their safety.

I have an outstanding reputation in the industry for the standard of care that I offer to the animals here. And, and the respect of, of, you know, my veterinarians and, and, you know, other fellows in the industry. So, I've been at this for quite some time.

MR. MCCANN: Yeah, let's, let's talk about that, your, the name of the business is Gaitaway, G-A-I-T-A-W-A-Y?

MS. VOGELSANG: G-A-I-T-A-W-A-Y, Stables.

MR. MCCANN: Okay and what, what do you do there? Obviously there are horses there, but can you be a little bit more specific than that?

MS. VOGELSANG: Primarily we do boarding and horse training. We also do offer as part of our training services lessons to the owners of the horses that we're, that we're doing training for. We also offer lessons to, you know, some of the people who just help us out along the farm.

MR. MCCANN: Okay and how long have you been doing that?

MS. VOGELSANG: It'll be twenty-three years this December since I've bought this property.

MR. MCCANN: Okay. How, how many, generally speaking, how many horses do you have there?

MS. VOGELSANG: The average number is somewhere around forty. Obviously goes up and down, but it, it's, the average is around forty.

MR. MCCANN: Okay. I want to show you an exhibit, hopefully it can be seen. I'll blow it up a little bit. Can you see that, Trina?

MS. VOGELSANG: I can.

MR. MCCANN: Okay. What is this?

MS. VOGELSANG: I believe that that is probably on the County, the County website, just offering, you know, shows what services we offer here.

MR. MCCANN: Yeah, you, is it the County website or your website, do you know?

MS. VOGELSANG: That is not my website.

MR. MCCANN: Oh, it's not?

MS. VOGELSANG: No.

MR. MCCANN: Okay. I apologize, I pulled the wrong one up. Does this, have you seen it before?

MS. VOGELSANG: Yes, I have.

MR. MCCANN: Okay. Does this, you know, sort of encapsulate what you do? It says kids' lessons, training, adult lessons, boarding, show team and summer camp?

MS. VOGELSANG: We don't do summer camp, but otherwise, yes.

MR. MCCANN: Okay, okay. And you said forty horses. Let me show you an exhibit that we've been looking at, which is the, the aerial photograph. Describe, you know, give us a little more detail, if you could, as to what is on the farm.

We talked about the farmhouse.

MS. VOGELSANG: Right.

MR. MCCANN: What else is on the farm other than the farmhouse?

MS. VOGELSANG: Well, you guys have already pointed out the riding ring, which, of course, is towards the front of the property. We also have two barns that are, yeah, roughly where your pointer is now, are where the two barns are.

MR. MCCANN: (inaudible) slow down, Trina, I'm sorry.

MS. VOGELSANG: Sure.

MR. MCCANN: The riding ring, just so we're clear, is, is this white area the riding ring or is it --

MS. VOGELSANG: Yes, sir.

MR. MCCANN: That's it, okay. And then you mentioned the house, we've looked, you can tell this is a house here. Is that --

MS. VOGELSANG: No, that house is kind of obscured by the trees a bit. That's the barn, that's one, that's the main barn and that's the second barn where you are now.

MR. MCCANN: Okay and your house --

MS. VOGELSANG: The house is obscured by the trees a little bit. If you go to your, right there, yep. That's where the house is.

MR. MCCANN: Okay. So, the house --

MS. VOGELSANG: Which is (inaudible) large maples

around the house, so it's hard to see in the aerial.

MR. MCCANN: Okay. So, you got two barns and then where, where do you keep the horses when they're not in the barns?

MS. VOGELSANG: Most of these areas that you see that are free of trees are, are used for turnout areas for the horses' grazing areas.

MR. MCCANN: Okay. Including, as we've already discussed, this area, this pasture --

MS. VOGELSANG: Yes, sir.

MR. MCCANN: -- along the border of the church property, correct?

MS. VOGELSANG: Yes, sir.

MR. MCCANN: Okay and there's a shed there as well?

MS. VOGELSANG: Correct.

MR. MCCANN: Okay.

MS. VOGELSANG: Yes, that's a shelter for the horses, an outdoor shelter.

MR. MCCANN: Okay and is your property an easement, by the way, conservation easement?

MS. VOGELSANG: It is. My property is an agricultural easement, which is the primary reason why they could not use the current property access as the entrance to their new one.

MR. MCCANN: Because your, because that property is

part of an easement under --

MS. VOGELSANG: Correct. And, and, and, and the, I don't recall the name of the, the group that's in charge of that, but they denied them use of that.

MR. MCCANN: Okay. How long ago did you place it in an easement?

MS. VOGELSANG: I want to say that that's been roughly fifteen years ago now.

MR. MCCANN: Okay. You mentioned for, forty horses. What type of clients do you have? Who are your clients?

MS. VOGELSANG: Honestly, most of my clients are just, you know, your every day, you know, middle class folks, you know, they, they're from all walks of life. You know, everything from, you know, older retired people down to high school students and, and some, a couple of them even younger than that. So, it's a broad swath of people but, you know, most of them of, of median income.

MR. MCCANN: Okay. So, some of those folks board their horses and, and, that's what you said, right?

MS. VOGELSANG: Yes, all of these people, you know, pay us to take care of the horses for them. You know, whether it's boarding and boarding and training, yeah. They, they pay us to take care of the horses for them.

MR. MCCANN: Okay and how many employees do you have?

MS. VOGELSANG: Only one full-time.

MR. MCCANN: So, it sounds like a lot of work for --

MS. VOGELSANG: Yes, sir. Yes, sir, it is.

MR. MCCANN: That's --

MS. VOGELSANG: You don't do this unless you really love the work.

MR. MCCANN: Yeah, okay. So, you've been sitting through the hearing?

MS. VOGELSANG: I have.

MR. MCCANN: Both the first day and today?

MS. VOGELSANG: Yes.

ALJ: Worse, worse than mucking stalls, isn't it?

MS. VOGELSANG: It truly is. If I can be honest.

MR. MCCANN: Well, let's, before we get to what's being proposed, tell us, if you would, what your experience has been with the church up till now, that is, in their current situation.

MS. VOGELSANG: Well, it's, it's, they, they have definitely changed the atmosphere of this, of this area in every way, you know. It, it, it's very loud. I, there's really no other way to put it. They're very loud and, you know, as the pastor was describing, them letting out at 2:00 in the morning consistently I'm woken up when that happens.

And just for the record, I get up at 4:30 every, every single morning so that I'm ready to get to work early because, you know, that's what farmers do. And, and they're

extremely loud. They also have thrown numerous parties, both indoor and outdoors and, you know, I mean, sometimes the music that they get thumping up there, literally rattles the house.

So, it's, it's been a very dramatic adjustment to make, you know, from having a quiet little office building up there to having this extraordinarily loud church with all of the people and noises and, and disturbances that go along with it.

As well as the lights. Lynell Tobler was referring to, you know, the lights that, that would be used for, for those nighttime, those nighttime services that they have. Well, they've already added a bunch of parking lot lights up there that are on twenty-four/seven, even now.

You know, what Lynell doesn't know and, and what hasn't been brought up is the reason for those lights, as I was told by the people who run the church, is because when they were having nighttime services or anything going on at night, people of the, of their own congregation were actually robbing the cars of the other people that were in the church service.

So, they, they know that they have, you know, at least some of those people are, are regular visitors to their church and this was told to me by the people at the church and that was why they needed the additional lighting that they went ahead and installed.

And I can only imagine that that's going to become

more of an issue when they enlarge this and again, this isn't my opinion. This is what they've told me. So, you know, because it, the lighting has been an issue.

You know, there, there were a few times in the past before they put in permanent lights that they would rent temporary lights for these nighttime things that they would do and they were very much shining into the windows of the house and lighting it up like daylight in here, you know, at midnight.

We're trying to sleep, and so, you know, I'd go up there and I'd say hey, you know, could you guys just redirect the light so that they're not shining right into my house, you know. But again, during these various meetings and discussions that we had with them about the lighting, that was the reason that I was given for them needing that additional lighting, was because they had had vehicles that were getting broken into while the people were in church.

MR. MCCANN: Okay. Aside from those later in the evening sort of events, what about, you know, the, the, the services and other activities in terms of cars and traffic, what has been your experience with that so far?

MS. VOGELSANG: Well, I mean, it, it goes without saying that they've generated a tremendous amount of traffic. There used to be an issue with them actually blocking the driveway. I will certainly give the church leaders their due

in that after a whole lot of back and forth, they did finally get that under control, you know.

Now they're parking, you know, their overflow is now parking on the grass, but in some cases, they're blocking in the horse trailers because a piece of that property does belong to the farm and that's where my customers park their horse trailers.

And, and you know, often times again, we share that same entrance that goes to Liberty Road and, and several times there have been some near misses because their church members don't look to see if anybody else is coming up or down the driveway when they pull out of their little entrance onto the driveway. So, there have been those problems, you know?

And then, in severe cases, they've actually had people parking along the shoulder of Liberty Road, which, which has made it a challenge to, to see, get in and out of the driveway safely.

MR. MCCANN: Okay and what type of traffic do you have, your, does your business have other than folks that are arriving in cars to, to ride their horses? What other types of traffic do you have coming and going that --

MS. VOGELSANG: Well, we certainly have large deliveries of, of hay and, you know, sometimes construction materials related to, to maintaining the farm such as, you know, dump trucks full of stone or bedding, you know, hay

deliveries that, that sometimes come in on tractor trailers, grain deliveries that come in big box trucks.

We, we also sometimes have horses transported by commercial haulers that will come in eighteen wheelers, or at the very least, you know, very large, very long thirty-six-foot-long horse trailers. So, as you can imagine, you know, these vehicles, you know, do require a lot of space.

And, and also, getting in and out in traffic, you know, you can't just, you can't just quickly get out of a driveway, you know, and, with a thirty-six-foot trailer behind you, you know.

So, these things are an issue and that is a concern with me with, with their proposed entrance is that it's going to make it difficult for these larger, slower vehicles, you know, often times hauling live animals as a safety concern for them, you know, either pulling into my driveway or trying to leave my driveway.

MR. MCCANN: Yeah, the, the, the road that, the entrance road that we've been talking about, how, how wide is that, do you know?

MS. VOGELSANG: I would say that it's roughly, at the point, at the place where your pointer is now, I do believe that that's roughly twenty to thirty feet wide.

MR. MCCANN: Um hm.

MS. VOGELSANG: It does narrow once it moves beyond

the church's entrance.

MR. MCCANN: Okay. So, is there enough room for two cars to even pass each other on that entrance road?

MS. VOGELSANG: Yes, there are.

MR. MCCANN: Okay. Okay. So, describe where it is that folks park at the church now. You said not on this parking lot but elsewhere on the property? You said on the grass?

MS. VOGELSANG: Correct. They, they're, they're parking pretty much from the, the existing building that, that is the church now, from that area all the way over to my driveway. They're pretty much filling all of that, the majority of that grassy area, you know, pretty much everything adjacent to that red line.

MR. MCCANN: Okay. What about behind the church, that is, along the property line that you share with the, with the, your pastures --

MS. VOGELSANG: Yes, that also. That, that also. Yeah, they pretty much fill, fill both of those areas.

MR. MCCANN: Okay. Okay. Let's talk about what's being proposed. You've heard what's being, what is proposed, correct?

MS. VOGELSANG: I have.

MR. MCCANN: Yeah, and tell us what your concerns are about that.

MS. VOGELSANG: Well, I, I do feel that the pastor has already understated the amount of usage and the type of usage that goes on up there. Again, I've been neighbors of them since they got here. He's failed to mention numerous parties that have been held out there, large parties, and not religious celebrations at all.

They've been things like birthday parties and, and things of that nature, that, you know, he, he omitted to mention during the questioning. You know, I mean, several times that they've had bouncy houses set up out there, you know, live DJs and, and music, live bands, you know, and, and again, you know, these are, you know, the building is very, very tiny.

So, typically, they put up, you know, large tent like structures out in that grassy area, you know, for these events. So, you know, we're subject to all of that noise and commotion.

MR. MCCANN: Okay. But what about the proposal? I mean, you've seen what's being proposed as opposed to what's there now, that's where I'm directing my questions to. What, are, are the same concerns just more, more of the same?

MS. VOGELSANG: Yeah, the same concerns and, and, and worse. You're talking about, you know, more than doubling the amount of people involved. I, I don't, you know, and again, this is just my opinion. I'm not an engineer. But in my opinion, the, the parking that they have proposed as, as

compared to the number of people that they're going to be able to put in that new building, I don't think it's going to be adequate.

I think it's given that they're going to be parking on Liberty Road, on the shoulder of Liberty Road. And, you know, that's going to create, you know, a dangerous situation for us getting in and out, my customers getting in and out and the entire neighborhood.

MR. MCCANN: Okay. What about, I'm sorry, did I interrupt you?

MS. VOGELSANG: No, go ahead, sir.

MR. MCCANN: Okay. What about your horses? Tell us about what, if any, impacts you've seen on your horses thus far and what you, if any, concerns you have about them going forward with the expansion.

MS. VOGELSANG: Well, there are multiple concerns when it comes to the horses. Horses are, you know, by their very nature, a little bit on the flighty side. They are a prey animal, so although, you know, although they are a domesticated pet for us, they don't react to stimulus the way a dog or a cat will, you know.

If, if a horse is startled, their first instinct is, is to run, you know. If they can't run, then they fight. So, as you might imagine, if, if a horse is startled while the rider is on their back, his first instinct is going to be to

run. Now, us being humans, our first instinct is going to tell the horse don't run.

What ends up happening is that you have a horse whose instincts are telling him to run, his human is telling him not to run. Often times you have a horse that's, basically, jumping up and down or, or, or in other ways, you know, trying, trying to deal with the conflict of his instincts and what he's being told to do.

This can and has resulted in, in riders coming off of their horses, you know, during, during some of the activities that have happened up there. I did have one rider who actually did need to go to the hospital for, for a broken leg that came off of her horse during one of the parties that were going on up there, you know, some of the loud noises just startled the animal and, you know, and the animal tried to, tried to run and, you know, ended up, you know, basically, bouncing up and down and the rider fell off, you know.

We've had to, you know, basically, curtail our riding lessons during the hours that the church is doing activities up there, simply because it's just not safe. So, it, it's really, you know, the amount of noise pollution is, is significant.

On top of that, you know, you, you've already heard about some of the trash. That, that's a real issue. A horse, their digestive system is not designed to go in reverse. In other words, if they eat something that they can't digest, they

cannot vomit, they cannot regurgitate, it has to go through.

In some cases, there are things that can't go through. If that happens, that's a life-threatening situation to the horse. So, you know, these, these various trash items, you know, the horses eat them. That does run a risk to their, to their actual health. And that's one of the reasons why we're very vigilant and get the trash cleaned up very quickly, you know, to avoid these hazards to our horses.

And lastly, again, as has been mentioned, it's, it's a water supply issue. My well is, is very reliable, but it's not a fast running well and I knew that when I bought this property.

Since they have been here, again, on Sundays, particularly when they have a lot of people up there, the water here runs brown. The reason for that is because, I, I'm assuming that they must be in the same underground aquifer that I am and, you know, when too much, too much water is drawn out of that aquifer, it stirs up sediment and that sediment ends up coming up with the water, which is what turns it brown.

You know, with the increased use that they're proposing, I'm worried that the effects are going to be far worse and, and could even result in there simply not being enough water for my farm and for their structure.

MR. MCCANN: Yeah. Trina, let me interrupt you there. Judge, would you mind if we took a couple minute break?

I got, I got a call that I have to respond to.

ALJ: No, no problem.

MR. MCCANN: I'm sorry to interrupt.

ALJ: All right. It's, it's about eleven after, will twenty after give you enough time?

MR. MCCANN: Yeah, that's, that's plenty.

ALJ: Okay.

MR. MCCANN: Thank you very much.

ALJ: Take a ten-minute break. Thanks.

(PAUSE)

ALJ: Donna, are, are you with us? All right. I see you've got us on, on the recording again.

MS. MIGNON: I do.

ALJ: All right. Let's, let's pick back up with Ms. Vogelsang, the younger.

MR. MCCANN: Okay, all right. Trina, you were talking about your well water.

MS. VOGELSANG: Correct.

MR. MCCANN: And how, how do you know that the brown that you see or the issues that you see in your well water are attributable to what's going on at the church? Why do you think that?

MS. VOGELSANG: Well, it's a bit embarrassing to admit, but on occasion over the years water has been left running outside on my property for extended periods of time

where we go to fill a tub, and somebody forgets to shut it off. After that happens, any time that we've run water, you know, say consecutively for, for several hours it does exactly the same thing. It stirs up sediment in the well and it comes out as, as the well putting out brown cloudy water.

MR. MCCANN: Oh, I see. So, you, you see that with respect to the water on your property?

MS. VOGELSANG: Yes.

MR. MCCANN: When, when it's drawn down.

MS. VOGELSANG: Right.

MR. MCCANN: But how do you, how do you know on Sundays or whenever it is that you do see the brown water, how do you know it's because of what's going on at the church?

MS. VOGELSANG: Well, of course, I can't prove that it is, but it seems to speak for itself. If on Monday it doesn't happen, Tuesday it doesn't happen, Wednesday, Thursday, Friday it doesn't happen, Saturday it doesn't happen, but you know, within an hour of, of church letting out, the water starts running brown and it happens time and time and time and time and time again, you know, that's, that's kind of the assumption that, that I have come to. There's really no other explanation for it.

MR. MCCANN: Okay. You said, tell us how, horses, how much water do they drink in a given day?

MS. VOGELSANG: The average horse drinks about ten

gallons of water a day.

MR. MCCANN: Okay and you have forty horses, you said, on, on average?

MS. VOGELSANG: Correct.

MR. MCCANN: And how else, how else do you use water on your farm other than for the horses?

MS. VOGELSANG: Well, obviously we use it here in the house as any residence would. But it's also used in bathing the horses and cooling horses down after, after exercise and, and various cleaning activities around the farm. And, and keeping the ring watered so that it doesn't get too dusty for the horses to work in safely. So, so, you know, the, the use of water around a farm is, is fairly heavy on a horse farm.

MR. MCCANN: Okay. You mentioned the trash. I wanted to, I, I haven't done a great job of identifying where on the property things are occurring. I'm going to show again, this is the aerial map, Exhibit 10, Exhibit 1, I'm sorry. The, where, where do you see trash that you believe is accumulating from the church? Is it along the property line?

MS. VOGELSANG: Correct, in those two pastures that you see right along the property line. We've actually taken to getting proactive and, and going up onto the church property to collect the trash before it ends up in my fields.

MR. MCCANN: Okay. So, there's actually two pastures in this area?

MS. VOGELSANG: Correct.

MR. MCCANN: Okay. I'm going to circle in green, did I accurately circle the area of those two pastures?

MS. VOGELSANG: Yes.

MR. MCCANN: And that's the area where you see the trash that you described?

MS. VOGELSANG: Yes.

MR. MCCANN: Okay. What's the, the, the topography like as it transitions from the church property to your property in that area, the two pastures?

MS. VOGELSANG: In that darker area especially there's a very steep grade there. It's, it's, it's, it's almost a natural funnel to where the water collects, you know, from both the east and the west sides, along with the southern side. All of it just kind of funnels into that area there.

MR. MCCANN: Um hm.

MS. VOGELSANG: And has, has created a gulley that we've, that we're constantly fighting in that pasture that's, that's right behind there.

MR. MCCANN: Okay. So, this dark area, referring to this area within the green circle?

MS. VOGELSANG: You got it, yes.

MR. MCCANN: Okay and then there, (inaudible) on this particular exhibit, (inaudible) there's a blue line. Is that representative of a stream or small stream --

MS. VOGELSANG: Yes, that's, that's, that's, that's a stream that runs through my property that feeds to Locus Run, which is down there just off of my property.

MR. MCCANN: Okay and --

MS. VOGELSANG: To the south.

MR. MCCANN: -- I want to, again, use these colors --

MS. VOGELSANG: I'm sorry, north.

MR. MCCANN: Use red, is this, is this where your house is? I've circled it in red?

MS. VOGELSANG: Yes.

MR. MCCANN: Okay and then you mentioned a ring, horse ring. Is that, remind me, is that in the area where the green here is?

MS. VOGELSANG: No, that's a, that's a pasture. It's the white area right there.

MR. MCCANN: Okay, here?

MS. VOGELSANG: Yes.

MR. MCCANN: I circled that in yellow, is that accurate?

MS. VOGELSANG: Yes.

MR. MCCANN: Okay and then, the area in, the two barns you mentioned, I'll grab another color here, blue. That, those two barns are in this area with, circled in blue?

MS. VOGELSANG: Yes, correct, yes.

MR. MCCANN: And then it says existing residence,

there appears to be another residence. Is that, is that still the case or what is, what is that?

MS. VOGELSANG: That, that, that isn't actually there anymore. That was, that was an old burned-out farmhouse. This is an old aerial footage.

MR. MCCANN: Okay. So, this is not, it's only your, your residence and not another one on the property, right?

MS. VOGELSANG: There's, there is, there is a house trailer that's farther down, but it's not shown on this.

MR. MCCANN: Uh huh.

MS. VOGELSANG: There is a, there is a, a, basically, an office trailer further down, but it's not shown on this picture.

MR. MCCANN: Okay. Farther down the, the road here?

MS. VOGELSANG: If you, if you move back up the road a little bit, I'll show you roughly where that is. A little bit farther. It is in that area there.

MR. MCCANN: Okay and it's used as an office for you?

MS. VOGELSANG: Yes.

MR. MCCANN: Okay.

ALJ: What, what's that triangular area of either, is it a pond or is it, is it an open field? Right there, yeah.

MS. VOGELSANG: No, that's, that's an area, this property many years ago was used for mining chromium. That was one of the digging sites for that. So, it's a low-lying area

but it's not an active mine anymore.

ALJ: Okay. Yeah, I know that Soldier's Delight area has some old chromium mines.

MS. VOGELSANG: Yeah, we have a couple on the property and that's one of them.

ALJ: Hm, okay.

MR. MCCANN: Okay. I think we're winding up here. I wanted to show you some photographs, so let's do that real quick. This would be, one second. I think you would have these as Exhibit 2, Your Honor. Photographs, fifteen pages. Go through these real quick if we could, Trina. So, the, the first photograph in this exhibit is what?

MS. VOGELSANG: That's just outside the driveway looking at the church. That's the, the driveway is, is behind me in that photograph there. So, that is just east of the driveway. The, the current driveway.

MR. MCCANN: And are, are you on Liberty Road at this point?

MS. VOGELSANG: I am.

MR. MCCANN: Okay, all right. The, the second photograph, turn that around. Is that, is that the sign for the church?

MS. VOGELSANG: Yes. And that's the, roughly the same area, but that's from the same level as the sign. Obviously, there's, there's a bit of a rise coming off of

Liberty Road to get to that point.

MR. MCCANN: Okay. But this is Liberty Road on the right?

MS. VOGELSANG: Yes.

MR. MCCANN: In the, the sort of, the peak, or the hill in the road that we've been talking about during the course of the hearing, is that in the distance here?

MS. VOGELSANG: Correct.

MR. MCCANN: Okay, all right. Third photograph same view, heading, looking eastward, is that right?

MS. VOGELSANG: Yes.

MR. MCCANN: Okay. So, Lib, Liberty Road is two lanes, right? One each way?

MS. VOGELSANG: Yes, it is.

MR. MCCANN: Okay.

MS. VOGELSANG: This part of it is, yes.

MR. MCCANN: Okay. Which photograph, what, what are we looking at here?

MS. VOGELSANG: That is beyond where their entrance would be. That is farther east on Liberty Road showing the crest of that hill before their proposed new entrance would be.

MR. MCCANN: Okay. So, this is facing westward?

MS. VOGELSANG: Yes.

MR. MCCANN: This is the hill that we've been talking about?

MS. VOGELSANG: Right.

MR. MCCANN: Okay.

ALJ: How much further west is the, is Liberty Reservoir?

MS. VOGELSANG: From this location?

ALJ: Yeah.

MS. VOGELSANG: Roughly three miles.

ALJ: Okay.

MS. VOGELSANG: It might not be quite that far, but that's, that's my best guess right now.

ALJ: Um hm.

MR. MCCANN: Okay --

MS. VOGELSANG: We are part of the Liberty Reservoir watershed on this property and, as well as on the church property. We're, we're all part of the Liberty watershed.

ALJ: Okay.

MR. MCCANN: Okay. Fifth photograph? Is that looking eastward?

MS. VOGELSANG: Yes, sir. That's actually farther east on Liberty Road, that's just, just beyond the intersection of Lion's Mill. I'm actually standing at the intersection with Lion's Mill and Liberty Road. There's a bend in Liberty Road right there.

MR. MCCANN: Okay.

MS. VOGELSANG: There have been numerous accidents at

Liberty Road and Lion's Mill as a result of that, what looks like a very minor bend. It's, it's not, you know, when the, when the cars come down through there, because you often have people entering from Lion's Mill that, that use the stop sign as more of a yield. So, so yeah, this, this is, this is an area that sees a lot of accidents.

MR. MCCANN: Okay. Lion's Mill is on the left here? Just not pictured?

MS. VOGELSANG: Correct, that's just off screen there to your left, yep.

MR. MCCANN: Okay, all right. The sixth photograph, is that the driveway?

MS. VOGELSANG: Yes, that's the entrance to my farm.

MR. MCCANN: Okay and that's your house there?

MS. VOGELSANG: That's right.

MR. MCCANN: Okay and is this, this shed on the right-hand side, is that in, in one of the two fields that are closest to the church property that we were looking at?

MS. VOGELSANG: Yes, it is. And that's another horse shelter.

MR. MCCANN: Okay. So, this, this fence right here on the right-hand side, is that the, where the two fields are that we described in the earlier exhibit?

MS. VOGELSANG: Yes, yes, that is the fence to one of those fields.

MR. MCCANN: In green right here?
MS. VOGELSANG: Yes.
MR. MCCANN: Okay, all right. Seventh photograph? Move around. Which direction is that facing?
MS. VOGELSANG: That, that's facing my house standing in the entrance to their parking area.
MR. MCCANN: Okay. So, are these trailers here, are they on your property or the church's property?
MS. VOGELSANG: That's still part of my property there.
MR. MCCANN: It is, okay. And photograph number eight in this exhibit, what does that show?
MS. VOGELSANG: Again, that's from just, that's, that's from the, let me see. That would be the south, southwest corner of their building, again, facing my farm.
MR. MCCANN: Okay and it appears in this area where the fence is right here on the left-hand side, that's where your two pastures are?
MS. VOGELSANG: Yes, there, and it continues on to the right. You can't really see it because of the rise in the terrain there.
MR. MCCANN: Okay. Yeah, this is all your property behind the church as well, right?
MS. VOGELSANG: That's correct.
ALJ: And that, that barn, the big, big white barn to

the right in front of your house, is that where most of the horses are, are kept?

MS. VOGELSANG: When they stay in stalls, that's one of two barns that I have. They're both very close to each other. But that is one of them that has half of the stalls. The other barn has the other half.

ALJ: Okay.

MR. MCCANN: Okay. Photograph nine in this exhibit, turn it around. What is this showing?

MS. VOGELSANG: This is the erosion that's going down through my pasture from that funnel point that I had mentioned, where all of the runoff currently gathers.

MR. MCCANN: Okay. Orient us. Where is the church in relationship to the church property in relationship?

MS. VOGELSANG: If I were standing there taking that photo, the church would be directly behind me at this point.

MR. MCCANN: Okay.

MS. VOGELSANG: And at the top of the hill. This was taken towards the bottom of the hill.

MR. MCCANN: So, this is all your property here?

MS. VOGELSANG: That's correct.

MR. MCCANN: Okay, all right. Tenth photograph, is this --

ALJ: Is there another fence between, that, that runs along the, the property boundary between your property and the,

and the church or is it just --

MS. VOGELSANG: No, there's just a single fence. This is all on my property. The fence that you see there, as you had seen from the aerial photograph, that there's a stream that runs through my property. That fence there just keeps the horses from having access to that stream --

ALJ: Okay.

MS. VOGELSANG: -- as required by, by the Soil Conservation District.

ALJ: Okay.

MR. MCCANN: Okay.

MS. VOGELSANG: So, that's just to keep the horses from being able to, to damage that stream.

ALJ: Yeah.

MR. MCCANN: Just lost it, where it'd go? Sorry about that. Here we go. Okay. So, the tenth photograph, is that looking the other way up towards the church?

MS. VOGELSANG: That is, that's showing the gulley that, that comes down from that, from that funnel point.

MR. MCCANN: Okay and the building --

MS. VOGELSANG: I'm getting an idea of it based on the fencing that you see to your, to your, to the right in the photograph. Yeah, you can start to see how the grade goes and it just funnels everything to that one spot right now.

MR. MCCANN: And that's the church building on the

left-hand side?

MS. VOGELSANG: That's correct.

MR. MCCANN: Same thing for photograph eleven, generally in the same area?

MS. VOGELSANG: Exactly, yes.

MR. MCCANN: Photograph twelve, closer up version of the same?

MS. VOGELSANG: Right, and again, just showing the degree of erosion and that's, that's, you know, in spite of our efforts to, to keep, to keep, you know, basically large rocks and such piled into the gulley to minimize the, the effects of the erosion.

MR. MCCANN: Okay. Okay. The thirteenth photograph in this exhibit. What is that depicting?

MS. VOGELSANG: That's just showing some of the, some of the parking that, that takes place currently on their property. This was not a, this was not a particularly busy day. It, it gets much more full than that. But yeah, just showing how they, how they frequently have to park on the lawn.

MR. MCCANN: Okay. The fourteenth photograph?

MS. VOGELSANG: That is showing my front field and its proximity to, to where they're currently parking their vehicles.

MR. MCCANN: Okay and the last photograph in this exhibit?

MS. VOGELSANG: Again, just showing how they frequently have to park on the lawn and that's with the diminished number of people that they have going there now. I can tell you that pre-COVID it was double that.

MR. MCCANN: Okay. So, this, is this your driveway?

MS. VOGELSANG: That is correct.

MR. MCCANN: And then, Liberty Road is in the background here?

MS. VOGELSANG: Yes.

MR. MCCANN: Okay, all right. A couple more photographs real quick. This would be 13-A.

MS. VOGELSANG: Again, similarly showing, you know, where the horses are in proximity to their property and where they park.

MR. MCCANN: Okay, 13-B, same thing?

MS. VOGELSANG: Same thing, yes. And showing in some cases just how close they are as far as the parking goes to my, to my fencing.

MR. MCCANN: Okay, 13-C, another photograph of the pastures?

MS. VOGELSANG: Yeah, more of the same, yes.

MR. MCCANN: Okay and 13-D appears to be a close up of what we looked at before, correct?

MS. VOGELSANG: Right.

MR. MCCANN: Okay and that's the church building in

the back?

MS. VOGELSANG: Yes.

MR. MCCANN: Okay, all right. I think you've heard during the course of the hearing that the, the entrance to the church has, is being moved eastward to the, to that portion of their site. Do you think that's going to have any difference, or make any difference in your mind in terms of some of the traffic issues you described?

MS. VOGELSANG: To some degree, I think that it's going to make it more dangerous for us. It, it, it was, it's, it's already a little bit difficult in, in sharing the entrance with them. But at least we're all going in and out at the same place, you know.

Weekends are busy horse farms too, as you might imagine. Especially a horse farm like mine, you know, most of the people here, you know, they work full-time, Monday through Friday. They're most active out here on the weekends. So, getting horse trailers in and out on the weekends, people going to horse shows and those sorts of things, you know.

Again, you can't get in and out of traffic as quickly, especially with live animals standing in the back of a horse trailer. And I, I believe that, that, you know, with adding yet another entrance onto that road, it's going to increase the hazard for, for my customers and for myself for getting horses in and out on, during the hours that they're

busy up there.

MR. MCCANN: Okay. That's all the questions I have. Is there anything else you wanted to add before we let you go, Ms. Vogelsang?

MS. VOGELSANG: Well, it's just my opinion, that, that a structure of this, this size and scope is not really appropriate in this area, you know. If they're successful with this, this structure and the parking lot that goes along with it will absolutely dwarf anything, you know, within a mile either direction of Liberty Road.

This is, this is a bit of a, little bit of a rural, rural area between, you know, two, you know, fairly, fairly substantial suburban areas, you know. It's not uncommon to have farm tractors, you know, literally farm tractors driving up and down the road, on Liberty Road, on this portion of the road, you know.

We don't have public water, we don't have public sewage. The infrastructure, I don't feel the infrastructure here is adequate for a structure of, of this scope and size. And again, it's going to look completely out of place out there. There's nothing anywhere near this size on this portion of Liberty Road, you know, within several miles.

MR. MCCANN: Okay.

MS. VOGELSANG: I just really feel like, like this structure needs to be placed someplace that's, that's more

appropriate for the amount of traffic and, and for what they want to do. And the environmental impacts are also a concern, you know.

I, I feel like the County had zoned this property the way that they did because of the sensitive nature of this area, because of it being adjacent to protected watershed property. Part of the reason that my farm was put into agri, agricultural preservation, even though it's less than a hundred acres, is simply because of the, the fragile areas that surround the farm.

That was, that was a prime consideration. You usually can't get a farm into preservation if it's less than a hundred acres unless it's adjacent to other sensitive areas, which this farm is.

As Lynell had described, we have County green zone just to the east of the property and we have Soldier's Delight, you know, just to the north of the property. Also, just to the west of my property is another hundred plus acre farm that is in agricultural preservation, you know.

All of these things combined, you know, this is an environmentally sensitive area and it's a very rural area. I feel like this church belongs in an environment that is more suited for the amount of activity and the number of people that are going to be involved. I just don't feel that this is a proper setting for it.

MR. MCCANN: Do you, one last question. Do you think the church as proposed will have an impact on your business and your horses, in particular?

MS. VOGELSANG: Oh, absolutely. You know, as Lynell was pointing out, you know, my customers come out here, basically, to relax. This is what they do for recreation, you know. Horses are, you know, are relatively expensive animals to keep and care for, you know. So, a lot of these people, this is what their expendable income goes to.

When they come out to spend time with their horses, they're looking for that peace and tranquility that Lynell was speaking of. And it is, it's almost a spiritual thing. So, yes, having, having all of that additional hassle, noise, commotion, you know, which again, promotes hazards to riding and such.

I do see it as having a strong impact on, on my business here, you know. People are going to go elsewhere if, if, you know, if there's just too much going on at, right there basically in my front yard.

MR. MCCANN: Okay. Thank you, Trina.

MS. VOGELSANG: Thank you.

ALJ: All right. I imagine Mr. La Fiandra may have a question or two. Do you, Mr. La Fiandra?

MR. LA FIANDRA: I do, I do. Ms. Vogelsang, the, you bought the property twenty-three years ago?

MS. VOGELSANG: Almost. It'll be twenty-three years in December.

MR. LA FIANDRA: And how long have you been operating, is it, is it Gaitaway, Gaitaway Stables?

MS. VOGELSANG: Correct. I've been in, operating that since I bought the property --

MR. LA FIANDRA: Was it there when you bought the property, or did you create that stable?

MS. VOGELSANG: I'm sorry?

MR. LA FIANDRA: Was, was the, was the stable already in operation when you bought the property or did, did you, did you build it from the ground up?

MS. VOGELSANG: No, sir. There was, there were already horses on the property, both of the barns were already here. I've expanded the, the fencing and the turnout areas for the horses, but the buildings are all just as they were when I bought them.

MR. LA FIANDRA: Okay. Now, how deep is your property from Liberty Road to the State property in the back?

MS. VOGELSANG: I really couldn't tell you. I've never actually measured it. I'm sure it may be on a survey somewhere, but I couldn't tell you off the top of my head.

MR. LA FIANDRA: Okay. Now, Michael, may we see the exhibit that, the aerial photograph that shows, that you've been referring to? I think it's ten or one, I'm not sure which

number you're going by. Thank you. Now, do, do you, do you happen to know how far it is from, let's say, from the parking area at the church to, to your barn?

MS. VOGELSANG: I can give you a good estimate if I take a minute here. That would be, I'm going to say roughly based on what I can tell from this, probably be about a thousand to fifteen hundred feet.

MR. LA FIANDRA: Okay. Now, the, where is your, you, you mentioned during your direct exam but I, I might not have heard properly, where is your well located?

MS. VOGELSANG: If you see the area that he has squared off in green?

MR. LA FIANDRA: Yes.

MS. VOGELSANG: That, roughly where that, that corner is directly in front of my house, that's where my well is located.

MR. LA FIANDRA: So, near the red corner as well, am I right?

MS. VOGELSANG: Yes, if you put the cursor on there, I can --

MR. LA FIANDRA: On the left side of the --

MS. VOGELSANG: -- somewhat pinpoint it.

MR. LA FIANDRA: -- on the left side of the green triangle?

MS. VOGELSANG: I, I can somewhat pinpoint it if you

put a cursor on there.

MR. LA FIANDRA: No, that's okay. That's, I, I, I unfortunately don't have the cursor. But --

MS. VOGELSANG: Oh, okay.

MR. LA FIANDRA: -- that general vicinity is, is, is where it's located.

MS. VOGELSANG: Yes.

MR. LA FIANDRA: And have you, you mentioned a number of concerns about the well, the adequacy of the well and brown water on Sundays. When did the brown water on Sundays start?

MS. VOGELSANG: I would say that it was after they had been there for probably close to a year. When they first bought that property and started using it, the use wasn't very heavy. But as the use increased, that was, you know, they've been there, you know, maybe a year when I noticed a difference in, in my water clarity on Sundays. And then the water clarity was not an issue during the COVID lockdowns when their services were suspended.

MR. LA FIANDRA: Yeah. Did do, you have you had the water analyzed?

MS. VOGELSANG: No, not since I bought the place, no.

MR. LA FIANDRA: And has anybody, we heard your reasons for your belief that the, my, my clients' activities are causing the brown water. Has anybody else told you that?

MS. VOGELSANG: Specifically, no.

MR. LA FIANDRA: Okay and have you inquired with anybody from the County or from the State about why the water might be brown?

MS. VOGELSANG: No, sir, I have not.

MR. LA FIANDRA: Okay.

MS. VOGELSANG: But again, I know from my own experience that when too much water is pulled out of the well, it stirs up sediment.

MR. LA FIANDRA: Do, do you know if anybody else taps into that aquifer?

MS. VOGELSANG: I, I wouldn't be able to tell you. I'm sure that they probably do, but I couldn't tell you for sure. I haven't asked my neighbors.

MR. LA FIANDRA: Sure. The, are you aware that the church has had a well adequacy test and that it, it was far in excess of adequate for, the, the well was far in excess of adequate for its purpose?

MS. VOGELSANG: I'll take your word for that, sir.

MR. LA FIANDRA: Okay. Did you have any, so you mentioned the property is in, is it a MALPF easement, Maryland Agricultural Land Preservation Foundation, MALPF easement?

MS. VOGELSANG: Correct, yes.

MR. LA FIANDRA: And have you had any conversations with anybody at MALPF about my clients' proposal?

MS. VOGELSANG: Yes, I have. And although they,

although they couldn't do much to oppose it, what they could do is tell them that they could not expand the existing driveway because of the easement that was in place.

MR. LA FIANDRA: (inaudible) about?

MS. VOGELSANG: And that was Mr. Wally Lippincott before he retired.

MR. LA FIANDRA: Okay. Are you aware that Wally Lippincott worked for Baltimore County and not MALPF?

MS. VOGELSANG: Well, I know that he was used as a, a, as a liaison at the very least.

MR. LA FIANDRA: Okay.

MS. VOGELSANG: That, you know, pretty much all of my correspondence with them went through his office, so, you know. Who's, who's doing what job, I don't know. I can just tell you that, that Mr. Lippincott is the one that was my primary contact in regards to that program.

MR. LA FIANDRA: Fair enough. But I just want to make sure I understand. MALPF is a State easement administered by the State of Maryland.

MS. VOGELSANG: Um hm.

MR. LA FIANDRA: And you spoke with Wally Lippincott, who is a County employee and not with the State of Maryland.

MS. VOGELSANG: Right.

MR. LA FIANDRA: Okay. Are you aware that my client voluntarily moved the access to the southwest, southeast corner

of the property and was not required to do so by MALPF or by Mr. Lippincott?

MR. MCCANN: Objection (inaudible).

ALJ: Basis?

MR. MCCANN: I think, essentially, Mr. La Fiandra is testifying --

ALJ: Yeah, he's assuming facts not in evidence.

MR. MCCANN: Yeah.

MR. LA FIANDRA: How is that facts not in evidence, Your Honor?

ALJ: Because no one has testified to that.

MR. LA FIANDRA: She testified that, that, she testified that the, the organization that administers the, the easement, had some objection to our, to my clients' use of the easement --

MR. MCCANN: Right, and now you're testifying that they don't have an objection.

MS. VOGELSANG: And that is true, sir, and I, I can, obviously I can't (inaudible) today --

ALJ: I think the, the question would be, what is the basis for your statement that they had that objection? How do you know they had that objection?

MS. VOGELSANG: Well, because they told me, sir.

ALJ: Okay and, and who is they?

MS. VOGELSANG: At the time, it was Mr. Lippincott,

but he's not working with them anymore. I would have to, I would have to go back, go back to them and find out who it was that would be in charge of that at this time. But, but basically, the response from them was that no changes could be made to the existing property, or to the existing easement. That was their statement on this.

MR. LA FIANDRA: And that was Mr. Lippincott who said that?

MS. VOGELSANG: Yes, as well as there was another woman involved that I don't recall her name and I don't have it handy. But Mr. Lippincott was who I had contacted about it, and I believe he is the one who referred her to me, and they said that they would not sign off on that usage of that particular piece of land.

MR. LA FIANDRA: Did Mr. Lippincott --

MS. VOGELSANG: So, whether they moved it voluntarily or not, it would have been, it, it would, they said that it would have been disallowed. I don't think it ever got to the point where, where that was an issue because they chose to move it.

MR. LA FIANDRA: Okay.

MS. VOGELSANG: They had also approached me on numerous occasions wanting to actually buy the driveway so they could do this project, which I told them no. It would not, I would not sell the driveway to them for use for this.

MR. LA FIANDRA: Okay. But, they, they had an easement over the driveway, I mean, their, their current use is permitted in the easement, isn't that correct?

MS. VOGELSANG: Oh, sure. Yes, yes.

MR. LA FIANDRA: Okay.

MS. VOGELSANG: They have an easement that they can access their property. But the driveway itself is deeded to my property. So, yes, they can, they can have the access, but they can't make any changes to it because they don't own it.

MR. LA FIANDRA: Now, I'd like to talk about the parties that you, that you, that you testified to. When was the last party?

MS. VOGELSANG: They had a gathering a few weeks ago. It wasn't one of their largest ones. But yeah, the last one I would say was within the last forty days.

MR. LA FIANDRA: And how many people were there?

MS. VOGELSANG: Sir, I can't tell you precisely how many people were there. I, I don't go up there and count heads.

MR. LA FIANDRA: Just ballpark it.

MS. VOGELSANG: I would say at that particular gathering, probably a hundred to a hundred and fifty.

MR. LA FIANDRA: A hundred and fifty people.

MS. VOGELSANG: There was a commercial DJ involved because he kept announcing his, his business, which of course

we could hear with crystal clarity here.

MR. LA FIANDRA: Where on the property was the party?

MS. VOGELSANG: Okay. If you see where their parking lot is on this photo.

MR. LA FIANDRA: Yeah.

MS. VOGELSANG: It is, it is in that area directly, directly in front of that parking area, sort of in that little square that the parking area and the existing building makes.

MR. LA FIANDRA: Okay.

ALJ: So, bet, between the parking area and your drive, your shared driveway?

MS. VOGELSANG: That too, yes. Yes, that would, that, that, that and then Liberty Road would say complete the square.

MR. LA FIANDRA: You're talking about --

MS. VOGELSANG: And that's where their parties are typically held.

MR. LA FIANDRA: Are, are you suggesting that the party, it was held in the northeast corner of the property closest to your rink?

MS. VOGELSANG: I, I, I believe that you're in error there. It was not in that area that's directly adjacent to my fence line. If you, if you look at their parking area, and then, and then their existing structure, it was within that square.

MR. LA FIANDRA: Right, that's what I thought you were saying.

MS. VOGELSANG: Okay.

MR. LA FIANDRA: I wanted to make sure it was clear.

ALJ: Thank you. That was confused.

MR. LA FIANDRA: So, so it's more in the north, so your testimony, if I'm not mistaken, is, the party --

MS. VOGELSANG: So, it's between Liberty Road and the entrance to their parking lot. Does that help to clarify it?

MR. LA FIANDRA: I understand.

ALJ: Yeah.

MR. LA FIANDRA: Yes. So, it's, it looks like there are some trees there on this aerial photo. That's the area that we're talking about, am I correct?

MS. VOGELSANG: That's correct.

MR. LA FIANDRA: Okay. Now, do you have any photos of that party?

MS. VOGELSANG: No, sir, I don't.

MR. LA FIANDRA: And video?

MS. VOGELSANG: No.

MR. LA FIANDRA: And did, okay. The, the, on average, you have forty horses boarded there at any particular time?

MS. VOGELSANG: On average there are forty horses here, yes.

MR. LA FIANDRA: How do you, what's your maximum capacity to board horses?

MS. VOGELSANG: Well, by law, I could have up to two horses per acre. So, I have sixty-nine acres here, so double that, I'm not going to say that I'm the best at math, but what does that put us at, a hundred and thirty-eight?

ALJ: A hundred and thirty-eight.

MR. LA FIANDRA: Yes. So, --

MS. VOGELSANG: I, I certainly don't intend to have that many here at any given time. But yeah, by law, that's how many I could have here.

MR. LA FIANDRA: You'll pardon me, I don't know horses very well, so let me ask you. When horses, when you're boarding horses, are there any physical facilities that limit, that, that are required in order to board the horse? And let me just, I don't want to be so obtuse. Do you need (inaudible) --

MS. VOGELSANG: I understand. You're asking about (inaudible) requirements of care?

MR. LA FIANDRA: Yeah.

MS. VOGELSANG: Yes, I have to provide adequate housing for all of the horses on the property in combination between the running sheds that I have provided out in the pastures and the stalls that I have in my barns.

MR. LA FIANDRA: How many stalls do you have in the

barns?

MS. VOGELSANG: I have twenty stalls.

MR. LA FIANDRA: Okay, and. Okay. When do, when do your clients or customers come to do whatever it is they do on your property?

MS. VOGELSANG: Generally, during daytime hours but, you know, sometimes in the evenings as well.

MR. LA FIANDRA: And did you say that your facility is actually a twenty-four/seven facility?

MS. VOGELSANG: Well, it's a twenty-four/seven job caring for these animals. So, so, you know, do I have customers out here twenty-four hours a day? Not typically, unless they've got a sick or injured horse or, or there are some other extenuating circumstances. Obviously, I am here twenty-four hours a day and taking care of the animals is, you know, very much a twenty-four/seven job. Horse are, you know, a lot more fragile than people know.

MR. LA FIANDRA: The, so you don't have hours, you don't, you don't have hours for your, for your stable?

MS. VOGELSANG: No, I do not.

MR. LA FIANDRA: Okay. With reference to the photograph that's on the screen, I, do, do folks who board their horses there, I would imagine they go for rides. They come, they get their horse, and they go for rides, is that how it works?

MS. VOGELSANG: Yes.

MR. LA FIANDRA: To your knowledge, well, first of all, where are the, do they take trails, do they take trails when they ride?

MS. VOGELSANG: Yes, we do go on trail.

MR. LA FIANDRA: And are any of those trails shown on this photograph that you see?

MS. VOGELSANG: Yeah, you can see, you can see some of them, some, well, it's hard to make out a lot of them. I, I can locate them because I know where they are. But some of them are, are, are visible. Let's see, that would be the, on this photo, the, the upper right-hand corner, you can see some of the trails. I have trails, you know, throughout the wooded areas of my property and also into the County green zone that's adjacent to my property.

MR. LA FIANDRA: Okay. Now, are there ever occasions that your customers take their horses, or perhaps you do, onto my clients' property?

MS. VOGELSANG: Yes, to access our trails, yes.

MR. LA FIANDRA: To, is that a regular occurrence? Do you use my clients' property to access your trails regularly?

MS. VOGELSANG: Yes, that has always been done since, you know, before your clients owned the property and still is done.

MR. LA FIANDRA: Okay. Has anyone ever asked you to not do that?

MS. VOGELSANG: No.

MR. LA FIANDRA: Does your property have any storm water management on it?

MS. VOGELSANG: No. We are in compliance with the Baltimore County Soil Conservation District Guidelines though.

MR. LA FIANDRA: Yeah. The, when you were testifying about, so you testified that there were bouncy houses on my clients' property during these birthday parties.

MS. VOGELSANG: Oh, yes.

MR. LA FIANDRA: Those bothered you?

MS. VOGELSANG: Yes, well, mostly the noise. I'm not going to say that, that they were close enough to disturb the horses, except for the noise, you know. Children and bouncy houses do a lot of screaming and squealing.

MR. LA FIANDRA: Do, where was that, where, where was, on that occasion, where was that bouncy house? In the same area that we were just discussing by the trees?

MS. VOGELSANG: Yes, sir.

MR. LA FIANDRA: Or was it someplace else?

MS. VOGELSANG: Yes. No, no, it was in that same area. That's where their parties are always held.

MR. LA FIANDRA: Um hm. The fence that separates your property, on your property, I, I think that we're talking

about, if you're looking at the green triangle.

MS. VOGELSANG: Um hm.

MR. LA FIANDRA: Mr. McCann, can we see the photographs in Exhibit 13, I think it was? Let's just roll through those. Now, on the left side of this page, if I'm not mistaken, in this photograph you see a shelter for the horse.

MS. VOGELSANG: Right.

MR. LA FIANDRA: (inaudible) the adjoining paddock, am I correct?

MS. VOGELSANG: Right.

MR. LA FIANDRA: Okay. Now, and in the foreground and in the background, halfway up the page, you see a, a fence running from right to left. The, the second fence, the one that's in the middle of the page. That's on your property, that fence?

MS. VOGELSANG: Yes.

MR. LA FIANDRA: And just on the other side of that fence, that's the area of my clients' property? I'm asking.

MS. VOGELSANG: Yes.

MR. LA FIANDRA: Okay. Now, and is this where you had expressed concern that folks approach the fence? I think it was you, it might have been Mary Vogelsang. But do you have a concern that people approach this fence?

MS. VOGELSANG: Yes, as well as the fence in the adjacent pasture.

MR. LA FIANDRA: And is, is the fence in the adjacent pasture along the same property line as this fence?

MS. VOGELSANG: Yes, it is.

MR. LA FIANDRA: Okay. Are those fences, those, those fences are both electrified, am I correct?

MS. VOGELSANG: There is one low voltage electric line that is on each of those fences.

MR. LA FIANDRA: And why is that electrified?

MS. VOGELSANG: So that the horses don't push on or through the fences.

MR. LA FIANDRA: Okay. Now, did you, did you electrify those fences so that the kids don't attempt to pet the horses?

MS. VOGELSANG: Certainly not. No.

MR. LA FIANDRA: Okay.

MS. VOGELSANG: It is entirely to, to keep the horses from pushing against the fence and/or pushing through the fence to get to say grass on the other side. It's also to, to, you know, to make sure horses don't go through my fences and get loose. No, that is entirely, entirely for the horses, not meant to discourage people in any way.

But I do have signage that, that does let people know that there is an electric line there. It is, it is a very low current. It's also a pulse, it's not a steady, constant shock. It's, it's a pulse thing. It's entitle, it's, it's intended

just to startle the animal enough that they don't want to touch that.

MR. LA FIANDRA: Now, so you --

MS. VOGELSANG: So, no, it was not put up to discourage people.

MR. LA FIANDRA: If you would like to discourage people from approaching the horses, would you consider not using my clients' property to access the trails?

MS. VOGELSANG: Well, how does that work though exactly? I, I mean, how, how, how is it that, that they can control the children running up to the fences? I, I, and I really just don't even honestly understand this line of questioning at all. I, I would really like for you to tell me what, what precisely you're, you're trying to get at.

MR. LA FIANDRA: Well, I, I'll ask the questions, if that's okay. If we could move onto the next photograph? I'm sorry. Mr. McCann, I think there were a series of photos in that batch, Exhibit 13.

MR. MCCANN: Yeah, there's --

MR. LA FIANDRA: (inaudible) scroll through a number of pages.

MR. MCCANN: Yeah, that's Exhibit, Exhibit 2, bear with me one second.

MR. LA FIANDRA: There we go, okay. Thank you. And, thank you. Next photo. We've looked at this photo but let me

ask you. Is that your car in the front or is that somebody else's car?

MS. VOGELSANG: It is.

MR. LA FIANDRA: That's your car. And it's hard to tell from this view, was that on the driveway or was that on the grass?

MS. VOGELSANG: No, that was, that was on the grass, still on my own property though.

MR. LA FIANDRA: Okay.

MS. VOGELSANG: I was not on their property at that point.

MR. LA FIANDRA: Yeah. Next photo. When you, when you took this photograph was the cone there?

MS. VOGELSANG: The cone was at the side of the road. I just moved it (inaudible) frame of (inaudible).

MR. LA FIANDRA: It was there before you, you didn't place the cone is my question. Okay.

MS. VOGELSANG: I'm sorry?

MR. LA FIANDRA: Maybe, maybe I misunderstood. Did you place the cone in that location?

MS. VOGELSANG: I did.

MR. LA FIANDRA: And what is the purpose of placing the cone there?

MS. VOGELSANG: I wanted to see how far away it was before I couldn't see the cone anymore.

MR. LA FIANDRA: Where were you when you, when you did that? In what direction could you not see the cone? I, I'd like to know (inaudible) --

MS. VOGELSANG: Once I crested over the hill. I wanted to see at what point after I crested the hill could I no longer see the cone. So, I walked on foot along Liberty Road. Here we are facing east. I walked east on Liberty Road to see how far away I had to go before I couldn't, before I couldn't see this cone anymore.

MR. LA FIANDRA: Okay and do any of the photographs show where you were when you couldn't see the cone, the, the cone anymore?

MS. VOGELSANG: I don't think that Michael showed those photos.

MR. LA FIANDRA: Okay. Let's see the next photo. This photo --

MS. VOGELSANG: Yeah, that would be, that would be one of the photos, but it was, it was closer that I, that I couldn't see, that I could no longer see the cone. But that is on the other side of that hill facing west.

MR. LA FIANDRA: Okay.

MS. VOGELSANG: Facing towards our properties.

MR. LA FIANDRA: Okay and this is the State property directly to your right, am I correct?

MS. VOGELSANG: That's correct.

MR. LA FIANDRA: Okay --

MS. VOGELSANG: County green, that's County green zone there.

MR. LA FIANDRA: The County property, that's correct. Yes, pardon me. Next photo, please. Now, this photo, if I'm not mistaken, is further east on Liberty Road, am I right?

MS. VOGELSANG: That's correct, sir.

MR. LA FIANDRA: And just off the page to the left, is that where the intersection of Lion's Mill is?

MS. VOGELSANG: That's correct also.

MR. LA FIANDRA: Okay and where --

MS. VOGELSANG: That, that garage that you see sitting there is directly on the corner.

MR. LA FIANDRA: Yes, so, that is, so I want to make sure I understand. This photo is directed, is, is, is of a view that's eastward. We're looking east in this photo?

MS. VOGELSANG: Yes, sir.

MR. LA FIANDRA: And, and the properties that we've been discussing, both your, your property and my client's property, they are, they are behind you when you took this photo?

MS. VOGELSANG: Yes, sir. They're to the west of this location.

MR. LA FIANDRA: How far is Lion's Mill Road from, from, from your driveway?

MS. VOGELSANG: Maybe a quarter of a mile.

MR. LA FIANDRA: Okay and what was it that you were trying to show in this photograph? I might have missed it.

MS. VOGELSANG: Well, I sent, I sent Michael a number of photographs. I was just showing the turn in Liberty Road here and the intersection of, with Lion's Mill Road. There have been numerous serious auto accidents at that particular intersection. Several times resulting, just since I've been here, in, in Medivacs.

MR. LA FIANDRA: Um hm. When was the last time there was a Medivac to the site?

MS. VOGELSANG: I want to say that that was roughly five years ago.

MR. LA FIANDRA: Okay. Did, if you know, did either, did that instance involve anybody who was coming or going from the church property?

MS. VOGELSANG: No, sir. That was, that was in the middle of the night. I, I can't even tell you what hour it, the, the helicopter woke me up. Now, if I were to guess, it would probably have been around 1:00 or 2:00 in the morning.

MR. LA FIANDRA: Okay. Next photo, please. Now, this is looking into your property from the common driveway at, basically, if I'm not mistaken, just to the right of where, where your car is, is the entrance to my clients' property off of the common driveway, am I, am I right?

MS. VOGELSANG: Slightly behind my car is, is where their entrance would be.

MR. LA FIANDRA: Okay.

MS. VOGELSANG: I'm, I'm roughly halfway between the shed and the entrance to their parking lot.

MR. LA FIANDRA: Okay, okay. Next photo, please.

ALJ: Ms. Vogelsang, what would you estimate to be the average rate of speed that people travel on Route 26 along your, your property frontage?

MS. VOGELSANG: Well, again, sir, it depends on, on the time of day and the amount of traffic. But I would say, in general, the average speed probably is in the neighborhood of fifty miles an hour.

ALJ: Okay.

MR. LA FIANDRA: Now, the, immediate in the, help with me this photo, if the, if you would, ma'am.

MS. VOGELSANG: Certainly.

MR. LA FIANDRA: Where, where are you standing?

MS. VOGELSANG: I am in the, I am standing on the entrance to their parking lot right there.

MR. LA FIANDRA: The church --

MS. VOGELSANG: That's roughly at the property line where, where, you know, where my property ends and theirs begins.

MR. LA FIANDRA: Okay.

MS. VOGELSANG: But it's in the entrance that leads to their parking area.

MR. LA FIANDRA: Okay and then --

MS. VOGELSANG: So, that's roughly showing, showing the, the property line between, between my driveway and, and their property.

MR. LA FIANDRA: And that white fence that's in the foreground is, that approximates where the property line is, am I right?

MS. VOGELSANG: Yes, that's where that part of the property begins, yes.

MR. LA FIANDRA: Now, --

MS. VOGELSANG: Just to the other side of it, it's not directly on the line, it's just behind the line.

MR. LA FIANDRA: Right. And then, I see a brown fence, so I see the white fence kind of in the center of the page. I see a brown fence over to the right side of the page. Is that the other fence that you were talking about?

MS. VOGELSANG: Yes, sir.

MR. LA FIANDRA: Okay and so, that's a, that's, that's along the property line, or approximating it as well, am I correct?

MS. VOGELSANG: Correct, yes.

MR. LA FIANDRA: Okay and these trailers that are on the left side, those are, and your car, those are on your

property, am I right?

MS. VOGELSANG: Yes, sir.

MR. LA FIANDRA: Okay --

ALJ: I'm confused now. That's what I thought you had been saying. And then you just said that the white fence is, is your property line.

MS. VOGELSANG: Well, sir, if you'll allow me to explain.

ALJ: Yeah.

MS. VOGELSANG: The, the driveway, the actual width of, of what is currently paved is not, is not the entire width of, of my property that runs to Liberty Road. Part of it is this grassy area where you see the horse trailers.

ALJ: Um hm.

MS. VOGELSANG: So, the driveway, if I, if I remember correctly, the actual road frontage of the driveway, which that width extends all the way back, I want to say that it's somewhere in the neighborhood of forty-five feet. So, it's, it's much wider than the width of what is actually paved.

ALJ: Okay. I understand that, but I was confused by your testimony that all the, the horse trailers are parked on your, your property.

MS. VOGELSANG: Correct.

ALJ: And then you said your property --

MS. VOGELSANG: The, the current driveway is part of

my property.

ALJ: Okay. Well, --

MS. VOGELSANG: They have an easement for access to their property, but it's actually deeded to my property.

ALJ: Okay, I understand that. Then what, all that white fence and brown fence are all within your property?

MS. VOGELSANG: Yes.

ALJ: Okay. I, I didn't understand what I thought you to be saying was --

MS. VOGELSANG: Okay.

ALJ: -- that was where your property line was.

MS. VOGELSANG: Yes.

MR. LA FIANDRA: May I ask a question, Judge?

ALJ: Sure.

MR. LA FIANDRA: So, ma'am, we're, you're, you're photographing actually the corner of your property, of, the corner of your property, am I right? There's, there's a property line that runs roughly behind where those trailers are and then cuts to the right, just in front of the white fence and the brown fence, am I correct?

MS. VOGELSANG: Yes, sir, correct.

MR. LA FIANDRA: Judge, does that help you?

ALJ: Yeah, I guess so.

MR. LA FIANDRA: Okay and just, ma'am, one more thing. The, so that would mean, if I understand correctly,

that from the edge of the pavement that we see in the foreground to roughly where that white fence is, that's my clients' property?

MS. VOGELSANG: Correct.

MR. LA FIANDRA: Okay, thank you. May we see the next photo? So, where's this photo taken?

MS. VOGELSANG: This is the southwest corner of the current church.

MR. LA FIANDRA: Okay and are those the same trailers on the left side of the page?

MS. VOGELSANG: Yes, sir.

MR. LA FIANDRA: Those are the same trailers that we were just, and that is the same white fence that we were just looking at?

MS. VOGELSANG: Yes, sir.

MR. LA FIANDRA: Is that dumpster, that, is that a dumpster kind of in your --

MS. VOGELSANG: Yes, that dumpster belongs to the church.

MR. LA FIANDRA: The dumpster belongs to the church, okay. How often is that dumpster emptied?

MS. VOGELSANG: Weekly.

MR. LA FIANDRA: Okay. Speaking of the dumpster, can you, I'd like you to characterize the trash that you've, that, that's been an issue. Tell me about the trash.

MS. VOGELSANG: Generally speaking, it's, it's, it's food trash, empty water bottles, you know, say potato chip bags, sometimes it's, you know, empty grocery bags, you know, those sorts of items are, are typically what's found. You know, there were some time which, you know, again, I'm not really holding the church responsible.

They had some contractors doing some things around their property that sometimes allowed their, their trash to just kind of blow around into the adjacent woods and we collected quite a bit of that. But oftentimes, it's, you know, it's food type items and, and water bottles and drink containers, those sorts of things.

MR. LA FIANDRA: And how, when did, is, is, is the trash a persistent issue? Is it continuing until this day?

MS. VOGELSANG: Yes.

MR. LA FIANDRA: Okay. How much trash would you say you collect?

MS. VOGELSANG: Well, you know, that really just varies week to week. Obviously, you know, since the COVID lockdowns and the decreased traffic up there, it's not nearly the volume that it used to be. At its peak, we were collecting roughly three lawn and leaf bags worth a week. You know, now it's roughly, now it's roughly a half a bag.

MR. LA FIANDRA: Okay. The, the next photo, please. Thank you. So, this photograph is taken entirely on your

property. Everything we see here is on your property, am I correct?

MS. VOGELSANG: That's correct.

MR. LA FIANDRA: Okay and my clients' property, if I'm not mistaken, is behind you when you took this photo?

MS. VOGELSANG: That's correct.

MR. LA FIANDRA: Okay. Now, has it occurred to you that if my client manages the storm water coming off of their property in a storm water management facility, that it may assist, it may, it may improve the erosion occurring on your property?

MS. VOGELSANG: Yes, sir, it has.

MR. LA FIANDRA: Okay.

MS. VOGELSANG: However, I also, I also know that there's not much in the way of regulation that, that oversees those things and, and if they're not managed properly, they cease to function properly. I, I don't have any way of knowing whether they will properly care for theirs or not.

MR. LA FIANDRA: Um hm. Oh, the next photo, please. You're standing in the same location looking, turn, you're just turned around, am, am I right?

MS. VOGELSANG: Yes, yes, looking up hill at that point.

MR. LA FIANDRA: Does the build, there appears to be a building through the trees on the left side at the top?

MS. VOGELSANG: Yes, sir.

MR. LA FIANDRA: Is that your shed or is that my clients' prop --

MS. VOGELSANG: No, that's their church.

MR. LA FIANDRA: That's their church, okay. And once again, everything that we see here, short of the trees, is on your property, am I right?

MS. VOGELSANG: That's correct.

MR. LA FIANDRA: (inaudible) on your property? Okay.

MS. VOGELSANG: Yes.

MR. LA FIANDRA: Thank you. Next one. Next photo. Okay. Did you clean up any trash from this area before you took these photos?

MS. VOGELSANG: Yes, sir. Again, we clean up trash weekly. I don't leave trash in the pastures.

MR. LA FIANDRA: Um hm. When, when did you take these photos?

MS. VOGELSANG: I want to say that this was over a year ago at this point. But I don't have the specific dates. Michael might have those.

MR. LA FIANDRA: Roughly a year ago (inaudible)?

MS. VOGELSANG: Yes, sir.

MR. LA FIANDRA: Okay. Next photo. Are any of these cars parked on your property?

MS. VOGELSANG: Not in this photo.

MR. LA FIANDRA: Okay and so the, all those cars are parked on the church property?

MS. VOGELSANG: All of those that you can see are, are on the church property right now.

MR. LA FIANDRA: Okay and the cars on the left side of the page, they appear to be behind the building. That's the church's parking lot, am I right?

MS. VOGELSANG: Yes, sir.

MR. LA FIANDRA: Okay and the cars that are in the, in the center of the screen, they're parked right off of the access drive on the church property, am I correct?

MS. VOGELSANG: Yes, sir.

MR. LA FIANDRA: Okay. Next photo. I'm not sure, I'm not sure I follow what you were trying to show in this photograph.

MS. VOGELSANG: That was just showing the proximity of, of the church to, you know, to the pastures.

MR. LA FIANDRA: To the pasture, okay. But you're not, it looks like you might be shooting through a window or something, you're not in a building, are you?

MS. VOGELSANG: I was, which was why I took better pictures after this one.

MR. LA FIANDRA: Okay. So, which building are you in in this one?

MS. VOGELSANG: In my home.

ALJ: (inaudible).

MR. LA FIANDRA: In, in your home, okay. Next photo. This is the access drive, your car is facing Liberty Road, am I correct?

MS. VOGELSANG: That's correct.

MR. LA FIANDRA: Okay, all right. You testified that there, there are cars that park on Liberty Road. How often does that happen?

MS. VOGELSANG: Rarely. It, it has happened, to my recollection, it's probably less than a dozen times.

MR. LA FIANDRA: Um hm. When was the last time that happened?

MS. VOGELSANG: Prior to COVID.

MR. LA FIANDRA: When cars park on Liberty Road, how many cars park on Liberty Road?

MS. VOGELSANG: You know, that's kind of hard to guesstimate. I would say more than a dozen. When I have seen that happen, it's probably been more than a dozen. They're, they're on both, you know, both, both to the east and the west of the driveway when that has happened. It also sometimes happens during snow events to some degree, they, they will have people that park on, on Liberty Road rather than risk getting their car stuck parking on their grass.

MR. LA FIANDRA: Okay. But still, that hasn't happened since before COVID?

MS. VOGELSANG: That's correct.

MR. LA FIANDRA: And next photo, please.

MR. MCCANN: That's the last one.

MR. LA FIANDRA: I think we might be at the end. You had a few others.

MR. MCCANN: We already looked at those.

ALJ: That's what we started with.

MR. LA FIANDRA: Okay.

MR. MCCANN: Yeah.

MR. LA FIANDRA: Yeah, we saw that. Did we go through all of them?

MR. MCCANN: We did.

MR. LA FIANDRA: Okay.

MR. MCCANN: Well, actually, I don't know, 13-C and D, but this one.

MR. LA FIANDRA: Okay.

MR. MCCANN: And lastly this one.

MR. LA FIANDRA: Okay. I think that we hit all those points. Thank you for your testimony. I don't have any other questions.

MS. VOGELSANG: Thank you.

ALJ: Okay, Mr. McCann. Any re-direct?

MR. MCCANN: No, thank you though.

ALJ: All right. Thank you very much, Ms. Vogelsang. Okay. Anyone else, Mr. McCann?

MR. MCCANN: No, that would be it, Your Honor.

ALJ: Okay, all right. That's both your cases?

MR. LA FIANDRA: Yes, sir. I don't see the need to provide any rebuttal.

ALJ: Okay. Do you think it makes sense for either one of you to submit a brief or --

MR. LA FIANDRA: I was thinking about it. I, I certainly wouldn't mind submitting a brief.

ALJ: Yeah, I, I wouldn't mind some, some guidance with all of the mishmash of zoning on this site.

MR. LA FIANDRA: Sure.

ALJ: I, I think it would be helpful for you to state your position as to --

(AUDIO RECORDING STOPS)

CERTIFICATE OF TRANSCRIBER

I hereby certify that the hearing in the matter of 10610 Liberty Road, The Gospel Faith Mission International Incorporation, case number 2020-0138-SPHXA, heard before the Office of Administrative Hearings, September 15, 2022, were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers 1 through 227 constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness thereof, I have affixed my signature this 12th day of October 2022.

Christine R. Leary

Christine R. Leary

Transcriber

IN RE: Petitions for Special Hearing, Special Exception and Variance **10610 Liberty Road** 2nd Election District 4th Councilmanic District **The Gospel Faith Mission International, Incorporated,** *Legal Owner*	)	**BEFORE** **THE OFFICE OF** **ADMINISTRATIVE HEARINGS** **OF** **BALTIMORE COUNTY** **CASE NO. 2020-138-SPHXA**

NOTICE OF APPEAL

The Gospel Faith Mission International, Incorporated, (the "Appellant"), feeling aggrieved by the final Decision and Order of the Administrative Law Judge dated December 13, 2022 in the above-captioned case (the "Decision"), hereby appeals to the County Board of Appeals. Pursuant to Rule 3 of the Rules of Practice and Procedure of the Board of Appeals, the address of the Appellant is as follows:

The Gospel Faith Mission International, Incorporated

Physical Address:
10610 Liberty Road
Randallstown, Maryland 21133
410-922-6500
Email address: None

Mailing Address:
P.O. Box 1197
Randallstown, Maryland 21133

RECEIVED
JAN 12 2023
OFFICE OF
ADMINISTRATIVE HEARINGS

Respectfully submitted,

January 12, 2023
Date

Dino C. La Fiandra, Esquire
THE LAW OFFICE OF DINO C. LA FIANDRA, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
443-204-3473
Attorney for *Appellant*

Certificate of Service

I certify that on January 12, 2023, I sent a copy of the foregoing Notice of Appeal to Michael McCann, Esquire at 118 W. Pennsylvania Avenue, Towson, Maryland 21204.

Dino C. La Fiandra

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

No. 203964

PAID RECEIPT

Date: 1/12/23

BUSINESS ACTUAL TIME DRW
1/13/2023 1/12/2023 09:29:33 1
REG TRNS WALKIN OAK
>>RECEIPT # 020030 1/12/2023 DFLT

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	830	4000		6150				1,200.00

Rcpt# 203964
Rcpt Tot $ 1,200.00
1,200.00 CR
Baltimore County, Maryland

Total: 1,200.00

Rec From: Dino La Fiandra, Esq.

For: Petition OAH Appeal
Case No: 2020-0138-SPHXA
Address: 10401 Old Kenwood Road
Hearing Date: Nov 23 2021 *Sept 15 2022
Amount Paid Credit Card

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

CASHIER'S VALIDATION

OBF CASHIERS OFFICE

400 WASHINGTON AVENUE
TOWSON, MD 21204
4108872410

Cashier: Quinton K.
12-Jan-2023 9:27:54A

Transaction **300738**

1	Miscellaneous Cash Receipt	$1,200.00
Total		**$1,200.00**
CREDIT CARD SALE VISA 8825		$1,200.00

Retain this copy for statement validation

12-Jan-2023 9:28:44A
$1,200.00 | Method: EMV
VISA CREDIT XXXXXXXXXXXX8825
DINO LA FIANDRA
Reference ID: 301200519187 | Auth ID: 05345G
MID: ********3993
AID: A0000000031010
AthNtwkNm: VISA
SIGNATURE VERIFIED

Order BZMMZ3PPD8C2C
Payment YQK9820YNSMJE

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IN RE: Petitions for Special Hearing, Special Exception and Variance **10610 Liberty Road** 2nd Election District 4th Councilmanic District **The Gospel Faith Mission International, Incorporated,** *Legal Owner*	)	**BEFORE** **THE OFFICE OF** **ADMINISTRATIVE HEARINGS** **OF** **BALTIMORE COUNTY** **CASE NO. 2020-138-SPHXA**

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ADMINISTRATIVE HEARINGS

Respectfully submitted,

January 12, 2023
Date

Dino C. La Fiandra, Esquire
THE LAW OFFICE OF DINO C. LA FIANDRA, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
443-204-3473
Attorney for *Appellant*

Certificate of Service

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Dino C. La Fiandra

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
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PAID RECEIPT

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MID: ********3993
AID: A0000000031010
AthNtwkNm: VISA
SIGNATURE VERIFIED

Order BZMMZ3PPD8C2C
Payment YQK9820YNSMJE

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IN THE MATTER OF:	)	BEFORE THE
	)	
Petition for Zoning Hearing	)	OFFICE OF
	)	
10610 Liberty Road	)	ADMINISTRATIVE HEARINGS
	)	
The Gospel Faith Mission International, Inc., Legal Owner / Petitioner.	)	Case No. 2020-0138-SPHXA
	)	
	)	

Memorandum In Lieu of Closing Argument

The Gospel Faith Mission International, Inc., Petitioner, ("Gofamint" or "Petitioner") by and through Dino C. La Fiandra and The Law Office of Dino C. La Fiandra, LLC, submits this memorandum in lieu of closing argument in the above-referenced matter, and states:

Introduction

The Petitioner is a church congregation which has operated in Maryland since the early 2000s, and has owned and operated a church on the subject property (the "Property") since 2009. As discussed below, the Petition seeks a combination of zoning approvals that will permit a substantial expansion of the church facilities on the Property. The expansion is necessary to allow adequate space for the existing congregation for worship and other religious activities and to allow modest growth in the coming years.

The Zoning Site Plan

Petitioner's Exhibit 2 is the Redlined Plan to Accompany Zoning Petition. Petitioner's Exhibit 3 is the final version of the Plan to Accompany Zoning Petition incorporating the redlined changes shown on Exhibit 2, of which zoning approval is sought. Don Mitten, PE, the engineer who prepared the redlined site plan, testified at length about the property and the proposal with reference to Exhibits 2 and 3 as well as other exhibits discussed below.

The Property contains approximately 4.3 acres (gross) and is located on the north side of Liberty Road, approximately 1000 feet west of the intersection with Lyons Mill Road. The

Property is currently improved with an existing 3653 square foot building and a small parking lot. The existing building is used as a church building by the Petitioner. It contains a sanctuary and a number of small offices, meeting spaces, and rest rooms.

Petitioner's Exhibit 10, Zoning Case 08-0136-SPHA, discusses some of the history of the existing building. The existing building was built in 1969 and was used for several years as a church. In 1977, zoning relief was sought and granted to use the building as an office. The building was, in fact used as an office for various businesses until 2009, when Gofamint acquired the Property and converted the office use back to church use.[1]

Presently, the Property is split-zoned in 3 zoning classifications: RO-CR, RC-3, and RC-7. Petitioner's Exhibit 4 shows the existing conditions in the context of the existing zoning classifications. The existing 3653 square foot building is entirely within the RO-CR zone, shown in yellow. The parking lot serving the building and the septic reserve area are within the RC-3 zone, shown in green. Lastly, there is a small strip of land on the east side of the Property in the RC-7, shown in red. Aside from the small existing building and the small parking lot, most of the Property is presently open yard area.

Petitioner's Exhibit 2 and 3, the zoning site plans, shows the proposed expansion of the church facilities on the Property. Gofamint proposes to retain the 3,653 square foot existing building and add a 16,565 square foot addition, bringing the total size of the proposed church to 20,218 square feet. The proposed main sanctuary will contain a total of 450 seats, generating a parking requirement of 113 parking spaces.[2] There will be 195 parking spaces provided. The building will have a front yard setback of 100 feet from Liberty Road, a rear yard setback of

[1] As discussed in Petitioner's Exhibit 10, prior to Gofamint's acquisition of the Property in 2009, a financial services company sought and was granted zoning relief for a substantial expansion of the 3600 square foot existing building. Because of the some of the same zoning restrictions that apply to the Property today, the previous owner sought a variance for an expansion of the existing 3600 square foot building which would provide 8,400 square feet of floor area on the first floor in the RO-CR zone, and a variance for a building setback of 110 feet in lieu of the maximum permitted setback of 19.5 feet in the RO-CR zone. Importantly, Petitioner's Exhibit 10 also shows that in 2007, these variances were granted.
[2] BCZR, §409.6 requires 1 parking space for every 4 seats in the main sanctuary of a house of worship.

160.99 feet from the adjoining Vogelsang property, and side yard setbacks of 138.27 feet on the west side and 108.46 feet on the east side.[3] Qualitative and quantitative stormwater management are provided on site, as well as an adequate septic reserve area. The proposed facility will be served by the existing well presently serving the Property.

The Property fronts directly onto Liberty Road. Presently, vehicular access to the Property from Liberty Road is via an easement on the adjoining property owned by the Protestants, the Vogelsangs. Initially, the Plan to Accompany Zoning Petition showed access to Liberty Road for the expanded church via this easement. However, prior to the hearing in this matter, the zoning plan was revised (redlined) to eliminate the use of the shared driveway on the access easement on the Vogelsang property, and instead provide access for the church to Liberty Road directly from the Property, without using the Vogelsang easement. This change in access is the focus of the redline revisions on Petitioner's Exhibit 2, which are also shown on the blackline plan, Exhibit 3. Importantly, there will be no vehicular access from the easement on the Vogelsang property to the Property.

Petitioner's Exhibit 5 shows these proposed conditions in the context of the existing zoning on the Property. The expanded church building will be located in the RO-CR and RC-3 zoned portions of the Property, shown in yellow and green, respectively. As shown on the table on Exhibits 2 and 3 indicating the building parameters within the RO-CR zoned portion of the Property, as proposed, 8,710 square feet of the building will be located in the RO-CR zoned portion, all on the first floor.[4] Of the 195 parking spaces (total) proposed on the Property, 57

[3] The front yard setback of the proposed expansion in the RO-CR zone is 102.46 feet. The RO-CR zone provides that the front yard setback may not be greater than the average of the front yards on either side of the lot, which in this case is 19.5 feet. BCZR, § 259.3.C.2. The Petitioner has requested a variance for this proposed front yard setback in the RO-CR zone of 102.46 feet in lieu of the 19.5 feet otherwise allowed in the RO-CR zone.

[4] These building parameters within the RO-CR zoned portion of the Property are relevant because of the requirements of the -CR zoning district, found in BCZR §259.3.C.1. These requirements include that the gross floor area of buildings in the RO-CR district shall not exceed 8,800 square feet (total), of which no more than 6,600 square feet may be on the ground floor. In addition, the floor ratio may not exceed a total of 0.20 in the RO-CR zone, and building height may not exceed 30 feet.

parking spaces are located within the RO-CR zoned portion of the Property.[5] The remaining parking spaces are located in the RC-3 zone and the RC-7 zone, shown in red. The RC-3/RC-7 zone line bisects 26 proposed parking spaces. In addition, two qualitative stormwater management facilities, designated Moro-retention Facility 1 and Moro-retention Facility 2, are located in the RC-7 zone.

In terms of the interior spaces of the expanded church facility, Exhibit 11 reflects the proposed floor plan showing the proposed uses of the interior spaces. As noted at the hearing by Suen Owojuyigbe, the Petitioner's expert architect, the primary feature of the interior of the building will be the 450 seat santuary. There will be a fellowship hall for general multi-purpose use, 10 classrooms for youth programs and Sunday School, offices for clergy and staff, rest rooms, and other building facilities. Mr. Owojuyigbe indicated that these interior spaces are required for a church of this size, with the programs that Gofamint maintains.

Exhibit 12 shows the proposed building elevations, also designed by Mr. Owojuyigbe. Mr. Owojuyigbe indicated that the building was designed with environmental sensitivity and sustainability in mind, including plenty of windows, increased vertical height to provide area of additional windows, and exterior finishes that reflect the materials used throughout the area, like EIFS, brick, and siding. Importantly, Mr. Owojuyigbe noted that the overall building height is 44 feet to the top of the cross feature which is affixed to the building. Nonetheless Mr. Owojuyigbe noted that the building is entirely one story, and much of the vertical elevation is attributable to the raised roofline which provides space to add windows to provide light into the sanctuary, as well as a parapet at the very top of the building.

Gofamint's Proposed Use of the Church Property

Pastor Fagbuyi described a typical church use of the Property. The Pastor testified that The Gospel Faith Mission International, Inc. has been active as a church in the United States

[5] The number of parking spaces within the RO-CR zoned portion of the Property is relevant due to BCZR, § 259.3.C.4, which requires that parking shall be located within the -CR District.

since 1984. Gofamint has been active in Baltimore since the early 2000s, and has owned the Property since 2009. Gofamint has between 125 to 150 members, although others participate in worship services as well.

Pastor Fagbuyi described the typical Sunday worship service. Families start to arrive before 9:00 a.m., for children's programs and Sunday School. The main Sunday worship service starts at 10 a.m., and lasts until 11:30 or 12 noon. There are usually about 140 worshippers present in person, plus 50 to 60 that are present virtually. Pastor Fagbuyi discussed that the existing sanctuary is often too small for the congregants, and often worshippers watch the service live on video screens in other rooms. Following the conclusion of Sunday services, most congregants leave the site, although sometimes there is a birthday party or other celebration at lunch or shortly after.

In addition to the Sunday service, there is a prayer service on Tuesday evenings from 7:00 to 8:30 pm. This prayer service is typically attended by 30-35 congregants in person, plus approximately 50 people online. Likewise, on Wednesday evenings, there is a bible study group of 30-35 people in person, plus 30-35 people online. Bible study takes place between 7:00 and 8:30 pm.

There is a monthly prayer vigil on the second Friday night of each month from 11 pm to 2 a.m., which is attended by 30-40 people in person, and others online. Pastor Fagbuyi discussed the need for this prayer vigil as a time when congregants can separate themselves from the demands of their daily life and focus exclusively on prayer and worship.

Finally, the Pastor described an event which occurs five times per year (in January, March, May, September, and December), called the Supernatural Night of Wonders. This service runs from 6:30 pm to 9:30 pm on the last Friday night of the month, attended by approximately 160 to 170 congregants.

Aside from the activities identified above, there are no other services or study sessions or other organized functions. Nonetheless, clergy and other staff obviously are on the Property at other times to conduct the day-to-day business of the church.

Pastor Fagbuyi described Gofamint's need for the expanded space. He discussed that the additional space is needed in order to have adequate space for the existing congregation to worship, as well as the need for additional office space, and classroom space for Sunday School.[6]

Issues Requiring Zoning Relief

The combination and configuration of the zoning classifications applicable to the Property and the proposed expansion of the existing building create a need for several zoning approvals to effectuate the plan for expansion shown on Exhibits 2 and 3. As is often the case, in some instances, a particular situation may be approved in more than one way, and in these instances, these items of relief are sought in the alternative in the Petition for Zoning Hearing. Below, the situations requiring zoning relief are identified as well as the requests sought in the Petition for Zoning Hearing to address the issues, and the manner in which Gofamint qualifies for the relief sought.

Issue 1: Expansion of the church building within the RO-CR zone. The primary issue requiring zoning relief is the expansion of the church building within the RO-CR Zone. The RO-CR classification is a combination of the traditional RO zoning classification, with the -CR district overlay applied to it. There are special regulations applicable to the -CR district found in BCZR, §259.3. These -CR district regulations provide certain bulk regulations applicable in the district. BCZR, §259.3.C.1. The use regulations applicable to the -CR district provide that buildings which exceed the bulk regulations of the -CR district may be permitted by special exception. BCZR, §259.3.B.4. As discussed below, because the church expansion in the RO-CR zone exceeds the bulk regulations applicable specifically to the -CR district, a special exception is required for that portion of the building in the RO-CR zone. See, Petition for Zoning Hearing, Special Exception 2.

[6] The proposed classrooms are for Sunday School, children's programs, and other meeting spaces. There is no parochial day school proposed for the proposed expanded church building.

Issue 2: Parking in the RO-CR Zone. One of the regulations applicable specifically to the -CR district provides that parking for the use in the -CR district should be located in the -CR district. BCZR, §259.3.C.4. Of the 195 parking spaces proposed for the entire site, 57 parking spaces are proposed in the -CR district. Because not all the proposed parking spaces are located in the -CR district, a special hearing was requested to determine whether a variance is necessary, and if so, a variance was requested. See, Petition for Zoning Hearing, Special Hearing 5 and Variance 3.

Issue 3: Building Setback in the RO-CR Zone. The -CR district regulations provide a minimum building setback from the street right of way of 15 feet, and a maximum building setback of the average of the setbacks of the adjacent buildings. In this case, the average setback of the adjacent buildings is 19.5 feet. Accordingly, to comply with this regulation, the proposed building in the RO-CR zone must be located between 15 and 19.5 feet from the street right of way line. The proposal as reflected on Exhibits 2 and 3 shows that the proposed expansion within the RO-CR district is 102.46 feet, obviously greater than the maximum permitted setback of 19.5 feet. A variance has been requested. Petition for Zoning Hearing, Variance 1.

Issue 4: Parking and Stormwater Management in the RC-7 Zone. As shown on Exhibits 2 and 3, the zoning site plan, there are 26 parking spaces that partially extend into the RC-7 zone. In addition, there are 2 Moro-retention stormwater management facilities which serve the Property located in the RC-7 zone. BCZR, §1A08.3.B.2 provides that churches are permitted in the RC-7 zone by special exception. Even though the church building itself is proposed in the RO-CR zone and the RC-3, because the parking spaces and stormwater management serve the principal church use, a Special Exception is requested for these uses in the RC-7 zone. Petition for Zoning Hearing, Special Exception 1.[7],[8]

Each of the zoning issues identified above is addressed below in the context of the zoning designation in which the issue is presented. It should be noted that there are no items of zoning relief sought for any issue or situation on the site plan in the RC-3 zone. The proposal as reflected in the RC-3 zone is permitted by right under the BCZR. Churches are permitted by right in the RC-3 zone. The proposal as reflected on Exhibits 2 and 3 meet the setback

[7] The parking spaces extending into the RC-7 zone may also be approved via approval for institutional parking in a residential zone, pursuant to BCZR, §409.8.B. Approval pursuant to that section was requested in Petition for Zoning Hearing, Special Hearing 3, as an alternative to the special exception for church parking in the RC-7.

[8] Petition for Zoning Hearing, Special Hearing 2 and 4 request a determination as to whether a special exception is required for these uses in the RC-7 Zone. Petitioners have elected to simply move forward with the special exception proof, instead of arguing that a special exception is not required.

requirements in the RC-3 zone, and no other requirements of RC-3 zone are implicated by the proposal as reflected on Exhibits 2 and 3.

The RO-CR Zone

As noted above, BCZR, §259.3.C.1 provides certain building size restrictions in the -CR district, including an overall building size of no more than 8,800 square feet, of which no more than 6,600 square feet may be on the first floor, a floor area ratio not to exceed 0.20, and a building height not to exceed 30 feet. Because the portion of the proposed building within the -CR district in this case is 8,710 square feet, all of which is on the first floor and the building height in the -CR district in this proposal is 44 feet, the proposal does not meet the building size restrictions of BCZR, §259.3.C.1, and a special exception for the church is requested.

In instances where the proposed building does not meet the requirements of BCZR, §259.3.C.1, such as this case, BCZR, §259.3.B.3 provides that such buildings may be approved in the -CR district by special exception. A special exception for the church building is sought in the Petition for Zoning Hearing, Special Exception 2.[9] In order to obtain this special exception in the -CR district, the proposal 1) must be in compliance with site design guidelines and performance standards which are part of a duly adopted Master Plan for the district, 2) must meet the requirements of BCZR, §259.3.E, and 3) must meet the requirements of BCZR, §502.1. BCZR, §259.3.B.3 and .4. As a preliminary matter, it does not appear that there are any site design guidelines or performance standards that are part of a duly adopted Master Plan

[9] Variance relief was requested in the alternative to the Special Exception request. Petition for Zoning Hearing, Variance 2a and 2b. Granting the special exception would render the request for variances moot. Furthermore, with regard to the building height of 44 feet, it should be noted that BCZR, §300.2 provides that buildings for religious use may be built to a height of 50 feet in any zone in which they are permitted. Because of the specificity of this section, this regulation would control over the 30 foot height limit imposed generally in the RO-CR zone. Accordingly, because the proposed building does not exceed 44 feet, the building height in this case is approvable on this basis, despite the fact that it does not comply with the requirements of BCZR, §259.3.C.1. A special hearing was requested on this basis, and a variance if necessary. Petition for Zoning Hearing, Special Hearing 6 and Variance 2.b. Nonetheless, approval of the special exception for the building pursuant to Special Exception 2 would render Special Hearing 6 and Variances 2a and 2b moot.

applicable specifically to the -CR district, or even any standards or guidelines dealing with the situation presented by this proposal. Likewise, the Department of Planning provided comments on this Petition and did not note any applicable master plan provisions, and, further, indicated no objection to the relief sought. See Petitioner's Exhibit 14.

Turning to the requirements of BCZR § 259.3.E, that section states,

BCZR, § 259.3.E.

Additional requirements for the granting of a special exception in a C.R. District. In addition to the requirements generally imposed in the issuance of special exceptions by Section 502.1, the following requirements shall apply to the granting of special exceptions in C.R. Districts:

1. The petitioner shall document the need for the development at the proposed location.

2. The proposed development shall take into account existing and proposed roads, topography, existing vegetation, soil types and the configuration of the site. The proposed development will not disturb slopes with grades exceeding 25 percent; will minimize disturbance to vegetated areas, wetlands and streams; and will not result in undue site disturbance or excessive erosion and sediment loss. Infiltration will be maximized and stormwater management discharge will be decentralized.

3. Architecturally or historically significant buildings and their settings shall be preserved and integrated into the site plan.

4. The buildings shall be sited to protect scenic views from public roads and so that the natural rural features, including but not limited to pastures, croplands, meadows and trees, are preserved to the extent possible. Additional open space may be required to preserve and enhance the enjoyment of the natural amenities and visual quality of the site.

5. The proposed development will not be detrimental to neighboring uses and the tranquility of the rural area through excessive noise and will not result in a nuisance or air pollution from dust, fumes, vapors, gases and odors.

The Petitioner's witnesses' testimonies establish compliance with these requirements. As noted above, Pastor Fagbuyi testified as to the Petitioner's need for the proposed expansion. The existing facilities are too small and additional space is necessary for worship and other activities within the building. Mr. Owojuyigbe testified about how the proposed spaces are sized and designated, and that the proposed expansion is appropriate for this

particular congregation in terms of the number, types and sizes of the spaces proposed, the number of seats in the sanctuary, and other building parameters. The requirements of BCZR, §259.3.E.1 are met.

Mr. Mitten's testimony establishes compliance with the requirements of BCZR, §259.3.E.2. Mr. Mitten testified that the site was designed with such things in mind as proposed and existing roads and accessways, topography, vegetation, and the configuration of the site. The proposed development will not disturb slopes with grades in excess of 25 percent. Disturbance to vegetated areas is minimized. There is no disturbance to wetlands or streams. There is no stormwater management discharge within the RO-CR zoned portion of the Property.

With regard to items 3 and 4, there are no historically or architecturally significant buildings on the site, although the existing building is being retained and expanded. Likewise, the proposed expansion in the RO-CR zone is centrally located within the site, which protects views of the nearby pastures, meadows, and trees to the extent possible.

Lastly with regard to item number 5, there was no objective evidence presented that the tranquility of the rural area will be disturbed through excessive noise, or that there would be air pollution generated from the use from dust, fumes, vapors, gases or odors, particularly when these items are viewed through the lens of Shultz v. Pritts, "above and beyond the adverse effects typically generated by" the proposed church use.

Accordingly, the requirements of BCZR, § 259.3.E are met. Because the proposed improvements in the RC-7 zone also require a special exception and an examination of the requirements of BCZR, § 502.1, a discussion of these requirements is set forth in a separate section of this memo below, dealing with both areas together.

In addition to the bulk regulations of the -CR district, BCZR, §259.3.C.4 requires that parking be located in the -CR District. Turning to the issue of the adequacy of parking in the -CR District, it should be noted that the total number of parking spaces required for this

proposal is 113 spaces[10], and 195 parking spaces are provided on the proposed plan, well in excess of the requirement. Nonetheless, the interpretative question arises of whether the 57 parking spaces in the RO-CR zoned portion of the Property are adequate to meet the requirement of the -CR District that parking be located in the -CR District. To assist in this interpretation, Mr. Mitten discussed Petitioner's Exhibit 8, the floor plan with the zoning line superimposed on it. This exhibit shows that there are precisely 192 seats in the sanctuary in the RO-CR zoned portion of the Property. Because the parking regulations, §409.6, require 1 parking space for each 4 seats in the sanctuary, this means that in order to provide adequate parking for the seats in the RO-CR zoned portion of the sanctuary, the Petitioner must provide at least 48 parking spaces in the RO-CR zoned portion of the Property. Because 57 parking spaces are proposed within the -CR zoned portion of the Property, this proposal meets the requirement of BCZR, §259.3.C.4 that parking be provided in the -CR zoned portion of the Property.[11]

Lastly in the RO-CR zone, there is the issue of the building setback. As noted, the portion of the building in the RO-CR zone is setback 102.46 feet from the street right of way. The maximum permitted setback is 19.5 feet, based on the average of the setbacks of the adjacent buildings. BCZR, §259.3.C.2. Accordingly, a variance has been requested. Petition for Zoning Hearing, Variance 1. The Property is obviously unique on multiple fronts. First, the site plan proposes expanding an existing church building in the RO-CR which is setback over 100 feet from the street right of way. It would be impossible to expand the existing building in a functional way that brings the building to within 19.5 feet of the street right of way, while still

[10] Computed by dividing the number of seats proposed in the main sanctuary (450) by 4. BCZR, §409.6.
[11] Alternatively, a variance has been sought 57 spaces in RO-CR zone in lieu of the required number. Petition for Zoning Hearing, Variance 3. The unusual combination of zoning districts appliable to this Property renders the Property unique. Likewise, obviously without such a variance, the Petitioner would face great hardship in that it would not be able to move forward with the proposed expansion. Accordingly, in addition to the interpretative basis upon which the 57 spaces should be regarded as adequate, the Petitioner also qualifies for a variance from this regulation.

providing adequate parking and other site parameters. In addition, the minimum permitted setback in the adjoining RC-3 zone on-site, in which the expanded church will also be located, is 50 feet. BCZR, §1A02.3.B.4. Accordingly, it would be impossible to construct a building straddling the zone line that meets both the maximum permitted setback of 19.5 feet in the RO-CR zone and the minimum permitted setback of 50 feet in the RC-3 zone. Obviously, great hardship would result if the variance were not granted, particularly because the Petitioner would not be entitled to move forward with its expansion plans. It bears noting that an almost identical variance was granted in Zoning Case 08-0136-SPHA, Petitioner's Exhibit 10. In that case, a variance for 110 feet from the street right of way was granted in lieu of the maximum 19.5 feet. These factors taken together demonstrate the Petitioner's entitlement to the variance.

RC-7 Zone

As noted, the issue in the RC-7 zone is the 26 parking spaces serving this church use on the east side of the property which partially extend into the RC-7 zone, as well as the two Moro-retention stormwater management facilities, also serving the church use. BCZR, §1A08.3.B.2 requires a special exception for church use in the RC-7 zone. Accordingly, in order to achieve approval of these facilities in the RC-7 zone that serve the church use, a special exception is requested. Petition for Zoning Hearing, Special Exception 1.

Special Exception in RO-CR Zone and RC-7 Zone

This section addresses the requirements for a special exception under BCZR, §502.1 for a church in the RO-CR Zone and in the RC-7 Zone. Although the requirements for the RO-CR Zone and the RC-7 Zone are discussed together, the proposal's impact in each of these zoned areas is quite small, and only the marginal impact of the proposal within each of the zoned areas that requires analysis and approval. It bears repeating that no special exception or any other zoning approvals are required for the portion of the church (including building, parking, stormwater management, or other features) in the RC-3 zone. When

evaluating the Special Exception criteria under the -CR district regulations, BCZR, §259.3.E, and the general special exception regulations, BCZR, §502.1, it is only that the impacts of that portion of the church located in the RO-CR zone that should be considered. Likewise, when evaluating the special exception criteria for the church features in the RC-7 zone under BCZR, §502.1, it is only the impacts that arise within the RC-7 zone that should be considered. This is because the vast majority of the proposed use overall is in the RC-3 zone, which permits churches by right, and it would not be appropriate to consider the impacts generated by the proposed church use in the RC-3 zone as part of the analysis as to whether the special exceptions should be granted in the RO-CR zone or the RC-7 zone. As discussed in the special exception cases, churches being permitted by right in the RC-3 zone is a result of a legislative determination that they are necessary, desirable, and compatible with other nearby uses without further inquiry. See, for example, *Montgomery County v. Butler*, 417 MD. 271 (2010). The special exception inquiry in this case is not for a 20,000 square foot church with 195 parking spaces. The special exceptions separately require consideration of the 8710 square foot portion in the RO-CR zone, and the portions of the 26 parking spaces that partially extend into the RC-7 zone and the stormwater management facilities in the RC-7 zone.

The evidence in this case establishes that the proposed church uses in the RO-CR zone and in the RC-7 zone, and the impacts of these uses within these zoned areas, are typical of church uses, irrespective of where they might be located. All four of the Petitioner's witnesses testified consistently of a very typical church use. From an engineering perspective, the site presents some challenges, particularly from a stormwater management perspective, but as Mr. Mitten testified, the challenges are isolated to the RC-3 zoned portion of the Property. Mr. Mitten testified from a general engineering perspective that the special exception uses will not generate adverse effects above and beyond those adverse effects typically associated with church use. Mr. Keeley testified with regard to traffic that the uses within these zoned areas will not generate adverse effects above and beyond those inherently

associated with a church use. Mr. Owojuyigbe described a very typical church proposal, less than half of which (by square footage) will be located in the RO-CR district. Pastor Fagbuyi described very typical church activities – Sunday School, Sunday worship services, mid-week prayer service, bible study, prayer vigils, and occasional special events. There was nothing in the testimony of these witnesses that indicated that the proposed use, or the anticipated effects within the affected zones, will be anything but typical.

With regard to the RO-CR zoned portion of the Property, the proposal is for a 8,710 square foot portion of the expanded church. The -CR district regulations permit 8,800 square feet, but only 6,600 square feet on the ground floor. Accordingly, it is not the overall size of the building in the RO-CR zone that requires approval, because the size is within the maximum 8,800 square feet permitted. Instead, it is merely the fact that the structure is one level. The marginal impact of the fact that this portion of the building is one level instead of two is less than *de minimis* – it is nil. It is also important to note again that a variance for 8,400 square feet on the ground level was previous granted in Case No. 08-136-SPHA, Petitioner's Exhibit 10.

Turning to the RC-7 zoned portion of the Property, it is not even a church building that is being proposed for this area, only a portion of 26 parking spaces that partially extend into the zone from the RC-3 zone and the qualitative stormwater management facilities. The impact from these features likewise is minimal, and no greater than if these features were proposed as an accessory to a use permitted by right, such as a school. BCZR, §1A08.3.A.4.

The Maryland Court of Appeals has repeatedly held that special exception uses are entitled to a presumption that they are in the interest of the general welfare and therefore valid. *Shultz v. Pritts*, 291 Md. 1 (1981); *DMS Tollgate v. Attar*, 451 Md. 272 (2017). Indeed, *DMS Tollgate* emphasized that a special exception may be denied only when facts and circumstances show that the adverse effect of the proposed use at the proposed location would be above and beyond those adverse effects typically associated with the special

exception use. None of the evidence in this case would support a finding that any of the anticipated adverse effects generated by the use within either the RO-CR zone or the RC-7 zone would be greater than the adverse effects typically generated by typical church uses. For these reasons, the special exceptions of the site features that extend into the RO-CR zone and the RC-7 zone must be granted.

Denial of this Petition Would Violate RLUIPA

Aside from the Petitioners' demonstrated entitlement to the relief requested in its Petition under traditional considerations of zoning law and statutory interpretation, the federal Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA") is a significant factor in the Office of Administrative Hearing's consideration of this case and compels approval. RLUIPA provides, in relevant part,

> 42 USCA §2000cc. Protection of land use as religious exercise.
> (a) Substantial burdens
> (1) General rule
> No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution--
> (A) is in furtherance of a compelling governmental interest; and
> (B) is the least restrictive means of furthering that compelling governmental interest.
> (2) Scope of application
> This subsection applies in any case in which
> * * *
> (C) the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.
> (b) Discrimination and exclusion
> * * *
> (2) No government shall impose or implement a land use regulation discriminates against any assembly or institution on the basis of religion or religious denomination.
> (3) Exclusions and limits
> No government shall impose or implement a land use regulation that
> * * *

> (2) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

This proceeding in which the Petition is being considered is a component of a "system of land use regulations under which [Baltimore County] makes . . . individualized assessments of the proposed uses of the property involved." Accordingly, this proceeding is subject to RLUIPA and the OAH is not merely an impartial decision maker in this case, but the OAH's own actions are subject to the law's constraints.

As set out above, RLUIPA prohibits the imposition or implementation of a land use regulation "in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution" in the absence of a compelling governmental interest. A "substantial burden" is one in which the government regulation at issue creates a need for the religious organization to change its behavior. Bethel World Outreach Ministries v. Montgomery County Council, 706 F.3d 548, 556 (4th Cir. 2013). See also, Jesus Christ Is the Answer Ministries, Inc. v. Baltimore County, Maryland ("JCIAM"), 915 F.3d 356, 261 (4th Cir 2019) (The implementation of a land use regulation in a manner which effects of total prohibition of use of the property for religious exercise is a substantial burden). "Religious exercise" under RLUIPA includes "the use, building, or conversion of real property for the purpose of religious exercise . . . ." 42 USCA §2000cc-5(7)(B).

RLUIPA provides in 42 USCA §2000-3(e),

> (e) Governmental discretion in alleviating burdens on religious exercise
>
> A government may avoid the preemptive force of any provision of this chapter by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions from the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden. [Emphasis added.]

Accordingly, the OAH has broad discretion to eliminate a substantial burden in this case by any means necessary.

In this case, Gofamint through the unrebutted testimony of its witnesses, has shown compliance special exception standards, the variance standards, and the other regulatory requirements that give rise to an approvable site plan. The denial of the Petition in light of this evidence would be a substantial burden giving rise to a RLUIPA claim.

For the reasons described above and elsewhere in this Memorandum and in order to avoid the preemptive force of RLUIPA in accord with 42 USCA §2000-3(e), the OAH should grant the Petitioners' requested relief.

Conclusion

This is a complicated case from a regulatory perspective. The Property is split zoned among three zones, each of which has different regulations as to uses, bulk and area, and other requirements. Analytically, the inquiries are complicated by the fact that the uses in the RO-CR zone and the RC-7 zone must be analyzed irrespective of the use of the RC-3 zone, or the impacts generated by them. Finally, everything must be viewed through the lens of RLUIPA. Despite the complexity, the weight of the evidence and the weight of the law firmly support approval of the Petition.

Respectfully submitted,

October 21, 2022
Date

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Certificate of Service

I certify that on October 21, 2022 I sent a copy of the foregoing Memorandum by email to Michael McCann, attorney for the Protestants, at michael@mmccannlaw.net.

Dino C. La Fiandra

IN RE: PETITIONS FOR SPECIAL HEARING & VARIANCE	*	BEFORE THE
N of Liberty Road, 840 feet SE of c/l Holbrook Road	*	DEPUTY ZONING
2nd Election District	*	COMMISSIONER
4th Councilmanic District		
(10610 Liberty Road)	*	FOR BALTIMORE COUNTY
Holbrook Center, LLC; by Arnold T. Abel, Managing Member	*	
Petitioner	*	**Case No. 08-136-SPHA**

* * * * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owner of the subject property, Holbrook Center, LLC, by Arnold T. Abel, Managing Member. The Special Hearing request was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to amend the previously approved plan and Order in Case No. 77-167-XSPH. The Variance requests are from Section 259.3.C.1.a of the B.C.Z.R. to permit a building with a gross floor area of 8,400 square feet[1] on the ground floor in lieu of the allowed 6,600 square feet, and from Section 259.3.C.2.a of the B.C.Z.R. to permit a 110 foot front yard setback in lieu of the 19.5 foot required per the averaging requirement. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing and variance relief was Petitioner Arnold T. Abel, Managing Member for Holbrook Center, LLC,

[1] Petitioner's original Petition for Variance contained a request to permit a building with a gross floor area of 8,300 square feet on the ground floor in lieu of the allowed 6,600 square feet on the ground floor. At the outset of the hearing, Petitioner requested to amend the petition to reflect an actual variance request for 8,400 square feet, which was granted without objection and redlined on the site plan.

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and his attorney, Jennifer Busse, Esquire, with Whiteford, Taylor & Preston, LLP. Also appearing in support of the requested relief was Phil Carroll with Whitney, Bailey, Cox & Magnani, LLC, the consultant who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a square-shaped parcel containing approximately 180,009 square feet or 4.29 acres, more or less, and zoned R.C.3 and R.O.-C.R. The portion of the property zoned R.C.3 consists of approximately 112,110 square feet or 2.57 acres, and the portion zoned R.O.-C.R. consists of approximately 62,233 square feet, or 1.43 acres. The property is located in a rural area of Liberty Road approximately six miles northwest of Randallstown near the Carroll County line in the Holbrook area of Baltimore County. It is improved with an existing one-story (and partially two-story) wood frame and siding office building consisting of approximately 3,600 square feet. The property utilizes well and septic service.

The property was the subject of a prior zoning hearing in 1977. Prior to that time, the existing structure, constructed in approximately 1969, was utilized as a church for the Holy Spirit Lutheran Church. In 1977, petitions for special exception and special hearing were filed, to use the building as an office building and for offices, and to permit off-street parking in a residential zone, respectively. The testimony and evidence indicated then that several unsuccessful attempts were made to sell the property as a church. At the time of the hearing, the property owner had contracted to sell the property to an insurance agency for office use. The contract purchaser proposed to expand the existing building and to provide 20 off-street parking spaces in the area that was then an R.C.4 zone (now an R.C.3 zone). In Case No. 77-167-XSPH, then-Deputy Zoning Commissioner George J. Martinak granted the special exception and special hearing

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requests. A copy of the petitions, the property description, the Order, and the site plan was collectively marked and accepted into evidence as Petitioner's Exhibit 2.

Petitioner has owned the property since 2003 and has operated a financial services/insurance company at the location. Petitioner indicated that in general, about half his clients come into the office to conduct their business and the other half are serviced off-site. Petitioner has approximately 10-13 employees and desires to expand up to approximately 20-25 employees. Photographs of the property and the building were marked and accepted into evidence as Petitioner's Exhibits 3A through 3I. These photographs were taken from various vantage points on the property and show the front of the building from Liberty Road to the south, the left side of the building to the west, the right side of the building to the east, and the parking area located to the rear of the property. Petitioner is content with the property and the building in general, but in order to expand as he wishes to do, it is necessary to construct several additions to the building. As such, Petitioner proposes to construct a 1,500 square foot one-story addition on the west side of the building and a 3,300 square foot one-story addition on the east side of the building, for a total ground floor square footage of 8,400 square feet. An architectural drawing with elevations was marked and accepted into evidence as Petitioner's Exhibit 4. When compared with the photographs of the existing building, it appears the proposed addition and overall exterior improvements will be a visual upgrade to what is there presently.

In order to enlarge the building as proposed, Petitioner is in need of several variances. The first is to exceed the gross floor area permitted on the ground floor of 6,600 square feet and allow a total of 8,400 square feet. In support of this request, Petitioner indicated that it is important in his type of business to have the flow of employees and the work on one floor. It would not be conducive to have a multi-level building occupied by only one business. In

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addition, the shear size of the lot, and the existing open space on the property provides more than adequate space for an enlarged building, and without any risk of overcrowding the land. Moreover, expanding the current one-story building in lieu of adding a level merely to comply with the maximum floor space requirement would not be in keeping with the aesthetics of the area, nor would it be consistent with the rural character of the R.C. zone.

The second variance is to permit a 110 foot front yard building setback in lieu of the required average adjacent structures resulting in 19.5 feet. Ordinarily, petitioners come before this Commission seeking relief because their proposed setback is too close to the property line or required setback distance. In this case, again because of the size of the lot, Petitioner's variance request is to be farther away from the minimum setback line than what is required. Section 259.3.C.2.a of the B.C.Z.R. states that in a C.R. District, "[t]he front yard setback shall be not less than 15 feet from the street right-of-way line and not more than the average of the setbacks of adjacent buildings." The next adjacent property to the west is a commercial building located in a B.L.-C.R. zone with a front yard setback of 14 feet. There is no structure located to the immediate east because that land is a Baltimore County Recreation Area. Hence, Petitioner used the minimum R.O. front yard setback of 25 feet, resulting in an average of 19.5 feet. In support of the request to exceed that maximum allowance and to permit a front yard setback of 110 feet, Petitioner points out the unique and peculiar characteristics of this property. The property is an office use located in a rural area. The property is also split-zoned R.O.-C.R. and R.C.3. It is also immediately adjacent to several other zones, including R.C.4, R.C.2, R.C.7, and B.L.-C.R. Although most of the subject property is cleared, it is very wooded to the north and east. Petitioner also pointed out that the intent of the C.R. District overlay is to provide opportunities for convenience shopping and personal services that are customarily and frequently needed by

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the rural residential and agricultural population, but may not be easily available. And the purpose of the front yard setback requirement is to give a more uniform, "main street" feel to a commercial center in one of these Districts. However, in the instant matter, Petitioner indicates that it is not applicable because the structure on the subject property is more of a stand-alone building that is not part of a commercial center. In Petitioner's view, allowing the expanded building to be set back further from the front yard than what is normally permitted would actually be beneficial to keeping the rural and agricultural character of the area. Petitioner also pointed out that there would be no practical way to comply with a 19.5 foot front yard setback requirement.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments received from the Department of Environmental Protection and Resource Management (DEPRM) dated November 6, 2007 indicate that the property must comply with the Forest Conservation Regulations and that soil evaluations and a septic inspection may be required. There were no other comments, nor any adverse comments submitted. The State Highway Administration indicated an Access Permit may be required.

In regard to the requests for variance, considering all the testimony and evidence presented, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request, including the large size of the property, as compared with the size of the building thereon, the split-zoning of the property and the various zones adjacent to the property, and the office use in a rural area. Therefore I find the property unique in a zoning sense.

I find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Indeed, it would be virtually impossible

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for Petitioner to construct the proposed addition and also comply with the maximum floor area and front yard setback requirements. I also find that these variances can be granted in strict harmony with the spirit and intent of said regulations and in a manner so as to grant relief without injury to the public health, safety and general welfare.

In granting the variances, I am also persuaded to grant the special hearing request to amend the previously approved plan and Order in Case No. 77-167-XSPH so as to allow the off-street parking to continue in the R.C.3 zone, consistent with the expansion of the building located on the subject property in the R.O.-C.R. zone. It should be noted that the previously granted special exception area is not being expanded, but only the structure itself -- and still within the R.O.-C.R. zone.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 20th day of December, 2007, that Petitioner's requests for Variance from Section 259.3.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building with a gross floor area of 8,400 square feet on the ground floor in lieu of the allowed 6,600 square feet, and from Section 259.3.C.2.a of the B.C.Z.R. to permit a 110 foot front yard setback in lieu of the 19.5 foot required per the averaging requirement are hereby GRANTED; and

IT IS FURTHER ORDERED, the Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the B.C.Z.R. to amend the previously approved plan and Order in Case No. 77-167-XSPH is hereby GRANTED, subject to the following:

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

2. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

3. Prior to building permit approval, a usage letter must be submitted. Soil evaluations may be required. A septic inspection may also be required.

4. Petitioner shall consult with the State Highway Administration (SHA) to determine if an Access Permit for MD 26 is required.

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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By PB

RE: PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING NE/S of Liberty Road, 480' SE of Holbrook Road - 2nd Election District Holy Spirit Lutheran Church - Petitioner NO. 77-167-XSPH (Item No. 159)	:	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

::: ::: :::

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for a Special Exception for an office building and offices and a Special Hearing for off-street parking in a residential zone. The subject property is located on the northeast side of Liberty Road, 480 feet southeast of Holbrook Road. This four (4) acre property is presently improved with a one-story frame building, with parking at the rear. As the name indicates, the 4,050 square foot structure was constructed for a church; a use since abandoned. The total tract is located in three (3) zones: D.R.16, D.R.2, and R.C.4.

Testimony on behalf of the Petitioner indicated that several unsuccessful attempts were made to sell the property as a church. As a result of this failure, the Petitioner now wishes to sell the property to the Matterhorn Insurance Agency for office use. As contract purchaser, Matterhorn Insurance Agency proposes to enlarge the existing building by 1,800 square feet, including a one-story addition to the west side of the structure. Twenty (20) off-street parking spaces in the R.C.4 zone, located at the rear of the building, will be provided.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgement of the Deputy Zoning Commissioner, the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations have been met, and the Special Exception should be granted.

Further, as the Petitioner's plan meet the requirements set forth in Section 409.4 of the Baltimore County Zoning Regulations and that the health, safety and general welfare of the locality involved not being adversely affected; the Special Hearing for off-street parking in a residential zone, in accordance with the plat dated January 4, 1977, and approved March 17, 1977, by John L. Wimbley, Planner III, Project and Development Planning Division, Office of Planning and Zoning for Baltimore County, said plat having been filed as Exhibit "A" in this proceeding and which is incorporated by reference herein as a part of this Order, should also be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 17th day of March, 1977, that the Special Exception for an office building and offices and the Special Hearing for off-street parking in a residential zone should be and the same are hereby GRANTED, from and after the date of this Order, subject to the following:

1. The general appearance of the building, including the proposed additional structure around the central core, must remain substantially the same.

2. Screening to the rear of the parking lot, consisting of four (4) foot staggered evergreens, must be installed and maintained.

3. Compliance with the aforementioned approved site plan.

Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
DATE 3/17/77
BY [signature]

IN RE: PETITIONS FOR VARIANCE, SPECIAL HEARING, AND SPECIAL EXCEPTION 10610 Liberty Road	*	BEFORE THE
	*	OFFICE OF ADMINISTRATIVE
The Gospel Faith Mission Int'l *Petitioner/property owner*	*	HEARINGS FOR
	*	BALTIMORE COUNTY
	*	Case No. 2022-0138-SPHXA

* * * * * * * * * * * * *

PROTESTANTS' POST-HEARING MEMORANDUM

Protestants, Mary and Trina Vogelsang, submit this post-hearing memorandum in support of their opposition to the relief requested.

FACTUAL BACKGROUND

A. The Property

The subject property (the "Property" or the "Church property") is 4.3 acres and split-zoned RO-CR, RC3, and RC7. The Property is outside of the URDL, in a Growth Tier IV area (the most restrictive of the growth tiers), and in a distinctly rural area of the County. To the immediate east is a large County-owned property, zoned RC7, which is a designated green space. Behind the Property (north and northwest) are hundreds of acres of RC4 and RC7 zoned property, including the horse farm owned by Protestants, and Soldier's Delight, a 1900-acre nature preserve that is habitat for more than 30 rare or threatened species. (Prots' Ex. 12). To the west of the Property is a small snowball stand.

The Property is not flat. It slopes dramatically towards the rear (north/northwest) and, as a result, drains onto Protestants' property. A tributary of Locust Run daylights in this same area, close to the Church property, and runs from there to Liberty Reservoir, a drinking water supply for County residents. (T1, pp. 13; T2, pp. 77, 144).

The Property is currently improved with a 3,650 square foot structure that the Petitioner is using to hold services and other religious activities and events.

B. The DRC exemption and various iterations of the plans

In 2017, Petitioner filed an application and plan with the Development Review Committee (DRC) seeking an exemption under 32-4-106(b)(8) of the County Code. (Prots' Exs. 3 and 4). The application was granted and a limited exemption development plan (the "LED Plan") was subsequently filed with the County (Prots' Ex. 5). The LED Plan has not been approved and is still being processed. As will be discussed below, the LED Plan and the DRC plan are different than the plan that is the subject of these proceedings in several respects, in terms of the number of sanctuary seats, the location of the entrance, the number and configuration of parking spaces, the septic systems, and the stormwater management facilities. (*Compare* Prots' Exs. 4 and 5 *with* Pet's Ex. 2). The zoning plan has itself changed considerably since first filed. (*Compare* Pet's Ex. 2 *with* Prots' Exs. 6, 7, and 8).

C. The Proposed Church Expansion

Petitioner proposes a 16,600 square foot addition to the existing 3,650 square foot structure, for a total of 20,250 square feet. The proposed building is located partially on the RO-CR zone and partially on the RC-3 portion of the site. In the RC7 portion, Petitioner has located 26 parking spaces and two of its stormwater facilities.

The proposed church would have a large sanctuary with 450 seats, a 1500 square foot fellowship hall, 10 classrooms with capacity to hold 184 students, eight bathrooms, two kitchens, administrative offices, a senior pastor office, an associate pastor office, a conference room, and account office. (Pet's Ex. 11). Because of the manner in which the Property slopes, the building

will appear larger when viewed from the north. (T2, pp. 77, 79). Petitioner proposes a parking lot with 195 parking spaces, 82 more spaces than is required by the County's zoning regulations.

D. The Church's Services, Events and Other Activities

Pastor Fagbuyi testified regarding the types and frequency of services, events and other activities that presently take place at the Church and that would take place if this proposal were approved. On Sundays, the Church, which has approximately 150 members, has Sunday school at 9 am and then a service at 10 am attended by about 140-150 people. On Tuesday and Wednesday evenings, the Church hosts prayer services and bible study, each attended by about 30-35 people. On Fridays, once a month, there is a prayer vigil from 10 pm to 2 am and once every two months there is a supernatural night of wander attended by 160-170 people. (T2, pp. 5-13). The Church hosts weddings and baptisms, and has holiday services on Christmas and Easter. (T2, pp. 34-35).

Pastor Fagbuyi explained that he expects both the Church's membership and the number of attendees to continue growing. (T2, pp. 20-21). Indeed, the water usage letter submitted on the Church's behalf (Prots' Ex. 15), estimates that there will be *two* services on Sunday, not one, and that each service will be attended by 450 people. The water usage letter estimates that 200 people will attend the weddings and other special events held at the Church (T2, pp. 36-39) and that its staff will increase from two to ten employees. (T2, p. 31).

The elevations and floor plans for the proposed Church building reflect that it can accommodate all of these events and activities, and more. (Pet's Exs. 9 and 11). As noted, the plans show a sanctuary with 450 seats, a fellowship hall of 1500 square feet, 10 classrooms with capacity to hold 184 students, eight bathrooms, two kitchens, administrative offices, a senior pastor office, an associate pastor office, a conference room, and account department office.

E. The Testimony of Mr. Mitten

Petitioner's main witness, Mr. Mitten, was unfamiliar with the area around the Property and did not know, for example, whether or not there were any other large institutional or commercial buildings. He did not know whether any surrounding properties were under conservation easement and did not know that Soldier's Delight was located behind the Property. (T1, pp. 46-48). He did know what the Master Plan calls for in the area. (T1, pp. 46-48)

Mr. Mitten has not visited the church on a Sunday or any other day during services. He was unfamiliar with how cars currently park on the property. He could not speak to the proposed layout of the building or the needs of the church. He had not spoken to the church's representatives about that. He did not know anything about the number of church members or its growth history. He admitted that he does not know how or how often the building will be used. He was simply told to put a 20,000 square foot building on site. (T1, pp. 51-52).

When asked how he could opine about the impacts of the proposal if he was unaware of these things, Mr. Mitten responded simply that if his understanding of things changes, then the plan would be adjusted. (T1, pp. 74-77).

F. The Testimony of Lynell Tobler

Ms. Tobler is the vice president of a conservation group that works to protect Soldier's Delight, which adjoins the Vogelsang farm. She is very familiar with the Vogelsang farm and the surrounding area as she kept her horse at the stables for ten years and volunteered there for many years. She described the farm as "quiet and serene and bucolic," and "an absolute respite to be able to get away from the noise and traffic and light and pollution." (T2, pp. 140-41).

Ms. Tobler expressed her concern that all of the activities at the church, the cars coming and going, and the noise and light pollution, will threaten the peaceful and serene nature of the

farm. She expressed concern regarding the lack of any landscaping plan and the runoff from the impervious surface of the parking lot which will drain towards the Vogelsang farm and the tributary of Locust Run. (T2, pp. 143-44). When asked about her experience with driving on Liberty Road at the site, Ms. Tobler described how it is "startling" when you come over the hill on Liberty Road and encounter people entering and exiting the snowball stand or the Vogelsang farm. She expressed her concern that, if the access to the Property is moved further east, it will be dangerous for people coming over the crest of the hill, who will suddenly be met with cars waiting to enter the Property or exiting the Property after a church service. She believes it's a "recipe for disaster." (T2, pp. 146).[1]

G. <u>The Testimony of Trina Vogelsang</u>

Ms. Vogelsang, with her parents, owns the 69-acre farm immediately behind (north) of the Church property. For 26 years, she has operated boarding stables on the farm, under the name Gaitaway Stables. In addition to boarding, she offers training and riding lessons to her customers, who are typically middle income folks of all ages. She and her customers ride the horses on the trails located on the farm and on trails that run through the County-owned green space to the east of the Church property. On average, there are 40 horses boarding at one time. She described her business as a 24-hour per day, seven days a week commitment; it is her "life's work and passion." She is passionate about her animals and their safety.

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[1] Under AASHTO standards, the required intersection sight distance (ISD) is 555 and stopping sight distance (SSD) is 425 feet. (T2, pp. 115-17). Mr. Keeley described a sight distance profile, Petitioner's Ex. 13, that purportedly shows, at most, that the *minimum* ISD and SSD are met at the proposed entrance for westbound vehicles. Mr. Keeley did not prepare the exhibit, but admitted that it does not show the *actual* sight distance that is available, e.g., how much SSD is there? Is 475 feet or the exact minimum of 425? (T2, pp. 120-24). Because we don't know the actual ISD and SSD, Mr. Keeley was unable to confirm whether the minimum SSD still would be met if there were one or more westbound cars queuing on Liberty Road waiting to enter the site. (T2, pp. 125-26). If there is one car queuing, then the available SSD would be reduced 25 feet for a car heading westbound; if there are two cars queuing then SSD would be reduced by 50 feet.

There are various barns, sheds, and turnout areas for the horses on the farm. In particular, along the border of her property with the Church's property is a pasture area for her horses and a small shelter for the horses. The farm is protected under a permanent agricultural easement. (T2, pp. 160-61, 163-64, 166).

Ms. Vogelsang described her experiences with the Church since it first began operating at the Property. She noticed a dramatic change in the nature of the area. In addition to services, the Church often has parties and other activities, indoor and outdoor, with loud music. She is often woken up by the noise, which sometimes literally rattles her house. There was such an event just a few weeks before the hearing, with a commercial dee jay and 100-150 attendees. The Church has added a number of lights on the parking lot that are on 24 hours a day. She was told by church leadership that the lights were added because church goers were robbing cars in the parking lot while services were going on. For some events, the Church also rents lights which she explained shine brightly towards her house. On these occasions, she has had to walk over and tell the Church members to move the lights. Ms. Vogelsang believes the pastor, during his testimony, understated the amount and type of activities at the Property. (T2, pp. 166-68, 172, 202).

In addition to noise and light pollution, Ms. Vogelsang expressed her concern for the safety of persons coming and going to her farm. She explained that the farm receives large deliveries of hay and grain, which are brought in tractor trailers or big box trucks. Because of their size, these trucks cannot get out onto Liberty Road quickly from her narrow driveway. The same problem exists for her customers who often bring horses to the farm or leave the farm in horse trailers to attend shows. These trailers, she explained, cannot get in or out quickly because they have live animals standing in the back. Weekends are especially busy. Most of her customers work during the week and ride on weekends or go to horse shows on weekends. She believes that adding a

second entrance in this area is only going to make it more dangerous and hazardous for her customers and for vehicles making deliveries to her farm. She does not believe that the proposed parking lot will be adequate for the traffic that she's observed at the Church and that people will be parking along Liberty Road. (T2, pp. 169-70, 191; Prots' Ex. 2 (photograph 6)).

Ms. Vogelsang described how water drains off the Church property onto the pastures on her property. There is a steep grade there and water tends to funnel from the east and west sides of the church property and creating a gulley on her property that runs toward Locust Run. (Prots' Exs. 1 and 2 (photographs 9-12)). She is also concerned about her water supply. Her well is reliable but not fast running. There have been times on Sundays, when a lot of people are at the Church, that her water runs brown. When too much water is drawn it stirs up sediment that comes out with the water. She believes this is attributable to the Church because the same thing happens when her water is left on and the well is drawn down for lengths of time. This all started within a year of when the Church first came to their property. With the increase use that the Church is proposing she is concerned that there simply won't be enough water for her farm. Each of her horses drinks 10 gallons of water per day and she uses water for a number of other purposes on the farm. (T2, pp. 175-78, 197).

Ms. Vogelsang expressed great concern for the safety of the horses and their riders. Protestants' Exs. 13A-D and Ex. 2 (photo 14) show the pastures where the horses graze, which are directly behind the Church. She explained that horses are a lot more fragile than people think and, although domesticated, react to stimulus differently than a dog or cat. By nature, they are flighty and, if startled, their first instance is to run. If a horse is startled while a rider is on their back, this can create a dangerous situation. She explained that this has happened a number of times during activities at the Church. One rider had to go to the hospital for a broken leg after she fell off the

horse when loud noises at the Church startled the horse. As a result of these problems, Ms. Vogelsang has had to curtail riding lessons during the hours that the Church is having activities because it is simply not safe. (T2, pp. 173-74, 206).

Trash from the Church presents another, real problem. It accumulates in the two pastures on the farm next to the Church's property. She has collected three garbage bags full each week. (Prots' Ex. 2 (photographs 7, 8, 13A-D, 14)). She explained that a horse has a digestive system that does not allow it to vomit or regurgitate, so if they eat something that cannot pass, it can be a life-threatening situation. She has to be very diligent to clean up the trash very quickly to avoid hazards to horses. (T2, p. 174-75, 179, 221).

Ms. Vogelsang concluded her testimony by expressing that she believes that the proposed Church will have a significant impact on her business. Her customers come to her farm to spend time with their horses in a peaceful, tranquil, and relaxing setting; as she put it, "it's almost a spiritual thing." Her customers do not have a lot of expendable income. This is what they chose to do, and will go elsewhere if there is too much going on, basically, in her front yard. The infrastructure is not adequate and a structure of the size and scope proposed is not appropriate in this area. It is completely out of place and dwarves anything structure within miles. She believes that County Council zoned the property the way they did because of the sensitive nature of the area and its adjacency to the protected watershed property. She explained that her own property's proximity to these areas was a prime consideration for its acceptance in the preservation easement program, which does not typically accept properties less than 100 acres. (T2, pp. 192-94).

ARGUMENT[2]

A. The CR District – Petitioner Failed To Meet Its Burden To Prove Entitlement To The Special Exception Provided For In Section 259.3.B.3[3]

The uses permitted in the CR district include "any use permitted by right in the underlying zone on which the CR District applied *and which meets the bulk regulations of Section 259.3.C.1* is permitted by right." 259.3.A (emphasis added). The bulk regulations in section 259.3.C.1 include the requirement that "the gross floor area for all buildings on a lot shall not exceed 8800 square feet, of which no more than 6600 shall be on the ground floor." 259.3.C.1.a. If a building does not meet these 8800 and 6600 square footage requirements, it is permitted "*by special exception only* when the proposed development is in compliance with site design guidelines and performance standards which are part of a duly adopted Master Plan for the district." 259.3.B.3 (emphasis added).

1. Mr. Mitten misinterprets section 259.3.C.1

At the hearing, Mr. Mitten stated, without elucidation, that the square footage requirements in section 259.3.C.1 apply only to that portion of the building that is within the CR district and not to the building as a whole. (T1, pp. 115). This is a strained and narrow interpretation that ignores the words "on a lot" in 259.3.C.1. These words have to mean something; here, they mean that the

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[2] During the hearing, there was considerable discussion regarding the fact that Petitioner has already proceeded through the DRC process, obtained an exemption, and has filed a LED Plan that is still under review by the County. Mr. Mitten candidly acknowledged that, because the LED Plan has not yet been approved, there could be other changes to the plan for this site. Thus, the ALJ could be reviewing a plan that may change in one or more material respects; in fact, it already has. Nonetheless, Protestants, at this time, do not request that this case be dismissed. The plan, as filed, can be reviewed, but Protestants do submit that consideration should be given to the ability of Mr. Mitten, under these circumstances, to express an opinion regarding the special exception standards. Further, if the development review process yields material changes to the LED Plan, then Protestants believe that additional or new zoning proceedings should be initiated.

[3] The permitted uses in the RO zone are the "uses permitted as of right and as limited in DR 5.5 Zones." 204.3.A.1. A church is permitted in the DR 5.5 zone, so it is permitted in the RO zone. 1B01.1.A.3.

entire Church building on this lot – there is only one lot – cannot exceed 6600 square feet on the ground floor and 8800 square feet in gross floor area. We should not assume that the County Council, in adopting different zones for this property, did not contemplate such circumstances. Moreover, Petitioner is not without any remedy. Theoretically, it could expand its existing building to these limits or construct a building, if feasible, in the other zones.

2. *Petitioner failed to request the proper relief or prove its entitlement to that relief*

Even if we assume Mr. Mitten's reading of 259.3.B.3 is correct, Petitioner miscalculates the relief that is necessary. It is true that the ground floor of the building within the CR district exceeds the 6600 square foot maximum, it is also true that all floors of it within the CR district exceed the 8800 square foot maximum. This is obvious from the renderings and plans introduced by Petitioner (Pet's Exs. 5, 8, and 9), which clearly show that the entire building within the CR district (ground floors and the floors above it) is significantly larger than 8800 square feet maximum. Petitioner did not request this relief or prove its entitlement to it.

3. *Petitioner failed to meet, or even address, the standards in 259.B.3*

As noted, section 259.B.3.3 provides that a building can exceed the 8800 and 6600 square footage requirements, but *only* (1) by special exception, and (2) if the proposed development "is in compliance with site design guidelines and performance standards which are part of a duly adopted Master Plan for the district." 259.3.B.3 (emphasis added)

During the hearing, Mr. Mitten did little more than pay lip service to the special exception standard. (*See* T2, pp. 23-26). Specifically, when asked whether there would be adverse impacts of the church in this location than elsewhere in the zone, Mr. Mitten stated simply, "I don't think it will be worse than elsewhere" (T2, p. 25) and "I think it's actually better here because … the ROCR zone is so small in comparison to the whole site…the building is negligible compared to

the whole site." (T1, 24). He added that, "if the whole site were RC7...that would be a different situation to what we have now...." (T1, p. 24). Simply saying that the impacts won't be worse – or more accurately that he does not "think" the impacts will be worse – cannot be sufficient. And the fact that the RO-CR zone is small in comparison to the whole site is meaningless.

Further, Mr. Mitten did not even attempt to address the other part of the standard in 259.3.B.2 – whether the proposed development "is in compliance with site design guidelines and performance standards which are part of a duly adopted Master Plan for the district." 259.3.B.3. Petitioner clearly failed to meet its burden on this issue. *Attar v. DMS Tollgate, LLC*, 451 Md. 272, 286 (2017) ("[B]oth the burden of production and the burden of persuasion on the issue of whether the special exception should be granted' fall on the applicant.... [The applicant] "must persuade [] 'by a preponderance of the evidence that the special exception will conform to all applicable requirements.'") (*quoting People's Counsel for Baltimore County v. Loyola Coll. of Md.*, 406 Md. 54, 109 (2008)).

B. The CR District – Petitioner Failed To Meet Its Burden To Prove Entitlement To A Variance From 259.3.C.2a

The front yard setback of buildings in a CR district "shall not be ... more than the average of the setbacks of adjacent buildings." 259.3.C.2.a. Here, it not disputed that the average of the setbacks is 19.42 feet since the snowball stand on the west side of the Property is setback19.42 feet and there is no building on the east side of the property. Petitioner seeks a variance to allow a front setback of 102.46 feet in lieu of the required 19.42 feet.

Section 307.1 requires Petitioner to demonstrate that "special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship." It is well-settled that the authority to grant a

variance "should be exercised sparingly and only under exceptional circumstances." *Cromwell v. Ward*, 102 Md. App. 691, 700 (1995) (citations omitted). The burden on the applicant is "indeed heavy" and "springs from a recognition that variances permit uses that are prohibited and presumed to be in conflict with the ordinance." *Evans v. Shore Communications, Inc.*, 112 Md. App. 284, 308 (1996). The applicant must meet his burden "by satisfying fully the dictates of [each and every element] of the statute authorizing the variance." *North v. St. Mary's County*, 99 Md. App. 502, 510 (1994). It is not enough for an applicant to demonstrate that his or her proposal, if allowed, would be suitable or desirable, would do no harm, or would be convenient for the applicant. *Id.*; *Belvoir Farms Homeowners Ass'n v. North*, 355 Md. 259, 276 (1999) (citations omitted).

Here, when asked whether there were any unique aspects of the Property that create a practical difficulty, Mr. Mitten simply stated that if the Petitioner were required to move the proposed church southerly towards Liberty Road traffic circulation around the church would be "impossible." He stated that firetrucks wouldn't be able to get around the building, which "is desirable." He stated that, "[i]t would just be unnatural. It would just be impractical to do that... [I]t just becomes an impossible task to try and fit this, a church building we want to do in this particular configuration of zoning lines." (T1, pp. 41-42).

First, Mr. Mitten did not identify anything unique about the Property, certainly no uniqueness that relates to the setback requirement. It is well-settled that the uniqueness requirement is met only when, as a first step, it is demonstrated that the property itself is unique or peculiar. *Cromwell v. Ward*, 102 Md. App. 691, 692 (1995) (the "The first step requires a finding that the property ... is— *in and of itself—unique* and unusual in a manner different from

the nature of surrounding properties....") (emphasis added). For this reason alone, the variance should be denied.

Second, Mr. Mitten's argument, essentially, is that the Petitioner cannot have the 20,000 square foot building it wants if it has to comply with the setback requirement. He contends, in other words, that the setback requirement itself is what imposes the difficulty. Obviously, setback requirements impose a "difficulty" - that's what such requirements do. But simply because a regulation imposes a burden – maybe even a substantial burden – is not enough. There must be some *other* difficulty, *independent* of the regulation, which exists. The regulation, in other words, cannot itself constitute the practical difficulty.[4] Here, Mr. Mitten demonstrated no such difficulty. He simply complained that this 20,000 building won't fit if Petitioner were required to comply with the setback. *See Ad + Soil, Inc. v. County Comm'rs of Queen Anne's County*, 307 Md. 307, 340 (1986) (upholding denial of variance where site was large enough to fully comply with the requirements and thus hardship was not the result of exceptional circumstances of the land itself); *Chesley v. City of Annapolis*, 176 Md. App. 413, 439-440 (2007) (upholding denial of variance where applicant could have built house with garage in location that would not have required a variance).

C. The CR District – Petitioner Failed To Prove Compliance With The "Additional Requirements" For A Special Exception In 259.3.E

In additional to the above requirements, there are other requirements for the granting of a special exception in the CR district. These requirements are:

---

[4] The distinction is a subtle one that is seldom recognized. An example of a circumstance when a practical difficulty independent of the forest buffer regulations might arise is if the applicant suffers from a disability and needs a ramp to access her home, but the ramp would impact the forest buffer. The inability to have a ramp would be a practical difficulty arises from the applicant's disability and not from the regulations themselves.

E. *Additional requirements for the granting of a special exception in a C.R. District.* In addition to the requirements generally imposed in the issuance of special exceptions by Section 502.1, the following requirements shall apply to the granting of special exceptions in C.R. Districts:

1. The petitioner shall document the need for the development at the proposed location.

2. The proposed development shall take into account existing and proposed roads, topography, existing vegetation, soil types and the configuration of the site. The proposed development will not disturb slopes with grades exceeding 25 percent; will minimize disturbance to vegetated areas, wetlands and streams; and will not result in undue site disturbance or excessive erosion and sediment loss. Infiltration will be maximized and stormwater management discharge will be decentralized.

3. Architecturally or historically significant buildings and their settings shall be preserved and integrated into the site plan.

4. The buildings shall be sited to protect scenic views from public roads and so that the natural rural features, including but not limited to pastures, croplands, meadows and trees, are preserved to the extent possible. Additional open space may be required to preserve and enhance the enjoyment of the natural amenities and visual quality of the site.

5. The proposed development will not be detrimental to neighboring uses and the tranquility of the rural area through excessive noise and will not result in a nuisance or air pollution from dust, fumes, vapors, gases and odors.

In his testimony, Mr. Mitten did not address subsection E.1 at all.[5] There was no showing at the hearing otherwise regarding the need for this development, certainly no evidence demonstrating why a church and parking lot of this particular size and dimensions is needed. With respect to the subsections E2-5, Mr. Mitten simply stated, generally, that they are complied with. (T1, pp. 27-29). This is not and cannot be sufficient for Petitioner to meet its burden. Regarding

[5] Mr. Mitten has never been involved in a project involving the CR District. (T1, p. 106).

subsection E.5 in particular, there was substantial, specific evidence that this development would be "detrimental to neighboring uses and the tranquility of the rural area through excessive noise" and "result in a nuisance." Ms. Tobler and the Vogelsangs spoke compellingly about the impact that the proposed church would have on the Vogelsangs' farm and the surrounding area, on the tranquility of the area, on Ms. Vogelsang's business, on her customers and on the horses she boards there. This evidence was not disputed.

D. The RC 7 Zone – Petitioner Failed To Meet Its Burden To Prove Entitlement To A Special Exception

In the RC7 zone, churches are permitted by special exception only. 1A08.3.B.2. Petitioner seeks a special exception for those aspects of its proposed church that are located in the RC7 portion of the Property, specifically two stormwater management facilities and portions of 26 parking spaces.

Petitioner gave short shrift to this issue as well. When asked whether the impacts of these improvements would be different here than elsewhere in the zone, Mr. Mitten simply stated that he does not believe the impacts would be "worse" because the area of the RC7 zone is small and that impacts would be worse if the RC7 zone were larger. (T1, pp. 30-31). This hardly meets the special exception standard. Mr. Mitten's testimony speaks to this site only and provided no basis whatsoever for comparing the impacts here, irrespective of the size of the zone, to impacts elsewhere.

E. The Evidence Was Not Disputed That There Will Be Substantial And Unique Impacts At This Location From The Proposed Church

In stark contrast to the conclusory testimony of Mr. Mitten, Protestants presented substantial, clear, and direct evidence that there will be significant impacts at this particular location because of the unique nature of the area and its unique uses. The area immediately surrounding the property is distinctly rural, is zoned RC 4 and RC 7, and includes the Vogelsangs'

69-acre boarding farm (under permanent easement), hundreds of acres of County-designated greenspace, and 1900 acres of preserved natural area at Soldier's Delight. A tributary of Locust Run daylights on the Vogelsangs' farm just below the Church property.

The area is also unique because of its uses. The Vogelsangs' boarding farm immediately adjoins the Church property. Indeed, two pastures used for horse grazing back up to the property. Ms. Vogelsang spoke compellingly about the impacts that have already resulted on her farm, her customers, and her horses from the Church and its operations because of their proximity. She explained the effects of noise and light pollution, the trash that collects at her fence line and the diligence with which she must clean up the area in order to avoid risk to her horses. She spoke about how, because of the proximity of the Church, her horses are startled by the activities there, which presents risk to the horses and her customers who ride them. She spoke about the unique way in which traffic from the church will impact the safety of horse trailers and farm deliveries coming and going to the stables, particularly on the weekends when the Church is busy as well. Ms. Vogelang also explained her concerns about the run-off problem in the area of the pastures. Petitioner does not dispute this problem exists and, indeed, acknowledged that the runoff on those steep slopes of 25% was not permitted. He offered no solution, but stated he would have to discuss with DEPS to see if that area could be graded to stabilize it. He explained that the details have not been worked out yet or approved, but the "goal" will be to have a lesser or the same amount of runoff at the discharge point on the Vogelsangs' property. Mr. Mitten did not explain if he had obtained or how he was going to obtain permission from the Vogelsangs to enter their property undertake the grading necessary to stabilize the area and allow runoff. (T1, pp. 54-59).

In sum, the undisputed evidence fully supports that the proposed church expansion will have significant impacts on this unique area.

CONCLUSION

For the reasons stated, the relief sought by Petitioners should be denied.

Respectfully submitted,

Michael R. McCann
118 W. Pennsylvania Ave.
Towson, MD 21204
(410) 825-2150

Attorneys for Protestants

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of October, 2022 copy of the foregoing Post-Hearing Memorandum was emailed and mailed, via first-class mail, postage prepaid to:

Dino LaFiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 West Pennsylvania Avenue | Suite 305
Towson, Maryland 21204

Michael R. McCann

Protestants' Exhibits

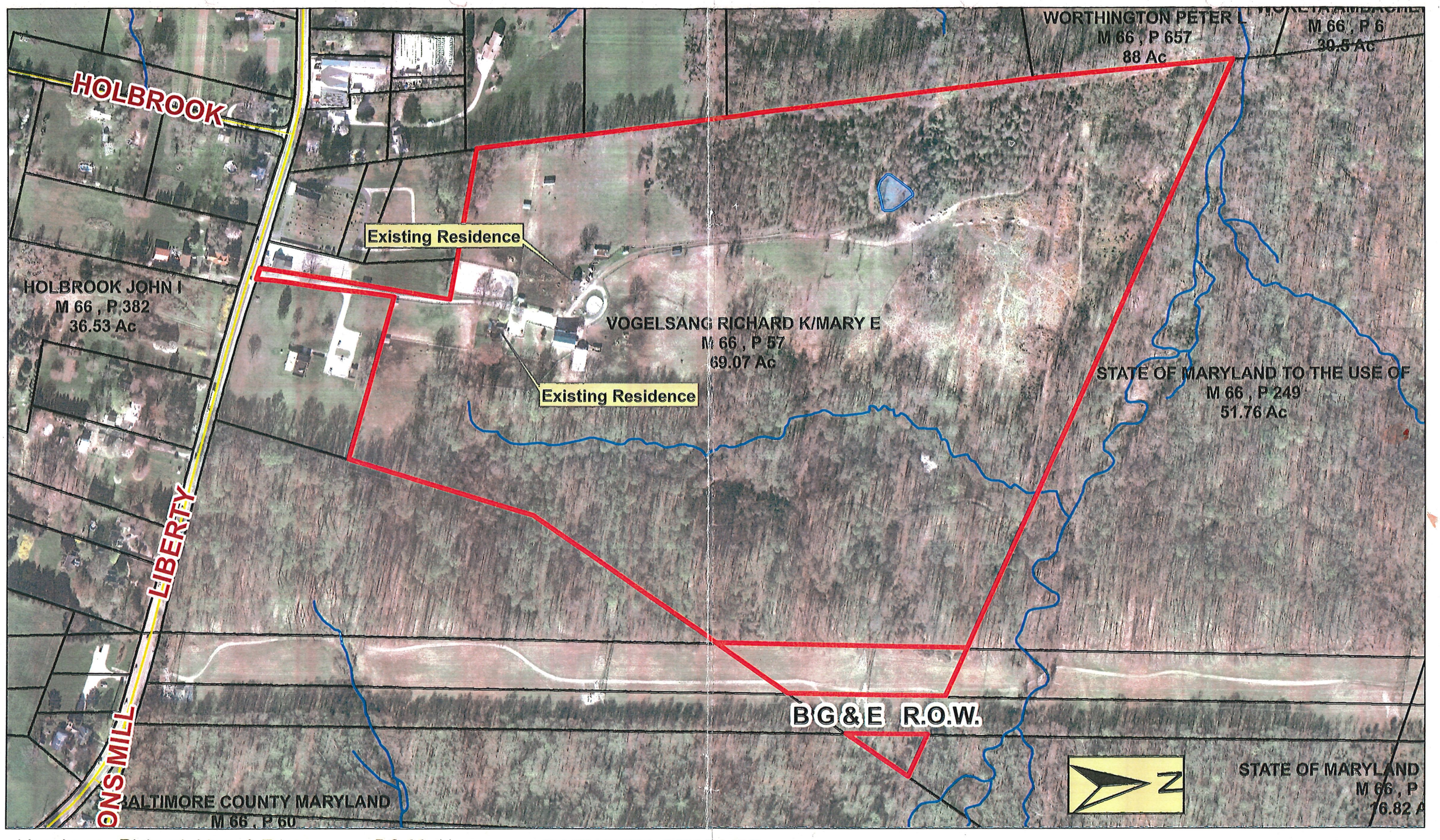
1. Map of easement area
2. Photographs
3. DRC application and approval letter
4. Plat to Accompany DRC Request (10/9/17)
5. Limited Exemption Development Plan (5/16/19)
6. Plat to Accompany Zoning Petition (5/10/20)
7. Redline Plat to Accompany Zoning Petition (6/8/20)
8. Plat to Accompany Zoning Petition (12/2/20)
9. Letter from SHA (7/22/20)
10. Letter from Traffic Concepts (Trip Generation Analysis) (3/2/21)
11. Site Distance Exhibit (12/10/20)
12. Brochure- Soldier's Delight
13. Photos (A-D)
14. MyNeighborhood Map [WITHDRAWN]
15. Water usage letter (3/2/21)
16. Website - Gaitaway Stables [WITHDRAWN]

Protestants' Exhibits

1. Map of easement area
2. Photographs

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13. Photos (A-D)
14. MyNeighborhood Map



Vogelsang, Richard, Mary & Trina
Tax Map 66, parcel 57
10620 Liberty Rd
~ 67 E Acres

BC 00-11

GAITAWAY STABLES

0 125 250 375 500 Feet

1 inch equals 250 feet
Scale 1:3,000

Tax Parcels
Approx. Easement Boundary

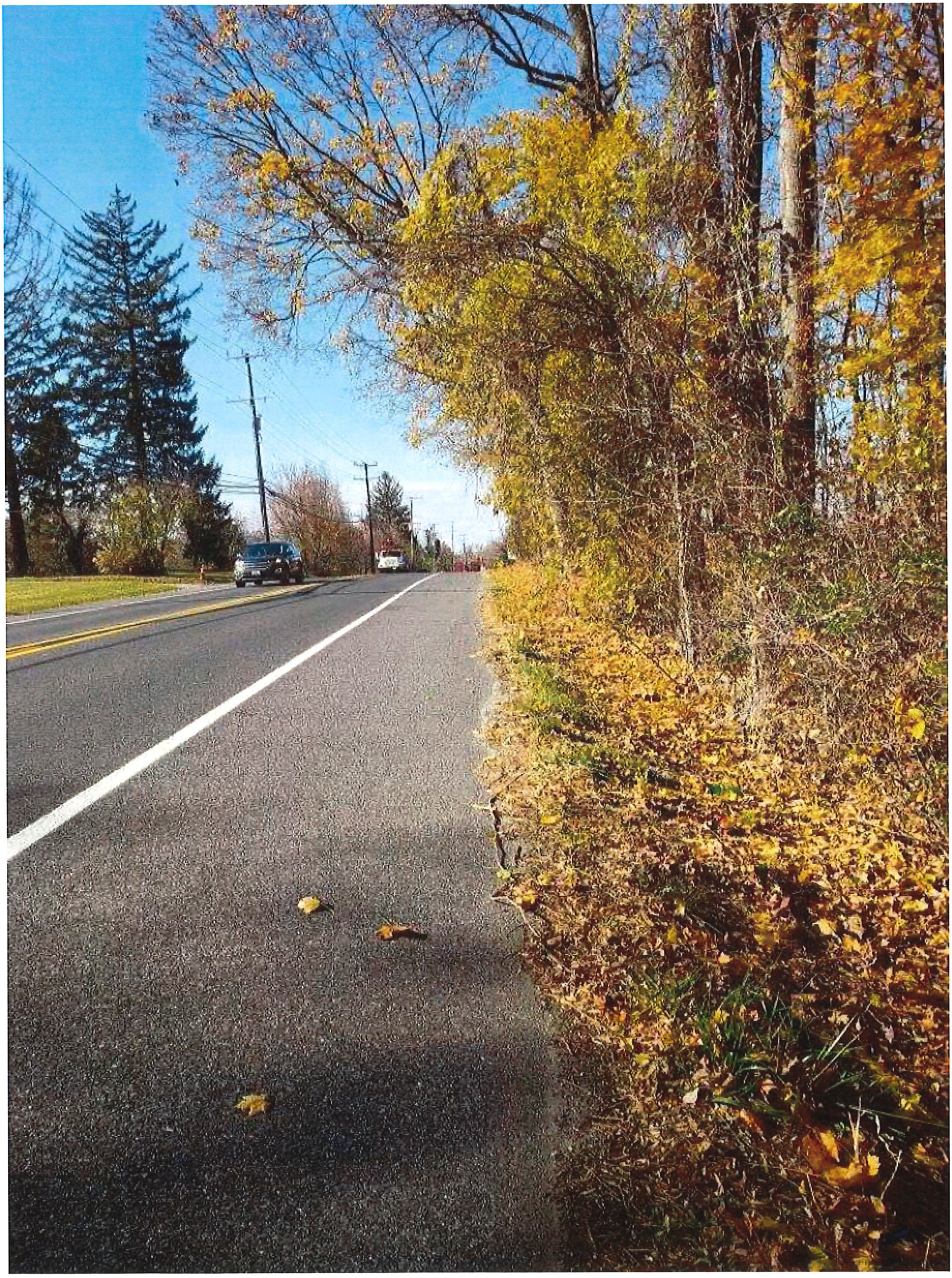
ADC 23 H 7

Prepared by Land Preservation Program
Baltimore County Department of Environmental Protection
and Resource Management
10_6_2009 SRA
c:\gis_projects\Vogelsang, Rich & Mary (00-11) ~ 67 Ac.mxd
IMAGERY.ORTHO_2008


You're Welcome To
THE GOSPEL FAITH MISSION INTERNATIONAL
HOUSE OF CHANGE - BALTIMORE
WEEKLY SERVICE SCHEDULE
SUNDAY SCHOOL
ANOINTED SUNDAY SERVICE
10610


You're Welcome To
THE GOSPEL FAITH MISSION INTERNATIONAL
HOUSE OF CHANGE - BALTIMORE
WEEKLY SERVICE SCHEDULE
TUESDAY
WEDNESDAY
SUNDAY SCHOOL
10610

















BALTIMORE COUNTY
DEPARTMENT OF PERMITS APPROVALS AND INSPECTIONS
DEVELOPMENT REVIEW COMMITTEE (DRC) APPLICATION

RECEIVED
OCT 10 2017
DEPARTMENT OF PERMITS APPROVALS AND INSPECTIONS

DRC# 103117D /Tracking# DRC-2017-00154
County Use Only County Use Only

Filing Date: _____
Stamp in w/PAI date stamp here

This application must be accompanied by the following:

1. **One copy of the completed DRC checklist.**
2. **Three copies of this DRC application, completed in full.**
3. **Three copies of a letter of request (attach one to each DRC application).**
4. **Nine copies of the plan folded to 8 ½ x 11 inches.**
4. **$100 fee for limited exemption request; $375 for waiver request (check made payable to Baltimore County, MD and are non-refundable; Applicant shall deliver check to County Finance Office cashier. Submit paid receipt w/package.**

Project Name: **GOFAMINT HOUSE OF CHANGE, BALTIMORE** PAI File #: _____

Project Address: **10610 LIBERTY ROAD** Zip Code: **21133** ADC Map #: **23H07**

Councilmanic District: **4TH** Election District: **2ND** Project Acreage: **4.0 AC. +/-**

Tax Account No(s): **0208652480** Zoning: **RO CR, RC-3 & RC-7**

Engineer: **RICHARDSON ENGINEERING, LLC** Engineer's Phone No.: **(410) 560-1502 X114**

Address: **30 E. PADONIA ROAD, SUITE 500, TIMONIUM, MD** Zip: **21093** Email: **don@richardsonengineering.net**

Applicant: **PASTOR TAIWO FAGBUYI**
THE GOSPEL FAITH MISSION INTERNATIONAL INC.
(HOUSE OF CHANGE BALTIMORE) Applicant's Phone No.: **(410) 922-6500**

Address: **10610 LIBERTY ROAD**
BALTIMORE, MD Randallstown Zip: **21133** Email: taiwofagbuyi@yahoo.com

Attorney: **N/A** Attorney's Phone No.: **N/A**

Address: **N/A** Zip: **N/A** Email: **N/A**

Is this a tower? Yes **X** No. If "Yes" check one of the following: Cellular ____ (CAC) Water Tower ____ (WTC) MonoPole ____ (CFC)

REQUESTED ACTION (TO BE COMPLETED BY THE APPLICANT)

(County Use only)
Action: B-8

(X) Limited Exemption under Section 32-4-106(a)(1)(ii)
( ) Plan Refinement
( ) Planned Shopping Center Designation under Section 101 of BCZR
( ) Waiver under Section 32-4-107 (_____) (_____) (_____)
( ) Requires a Zoning ( ) Special Hearing; ( ) Special Exception; ( ) Variance
( ) Lot Line Adjustment (LLA)
( ) Other _____ RICK RICHARDSON

REMOVE PARKING FROM RC-7 PORTION OF SITE

This application must be accompanied by a written request. That request must be in the form of a letter, legibly printed or typed, and signed by the applicant. The letter must contain the name, address and telephone number of the applicant and must provide details of the request. A copy of that checklist must be completed and included along with this DRC application. Please note that a DRC application form and checklist is available in room 123 of the County Office Building and on the County web site www.baltimorecountymd.gov/Agencies/permits/pdm_devmanage/pdmfdmgt.html.
Please see page 2 for the checklist of complete submittal requirements.

c: Council, Planning, DEPS, Zoning

Baltimore County Government
Department of Permits Approvals and Inspections
Development Management

111 West Chesapeake Avenue
Towson, MD 21204

410-887-3335

November 3, 2017

Richardson Engineering, LLC
Donald N. Mitten, P.E.
30 East Padonia Road Suite 500
Timonium, MD 21093

RE: Gofamint House of Change Baltimore
10610 Liberty Road
Tracking Number: DRC-2017-00154
DRC Number: 103117D; Dist. 2C4

Dear Mr. Mitten:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Sections 32-1-101, 32-3-401, and 32-3-517 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 32-4-106 and Section 32-4-262 of the Baltimore County Code and to make recommendations to the Director, Department of Permits Approvals and Inspections (PAI).

The DRC has, in fact, met in an open meeting on October 31, 2017, and made the following recommendations:

The DRC has determined that your project meets the requirements of a **limited exemption under Section 32-4-106(b)(8).**

In order to further process your development plan, submit two check prints, of the plan, prepared in accordance with Sections 32-4-221 through 32-4-224 of the Baltimore County Code, one completed, signed and sealed copy of the **Development Plan Checklist**, and a copy of this letter to this office.

Be advised that in addition to development plan review fees, Phase 2 review fees will apply, depending on the amount of site disturbance, and/or the requirement of a Public Works Agreement.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 3rd day of November 2017, ordered and decided that the recommendations of the DRC are hereby adopted.

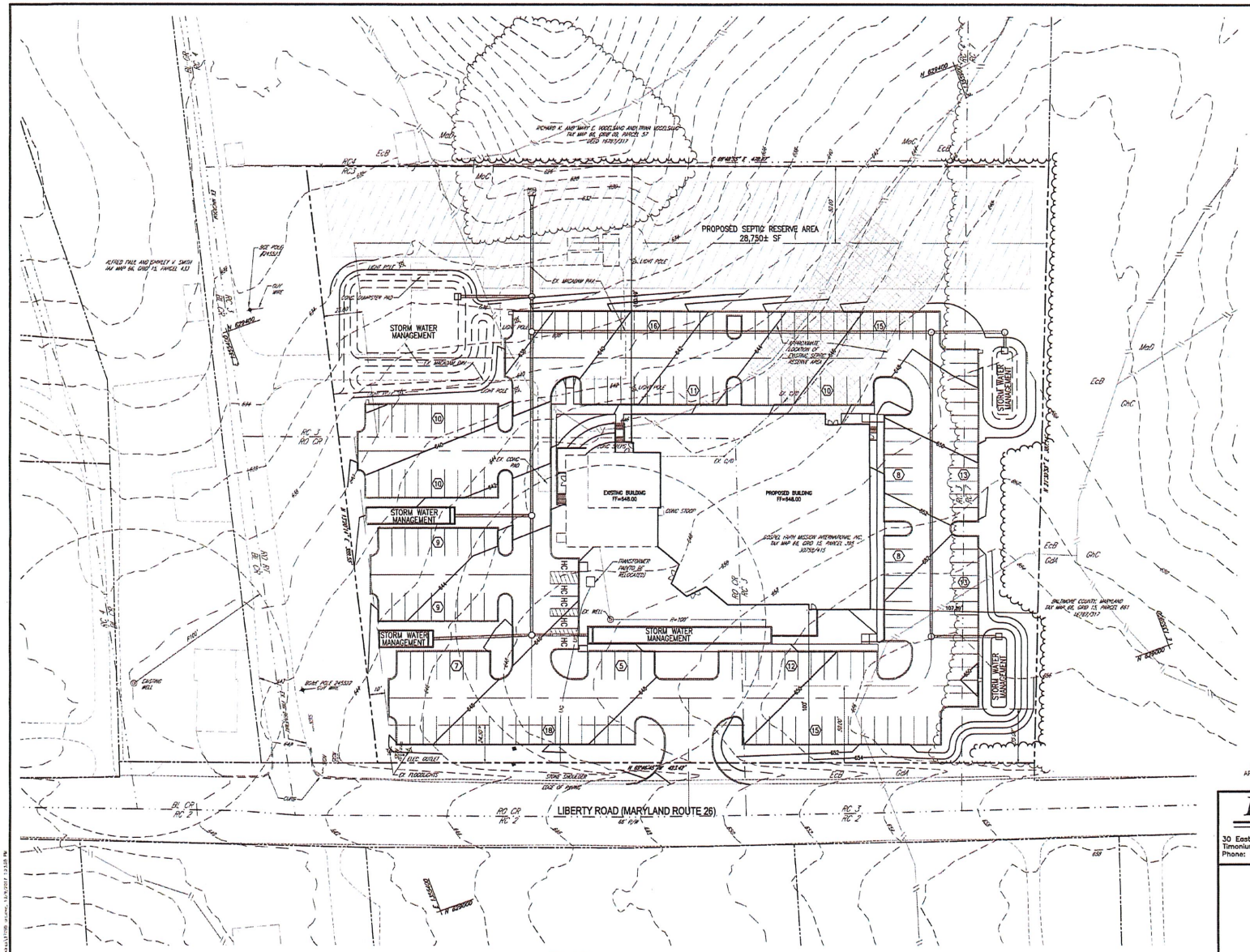
Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Sincerely,

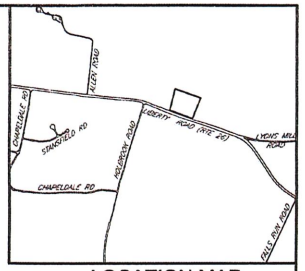
Arnold Jablon
Director

AJ: JMC: dak

C: Shawn Frankton
File
The Gospel Faith Mission International, Inc.; Pastor Taiwo Fagbuyi;
10610 Liberty Road; Randallstown, MD 21133



PLAN
SCALE: 1" = 30'



LOCATION MAP
SCALE: 1" = 1,000'

GENERAL NOTES:

1. OWNERS: THE GOSPEL FAITH MISSION INTERNATIONAL INCORPORATED (HOUSE OF CHANGE BALTIMORE)
   10610 LIBERTY ROAD
   BALTIMORE, MARYLAND 21133
   TEL:(410) 992-6500
2. SITE AREA:
   NET 174,548 SF OR 4.007 AC±
   GROSS 187,251 SF OR 4.299 AC±
3. DEED REF: 30758/0415
4. TAX ACCOUNT: #0208652480
5. COUNCILMANIC DISTRICT: 4TH
6. ELECTION DISTRICT: 2ND
7. CENSUS TRACT: 402201
8. WATERSHED: PATAPSCO RIVER
9. THIS SITE IS SERVED BY PRIVATE WATER AND SEWER.
10. TAX MAP #66, GRID #18, PARCEL #395
11. ZONING:(PER 1"=200' ZONING MAP 66B02) – RO-CR, RC-3 & RC-7
12. EXISTING USE: CHURCH
    PROPOSED USE: CHURCH EXPANSION
13. BUILDING AREAS:
    EXISTING: 3,653 SF
    PROPOSED: 16,565 SF
14. FLOOR AREA RATIO
    BUILDING AREA 20,218 SF
    GROSS SITE AREA 187,251 SF
    FAR 0.11
    PERMITTED 0.33
15. PARKING
    REQUIRED:
    350 SEAT SANCTUARY: @ 1/4 SEATS = 88 SPACES
    TOTAL PROVIDED: = 194 SPACES
16. PRIOR ZONING HISTORY:

    CASE 1997-0167-SPHX
    SPECIAL EXCEPTION TO PERMIT THE USE OF THE EXISTING BUILDING AS AN OFFICE AND A SPECIAL HEARING TO PERMIT PARKING IN A RESIDENTIAL ZONE. GRANTED MARCH 14, 1977.

    CASE 2008-0138-SPHA
    SPECIAL HEARING AND VARIANCE REQUEST TO PERMIT A BUILDING WITH A GROSS FLOOR AREA OF 8,400 SF IN LIEU OF THE 8,000 SF AND A VARIANCE FROM SECTION 259.3.C.5 OF THE BCZR TO PERMIT A 110 FT FRONT YARD SETBACK IN LIEU OF THE 15.5 REQUIRED PER THE AVERAGING REQUIREMENT, GRANTED DECEMBER 20, 2007. SPECIAL HEARING TO AAMEND THE PREVIOUSLY APPROVED PLAN AND ORDER IN CASE 77-167-SPHX. GRANTED DECEMBER 20, 2007.

17. NO KNOWN PERMITS ON FILE.
18. THE PROPERTY AND STRUCTURES ARE NOT HISTORIC.
19. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
20. SETBACKS REQUIRED

	RO-CR	RC-3	RC-7
FRONT	34.5*	50'	35'
SIDE	10'	25'	
REAR	30'	50'	50'

* FRONT AVERAGING (14'+35')/2

21. ANY PROPOSED SIGNS MUST CONFORM TO B.C.Z.R.
22. THE BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
23. THE POSTED SPEED LIMIT ON LIBERTY ROAD IS 40 MPH.
24. ALL PROPOSED LIGHTING IS TO BE CUT-OFF DESIGN SO AS NOT TO SPILL LIGHT POLLUTION ONTO ADJACENT PROPERTIES.

RECEIVED
OCT 10 2017
DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

Richardson Engineering, LLC
30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAT TO ACCOMPANY DRC REQUEST
FOR

GOFAMINT HOUSE OF CHANGE BALTIMORE

10610 LIBERTY ROAD

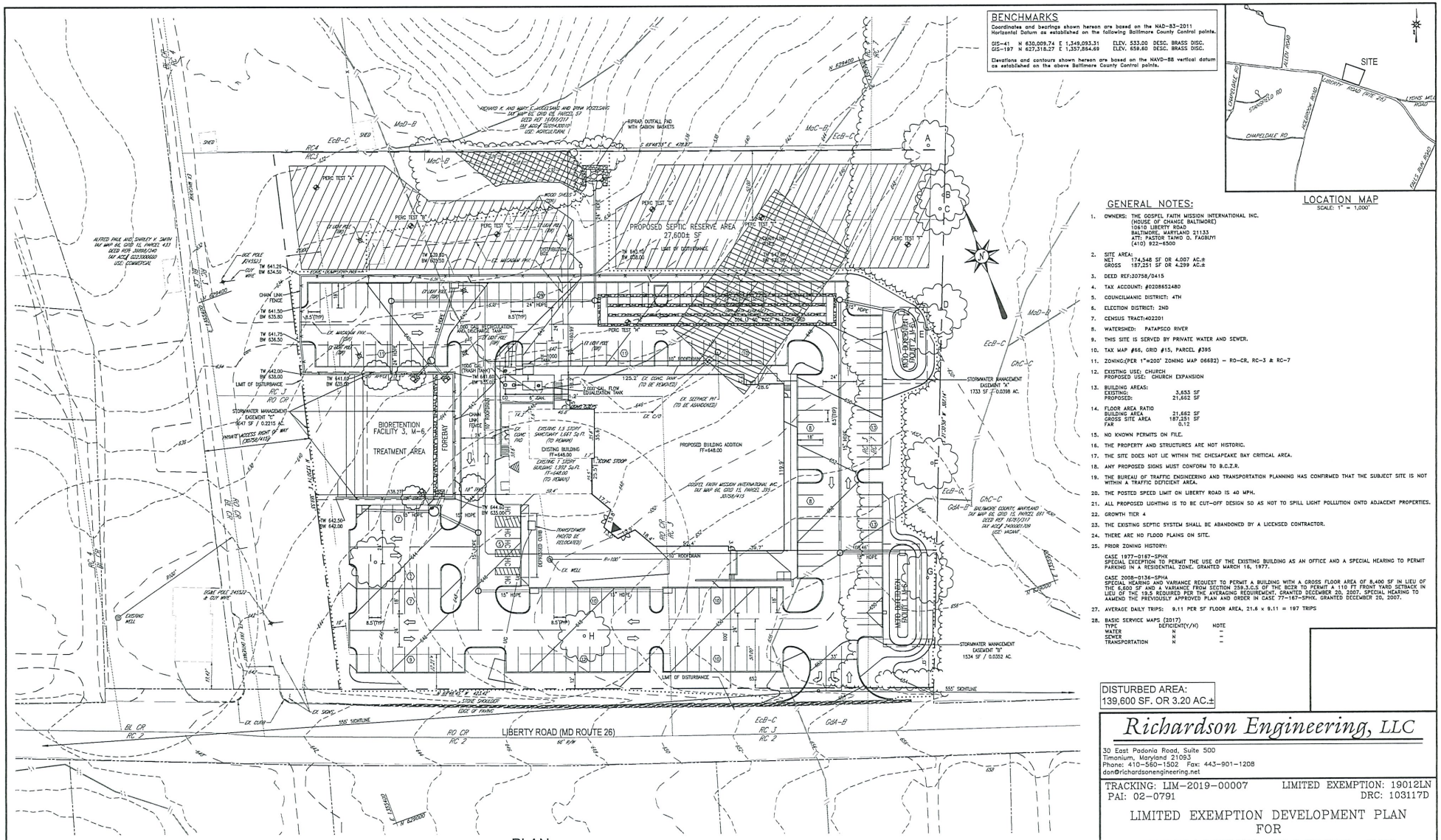
BALTIMORE COUNTY MARYLAND
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	DNM	DNM	1" = 30'
	DATE: 10-09-17	JOB NO.: 17098	SHEET NO.: 1 OF 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 NUMBER 16581, EXPIRATION DATE: 08-01-2019

10/9/17

10/3/17D



PLAN

SCALE: 1" = 30'

BENCHMARKS

Coordinates and bearings shown hereon are based on the NAD-83-2011 Horizontal Datum as established on the following Baltimore County Control points.

GIS-41 N 630,009.74 E 1,349,093.31 ELEV. 533.00 DESC. BRASS DISC.
GIS-197 N 627,318.27 E 1,357,864.69 ELEV. 559.60 DESC. BRASS DISC.

Elevations and contours shown hereon are based on the NAVD-88 vertical datum as established on the above Baltimore County Control points.

LOCATION MAP

SCALE: 1" = 1,000'

GENERAL NOTES:

1. OWNERS: THE GOSPEL FAITH MISSION INTERNATIONAL INC. (HOUSE OF CHANGE BALTIMORE) 10610 LIBERTY ROAD BALTIMORE, MARYLAND 21133 ATT: PASTOR TAIWO O. FAGBUYI (410) 922-6300
2. SITE AREA: NET 174,548 SF OR 4.007 AC.± GROSS 187,251 SF OR 4.299 AC.±
3. DEED REF:30758/0415
4. TAX ACCOUNT: #0208852480
5. COUNCILMANIC DISTRICT: 4TH
6. ELECTION DISTRICT: 2ND
7. CENSUS TRACT:402201
8. WATERSHED: PATAPSCO RIVER
9. THIS SITE IS SERVED BY PRIVATE WATER AND SEWER.
10. TAX MAP #66, GRID #15, PARCEL #395
11. ZONING:(PER 1"=200' ZONING MAP 066B2) – RO-CR, RC-3 & RC-7
12. EXISTING USE: CHURCH PROPOSED USE: CHURCH EXPANSION
13. BUILDING AREAS: EXISTING: 3,653 SF PROPOSED: 21,662 SF
14. FLOOR AREA RATIO BUILDING AREA 21,662 SF GROSS SITE AREA 187,251 SF FAR 0.12
15. NO KNOWN PERMITS ON FILE.
16. THE PROPERTY AND STRUCTURES ARE NOT HISTORIC.
17. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
18. ANY PROPOSED SIGNS MUST CONFORM TO B.C.Z.R.
19. THE BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
20. THE POSTED SPEED LIMIT ON LIBERTY ROAD IS 40 MPH.
21. ALL PROPOSED LIGHTING IS TO BE CUT-OFF DESIGN SO AS NOT TO SPILL LIGHT POLLUTION ONTO ADJACENT PROPERTIES.
22. GROWTH TIER 4
23. THE EXISTING SEPTIC SYSTEM SHALL BE ABANDONED BY A LICENSED CONTRACTOR.
24. THERE ARE NO FLOOD PLAINS ON SITE.
25. PRIOR ZONING HISTORY:

CASE 1977-0187-SPHX
SPECIAL EXCEPTION TO PERMIT THE USE OF THE EXISTING BUILDING AS AN OFFICE AND A SPECIAL HEARING TO PERMIT PARKING IN A RESIDENTIAL ZONE. GRANTED MARCH 16, 1977.

CASE 2008-0136-SPHA
SPECIAL HEARING AND VARIANCE REQUEST TO PERMIT A BUILDING WITH A GROSS FLOOR AREA OF 8,400 SF IN LIEU OF THE 6,600 SF AND A VARIANCE FROM SECTION 259.3.C.6 OF THE BCZR TO PERMIT A 110 FT FRONT YARD SETBACK IN LIEU OF THE 19.5 REQUIRED PER THE AVERAGING REQUIREMENT. GRANTED DECEMBER 20, 2007. SPECIAL HEARING TO AAMEND THE PREVIOUSLY APPROVED PLAN AND ORDER IN CASE 77-167-SPHX. GRANTED DECEMBER 20, 2007.

26. AVERAGE DAILY TRIPS: 9.11 PER SF FLOOR AREA, 21.6 x 9.11 = 197 TRIPS
27. BASIC SERVICE MAPS (2017)

TYPE	DEFICIENT(Y/N)	NOTE
WATER	N	–
SEWER	N	–
TRANSPORTATION	N	–

DISTURBED AREA:
139,600 SF. OR 3.20 AC.±

PARKING TABULATION

REQUIRED: 450 SEAT SANCTUARY: @ 1/4 SEATS	= 113 SPACES
PROVIDED:	= 195 SPACES

SETBACK CHART

ZONING	FRONT	SIDE	REAR
RO-CR	22.21'*	10'/30'	30'
RC3	75'-C/L 25'-RW	25'	50'

*FRONT YARD AVERAGING (19.42'+25')/2=22.21'

CERTIFICATE AS TO DELINQUENT ACCOUNTS

THIS CERTIFICATE IS SUBMITTED IN CONNECTION WITH THE DEVELOPMENT KNOWN AS THE GOFAMINT HOUSE OF CHANGE BALTIMORE LOCATED AT 10610 LIBERTY ROAD, RANDALLSTOWN MD 21133 AND IS GIVEN IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-58(C) OF THE BALTIMORE COUNTY CODE, 1978 AND AS AMENDED.

I, PASTOR TAIWO O. FAGBUYI , CERTIFY UNDER OATH THAT ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPER.

WITNESS — 04/16/2019 DATE — PASTOR TAIWO O. FAGBUYI — 4/16/2019 DATE

NOTE:
EXACT LOCATION OF UNDERGROUND UTILITIES ARE UNKNOWN. CONTRACTOR SHALL TEST PIT EXISTING UTILITIES TO DETERMINE EXACT DEPTH AND LOCATION OF EXISTING UTILITIES PRIOR TO COMMENCING ANY CONSTRUCTION. RESULTS OF TEST PITTING SHALL BE PROVIDED TO THE ENGINEER 48 HOURS PRIOR TO THE ANTICIPATED TIME OF CONSTRUCTION.

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING CONSTRUCTION.

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 NUMBER 16581, EXPIRATION DATE: 08-01-2021

STATE OF MARYLAND — DONALD N. WEBER — NO. 16581 — PROFESSIONAL ENGINEER

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208
don@richardsonengineering.net

TRACKING: LIM-2019-00007 LIMITED EXEMPTION: 19012LN
PAI: 02-0791 DRC: 103117D

LIMITED EXEMPTION DEVELOPMENT PLAN FOR GOFAMINT HOUSE OF CHANGE BALTIMORE

10610 LIBERTY ROAD

BALTIMORE COUNTY MARYLAND
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
12/21/20 REVISED PER AGENCY COMMENTS RENG	DNM	DNM	1" = 30'
	DATE: 05-06-19	JOB NO.: 17098	SHEET NO.: 1 OF 3

EXISTING CONDITIONS

Existing	Not Existing	
X		Locations of existing buildings within 200 ft. of site boundaries
X		Location of existing roads within 200 ft. of site boundaries
	X	Designated historic sites as per Landmarks Preservation Commission or the MD Historic Trust inventory
	X	Designated sites as per the Maryland Archaeological Survey
	X	Significant views
	X	Significant features (specimen trees, buildings, streetscapes, etc.)
X		Land uses on and within 200 ft. of site
X		Roads right-of-way and easements

ENVIRONMENTAL INFORMATION

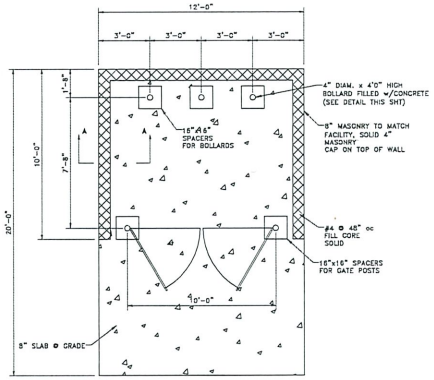
Existing	Not Existing	Field Delineated	Field Verified	
X			X	Topography and street grades (min. 5 ft. contour appropriately labeled)
X				Slopes greater than 25%
	X			100 year flood plain
X				Soils mapped according to Soil Survey, Baltimore County, Maryland
	X			Streams, seeps, ponds or other water bodies shown on site and within 200 ft. of the site
	X			Wetlands
X				Forest buffer limits including adjustments for steep slopes and/or erodible soils
X				Land cover on or within 200 ft. of site.
	X			Significant regulated plant or wildlife communities
	X			Wells on site or within 100 ft. of site
	X			Septic on site or within 100 ft. of site
	X			Soil evaluation tests (perc tests)

COUNTY ADOPTED PLANS

Existing	Not Existing	In Conformance	
X		X	Balto. Co. Master Plan 2020
	X		Community or Revitalization Plans
	X		Recreation and Parks Plan
	X		Streetscape Plan
	X		Greenways Plan
			Other

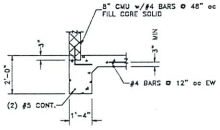
FIRE DEPT. NOTES

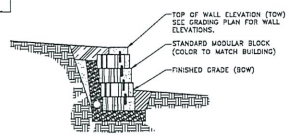
1. THE PROPOSED BUILDINGS SHALL BE DESIGNED AND CONSTRUCTED SO AS TO MEET THE APPLICABLE PROVISIONS OF THE BALTIMORE COUNTY FIRE PREVENTION CODE. (BILL NO. 3-17.)
2. WHERE FIRE PROTECTION WATER SUPPLIES ARE REQUIRED TO BE PROVIDED, THEY SHALL BE INSTALLED AND MADE AVAILABLE FOR USE NOT LATER THAN THE TIME WHEN CONSTRUCTION OF ANY INDIVIDUAL BUILDING IS UNDER ROOF, IN ACCORDANCE WITH THE BALTIMORE COUNTY FIRE PREVENTION CODE, SECTION 1:16.4.3.1.3.
3. A CRUSHER RUN ROAD FOR ACCESS TO BUILDINGS AND REQUIRED WATER SUPPLIES SHALL BE AVAILABLE FOR THE USE BY EMERGENCY FIRE APPARATUS AND CAPABLE OF HANDLING EMERGENCY APPARATUS WEIGHING 70,000 LBS. WHEN CONSTRUCTION OF ANY BUILDING IS UNDER ROOF, IN ACCORDANCE WITH THE BALTIMORE COUNTY FIRE PREVENTION CODE, SECTION 1:16.4.3.1.3.
4. ALL FIRE HYDRANTS SPACING SHALL BE IN ACCORDANCE WITH THE BALTIMORE COUNTY STANDARD DESIGN MANUAL.
5. A SEPARATE BUILDING PERMIT IS NEEDED FOR THE INSTALLATION OF AN UNDERGROUND FIRE LINE AND SHALL BE REVIEWED BY THE PLANS REVIEW SECTION OF BALTIMORE COUNTY.
6. A PLUMBING PERMIT SHALL NOT BE USED FOR THE INSTALLATION OF ANY UNDERGROUND FIRE LINE PER THE BALTIMORE COUNTY FIRE MARSHAL'S OFFICE.
7. A SEPARATE BUILDING PERMIT IS REQUIRED FOR THE INSTALLATION OF ANY AUTOMATIC SPRINKLER SYSTEM WHEN REQUIRED BY THE CODE.
8. THE FIRE ALARM SYSTEM INSTALLATION AND MAINTENANCE SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS OF THE BALTIMORE COUNTY FIRE PREVENTION CODE, COUNTY BILL NO: 3-17 AND THE BALTIMORE COUNTY BUILDING CODE, COUNTY BILL NO: 40-12 AND SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THESE REGULATIONS BY AN UNDERWRITER'S LABORATORY, INC. (UL) LISTED FIRE ALARM CONTRACTOR OR FACTORY MUTUAL (FM GLOBAL) APPROVED FIRE ALARM CONTRACTOR, LISTED BY UL OR FM FOR INSTALLATION AND MAINTENANCE OF "PROTECTIVE SIGNALING SYSTEMS" OR OTHER NATIONAL RECOGNIZED TESTING LABORATORY. THE FIRE ALARM COMPANY SHALL PROVIDE A COPY OF THE UL CERTIFICATION AND FM PLACARD TO THE BALTIMORE COUNTY FIRE MARSHAL'S OFFICE FOR ALL NEWLY INSTALLED SYSTEMS IN ACCORDANCE WITH THE BALTIMORE COUNTY FIRE PREVENTION CODE, COUNTY BILL NO. 3-17 SECTION 1:12.7.3.1.4.
9. ADDRESS NUMBERS SHALL BE A MINIMUM OF 6 INCHES FOR COMMERCIAL PROPERTIES.(REFER TO THE PROVISIONS OF THE BALTIMORE COUNTY FIRE PREVENTION CODE; COUNTY; BILL NO 3-17 SECTION 1:10.11.1.5.
10. THE BALTIMORE COUNTY FIRE DEPARTMENT MAY REQUEST FOR FIRE LANE SIGNS TO BE POSTED AT A LATER DATE.
11. THE PROPERTY OWNER'S WILL ASSUME THE FINANCIAL COST FOR ANY DESIGNATED FIRE LANE SIGNS REQUIRED BY THE BALTIMORE COUNTY FIRE PREVENTION CODE, BILL 3-17 SECTION 1:18.2.3.5.3.
12. WASTE AND REFUSE CONTAINERS SHALL NOT BE PLACED CLOSER THAN 15 FEET TO ANY STRUCTURAL WALLS OR PARTITIONS CONSTRUCTED OF COMBUSTIBLE MATERIALS; NOR FROM OPENINGS IN EXTERIOR WALLS SUCH AS DOORS AND WINDOWS; NOR BENEATH A COMBUSTIBLE OVERHANG IN ACCORDANCE WITH THE BALTIMORE COUNTY FIRE PREVENTION CODE, COUNTY BILL NO: 3-17 SECTION1:19.2.1.4(4).
13. FIRE HYDRANTS ARE REQUIRED TO BE WITHIN 100 FEET OF A FIRE DEPARTMENT CONNECTION. A FIRE HYDRANT WITH A DISTANCE OF 150' IS PERMISSIBLE, IF THE TOTAL DISTANCE IS DRIVEABLE BY EMERGENCY APPARATUS.
14. ALL PRIVATE HYDRANTS ON THE PROPERTY SHALL BE PAINTED RED TO DISTINGUISH THEM FROM ORANGE PUBLIC HYDRANTS IN ACCORDANCE WITH THE BALTIMORE FIRE PREVENTION CODE, COUNTY BILL NO: 3-17, SECTION 1:18.5.10.5.
15. THE SPRINKLER SYSTEM MUST BE INSPECTED BY THE BALTIMORE COUNTY FIRE MARSHAL'S OFFICE PRIOR TO TAKING OCCUPANCY. (SPRINKLER HYDRO/SPRINKLER FINAL).



DUMPSTER PAD WITH ENCLOSURE

NOT TO SCALE





TYPICAL GRAVITY WALL SECTION

NOT TO SCALE

DEVELOPMENT PLANS REVIEW

1. THIS PROJECT LIES OUTSIDE THE URBAN RURAL DEMARCATION LINE.
2. THE SITE WILL BE SERVED BY PRIVATE WATER AND SEWER.
3. WHERE APPLICABLE RAMPS SHALL BE PROVIDED FOR PHYSICALLY HANDICAPPED PERSONS AT ALL STREET INTERSECTIONS WITH DETECTABLE WARNING AREAS, PER STANDARD DETAILS R-26A AND R-26B AND SHA STD.: DETAIL 655.12 AND 655.40.
4. EXISTING UTILITIES SHOWN ON THIS PLAN ARE FROM BALTIMORE COUNTY ENGINEERING DRAWINGS AS SHOWN ON THE PLANS.
5. A FINAL LANDSCAPE PLAN SHALL BE PREPARED AND APPROVED BY BALTIMORE COUNTY PRIOR TO BUILDING PERMIT APPLICATION IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.
6. FIRE HYDRANT SPACING SHALL BE IN ACCORDANCE WITH THE BALTIMORE COUNTY DESIGN MANUAL, SEE SECTION 2.2.4, FIRE HYDRANTS.
7. ALL PROPOSED RETAINING WALLS SHALL BE CONSTRUCTED OUTSIDE OF THE PUBLIC RIGHT OF WAY AT A DISTANCE AT LEAST EQUAL TO THE HEIGHT OF THE WALL. ALL PROPOSED RETAINING WALLS SHALL BE PRIVATELY OWNED AND MAINTAINED BY OWNERS.
8. LIGHTING WILL BE PROVIDED THROUGHOUT THE SITE.
9. THE BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE DOES NOT LIE WITHIN A TRAFFIC DEFICIENT AREA.
10. THE AREA BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED AND KEPT FREE OF OF ANY OBSTRUCTIONS.

PLANNING:

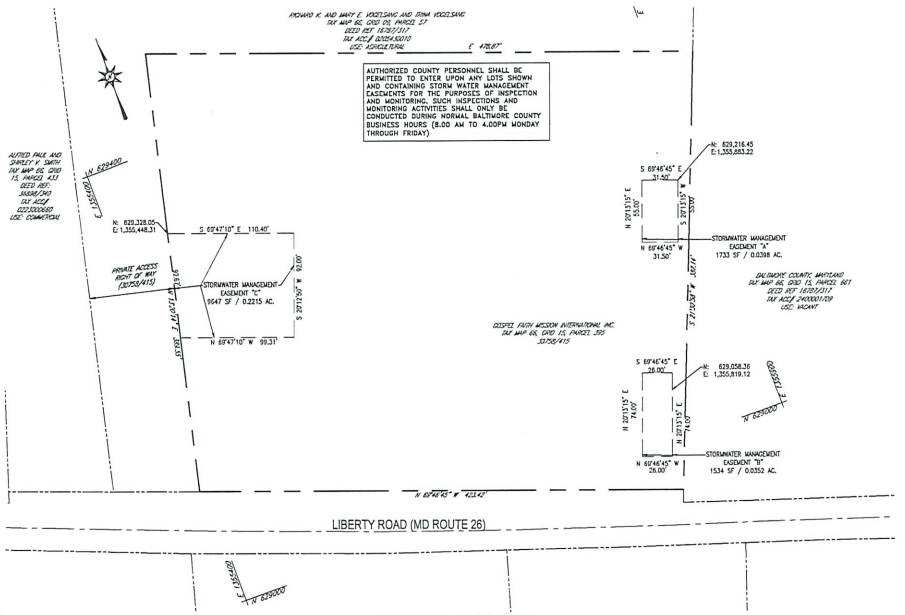
1. ARCHITECTURAL PLANS FOR ALL PROPOSED BUILDINGS SHALL BE SUBMITTED TO AND APPROVED BY THE OFFICE OF PLANNING PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS.
2. A LIGHTING PLAN SHALL THAT IS ACCORDANCE WITH IESNA STANDARDS SHALL BE SUBMITTED TO THE COUNTY LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS.
3. DETAILS OF ANY PROPOSED SIGNAGE SHALL BE SUBMITTED TO THE OFFICE OF PLANNING FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS. ALL PROPOSED SIGNAGE SHALL CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS.
4. THE DEVELOPMENT AS PROPOSED WILL INCLUDE PROTECTIVE MEASURES ADEQUATE TO PREVENT EROSION OR SLOUGHING OF ANY STEEP SLOPES AS DEFINED BY SECTION 32-4-101 OF THE BALTIMORE COUNTY CODE AND PROMOTE THE PRESERVATION OF THE NATURAL TOPOGRAPHIC FEATURES OF THE STEEP SLOPE. THIS WILL BE ACHIEVED BY PROVIDING EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE COUNTY SOIL CONSERVATION DISTRICT AND THE CURRENT STATE OF MARYLAND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.

DEVELOPMENT MANAGEMENT HISTORY

1. THIS PROJECT WAS GRANTED A LIMITED EXEMPTION (32-4-106(b)(8)) FROM THE DEVELOPMENT PROCESS BY THE DRC ON OCTOBER 31, 2017. (DRC #: 103117D).

STORMWATER MANAGEMENT:

1. STORM WATER MANAGEMENT IS BEING ADDRESSED BY THE CONSTRUCTION OF BIO-RETENTION FACILITIES.
2. ALL FACILITIES WILL BE LOCATED WITHIN STORM WATER MANAGEMENT EASEMENTS AND/OR STORM WATER MANAGEMENT RESERVATIONS.
3. STORM WATER MANAGEMENT FACILITIES WITHIN EASEMENTS WILL BE MAINTAINED BY THE OWNER.
4. THE CONCEPT STORM WATER MANAGEMENT PLAN IS BEING REVIEWED CONCURRENTLY WITH THIS PLAN.



PROPOSED EASEMENTS

SCALE 1"=50'

ZONING:

1. THE EXISTING ZONING IS RO-CR, RC-3 & RC-7
2. THIS DEVELOPMENT IS SUBJECT TO THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES (SECTION 504.2), AND THE COUNTY LANDSCAPE MANUAL (SECTION 406.B.A.1). THIS DEVELOPMENT WILL COMPLY AND BE CONSISTENT WITH ALL THE AFOREMENTIONED REGULATIONS, STANDARDS, GUIDELINES, AND POLICIES OR PROPER RELIEF WILL BE REQUESTED.
3. ALL SIGNS WILL CONFORM TO THE BALTIMORE COUNTY ZONING CODE, SECTION 450. A REQUEST WILL BE MADE FOR ANY DEVIATIONS FROM THIS SECTION IF REQUIRED.
4. REQUIRED NONRESIDENTIAL PRINCIPAL BUILDING SETBACKS: SEE CHART ON SHEET 1.
5. THE SITE IS NOT LOCATED WITHIN A TRAFFIC DEFICIENT AREA OR ANY OTHER DEFICIENT AREAS AS SHOWN ON THE BASIC SERVICES MAPS PURSUANT TO SECTION 4A02.
6. ALL PARKING WILL HAVE A MACADAM SURFACE AND SHALL COMPLY WITH SECTION 409 OF THE BCZR. ALL PARKING AREAS WILL BE PERMANENTLY STRIPED.

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY

1. THERE ARE NO EXISTING PONDS, STREAMS, BODIES OF WATER, WATER SOURCES, OR FLOOD PLAINS LOCATED ON THIS SITE.
2. THERE ARE NO KNOWN RARE, THREATENED OR ENDANGERED PLANTS OR ANIMALS EXISTING ON SITE.
3. THERE ARE NO KNOWN ARCHAEOLOGICAL SITES, HISTORICAL STRUCTURES, SIGNIFICANT VIEWS OR HAZARDOUS MATERIALS ON THIS PROPERTY.
4. THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON THE PROPERTY OR WITHIN 100 FEET OF THE PROPERTY.

LANDMARKS PRESERVATION COMMISSION

THERE ARE NO KNOWN BUILDINGS, PROPERTIES, OR SITES WITHIN OR ADJOINING THE PROPOSED DEVELOPMENT INCLUDED ON THE MARYLAND HISTORICAL TRUST INVENTORY (MHT), BALTIMORE COUNTY LANDMARKS LIST, THE NATIONAL REGISTER OF HISTORIC PLACES, OR THE MARYLAND ARCHEOLOGICAL SURVEY, OR IN ANY BALTIMORE COUNTY OR NATIONAL HISTORIC DISTRICT.

LAND ACQUISITION

1. NO OFF-SITE RIGHTS-OF-WAY ARE ANTICIPATED FOR THIS DEVELOPMENT.
2. THE PROPOSED SWM FACILITIES WILL BE PRIVATELY OWNED AND MAINTAINED.
3. ALL STORMWATER MANAGEMENT FACILITIES SHALL BE ACCESSED THROUGH A BALTIMORE COUNTY ACCESS EASEMENT.
4. ALL STORMWATER MANAGEMENT EASEMENTS SHALL BE DEDICATED TO BALTIMORE COUNTY.

DEDICATION TABLE		
TYPE OF CONVEYANCE	NO	TOTAL AREA* (AC.±)
STORM WATER MANAGEMENT EASEMENT	3	0.296
DRAINAGE AND UTILITY EASEMENT	0	0.000

*NOTE: DURING THE PROCESSING OF THE DEVELOPMENT PLAN THE TOTAL AREAS SHOWN ON THIS TABLE MAY BE APPROXIMATE.

SUITABLE OUTFALL STATEMENT

RICHARDSON ENGINEERING, LLC HAS EVALUATED THE PROPOSED STORM WATER MANAGEMENT (SWM) OUTFALLS FOR THIS SITE AND FINDS THEM TO BE SUITABLE FOR THE DESIGN FLOWS. OUR EVALUATIONS INCLUDED A FIELD INSPECTION AND PHOTO DOCUMENTATION OF THE AREA. THE OUTFALL IS DESCRIBED IN MORE DETAIL BELOW:

THERE ARE TWO POINTS OF DISCHARGE FOR THIS SITE IN EXISTING CONDITIONS. THE MAJORITY OF THE SITE DRAINS OVERLAND TO THE NORTH APPROXIMATELY 2100 FEET TO LOCUST RUN, A TRIBUTARY OF LIBERTY RESERVOIR. A SMALLER PORTION OF THE SITE DRAINS OVERLAND IN A NORTHWESTERLY DIRECTION APPROXIMATELY 3600 TO LOCUST RUN. THE DISTANCE BETWEEN THESE TWO POINTS ALONG LOCUST RUN IS APPROXIMATELY 2000 FEET.

IN PROPOSED CONDITIONS, ALL DISCHARGES WILL MIMIC THE EXISTING CONDITIONS WITH THE EXCEPTION THAT ABOUT 1 ACRE THAT FLOWS NORTHWESTERLY OFF SITE WILL BE REDIRECTED TO THE NORTHERLY OUTFALL.

WITH THE PROVISION DESCRIBED ABOVE AND AS A RESULT OF OUR PRELIMINARY SWM HYDROLOGY COMPUTATIONS, WE CONCLUDE THAT EACH PROPOSED OUTFALL OF THE FACILITIES CONSTITUTES A VERIFIED SUITABLE OUTFALL AS REQUIRED BY SECTION 32-4-224(A)(10) OF THE BALTIMORE COUNTY CODE (2004 EDITION), BASED ON CRITERIA ESTABLISHED BY BALTIMORE COUNTY DPW AND EPS.

DONALD N. WITTEN (MD REG. NO. 16581)

DATE

STATE OF MARYLAND DONALD N. WITTEN NO. 16581 REGISTERED PROFESSIONAL ENGINEER

SEAL

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 NUMBER 16581, EXPIRATION DATE: 08-01-2021

STATE OF MARYLAND DONALD N. WITTEN NO. 16581 REGISTERED PROFESSIONAL ENGINEER

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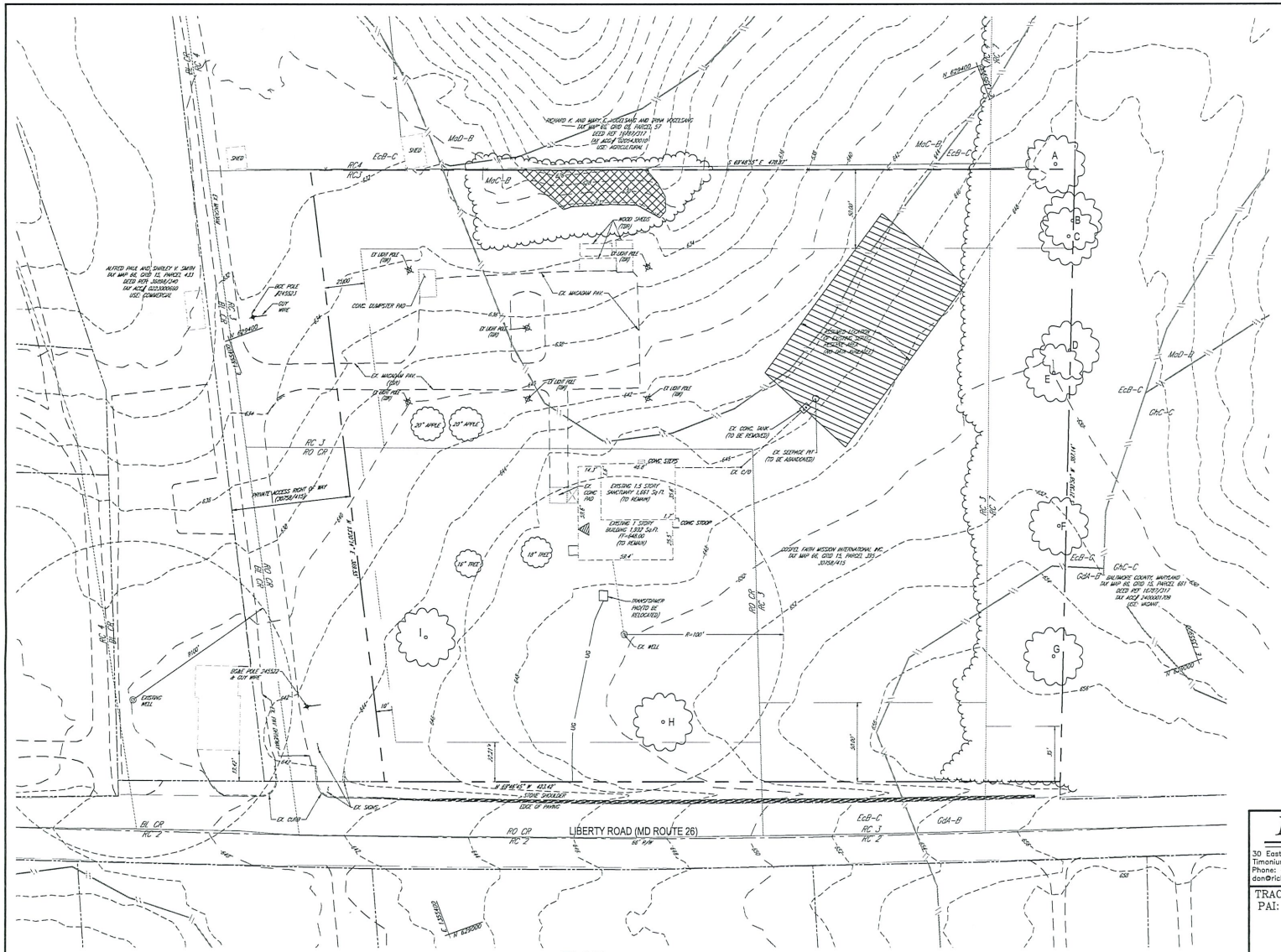
TRACKING: LIM-2019-00007 LIMITED EXEMPTION: 19012LN
PAI: 02-0791 DRC: 103117D

LIMITED EXEMPTION DEVELOPMENT PLAN FOR GOFAMINT HOUSE OF CHANGE BALTIMORE

10610 LIBERTY ROAD

BALTIMORE COUNTY MARYLAND
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
12/21/20 REVISED PER AGENCY COMMENTS RCNG	DNM	DNM	1" = 30'
	DATE: 05-06-19	JOB NO.: 17098	SHEET NO.: 2 OF 3



PLAN

SCALE: 1" = 30'

NOTE:
EXACT LOCATION OF UNDERGROUND UTILITIES ARE UNKNOWN. CONTRACTOR SHALL TEST PIT EXISTING UTILITIES TO DETERMINE EXACT DEPTH AND LOCATION OF EXISTING UTILITIES PRIOR TO COMMENCING ANY CONSTRUCTION. RESULTS OF TEST PITTING SHALL BE PROVIDED TO THE ENGINEER 48 HOURS PRIOR TO THE ANTICIPATED TIME OF CONSTRUCTION.

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING CONSTRUCTION.

SOILS CHART

SOILS SERIES	SEPTIC SYSTEM LIMITATIONS	HOMESITE LIMITATIONS W/BASEMENT	HOMESITE LIMITATIONS W/O BASEMENT	SMALL COMMERCIAL BUILDING LIMITATIONS	STREET AND PARKING LOT LIMITATIONS	HYDRIC SOILS	SOILS GROUP	ERODIBILITY K FACTOR	SLOPES >15%
EcB	SOMEWHAT LIMITED	NOT LIMITED	NOT LIMITED	SOMEWHAT LIMITED	VERY LIMITED	NO	C	0.37	NO
GdA	VERY LIMITED	NOT LIMITED	NOT LIMITED	NOT LIMITED	SOMEWHAT LIMITED	NO	B	0.24	NO
MoC	VERY LIMITED	SOMEWHAT LIMITED	SOMEWHAT LIMITED	VERY LIMITED	SOMEWHAT LIMITED	NO	B	0.28	NO

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 NUMBER 16581, EXPIRATION DATE: 09-01-2021

STATE OF MARYLAND — DONALD N. MARTIN — 16581 — REGISTERED PROFESSIONAL ENGINEER

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
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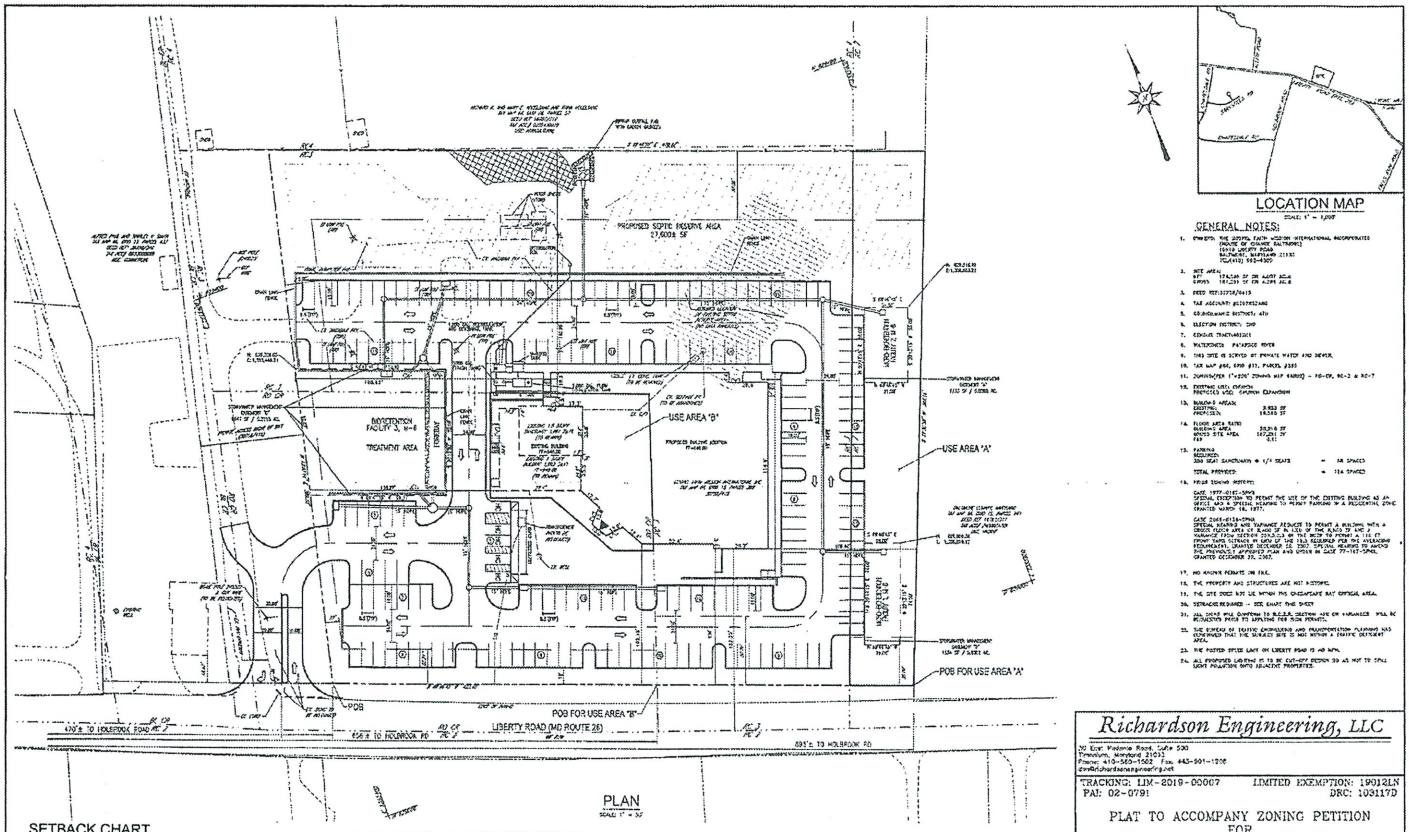
TRACKING: LIM-2019-00007 LIMITED EXEMPTION: 19012LN
PAI: 02-0791 DRC: 103117D

SITE CONSTRAINTS MAP FOR GOFAMINT HOUSE OF CHANGE BALTIMORE

10610 LIBERTY ROAD

BALTIMORE COUNTY MARYLAND
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

REVISIONS		DRAWN BY:	CHECKED BY:	SCALE:
12/21/20 REVISED PER AGENCY COMMENTS	RENG	DNM	DNM	1" = 30'
		DATE: 05-06-19	JOB NO.: 17098	SHEET NO.: 3 OF 3



PLAN
SCALE: 1" = 30'

LOCATION MAP
SCALE: 1" = 1,000'

GENERAL NOTES:

1. OWNER: THE GOSPEL FAITH (HOUSE) INTERNATIONAL INCORPORATED
   (DBA GOFAMINT HOUSE OF CHANGE BALTIMORE)
   10610 LIBERTY ROAD
   BALTIMORE, MARYLAND 21132
   TEL: (410) 592-4900
2. SITE AREA:
   GROSS: 18.7236± SF OR 0.4297 AC±
   LESS: 167,261± SF OR 4.2391 AC±
   NET: 1.9905± SF OR 0.4568 AC±
3. DEED REF: 10734/0418
4. TAX ACCOUNT: #2107952480
5. COUNCILMANIC DISTRICT: 4TH
6. ELECTION DISTRICT: 2ND
7. ZONING: THATCHED
8. WATERSHED: PATAPSCO RIVER
9. THIS SITE IS SERVED BY PRIVATE WATER AND SEWER.
10. TAX MAP: 96, GRID: 21, PARCEL: 2380
11. ZONING: 1"=200' ZONING MAP #NW02 - RO-CR, RC-2 & RC-7
12. EXISTING USE: CHURCH
   PROPOSED USE: CHURCH EXPANSION
13. BUILDING AREAS:
   EXISTING: 2,852 SF
   PROPOSED: 19,245 SF
14. FLOOR AREA RATIO
   BUILDING AREA: 22,0.6 SF
   REVISED SITE AREA: 167,261 SF
   FAR: 0.01
15. PARKING:
   REQUIRED:
   200 SEAT SANCTUARY @ 1/3 SEATS = 68 SPACES
   TOTAL PROVIDED = 104 SPACES
16. PRIOR ZONING HISTORY:
   CASE: 1977-0145-SPHX
   SPECIAL EXCEPTION TO PERMIT THE USE OF THE EXISTING BUILDING AS AN ASSEMBLY HALL AND RELIGIOUS TO PERMIT PARKING IN A RESIDENTIAL ZONE. GRANTED MARCH 16, 1977.
   CASE: 2005-0134-SPHX
   SPECIAL EXCEPTION AND VARIANCE PETITION TO PERMIT A BUILDING WITH A GROSS FLOOR AREA OF 8,400 SF IN LIEU OF THE 4,000 SF LIMIT & VARIANCE FROM SECTION 255.2.D.3 OF THE BCZR TO PERMIT A 110 FT FRONT YARD SETBACK IN LIEU OF THE 150 FEET REQUIRED FOR THE ASSEMBLY HALL AND RELIGIOUS USE. ALL OTHER ZONING REGULATIONS AND RESTRICTIONS OF THE PREVIOUSLY APPROVED PLAN AND ORDER IN CASE 77-167-SPHX, GRANTED DECEMBER 22, 2005.
17. NO KNOWN PERMITS ON FILE.
18. THE PROPERTY AND STRUCTURES ARE NOT HISTORIC
19. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
20. SETBACKS REQUIRED - SEE CHART THIS SHEET
21. ALL SIGNS WILL CONFORM TO B.C.Z.R. SECTION 450 OR VARIANCE WILL BE REQUESTED PRIOR TO APPLYING FOR SIGN PERMITS.
22. THE SCHEDULE OF EXISTING EMPLOYEES AND TRANSPORTATION PLANNING WAS EXPLAINED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
23. THE POSTED SPEED LIMIT ON LIBERTY ROAD IS 40 MPH.
24. ALL PROPOSED LIGHTING IS TO BE CUT-OFF DESIGN SO AS NOT TO SPILL LIGHT POLLUTION ONTO ADJACENT PROPERTIES.

SETBACK CHART

		RO-CR		RC-2		RC-7	
		REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
MINIMUM DISTANCE FROM FRONT PROPERTY LINE TO BUILDING	204.3.A.2.a, 1405.2.A.2.a	150.00	162.48±	--	--	--	--
MAXIMUM DISTANCE FROM FRONT PROPERTY LINE TO BUILDING	204.3.A.2.b	175.00	162.48±	--	--	--	--
MINIMUM DISTANCE FROM CENTER LINE OF STREET TO BUILDING	1405.2.B.4	--	--	73.00	162.53	--	--
MINIMUM DISTANCE FROM SIDE LINE TO BUILDING	1405.2.B.4	--	--	30.00	1000.00	--	--
MINIMUM DISTANCE FROM PUBLIC OR PRIVATE R/W LINE TO BUILDING	1405.2.B.3.a.1	--	--	--	--	25.00	N/A
MINIMUM SIDE YARD SETBACK	204.3.C.2.a AND 1405.2.B.4	50.00	1000.00	23.00	1000.00	--	--
MINIMUM REAR YARD	204.3.C.2.b, 1405.2.B.4, 1405.2.E.1.a.2.b	75.00	N/A	50.00	1000.00	30.00	N/A
MINIMUM DISTANCE FROM PRINCIPAL BUILDING TO ANY OTHER PRINCIPAL BUILDING	1405.2.E.1.a.2	--	--	--	--	60.00	N/A

*VARIANCE #2020-0138-A

RC-CR ZONED PORTION OF PROPERTY

TOTAL LAND AREA IN THE RO-CR ZONE	81,888 SF (1.881 AC±)
TOTAL FLOOR AREA IN THE RO-CR ZONED PORTION OF THE PROPERTY	8,716 SF
FLOOR AREA ON 1ST FLOOR	8,716 SF
FAR IN RO-CR ZONED PORTION OF THE PROPERTY	0.106
MAXIMUM BUILDING HEIGHT IN RC-2R ZONED PORTION OF THE PROPERTY	44 FT (TO TOP OF PARAPET)

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 NUMBER 19301, EXPIRATION DATE 09-07-2021

Richardson Engineering, LLC
90 East Padonia Road, Suite 330
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-561-1208
chris@richardsonengineering.net

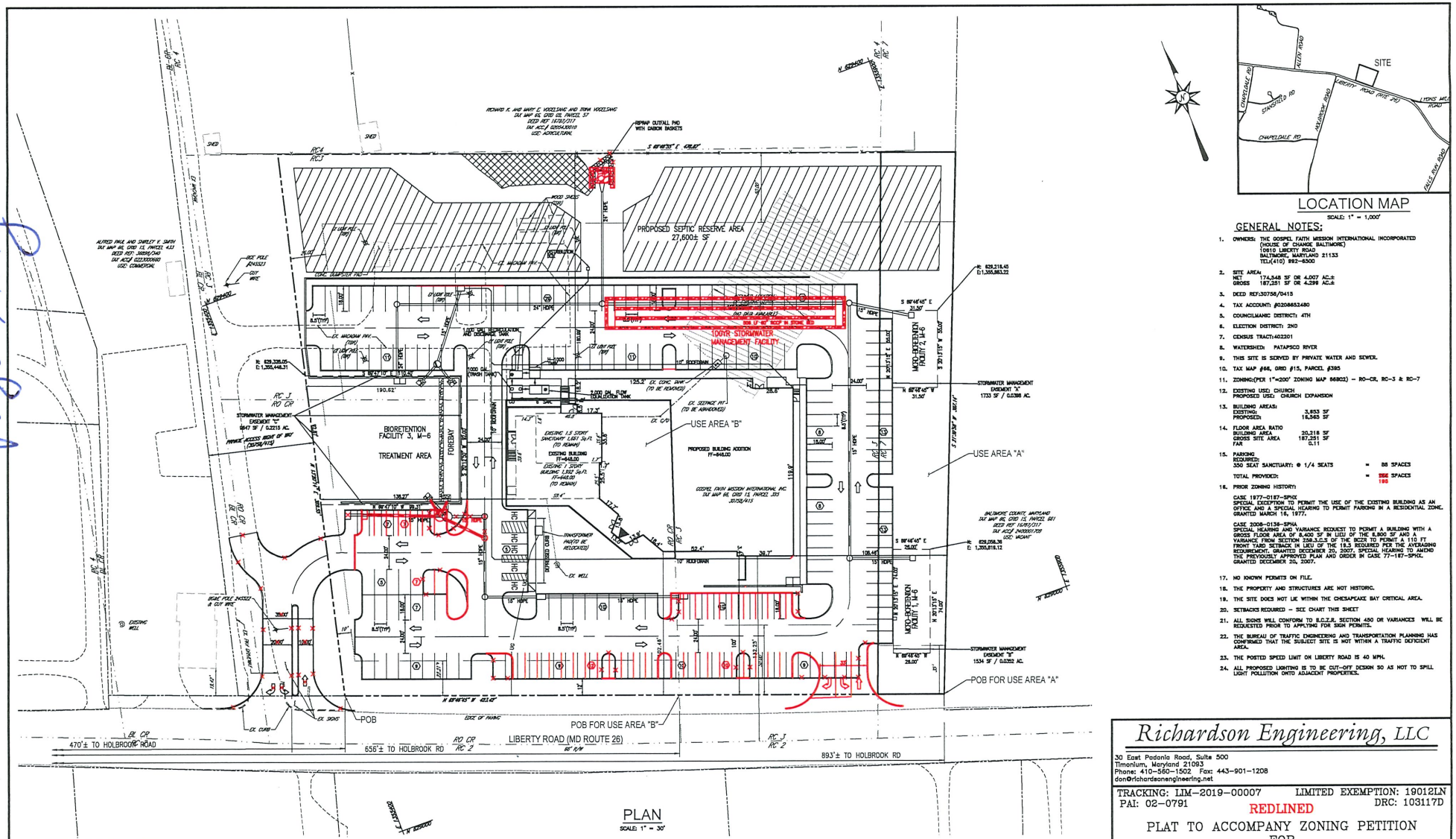
TRACKING: LIM-2019-00007 LIMITED EXEMPTION: 190121LN
PAI: 02-0791 DRC: 103117D

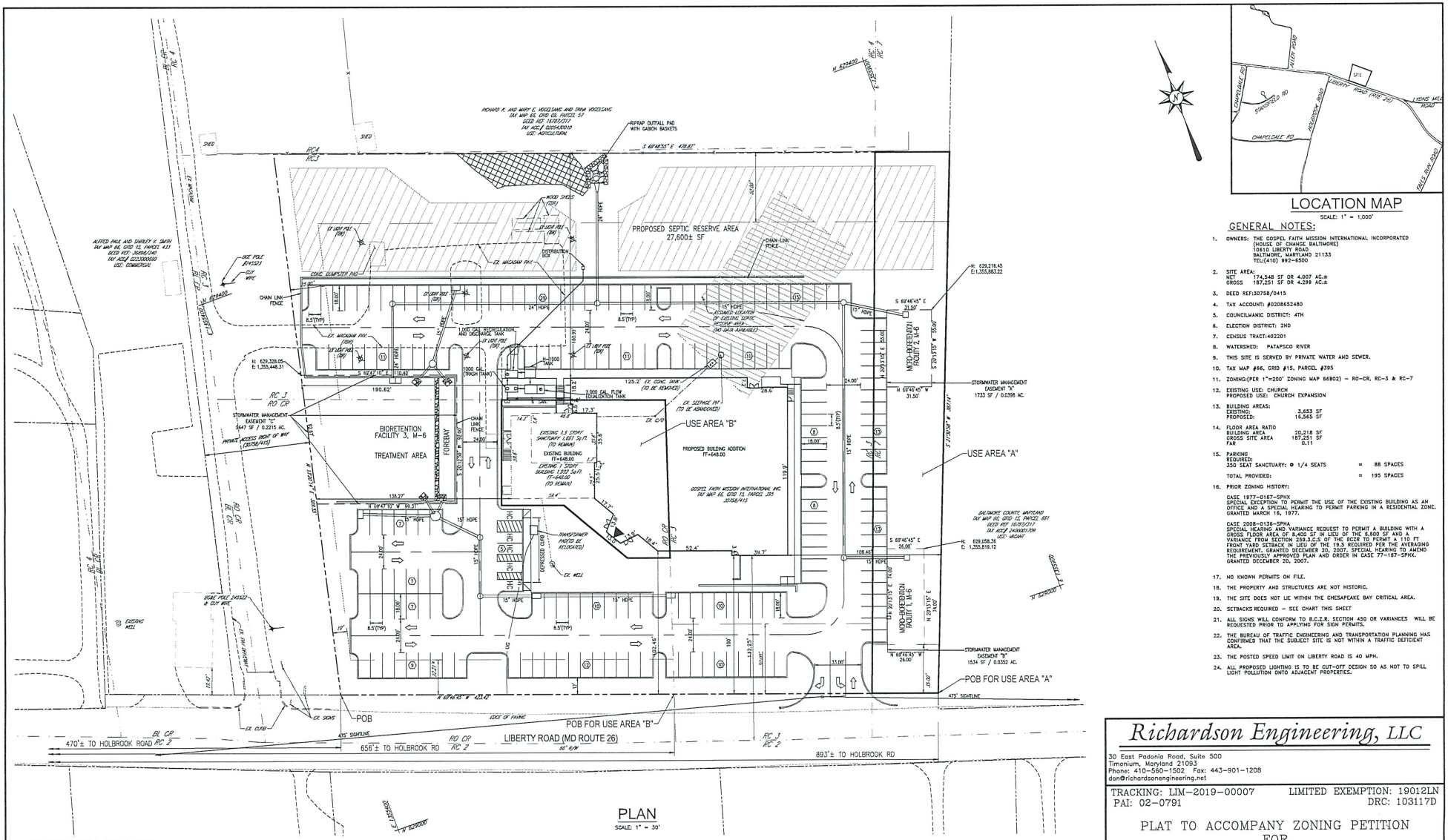
PLAT TO ACCOMPANY ZONING PETITION
FOR
GOFAMINT HOUSE OF CHANGE BALTIMORE
10610 LIBERTY ROAD
BALTIMORE COUNTY MARYLAND
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

DRAWN BY:	CHECKED BY:	SCALE:
DWK	DWK	1" = 30'
DATE: 03-10-20	JOB NO.: 17080	SHEET NO.: 1 OF 1

202-838-5900

ZAC 2020-0138


PROPOSED SEPTIC RESERVE AREA
27,600± SF
100YR STORMWATER MANAGEMENT FACILITY
BIORETENTION FACILITY 3, M-6
TREATMENT AREA
FOREBAY
USE AREA "A"
USE AREA "B"
MICRO-BIORETENTION FACILITY 1, M-6
MICRO-BIORETENTION FACILITY 2, M-6
STORMWATER MANAGEMENT EASEMENT "A" 1733 SF / 0.0398 AC.
STORMWATER MANAGEMENT EASEMENT "B" 9947 SF / 0.2215 AC.
STORMWATER MANAGEMENT EASEMENT "C" 1534 SF / 0.0352 AC.
POB
POB FOR USE AREA "B"
POB FOR USE AREA "A"
LIBERTY ROAD (MD ROUTE 26)
470'± TO HOLBROOK ROAD
656'± TO HOLBROOK RD
893'± TO HOLBROOK RD
PROPOSED BUILDING ADDITION FF=648.00
EXISTING 1 STORY SANCTUARY 1,681 Sq.Ft. FF=648.00 (TO REMAIN)
EXISTING 1 STORY BUILDING 1,802 Sq.Ft. FF=648.00 (TO REMAIN)
EXISTING 1.5 STORY SANCTUARY 1,681 Sq.Ft. (TO REMAIN)
EX. SEPTAGE PIT (TO BE REMOVED)
EX. CONC. TANK (TO BE REMOVED)
EX. WELL
TRANSFORMER PAD (TO BE RELOCATED)
REPAIR OUTFALL PVC WITH GABION BASKETS
RICHARD K. AND MARY E. VOELZING AND TONA VOELZING
TAX MAP 6S, GRID 12, PARCEL 57
DEED REF: 16282/211
TAX ACCT. #2004300118
USE: AGRICULTURE
ALFRED PAUL AND SHIRLEY V. SMITH
TAX MAP 6S, GRID 12, PARCEL 433
DEED REF: 3888/240
TAX ACCT. 0222000960
USE: CONDITIONAL
BALTIMORE COUNTY, MARYLAND
TAX MAP 6S, GRID 13, PARCEL 681
DEED REF: 16282/211
TAX ACCT. 2400001708
USE: MDOT
GOSPEL FAITH MISSION INTERNATIONAL INC.
TAX MAP 6S, GRID 13, PARCEL 333
3015/415
N 629400
N 629600
N 629800
N 630000
N 630200
N 630400
N 630600
N 630800
N 631000
N 631200
N 631400
N 631600
N 631800
N 632000
N 632200
E 1,355,000
E 1,355,200
E 1,355,400
E 1,355,600
E 1,355,800
E 1,356,000
E 1,356,200
E 1,356,400
E 1,356,600
E 1,356,800
E 1,357,000
E 1,357,200
E 1,357,400
E 1,357,600
E 1,357,800
E 1,358,000
E 1,358,200
E 1,358,400
E 1,358,600
E 1,358,800
E



PLAN
SCALE: 1" = 30'

LOCATION MAP
SCALE: 1" = 1,000'

GENERAL NOTES:

1. OWNERS: THE GOSPEL FAITH MISSION INTERNATIONAL INCORPORATED (HOUSE OF CHANGE BALTIMORE)
   10610 LIBERTY ROAD
   BALTIMORE, MARYLAND 21133
   TEL:(410) 992-6500
2. SITE AREA:
   NET 174,548 SF OR 4.007 AC.±
   GROSS 187,251 SF OR 4.299 AC.±
3. DEED REF:30758/0415
4. TAX ACCOUNT: #0208652480
5. COUNCILMANIC DISTRICT: 4TH
6. ELECTION DISTRICT: 2ND
7. CENSUS TRACT:402201
8. WATERSHED: PATAPSCO RIVER
9. THIS SITE IS SERVED BY PRIVATE WATER AND SEWER.
10. TAX MAP #86, GRID #15, PARCEL #395
11. ZONING:(PER 1"=200' ZONING MAP 66B02) – RO-CR, RC-3 & RC-7
12. EXISTING USE: CHURCH
    PROPOSED USE: CHURCH EXPANSION
13. BUILDING AREAS:
    EXISTING: 3,653 SF
    PROPOSED: 16,565 SF
14. FLOOR AREA RATIO
    BUILDING AREA 20,218 SF
    GROSS SITE AREA 187,251 SF
    FAR 0.11
15. PARKING
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19. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
20. SETBACKS REQUIRED – SEE CHART THIS SHEET
21. ALL SIGNS WILL CONFORM TO B.C.Z.R. SECTION 450 OR VARIANCES WILL BE REQUESTED PRIOR TO APPLYING FOR SIGN PERMITS.
22. THE BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
23. THE POSTED SPEED LIMIT ON LIBERTY ROAD IS 40 MPH.
24. ALL PROPOSED LIGHTING IS TO BE CUT-OFF DESIGN SO AS NOT TO SPILL LIGHT POLLUTION ONTO ADJACENT PROPERTIES.

SETBACK CHART

	BCZR	RO-CR REQUIRED	RO-CR PROVIDED	RC-3 REQUIRED	RC-3 PROVIDED	RC-7 REQUIRED	RC-7 PROVIDED
MINIMUM DISTANCE FROM FRONT PROPERTY LINE TO BUILDING	259.3.C.2.a	15.00	102.46	–	–	–	–
MAXIMUM DISTANCE FROM FRONT PROPERTY LINE TO BUILDING	259.3.C.2.b	19.42	102.46*	–	–	–	–
MINIMUM DISTANCE FROM CENTER LINE OF STREET TO BUILDING	1A02.3.B.4	–	–	75.00	132.25	–	–
MAXIMUM DISTANCE FROM R/W LINE TO BUILDING	1A02.3.B.4	–	–	50.00	100.00	–	–
MINIMUM DISTANCE FROM PUBLIC OR PRIVATE R/W LINE TO BUILDING	1A08.6.B.5.a.1			–		35.00	N/A
MINIMUM SIDE YARD SETBACK	259.3.C.2.b AND 1A02.3.B.4	15.00	138.27	25.00	108.46	–	–
MINIMUM REAR YARD	259.3.C.2.b, 1A02.3.B.4, 1A08.6.B.5.a.3.	15.00	N/A	50.00	160.99	50.00	N/A
MINIMUM DISTANCE FROM PRINCIPAL BUILDING TO ANY OTHER PRINCIPAL BUILDING	1A08.6.B.5.a.2	–	–	–	–	80.00	N/A

*VARIANCE REQUESTED

RO-CR ZONED PORTION OF PROPERTY

TOTAL LAND AREA IN THE RO-CR ZONE	51,890 SF	(1.191 AC.±)
TOTAL FLOOR AREA IN THE RO-CR ZONED PORTION OF THE PROPERTY	8,710 SF	
FLOOR AREA ON 1ST FLOOR	8,710 SF	
FAR IN RO-CR ZONED PORTION OF THE PROPERTY	0.168	
MAXIMUM BUILDING HEIGHT IN RO_CR ZONED PORTION OF THE PROPERTY	44 FT	(TO TOP OF PARAPET)

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 NUMBER 16581, EXPIRATION DATE: 08-01-2021

STATE OF MARYLAND — DONALD N. MOTSKO — REG. NO. 16581 — PROFESSIONAL ENGINEER

Richardson Engineering, LLC
30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208
don@richardsonengineering.net

TRACKING: LIM-2019-00007 LIMITED EXEMPTION: 19012LN
PAI: 02-0791 DRC: 103117D

PLAT TO ACCOMPANY ZONING PETITION
FOR
GOFAMINT HOUSE OF CHANGE BALTIMORE
10610 LIBERTY ROAD
BALTIMORE COUNTY MARYLAND
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	DNM	DNM	1" = 30'
	DATE: 12-02-20	JOB NO.: 17098	SHEET NO.: 1 OF 1

MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Gregory Slater
Secretary
Tim Smith, P.E.
Administrator

June 22, 2020

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

Dear Ms. Lewis:

We have reviewed the site plan to accompany the petition for variance on the subject of the Case number referenced below, which was received on **6/22/20**. A field inspection and internal review reveals that an entrance onto MD 26 consistent with current State Highway Administration guidelines is required. As a condition of approval for **Special Hearing, Special Exception, Variance**, Case Number **2020-0138-SPHXA**.

The Gospel Faith Mission International, Inc.
10610 Liberty Road
MD 26

See attached letter from the MDOT SHA dated 10/30/17. These comments remain valid.

The applicant must contact the State Highway Administration to obtain an entrance permit. Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@mdot.maryland.gov).

Sincerely,

Richard A Zeller

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

WW/RAZ

cc: Mr. John Vananzo, Utility Engineer, MDOT SHA District 4
Richardson Engineering / 30 E. Padonia Road, Suite 500, Timonium, MD 21093

October 30, 2017

Mr. Jan M. Cook
Development Manager
Development/Management/Permits
Inspections & Approvals
County Office Building-Room 123
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Cook:

Thank you for the opportunity to review the DRC Development Plan for the Gofamint House of Change Baltimore church expansion on MD 26 in Baltimore County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the submittal listed below and is pleased to respond.

Gofamint House of Change Baltimore
Development Plan Review
County Tracking No. DRC-2017-00154
SHA Tracking No. 17APBA025XX
MD 26 (north side) 405' east of Holbrook Road
Mile Post 2.06
Baltimore County

An access permit will be required for frontage improvements on MD 26 in conjunction with this proposed church expansion. The MDOT SHA has concerns that the proposed entrance to MD 26 for this church expansion will not meet the minimum intersection sight distance requirement when looking east, and therefore recommends that the site continue to utilize existing Gaitaway Lane for their access. A sight distance profile should be sent verifying the actual sight distance achieved at the proposed entrance. MD 26 is a 40 MPH roadway with a design speed of 50 MPH. Attached is a sight distance Measurement and Evaluation worksheet with charts that outline the required sight distance. The design engineer must fill this work sheet out with the information that they obtain and include it with the requested sight distance profile.

We request the opportunity to review a trip generation analysis to determine what improvements may be required at either the proposed entrance if adequate sight distance can be achieved, or at the existing Gaitaway Lane entrance to mitigate the traffic impacts of this development.

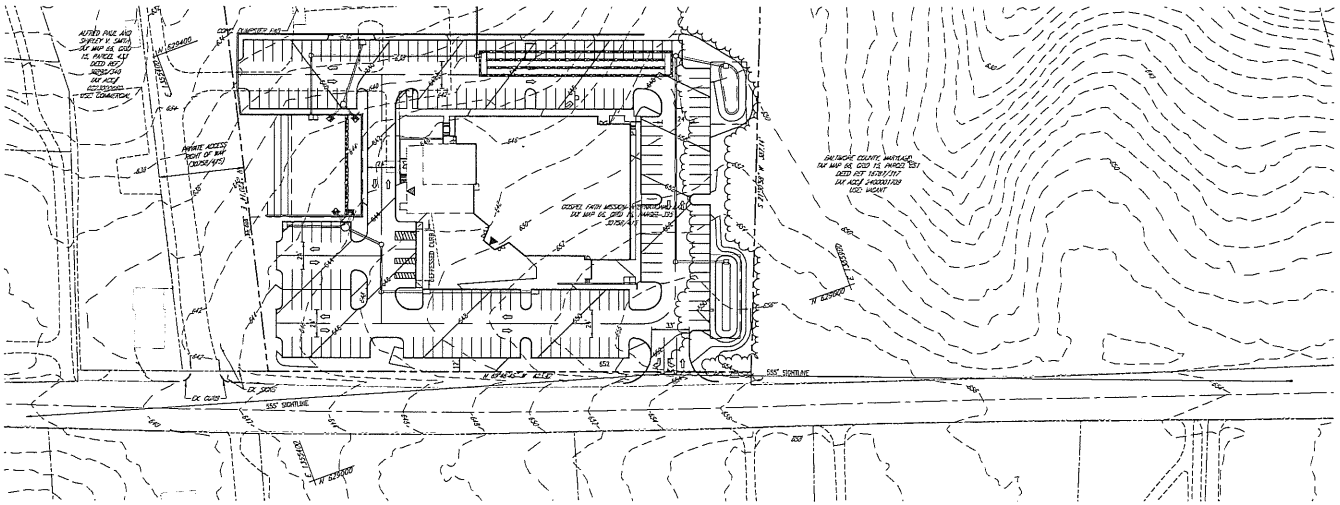
The above requested information should be sent to Ms. Wendy Wolcott at 320 West Warren Road, Hunt Valley, MD 21030 to the attention of Richard Zeller. Please utilize the above SHA tracking number when making this submittal. We will defer further review of this site until our review of the above requested information is completed.

If there are any questions, please contact Mr. Richard Zeller at 410-229-2332 or toll free (in Maryland only), 1-866-998-0367 (extension 2332) or by email at (rzeller@sha.state.md.us).

Sincerely,

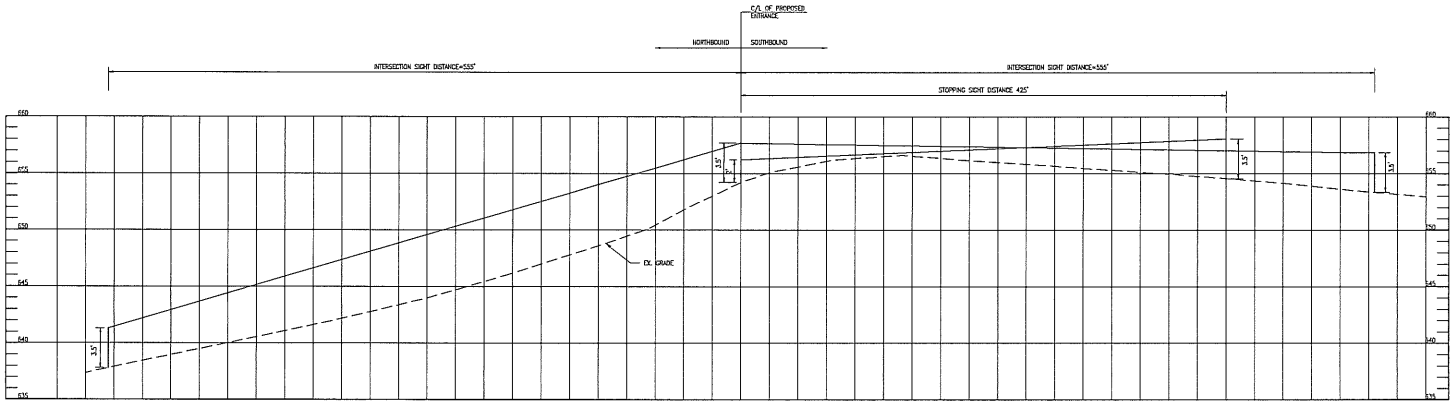
Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

cc: Richardson Engineering, LLC / 30 East Padonia Road, Suite 500, Timonium, MD 21093
The Gospel Faith Mission International, Inc. / 10610 Liberty Road, Baltimore, MD 21133
Mr. Vishnu Desai / 111 West Chesapeake Avenue, Towson, MD 21204
Ms. Kelly Kosino, MDOT SHA District 4 Traffic



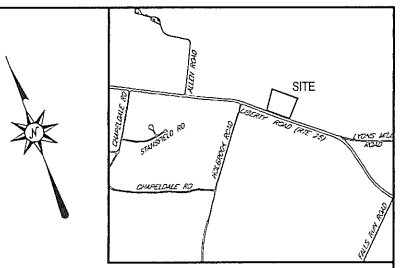
PLAN

SCALE: 1" = 30'



PROFILE

SCALE: H: 1" = 50'
V: 1" = 5'



LOCATION MAP

SCALE: 1" = 1,000'

GENERAL NOTES:

1. OWNERS: THE GOSPEL FAITH MISSION INTERNATIONAL INCORPORATED (HOUSE OF CHANGE BALTIMORE)
   10610 LIBERTY ROAD
   BALTIMORE, MARYLAND 21133
   TEL:(410) 882-6500
2. SITE AREA:
   NET 174,548 SF OR 4.007 AC.±
   GROSS 187,251 SF OR 4.299 AC.±
3. DEED REF:3075B/0415
4. TAX ACCOUNT: #0208652480
5. COUNCILMANIC DISTRICT: 4TH
6. ELECTION DISTRICT: 2ND
7. CENSUS TRACT:402201
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9. THIS SITE IS SERVED BY PRIVATE WATER AND SEWER.
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    BUILDING AREA 20,218 SF
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Phone: 410-560-1502 Fax: 443-901-1208
don@richardsonengineering.net

TRACKING: LIM-2019-00007 LIMITED EXEMPTION: 19012LN
PAI: 02-0791 DRC: 103117D

SIGHT DISTANCE EXHIBIT
FOR

GOFAMINT HOUSE OF CHANGE BALTIMORE

10610 LIBERTY ROAD

BALTIMORE COUNTY MARYLAND
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	DNM	DNM	1" = 30'
	DATE: 12-10-20	JOB NO.: 17098	SHEET NO.: 1 OF 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 NUMBER 16581, EXPIRATION DATE: 09-01-2021

STATE OF MARYLAND · DONALD N. MYERS · NO. 16581 · PROFESSIONAL ENGINEER

TRAFFIC CONCEPTS, INC.

Traffic Impact Studies • Feasibility • Traffic Signal Design • Traffic Counts •Expert Testimony

March 2, 2021

Ms. Vanessa Braddy
MDOT SHA Team Leader
- Baltimore County West

RE: Peak Hour Trip Generation Analysis
Gofamint House of Change Baltimore
10610 Liberty Road
Tracking #17APBA025XX

Dear Ms. Braddy:

As requested by your office, Traffic Concepts, Inc. is providing this peak hour trip generation letter for the Gofamint House of Change Baltimore church expansion. The existing church located on site will be expanded to provide 350 seats.

Trip Generation Information

The *Institute of Transportation Engineers Manual 10th Edition* (ITE) is used to calculate the proposed church new peak hour trips. The ITE manual provides the following description for a church.

According to the ITE manual a church (Land Use: 560) is a "building in which public worship services are held. A church houses an assembly hall or sanctuary; it may also house meeting rooms, classrooms, and, occasionally, dining, catering, or party facilities. Worship services are typically held on Sundays. Some of the surveyed churches offered day care or extended care programs during the week. For the sites with time-of-day data, the Sunday peak hours included the 60-minute periods beginning with 8:45 a.m., 9:00 a.m., 10:45 a.m., and 5:00 p.m."

Based on the ITE description, the primary trip generator is the church assembly hall that has a maximum seating capacity of 350 persons. The Sunday peak hour trips are shown below.

	SUNDAY		
	IN	OUT	Total Sunday Peak Hour Trips
Church (LUC 560)			
350 Seats	**93**	**96**	**189**

7525 Connelley Drive • Suite B • Hanover, MD 21076 • Phone (410) 760-2911 • Fax (410) 760-2915

New Site (Sunday) Trip Distribution

Based on the existing traffic pattern and our knowledge of the study area, the Sunday site trips are distributed through the proposed MD 26 site access point, as shown on the attached exhibit. It should be noted that the site trips shown are for the total expansion and include trips generated by the existing church.

Sincerely,

TRAFFIC CONCEPTS, INC.

Jama Carey
JCarey@traffic-concepts.com

Attachments: ITE 10th Edition Trip Information; Site Trips & Distribution Pattern Exhibit

Church
(560)

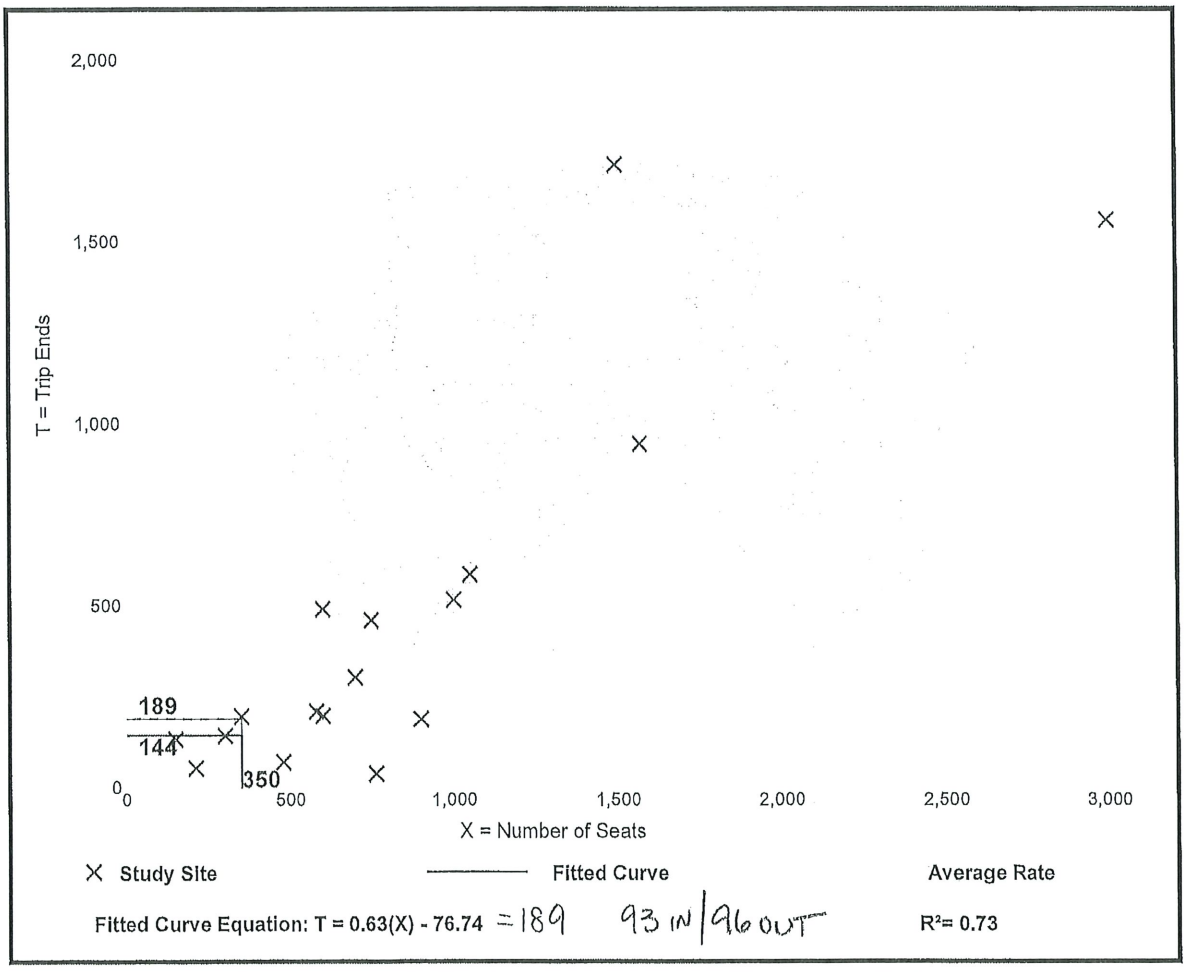
Vehicle Trip Ends vs: Seats
On a: Sunday, Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 17
Avg. Num. of Seats: 853
Directional Distribution: 49% entering, 51% exiting

Vehicle Trip Generation per Seat

Average Rate	Range of Rates	Standard Deviation
0.54	0.05 - 1.14	0.28

Data Plot and Equation

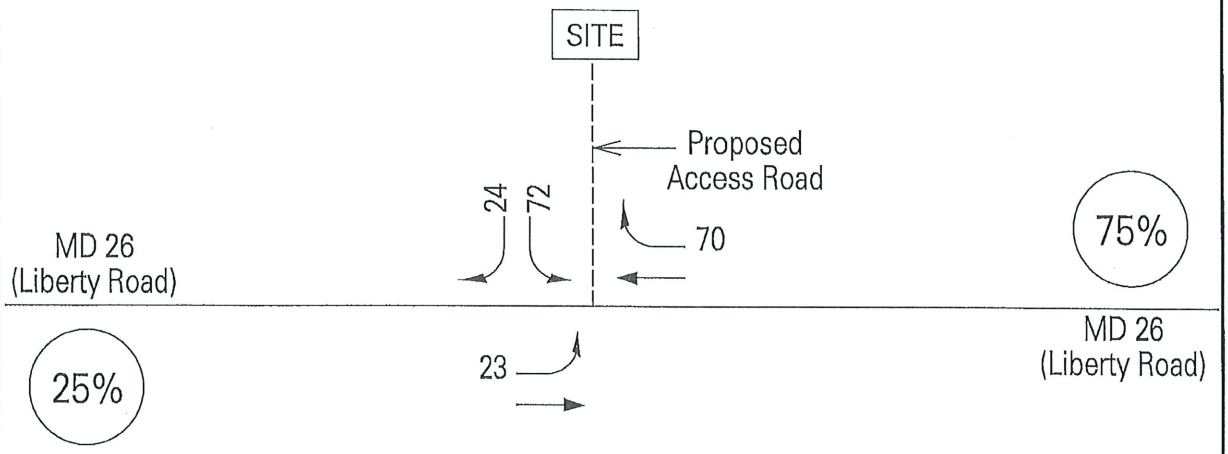


Trip Gen Manual, 10th Ed + Supplement • Institute of Transportation Engineers

CHURCH
LUC 560 - 350 SEATS
SUNDAY TRIPS

IN	OUT
93	96

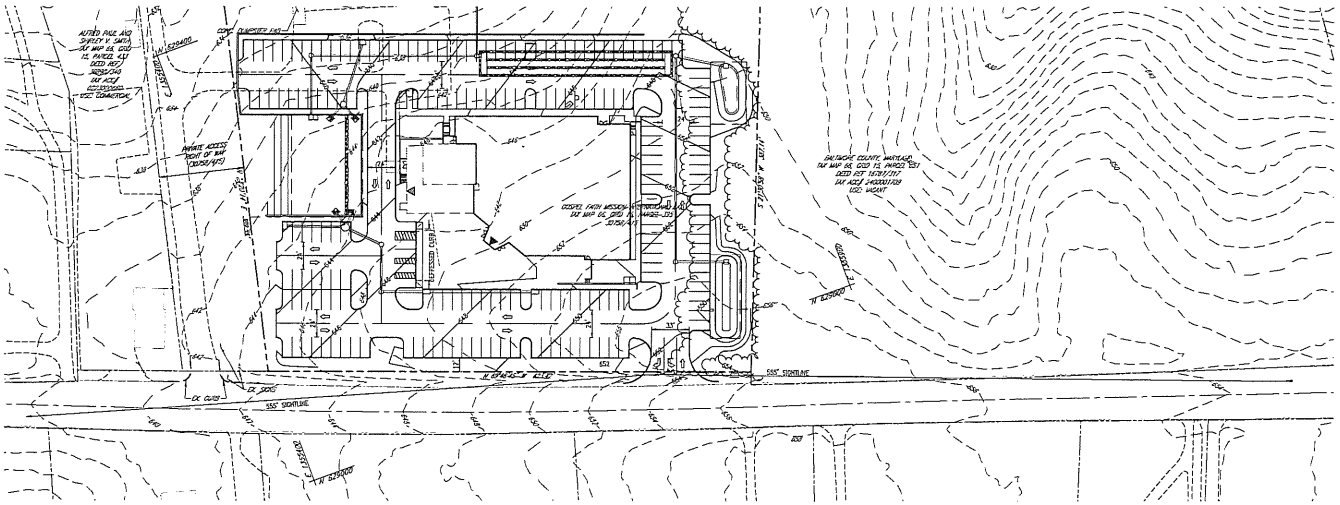




SUNDAY

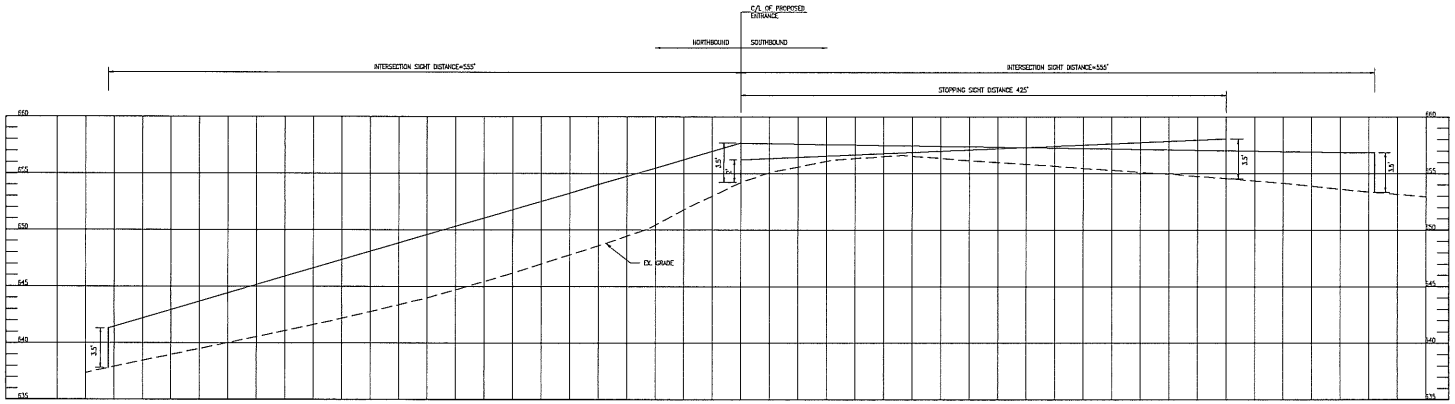
TRAFFIC CONCEPTS, INC.
7525 Connelley Drive
Suite B
Hanover, Maryland 21076
410-760-2911

Site Trips & Distribution Pattern



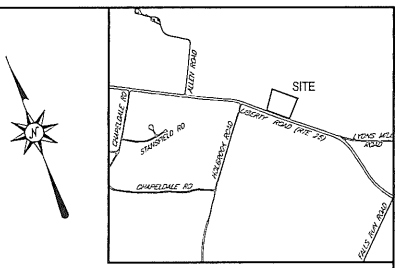
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    GROSS SITE AREA 187,251 SF
    FAR 0.11
15. PARKING
    REQUIRED:
    350 SEAT SANCTUARY: @ 1/4 SEATS = 88 SPACES
    TOTAL PROVIDED: = 195 SPACES
16. PRIOR ZONING HISTORY:

    CASE 1977-0167-SPHX
    SPECIAL EXCEPTION TO PERMIT THE USE OF THE EXISTING BUILDING AS AN OFFICE AND A SPECIAL HEARING TO PERMIT PARKING IN A RESIDENTIAL ZONE. GRANTED MARCH 16, 1977.

    CASE 2008-0136-SPHA
    SPECIAL HEARING AND VARIANCE REQUEST TO PERMIT A BUILDING WITH A GROSS FLOOR AREA OF 8,400 SF IN LIEU OF THE 5,800 SF AND A VARIANCE FROM SECTION 259.3.C.5 OF THE BCZR TO PERMIT A 110 FT FRONT YARD SETBACK IN LIEU OF THE 19.5 REQUIRED PER THE AVERAGING REQUIREMENT. GRANTED DECEMBER 20, 2007. SPECIAL HEARING TO AMEND THE PREVIOUSLY APPROVED PLAN AND ORDER IN CASE 77-167-SPHX. GRANTED DECEMBER 20, 2007.

17. NO KNOWN PERMITS ON FILE.
18. THE PROPERTY AND STRUCTURES ARE NOT HISTORIC.
19. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
20. SETBACKS REQUIRED – SEE CHART THIS SHEET
21. ALL SIGNS WILL CONFORM TO B.C.Z.R. SECTION 450 OR VARIANCES WILL BE REQUESTED PRIOR TO APPLYING FOR SIGN PERMITS.
22. THE BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
23. THE POSTED SPEED LIMIT ON LIBERTY ROAD IS 40 MPH.
24. ALL PROPOSED LIGHTING IS TO BE CUT-OFF DESIGN SO AS NOT TO SPILL LIGHT POLLUTION ONTO ADJACENT PROPERTIES.

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208
don@richardsonengineering.net

TRACKING: LIM-2019-00007 LIMITED EXEMPTION: 19012LN
PAI: 02-0791 DRC: 103117D

SIGHT DISTANCE EXHIBIT
FOR

GOFAMINT HOUSE OF CHANGE BALTIMORE

10610 LIBERTY ROAD

BALTIMORE COUNTY MARYLAND
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	DNM	DNM	1" = 30'
	DATE: 12-10-20	JOB NO.: 17098	SHEET NO.: 1 OF 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 NUMBER 16581, EXPIRATION DATE: 09-01-2021

STATE OF MARYLAND · DONALD N. MYERS · NO. 16581 · PROFESSIONAL ENGINEER

TRAFFIC CONCEPTS, INC.

Traffic Impact Studies • Feasibility • Traffic Signal Design • Traffic Counts •Expert Testimony

March 2, 2021

Ms. Vanessa Braddy
MDOT SHA Team Leader
- Baltimore County West

RE: Peak Hour Trip Generation Analysis
Gofamint House of Change Baltimore
10610 Liberty Road
Tracking #17APBA025XX

Dear Ms. Braddy:

As requested by your office, Traffic Concepts, Inc. is providing this peak hour trip generation letter for the Gofamint House of Change Baltimore church expansion. The existing church located on site will be expanded to provide 350 seats.

Trip Generation Information

The *Institute of Transportation Engineers Manual 10th Edition* (ITE) is used to calculate the proposed church new peak hour trips. The ITE manual provides the following description for a church.

According to the ITE manual a church (Land Use: 560) is a "building in which public worship services are held. A church houses an assembly hall or sanctuary; it may also house meeting rooms, classrooms, and, occasionally, dining, catering, or party facilities. Worship services are typically held on Sundays. Some of the surveyed churches offered day care or extended care programs during the week. For the sites with time-of-day data, the Sunday peak hours included the 60-minute periods beginning with 8:45 a.m., 9:00 a.m., 10:45 a.m., and 5:00 p.m."

Based on the ITE description, the primary trip generator is the church assembly hall that has a maximum seating capacity of 350 persons. The Sunday peak hour trips are shown below.

	SUNDAY		
	IN	OUT	Total Sunday Peak Hour Trips
Church (LUC 560)			
350 Seats	**93**	**96**	**189**

7525 Connelley Drive • Suite B • Hanover, MD 21076 • Phone (410) 760-2911 • Fax (410) 760-2915

New Site (Sunday) Trip Distribution

Based on the existing traffic pattern and our knowledge of the study area, the Sunday site trips are distributed through the proposed MD 26 site access point, as shown on the attached exhibit. It should be noted that the site trips shown are for the total expansion and include trips generated by the existing church.

Sincerely,

TRAFFIC CONCEPTS, INC.

Jama Carey
JCarey@traffic-concepts.com

Attachments: ITE 10th Edition Trip Information; Site Trips & Distribution Pattern Exhibit

Church
(560)

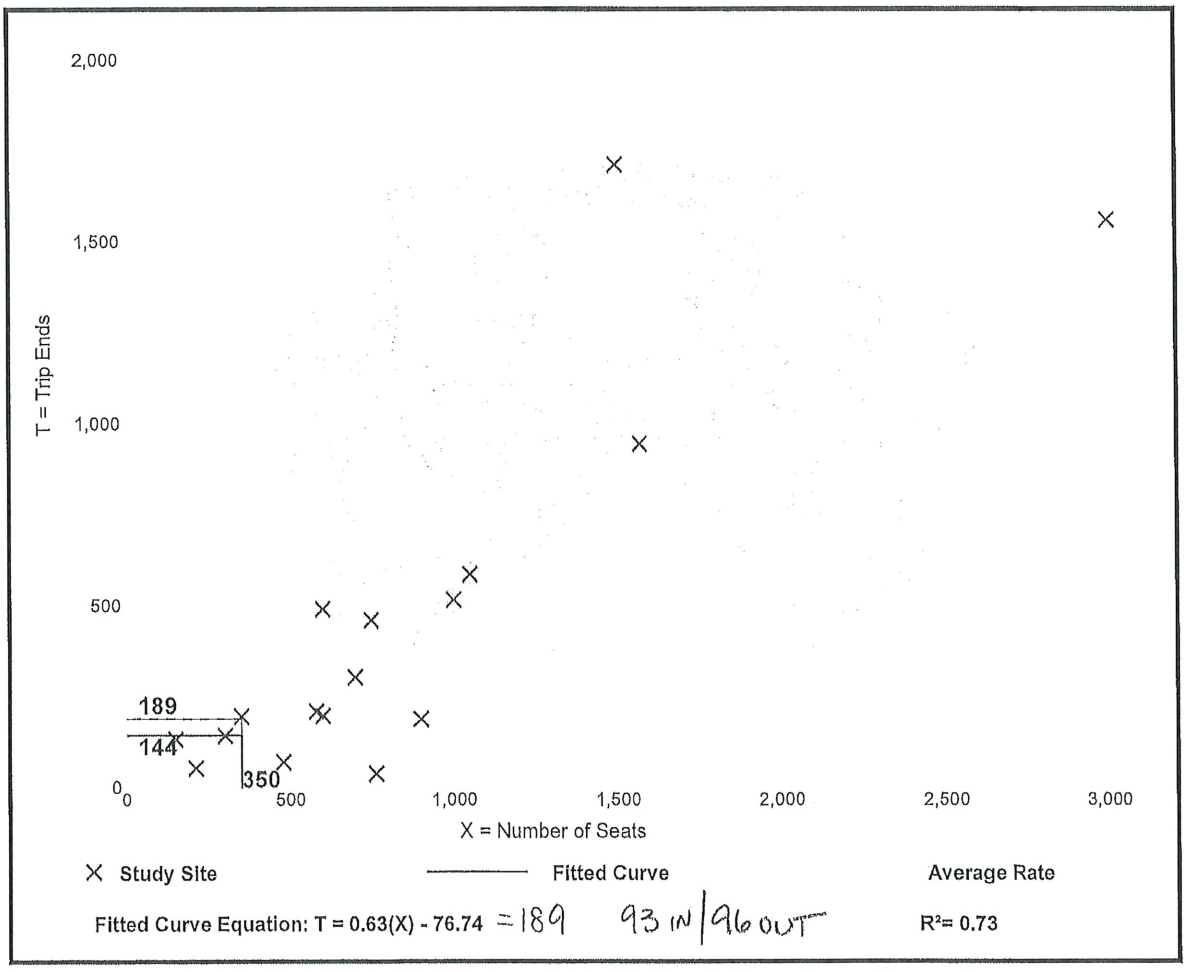
Vehicle Trip Ends vs: Seats
On a: Sunday, Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 17
Avg. Num. of Seats: 853
Directional Distribution: 49% entering, 51% exiting

Vehicle Trip Generation per Seat

Average Rate	Range of Rates	Standard Deviation
0.54	0.05 - 1.14	0.28

Data Plot and Equation

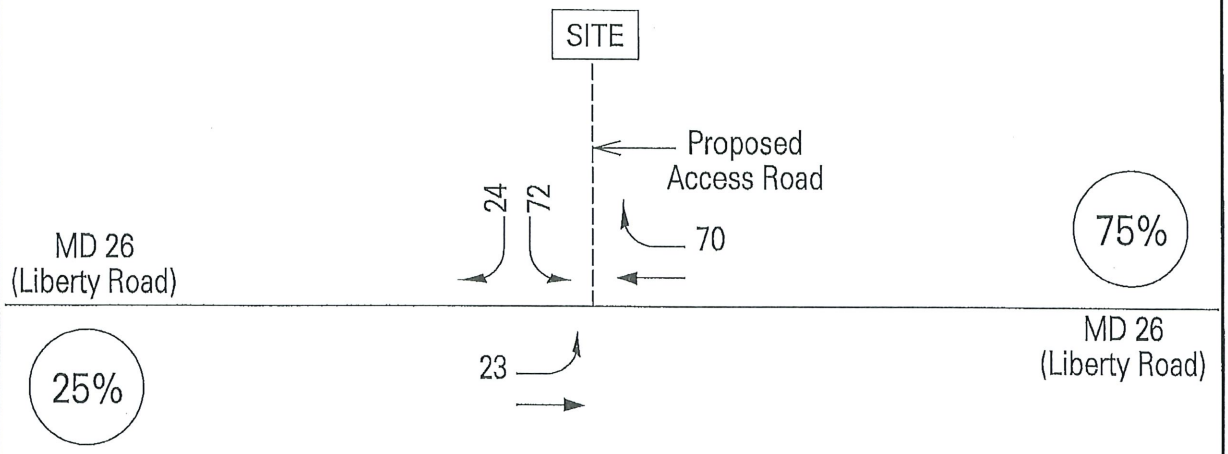


Trip Gen Manual, 10th Ed + Supplement • Institute of Transportation Engineers

CHURCH
LUC 560 - 350 SEATS
SUNDAY TRIPS

IN	OUT
93	96





SUNDAY

TRAFFIC CONCEPTS, INC.
7525 Connelley Drive
Suite B
Hanover, Maryland 21076
410-760-2911

Site Trips & Distribution Pattern

Your financial support is indispensable!

Your gift goes directly to speed both our educational outreach, and our research and restoration efforts for this unique ecosystem. Time is of the essence, as more and more species of invasive plants are increasingly spreading into our natural areas and adversely impacting them. Together we can ensure that this site will be preserved for future generations.

Soldiers Delight Conservation, Inc. (SDCI) is a 501 (c) (3) non-profit organization. All donations to SDCI are fully tax-deductible.

Level of support:

Individual/ Family:	Amount:	Corporate/ Organization:	Amount:
☐ Contributor	$10 to $49	☐ Bronze	$100 to $499
☐ Protector	$50 to $99	☐ Silver	$500 to $999
☐ Sponsor	$100 and up	☐ Gold	$1000 and up

Make your check payable to: "Soldiers Delight Conservation, Inc."

Name

Address

Phone E-mail address **

☐ ** Add me to SDCI's mailing list.
SDCI will not share its mailing list with any other organization.

☐ I am interested in volunteering.
Please contact me!

☐ I am interested in serving on the SDCI board.
Please contact me!

Detach and mail to:

c/o: Lynell Tobler, Vice President
Attn: SDCI
10012 Lyons Mill Road
Owings Mills, Maryland 21117



Red Dog Lodge

Photo Credits:
Jim Dudley, R. Harrison Wiegand, Laura Van Scoyoc, Wayne Tyndall, Paula Becker, Skip Bird, Jim Asner

Last Updated: *10 January 2018*

Where to visit us:

Soldiers Delight Natural Environment Area
5100 Deer Park Road
Owings Mills, Maryland 21117 U.S.A.



Directions: ***Take the Baltimore Beltway to I-795. Exit I-795 onto Franklin Blvd. west. Turn right at Church Road. Turn left on Berryman's Lane. Turn left on Deer Park Road. The entrance to the visitors center is on the right, past the overlook.***

What is Soldiers Delight Conservation, Inc. (SDCI)?

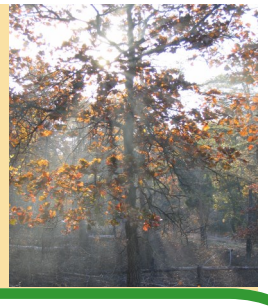
Soldiers Delight Conservation, Inc. (SDCI) is a volunteer non-profit group, formed in 1959, whose mission is to educate the public about Soldiers Delight and to conserve and restore its rare and endangered ecosystem for future generations. We serve as the "Friends" group for the Soldiers Delight Natural Environment Area.

Reach us at:

Soldiers Delight (SD):
SD visitors' center: 410-922-3044
SDCI website: **www.soldiersdelight.org**
SDCI e-mail: soldiersdelight@gmail.com

Patapsco Valley State Park (PVSP):
PVSP headquarters: 410-461-5005

Dept. of Natural Resources (DNR):
DNR website: www.dnr2.maryland.gov



The Friends of Soldiers Delight

(Soldiers Delight Conservation, Inc.)
www.soldiersdelight.org



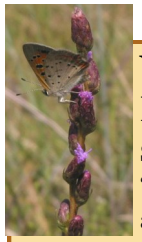
Conservation & Education

Soldiers Delight is:

A Natural Environment Area

A Maryland Wildlands

Your Unique Heritage



What makes Soldiers Delight so special?

Soldiers Delight is the largest serpentine "barrens" ecosystem on the East Coast. It is a rare and endangered oak savanna ecosystem that once covered upwards of 150,000 acres in Maryland at the time of European settlement. However, today, fewer than 1000 acres of the original barrens remain, and most of them are preserved in Soldiers Delight. As a result of its unusual geology and fire history, Soldiers Delight is the most significant biodiversity site on any of Maryland's State lands: it provides habitat for more than 30 rare plant and animal species, including several that occur nowhere else in Maryland. It was also the nation's first source of chromite ore, from 1825 until the middle of the 19th century.



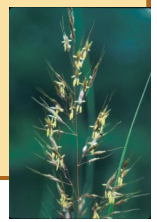




What is a Natural Environment Area?

A Natural Environment Area (NEA) is a *"unit of the State Park system which is an area, ... of significant natural attraction or unique geological feature"*. Soldiers Delight, as the largest remaining serpentine barrens ecosystem on the East Coast, qualifies easily. However, Soldiers Delight is more than just a NEA; it is also a State Wildlands, a designation that can only be granted by the Maryland General Assembly. Such a designation grants protections that are Maryland's equivalent of the Federal Wilderness designation. Management activities within a Wildlands are directed at protecting or enhancing its wilderness characteristics.



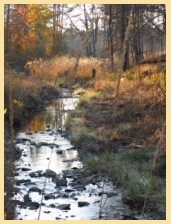


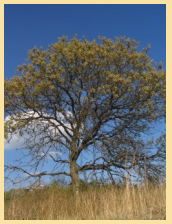


What is a serpentine barrens?

Serpentine is a greenish oceanic bedrock that has an unusual chemistry which is hostile to most plants. It erodes into a thin rocky soil, which eventually gave rise to a sparse vegetation consisting of open-grown old-growth oaks, grasses and wildflowers. Settlers called it a "barrens" because they found no lumberable timber, not because there were no tree species present.







Why is Soldiers Delight being restored?

The main goal of the restoration program is to remove all species that are non-native to the site, including the Virginia pine and greenbrier that have spread over the barrens within the last 70 years and choked out the native oak savanna. Restoration of Soldiers Delight began in 1989 and, to date, more than 26,000 hours of volunteer labor have been logged in support. Volunteers help in clearing and creating firebreaks in support of the Department of Natural Resources' (DNR) prescribed burning program which is conducted in the fall and spring, weather permitting. These burns help remove non-native invasive species and encourage the growth of the native vegetation which is adapted to fire.

How can I help?

Learn more about native species and volunteer with us!









Scales and Tales: a peregrine falcon on display



Stargazing with the Westminster Astronomical Society



What is there to see and do at Soldiers Delight?

Soldiers Delight boasts seven miles of marked pedestrian hiking trails. Various environmental and interpretive programs and many guided hikes are offered throughout the year, including: mining history, ecosystem, wildflower, butterfly, or birding hikes, star-gazing evenings, "Owl Prowls", invasive species workshops, etc.! The visitors' center has meeting rooms that can be rented, a reference library and exhibits on the natural and cultural history of the area. Scales & Tales is available for children's birthday parties. Look for our calendar of events on the SDCI website at www.soldiersdelight.org.



Learning about controlled burns at one of our many community displays



Events in the Visitors' Center



Mining History: Soldiers Delight was the nation's first source of chromite ore.

Come volunteer with us!

Complete your Service Learning Hours in the interests of conservation! Volunteers engage in a variety of activities. Both individuals and groups are welcome.



Volunteers drag, chip, and burn Virginia pines and mark other invasive species during "SERP" restoration events.

Contact our Volunteer Coordinators:

Paula Becker: Wildlife & Heritage:
Paula.Becker@maryland.gov (410) 260-8568

Volunteer Coordinator: Patapsco Valley SP:
volunteerpatapsco.dnr@maryland.gov (410) 465-3287

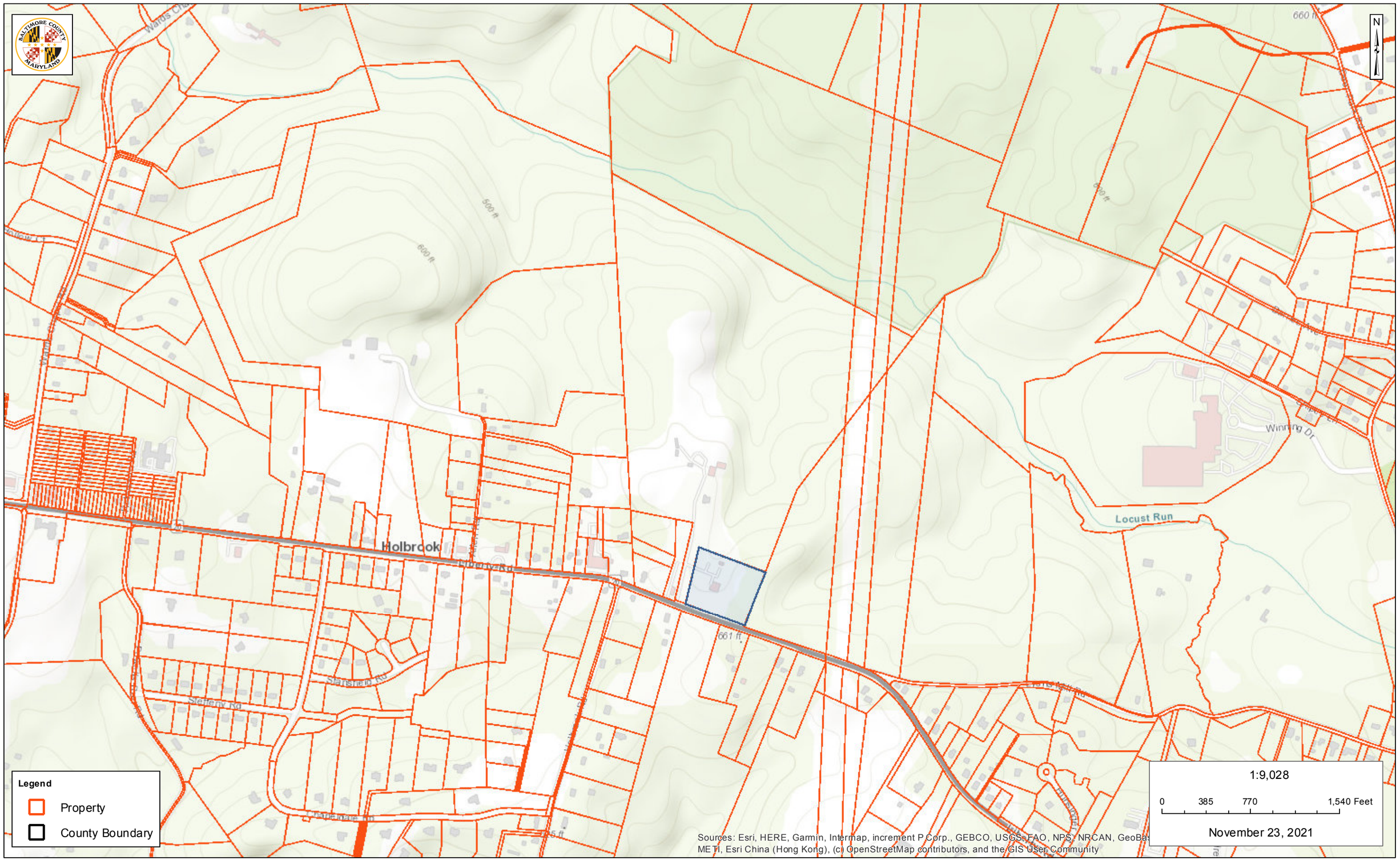








Baltimore County - My Neighborhood



Baltimore County Government, Carroll County, VITA, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA |

Richardson Engineering, LLC

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

Tel. 410-560-1502
Fax 443-901-1208

March 11, 2019

Ms. Mia Lowery
Baltimore County EPS
Groundwater Management Division
105 W. Chesapeake Avenue
Towson, MD 21204

Reference: Gofamint House of Change, Baltimore
16101 Liberty Road, Baltimore County, Maryland
Revised Water Usage

Dear Ms. Lowery:

The Gofamint House of Change is planning for a major expansion and we are in the process of designing the septic system. The addition will have a new 450 seat sanctuary, some classrooms, fellowship hall and kitchen. The kitchen is to be used as a warming kitchen for the church functions and not as a commercial kitchen (will not have a hood). The kitchen will not be rented out to caterers.

Below is a summary of the uses and the flow rates that we are proposing. We are intending to design the system to meet these volumes and would appreciate your confirmation that they are acceptable to the County.

They are hoping to get to two services of one hour each, with 900 adults (max) and 150 children on Sundays in attendance.

There will be 10 staff persons during the week. (5 full time and 5 part time)
There will be evening functions of typical church groups such as bible study, leadership training, community groups and choir practice for about 50 people from the church.

Additionally, they expect various special services such as weddings, funerals or holidays.

Summary of projected water usage for design of onsite sewage disposal system.

• Monday – Friday		
○ 5 full-time staff	(15 ea)	75 gpd
○ 5 part-time staff	(8 ea)	40 gpd
○ Evening Function – 50 participants	(5 ea)	250 gpd
○ Total		365 gpd
• Sunday		
○ 900 congregants(2 services)	(3 ea)	2,700 gpd
○ 150 Sunday School participants	(3 ea)	450 gpd
○ Total		3,150 gpd

Richardson Engineering, LLC

- Wedding/special events
  - 200 congregants (3 ea) 600 gpd

Total Usage per week (Max scenario)

5 days X 365 gpd	=	1,825 gallons per week
1 day X 3,150 gpd	=	3,150 gallons per week
1 Special event	=	600 gallons per week
Total		5,575 gallons per week

365
3150
3515
600
4115

5,575 gallons per week / 7 days per week = 796± gallons per day flow equalized

We intend to base our design on the information detailed above.

Please let us know if you have any questions or concerns. We will be submitting a formal OSDS design at a later date.

Thank you.

Sincerely,

Donald N Mitten

Donald N. Mitten., PE

Protestants' Exhibits

1. Map of easement area
2. Photographs
3. DRC application and approval letter
4. Plat to Accompany DRC Request (10/9/17)
5. Limited Exemption Development Plan (5/16/19)
6. Plat to Accompany Zoning Petition (5/10/20)
7. Redline Plat to Accompany Zoning Petition (6/8/20)
8. Plat to Accompany Zoning Petition (12/2/20)
9. Letter from SHA (7/22/20)
10. Letter from Traffic Concepts (Trip Generation Analysis) (3/2/21)
11. Site Distance Exhibit (12/10/20)
12. Brochure- Soldier's Delight
13. Photos (A-D)
14. MyNeighborhood Map [WITHDRAWN]
15. Water usage letter (3/2/21)
16. Website - Gaitaway Stables [WITHDRAWN]

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14. MyNeighborhood Map

JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

January 12, 2023

Dino La Fiandra, Esquire – dcl@lafiandralaw.com
The Law Office of Dino C. LA Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, MD 21204

Michael McCann, Esquire – michael@mccannlaw.net
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204

RECEIVED
JAN 13 2023
BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**
Petitions for Special Hearing. Special Exception and Variance
Case No. 2020-0138-SPHXA
Property: 10610 Liberty Road

Dear Mr. La Fiandra and Mr. McCann:

Please be advised that an appeal of the above-referenced case was filed in this Office on January 12, 2023. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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

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

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure

APPEAL TO BOARD OF APPEALS
Petitions for Special Hearing. Special Exception and Variance

C:

People's Counsel
Board of Appeals
Bro. Idris O. Aborlurin – aboluringbenga@yahoo.com
Bro. Temidayo Sekireri – stemiadayo@gmail.com
Deacon Dimeji Adedire – adedire@yahoo.com
Deaconess Tolu Olugbemi – tolu.olugbemi@gmail.com
Elder Olaoluwa Abina – houseofffire2020@gmail.com
Elder Philip Olaomi – olaomiphilip@gmail.com
Pastor Taiwo Fagbuyi – taiwofagbuyi@yahoo.com
Pastor Uwem Ikpo – uwemekpo@yahoo.com
Sister Pat Stark – pkonstark@hotmail.com
Mark Keely – mkeeley@traffic-concepts.com
Ola Abina – houseoffire2020@gmail.com
Moses Kuna – kuna_2002@yahoo.com
Mary Vogelsang – granmaryrn@yahoo.com
Faustina Balogun – tina070@yahoo.com
Lynell Tobler – lynelltobler@outlook.com
Oluwaseun Owojuyigbe – seunowo@proactivedbs.com
Kate Richardson – quansima@hotmail.com
Majack Alexander-Stark – majackmail@gmail.com
Gloria Ekpo – guekpo@yahoo.com
Myibat Sanni – aronke5111@gmail.com
Myibat Sanni – ronke5111@gmail.com
Celeste Stratton – cstratton123z@gmail.com
Patrick Richardson – rick@richardsonengineering.net

APPEAL

Petitions for Special Hearing, Special Exception and Variance
Case No.: 2020-0138-SPHXA
The Gospel Faith Mission International Incorporated
10610 Liberty Road
2nd Election District, 4th Council District

Petitions for Special Hearing, Special Exception and Variance – June 16, 2020

Zoning Description of Property: 3 pages

Notice of Zoning Hearing (Webex) – set in 10/29/21

Note: hearing was opened on October 26th, where Judge Mayhew granted Michael McCann's request for postponement on the record and then reset in for November 23, 2021

Certification of Publication – (Daily Record)-10/6/2020

Certification of Posting by Sgt. Black - 10/6/2020 & 10/24/2020

Entry of Appearance by People's Counsel – 6/24/2020

Attendance Report – First Hearing – we don't have 2nd hearing: 2/15/2022 – 10 pgs.

Zoning Advisory Committee Comments:
DEPS dated June 23, 2020
DOP dated 7/15/2020

Petitioner's Exhibits:

1. Mitten CV
2. Redline Zoning Plan (November 18, 2021).
3. Blackline Zoning Plan (November 18, 2021).
4. Existing Conditions (Colored Zones)
5. Proposed Conditions (Colored Zones).
6. Zoning Comments (5/14/2019).
7. SHA Approval (March 9, 2021).
8. Floor Plan (w/ Zone Line)
9. Building Elevations
10. Zoning Case 2008-136-SPHA
11. Floor Plan
12. Schmid CV
13. Sight Distance Exhibit
14. Department of Planning Comments (7/15/2020)
15. Keeley CV

Protestant's Exhibits:

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2. Photographs
3. DRC application and approval letter
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15. Water usage letter (3/2/21)
16. Website - Gaitaway Stables [WITHDRAWN]

Miscellaneous: SDAT, Web Ex Information, ZAC agenda, Emails, opposing letters

Petitioner's Brief – 10/21/22
Protestants Brief – 10/21/22

Transcripts for both hearings

Email, Cover Letter and Administrative Law Judge Mayhew Order Decision – December 13, 2022.

Notice of Appeal dated January 12, 2022 from Dino La Finadra - Cashiers receipts (see attached).

Exhibits and Memos sent to BOA Shared Folder on January 12, 2023

Donna Mignon

From: Majack Stark <majackmail@gmail.com>
Sent: Friday, September 23, 2022 10:33 AM
To: Administrative Hearings
Subject: Zoning Hearing - Case No. 2020-0138-SPHXA - 10610 Liberty Rd. - The Gospel Faith Mission, Intl.,Inc. (House of Change, Balto.)

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

Please forward to the Judge assigned to this case - thank you!

Hello, Judge Mayhew,

I attended the hearing, and I wanted to state a few points. I thought there would be a public comment portion of the hearing in which I could state my case. My professional background is in residential and commercial real estate title and title insurance, with 20+ years experience.

We own the property directly across Liberty Road from the church property. The Tax ID Nos of the properties we own are: 02-2100008978 , 02-0208650170, 02-0208650340. In residence Is myself and my husband, our two adult children, and our son's significant other.

1. The architect stated that the height of the building was set to make the building visible from the street. The current building is not only very visible from the street, but from our front porch, which is about 150 feet to the South of Liberty Road. The proposed height and size of the building would essentially make the church the only thing we could see from the front of our house.
2. Light pollution: the current church lights, which are on 24/7, require us to have black out curtains along the front of our house. The increase in light pollution is of grave concern.
3. Noise pollution: the current use of the church makes enough noise on Sunday mornings, and periodically evenings and nights throughout the week, to be heard inside our home, and occasionally wakes us up. The new sanctuary would not only be louder, but the upper windows would face our house directly. Windows act as amplifiers for sound. This increase in noise is also of concern to our family.
4. There are already frequent accidents in front of our property, precisely where their new entrance would be, ranging from fender benders to more serious accidents. In the 3 or so years we have been here, we have witnessed accidents requiring emergency services and ambulances twice, the most recent being about 6 weeks ago. This most recent accident resulted in the destruction of our mailbox. More traffic will create more accidents.
5. Also with the location of the new driveway proposed, it will directly impact access to our property during service hours. Both myself and one of my children have a genetic disorder which can result in spontaneous life threatening bleeding and heart problems. Also, both of my children have major mental health issues (which is why they still live at home). Unhindered access is crucial to our wellbeing.
6. The neighborhood, and a primary reason we bought the property, is that all of the properties surrounding us are zoned RC. We bought the 36 acre parcel adjoining the parcel our house is on specifically to prevent development. This church does not in any way match the feel of a RC zoned neighborhood.
7. Regarding the environmental impact, we are working to re-wild our acreage. I just wish to echo Ms. Tobler's concern regarding wildlife disruption and invasive species.
8. Finally, I wanted to confirm others' testimony that the church is used far more often than presented. In addition to the services the pastor described, there are frequently picnics and parties on Saturday when

the weather is fair. They also stated no funerals, but I watched a funeral procession leave their lot just this past week. And there is some activity at the church every day of the week.

If you have any need to contact me, please feel free to do so.

Thank you,

Majack Alexander-Stark
10535 Liberty Rd
Randallstown, MD 21133
703-899-0178

-majack

STEVEN H. SIMENOWITZ, ESQ.

ADMITTED MARYLAND & NEW YORK

HYDECROFT MEWS
6205 WALLIS AVE. SUITE A
BALTIMORE, MD 21215

180 MAIDEN LANE
27TH FLOOR
NEW YORK, NY 10038

410.585.1830
413-.451.0841 (FAX)
shsemg@gmail.com

RECEIVED
SEP 13 2022
OFFICE OF
ADMINISTRATIVE HEARINGS

August 8, 2022

Judge Paul Mayhew
Office of Administrative Hearings
105 W. Chesapeake Avenue
Towson, MD 21204

RE: Case No. 2021-0138-SPHXA(10600 Liberty Road)

Honorable Sir:

My name is Steven Simenowitz. I currently board my horse Charlie at Gaitaway Stables, the adjoining property to the subject premises.

By way of some personal background, I am a third-generation horseman and a third-generation attorney. I was admitted to the New York bar in 1983 and more recently to the Maryland bar in 2013. Additionally, I am an Orthodox rabbi and currently serve as adjunct rabbi to Congregation Beth Abraham in Upper Park Heights in Baltimore City. The unifying factor between these three seemingly disparate facets of my personality is that success in each endeavor – whether as an attorney, equestrian or rabbi – is predicated upon making the lifelong transition from being clever to being wise in accordance with the adage "the clever man knows how to get out of a situation that the wise person would have never gotten into in the first place". Sadly, the plan as currently presented to this tribunal radiates cleverness while being wholly bereft of wisdom. While in many respects it is a beautiful plan (in a Picasso sort of way) it is tragically tone deaf to the likely impact on long-standing existing agricultural uses and forest preservation mandates. I hope and pray that Your Honor can provide the missing wisdom – as indeed envisioned by the legislature for just such a purpose - to this exercise in cleverness and maintain the status quo by a sound exercise of judicial discretion and denying the application in its entirety.

Gaitaway Stables (so named because of the proliferation of "gaited" horses found there - horses known for their smooth gaits as well as their gentle and forgiving nature) serves an eclectic and diverse population of horse lovers. There are youngsters riding for the first time, retirees indulging in a lifelong passion (I ride a few times a week with several retired women none of whom are below the age of 70!) and everyone in between. There are blacks, whites,

Indians, women in hijabs, men in yarmulkas, Christians, Jews, Muslims, atheists, and agnostics and more. Many (I included) have sustained emotional and/or physical trauma during their lives and eagerly look to their time at the barn and on the trails with their four-legged therapists as an indispensable healing aid. The Gaitaway community is a little microcosm of what the world could be when people are able to look beyond their own self-interest and tribalism and unite under a common passion.

Nor is this a show barn catering to the elite – it is in fact a largely working-class barn where a host of volunteers come faithfully each day – morning and evening - to clean the stalls and feed and care for the horses in exchange for some time in the saddle – something which they may not have had access to any other way.

There is an old saying in the horse world "no hoof no horse". The uneven topography of both parcels makes groundwater removal and/or diversion exceptionally challenging. Many of the horses (mine included) are perennially being treated for thrush – a moisture related fungus of the hoof which results from horses standing in wet areas and which can penetrate the sensitive structures of the hoof and cause temporary to permanent lameness. One of the main paddocks is situated directly above the church parcel. It is already wet more than it is dry. While the proposed plan includes a "100 year" groundwater containment system" I can think back to when I relocated from New England to Baltimore approximately 13 years ago. The last thing I did before I left snowy New England was sell my four-wheel-drive truck and my snowblower. Within two months of moving, we had back-to-back 100-year snowstorms! Or as attorneys frequently say, "the law library is full of cases involving things happening that people swore wouldn't or couldn't happen".

Similarly, the excess noise and increased activity take their toll on the horses physical and mental well-being posing a threat to both the four-legged horses as well as the two-legged creatures who rely on their calm temperaments to avoid unnecessary injury.

Additionally, the woods in which we ride are a rare fragile ecological gym. Old-growth trees protected from encroachment from developers and loggers grow with impunity, sheltering the forest with their canopy and providing a veritable living cathedral for the equestrian congregation seeking refuge and solace in their shade. It comes as no surprise that the woods and the sensitive wetlands teeming with rare flora and fauna rightly enjoy a protected status, a protection which can only be eroded and irreparably harmed by an overly aggressive development of the church parcel.

Moreover, the parking and traffic situations are currently unsustainable. Parishioner vehicles are currently parked on the Gaitaway parcel each week during services creating ingress and egress challenges as well as direct challenges to the horses and riders lawfully on the Gaitaway parcel. Even assuming the church added its own entrance off Liberty Road, the road itself simply cannot accommodate the additional concentrated flow of traffic. The church parcel is in a precarious location. On one side it is fed by Lyons Mill Road which forks off at a narrow, perilous "V" intersection onto Liberty Road. Indeed, the foreboding curves and lack of visibility garnered it a 20-mph speed limit. Drivers entering onto Liberty Road towards the church have to crane their necks to anticipate oncoming traffic and merge from a standstill onto a high-speed

rural road. From the other side, a few feet from the existing entrance is the wildly successful Hawaiian Island Snoballs with vehicles stopping and turning into their tiny parking area from both directions. A car leaving Gaitaway invariably has to wait for several minutes before being able to make the left turn onto Liberty Road due to the lethal combination of high-speed vehicles, quick stops and sharp turns. Increasing fivefold the volume of cars in the vicinity can only make things worse.

Ironically, the only glimmer of wisdom I recall hearing in Mr. Mitton's presentation had to do with the parking requirements when he indicated that he unilaterally included additional parking spots as the zoning requirements were only a minimum starting point and did not necessarily reflect the reality on the ground. Sadly, truer words were never spoken.

I am neither unmindful of nor unsympathetic to the First Amendment implications of the dispute but rights – even religious ones - are not unqualified. While as an attorney I am at home advocating of clients' rights, as a religious leader I am even more comfortable highlighting their responsibilities. One of my late father's favorite phrases embodying the tension between the two was a saying attributed to Mr. Justice Holmes, namely "the right to stretch my arm ends where the next person's nose begins".

Candidly, as a spiritual leader, I personally enjoy seeing families worship together thereby strengthening family ties through the transmission of traditional values, which in turn solidifies community ties and provides a bedrock foundation for a just, moral, and productive society, indeed the very goals the laws were meant to serve.

Nevertheless, I believe that given the fundamental incompatibility of an oversized edifice on an undersized parcel and a high-density use in a low-density area, granting any type of variance will only tend to exacerbate an already aggravated use and is simply a recipe for disaster. While I am personally glad that the church has grown as it has and wish it much luck weathering its growing pains, perhaps its long-term viability might be better realized on a parcel far more suitable to its intended purpose and with far less impact on its neighbors.

I am sorry that I was unable to present this testimony via zoom as I will be delivering a keynote address in Syracuse, IN. Should Your Honor have any questions please feel free to reach out at your earliest opportunity.

Thanking you in advance for your kind consideration, I remain,

Very truly yours,



Steven H. Simenowitz

Donna Mignon

From: Michael McCann <michael@mmccannlaw.net>
Sent: Tuesday, September 13, 2022 3:09 PM
To: Donna Mignon; Debra Wiley
Cc: Dino La Fiandra
Subject: Gofamint - Liberty Rd
Attachments: Letter to Judge.pdf

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

Deb/Donna: Attached is a letter from someone in the community who I do not represent. He asked that I submit it for inclusion in the file.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

E-mail Confidentiality: The information contained in this message may be confidential, proprietary and/or protected by the attorney-client privilege or work product doctrine. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please delete/destroy any copy of this message and notify Michael R. McCann at 410 825-2150.

Donna Mignon

From: Ce Stratton <cstratton123z@gmail.com>
Sent: Monday, November 22, 2021 1:05 PM
To: Administrative Hearings
Subject: Stratton_ case # 2020-0138 SPHXA
Attachments: zoning diagram.jpg

CAUTION: This message from cstratton123z@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Judge Mayhew,

Below are safety concerns related to proposed zoning changes in case # 2020-0138 SPHXA.

I own the residence located at 10627 Liberty Road, Randallstown, MD. The address is directly across Liberty Road (Route 26) from the property to which permits and changes are being considered. Residences line the street across from the business property seeking zone changes and building permits. Please reference the blue "x" in the drawing attached which represents the location of my residential driveway. My safety concerns are outlined below.

1.) Current traffic patterns and volume on Liberty Road cause unsafe conditions. Increased traffic volume from permit changes increases safety concerns.

   a. Traveling west on Liberty Road I routinely wait for eastbound traffic to clear before turning left into my driveway. Traffic volume is high and traffic routinely speeds past my vehicle to the right, using the road shoulder closest to the business entrances.

   b. Traveling east on Liberty Road I slow my vehicle before turning right, into my driveway. Traffic volume is high and drivers routinely speed past my vehicle on my left, crossing the double yellow lines while I turn off of the road into my driveway.

2.) Traffic volume for businesses in this area peaks March-September creating especially hazardous conditions and accidents occur. Patron vehicles back up onto Liberty Road, waiting to safely turn into the businesses. There is no turn lane on Liberty Road. Other drivers on the road use the shoulder and speed past the turning vehicles.

3.) The current private road which leads to the church entrance is directly across from my residential driveway. Presently it can take me up to 4 minutes to exit my driveway safely. Expanding this private roadway and volume of drivers using the roadway, establishes a safety concern for use of my driveway.

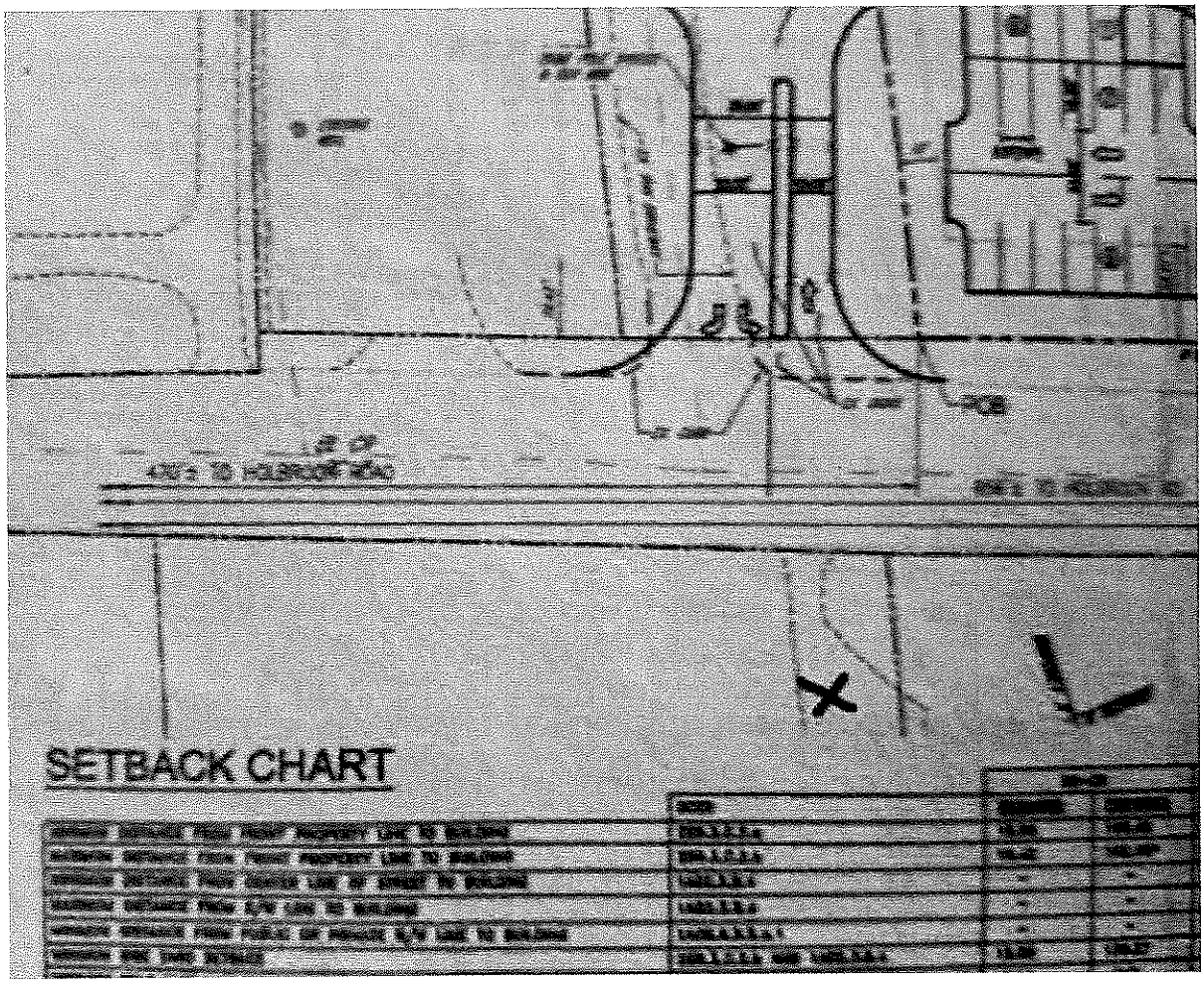
4.) The proposed second driveway into and out of the church property, located closer to Lyons Mill road may require traffic pattern research to be safe for drivers on Liberty Road and on Lyons Mill Road. Traffic volume is high and there are blind spots for drivers at this intersection.

5.) While traffic into and out of the church parking lot is often during daytime hours, a pattern of traffic departing the church at 1:30am on varied days every 2-3 weeks has me concerned. My residence is across from the private road used by vehicles departing the church property. Headlights from 20+ vehicles shine through the windows of my home as drivers turn onto Liberty Road. Increasing the capacity for this business will increase traffic flow during these early morning hours and daytime hours creating a community and safety concern.

Thank you for the consideration.

Sincerely,

Celeste Stratton



SETBACK CHART

Donna Mignon

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Sunday, October 25, 2020 5:44 PM
To: Administrative Hearings; Dino La Fiandra
Subject: Recertification's For 2020-0138-SPHXA
Attachments: Re-Cert 1 2020-0138-SPHXA.doc; Re-Cert 2 2020-0138-SPHXA.doc; Re-Cert 3 2020-0138-SPHXA.doc; Re-Cert 4 2020-0138-SPHXA.doc; Re-Cert 5 2020-0138-SPHXA.doc; Re-Cert 6 2020-0138-SPHXA.doc; Re-Cert 7 2020-0138-SPHXA.doc; Re-Cert 8 2020-0138-SPHXA.doc; Re-Cert 9 2020-0138-SPHXA.doc; Re-Cert 10 2020-0138-SPHXA.doc; Re-Cert Groups 1 & 2 2020-0138-SPHXA.doc

CAUTION: This message from 1opie@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Recertification's for 10610 Liberty Road. Thanks.



CERTIFICATE OF POSTING

RE: Case No.: 2020-0138-SPHXA

Petitioner/Developer: The Gospel Faith Mission International, Inc.

Date of Hearing/Closing: October 26, 2020

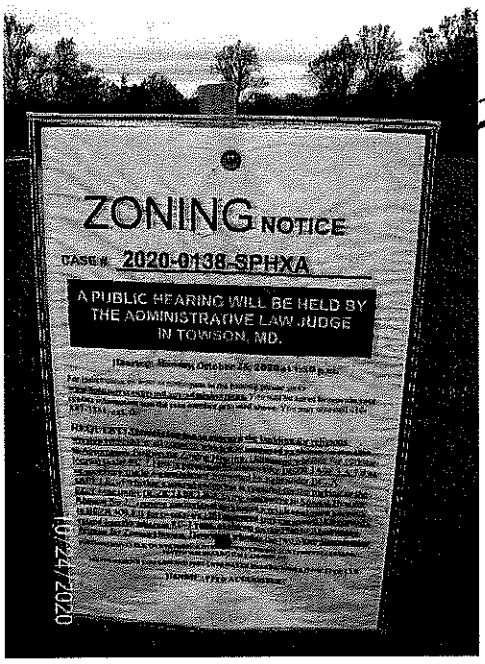
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 10610 Liberty Road SIGN 1 Recertification

The sign(s) were posted on October 6, 2020
(Month, Day, Year)



Sincerely,

October 24, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

CERTIFICATE OF POSTING

2020-0138-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

The Gospel Faith Mission International, Inc.

October 26, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

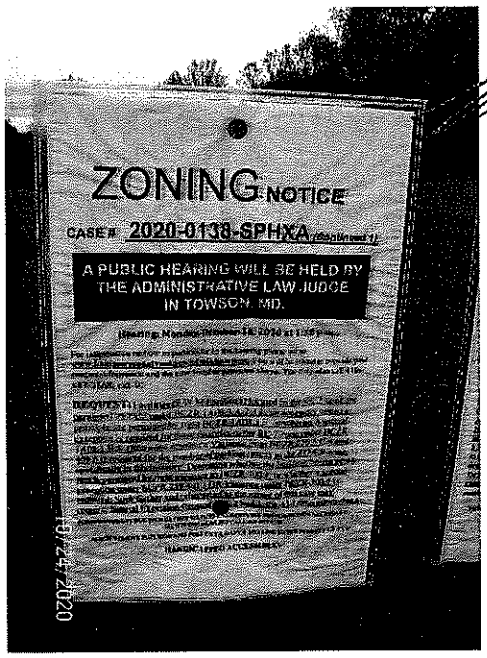
Ladies and Gentlemen:

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

10610 Liberty Road **SIGN 2 Recertification**

October 6, 2020

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



Sincerely,

October 24, 2020

(Signature of Sign Poster) **(Date)**

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 2020-0138-SPHXA

Petitioner/Developer: The Gospel Faith Mission International, Inc.

Date of Hearing/Closing: October 26, 2020

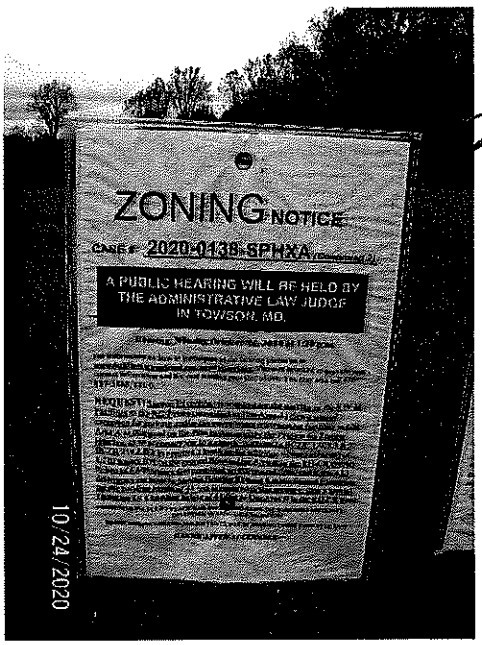
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 10610 Liberty Road **SIGN 3 Recertification**

The sign(s) were posted on October 6, 2020
(Month, Day, Year)



Sincerely,

October 24, 2020

(Signature of Sign Poster) **(Date)**

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 2020-0138-SPHXA

Petitioner/Developer: The Gospel Faith Mission International, Inc.

Date of Hearing/Closing: October 26, 2020

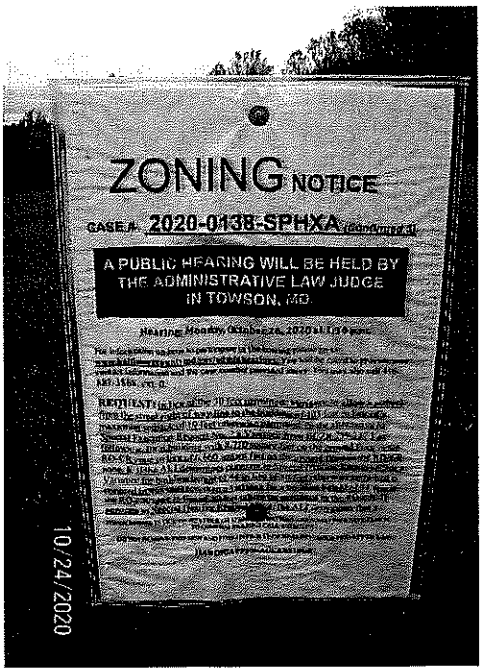
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 10610 Liberty Road **SIGN 4 Recertification**

The sign(s) were posted on October 6, 2020
(Month, Day, Year)



Sincerely,

October 24, 2020
(Signature of Sign Poster) **(Date)**

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 2020-0138-SPHXA

Petitioner/Developer: The Gospel Faith Mission International, Inc.

Date of Hearing/Closing: October 26, 2020

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

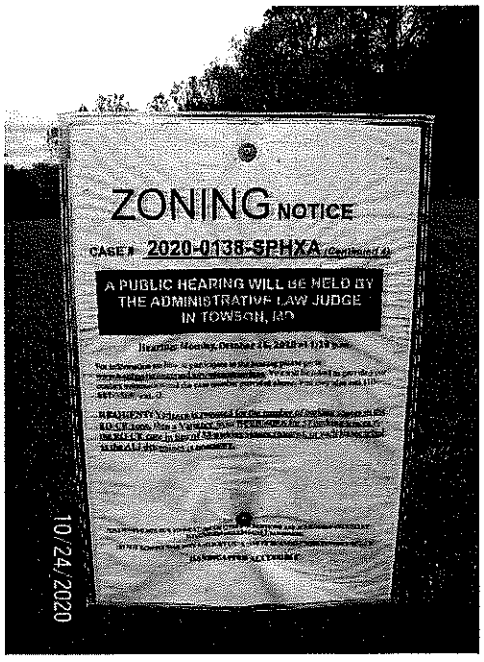
Attn: Kristen Lewis:

Ladies and Gentlemen:

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

10610 Liberty Road **SIGN 5 Recertification**

The sign(s) were posted on October 6, 2020
(Month, Day, Year)



Sincerely,

October 24, 2020
(Signature of Sign Poster) **(Date)**

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 2020-0138-SPHXA

Petitioner/Developer: The Gospel Faith Mission International, Inc.

Date of Hearing/Closing: October 26, 2020

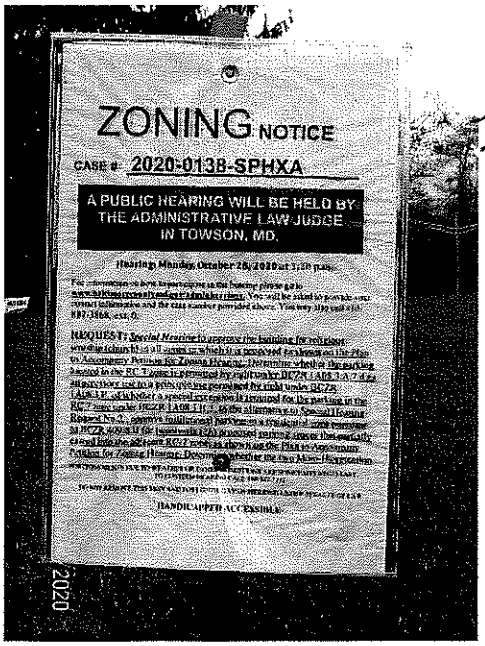
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 10610 Liberty Road **SIGN 6 Recertification**

The sign(s) were posted on October 6, 2020
(Month, Day, Year)



Sincerely,

October 24, 2020

(Signature of Sign Poster) **(Date)**

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 2020-0138-SPHXA

Petitioner/Developer: The Gospel Faith Mission International, Inc.

Date of Hearing/Closing: October 26, 2020

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

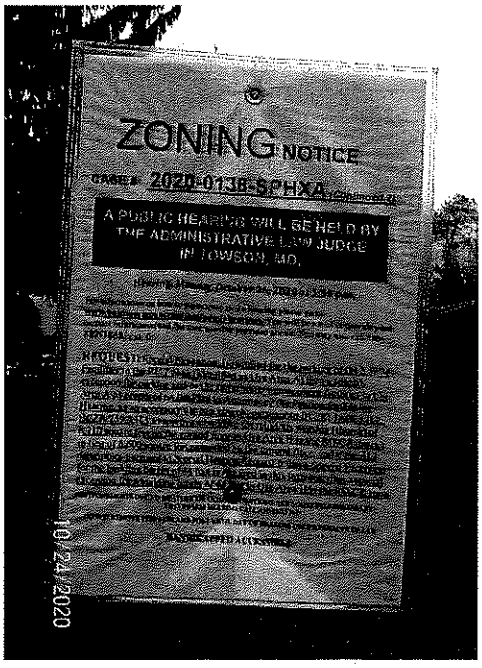
Attn: Kristen Lewis:

Ladies and Gentlemen:

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

10610 Liberty Road **SIGN 8 Recertification**

The sign(s) were posted on October 6, 2020
(Month, Day, Year)



Sincerely,

October 24, 2020
(Signature of Sign Poster) **(Date)**

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 2020-0138-SPHXA

Petitioner/Developer: The Gospel Faith Mission International, Inc.

Date of Hearing/Closing: October 26, 2020

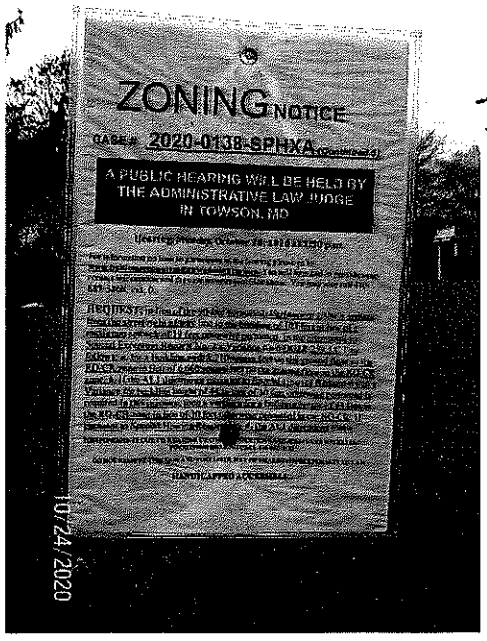
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 10610 Liberty Road **SIGN 9 Recertification**

The sign(s) were posted on October 6, 2020
(Month, Day, Year)



Sincerely,

October 24, 2020

(Signature of Sign Poster) **(Date)**

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 2020-0138-SPHXA

Petitioner/Developer: The Gospel Faith Mission International, Inc.

Date of Hearing/Closing: October 26, 2020

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

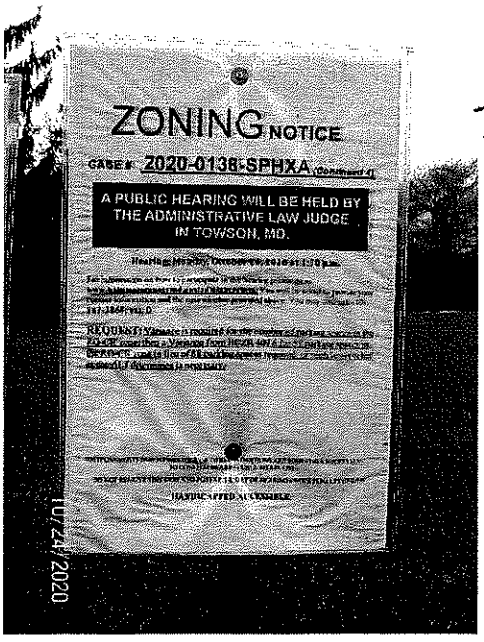
Attn: Kristen Lewis:

Ladies and Gentlemen:

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

10610 Liberty Road **SIGN 10 Recertification**

The sign(s) were posted on October 6, 2020
(Month, Day, Year)



Sincerely,

October 24, 2020

(Signature of Sign Poster) **(Date)**

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0138-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

The Gospel Faith Mission International, Inc.

October 26, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

10610 Liberty Road **Groups 1 & 2 Recertification**

October 6, 2020

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





Sincerely,

October 24, 2020

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

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

RECEIVED
OCT 20 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

October 12, 2020

Via Email and US Mail

Hon. Paul M. Mayhew
Office of Administrative Hearings
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: 10610 Liberty Road
Case No. 2020-0138-SPHXA
Scheduled Hearing: October 26, 2020

Dear Judge Mayhew:

I was recently retained to represent Richard and Mary Vogelsang, who own the farm adjoining the property that is the subject of this zoning hearing. Please accept this letter as my entry of appearance in this matter.

I have reached out to Dino LaFiandra, who represents the petitioner, and informed him that I will need a postponement of the hearing, presently scheduled for October 26, 2020. Mr. LaFiandra indicated that he would not oppose my request.

In an effort to avoid the considerable cost of re-posting the property, I intend to ask for the postponement on the date of the hearing, October 26, 2020. I have discussed this with Dino and we thought it best to let you know my intentions in advance of the hearing so that Dino would not be put in the difficult position of having to proceed with his case that day if either you deny the postponement request or my client decides not to move forward for some reason.

If your Honor disagrees with proceeding in this fashion, please let us know.

Thank you for your consideration.

Respectfully,

Michael R. McCann

cc: Dino LaFiandra, Esq. (*via* email)

CERTIFICATE OF POSTING

RE: Case No.: 2020-0138-SPHXA

Petitioner/Developer: The Gospel Faith Mission International, Inc.

Date of Hearing/Closing: October 26, 2020

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

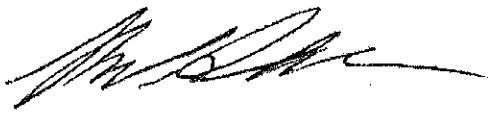
Attn: Kristen Lewis:

Ladies and Gentlemen:

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

10610 Liberty Road **SIGN 1**

The sign(s) were posted on October 6, 2020
(Month, Day, Year)



CERTIFICATE OF POSTING

RE: Case No.: 2020-0138-SPHXA

Petitioner/Developer: The Gospel Faith Mission International, Inc.

Date of Hearing/Closing: October 26, 2020

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

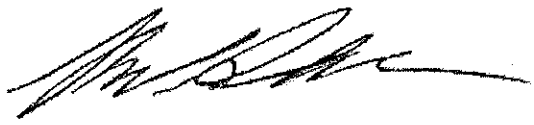
Attn: Kristen Lewis:

Ladies and Gentlemen:

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

10610 Liberty Road **SIGN 2**

The sign(s) were posted on October 6, 2020
(Month, Day, Year)



CERTIFICATE OF POSTING

RE: Case No.: 2020-0138-SPHXA

Petitioner/Developer: The Gospel Faith Mission International, Inc.

Date of Hearing/Closing: October 26, 2020

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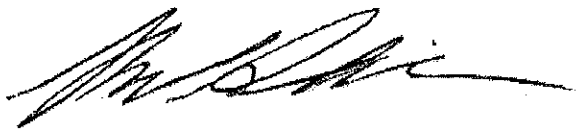
Attn: Kristen Lewis:

Ladies and Gentlemen:

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

10610 Liberty Road **SIGN 3**

The sign(s) were posted on October 6, 2020
(Month, Day, Year)



CERTIFICATE OF POSTING

RE: Case No.: 2020-0138-SPHXA

Petitioner/Developer: The Gospel Faith Mission International, Inc.

Date of Hearing/Closing: October 26, 2020

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

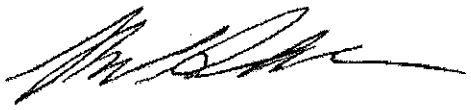
Attn: Kristen Lewis:

Ladies and Gentlemen:

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

10610 Liberty Road **SIGN 4**

The sign(s) were posted on October 6, 2020
(Month, Day, Year)



CERTIFICATE OF POSTING

RE: Case No.: 2020-0138-SPHXA

Petitioner/Developer: The Gospel Faith Mission International, Inc.

Date of Hearing/Closing: October 26, 2020

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

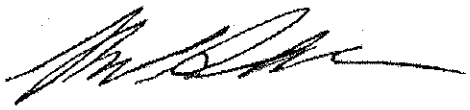
Attn: Kristen Lewis:

Ladies and Gentlemen:

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

10610 Liberty Road **SIGN 4**

The sign(s) were posted on October 6, 2020
(Month, Day, Year)



CERTIFICATE OF POSTING

2020-0138-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

The Gospel Faith Mission International, Inc.

October 26, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

10610 Liberty Road SIGN 6

October 6, 2020

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



CERTIFICATE OF POSTING

2020-0138-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

The Gospel Faith Mission International, Inc.

_____

October 26, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

10610 Liberty Road SIGN 7

_____

October 6, 2020

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

CERTIFICATE OF POSTING

2020-0138-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

The Gospel Faith Mission International, Inc.

October 26, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

10610 Liberty Road **SIGN 8**

October 6, 2020

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

CERTIFICATE OF POSTING

2020-0138-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

The Gospel Faith Mission International, Inc.

October 26, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

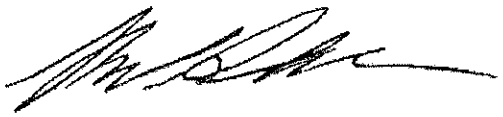
Ladies and Gentlemen:

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

10610 Liberty Road **SIGN 9**

October 6, 2020

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



CERTIFICATE OF POSTING

2020-0138-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

The Gospel Faith Mission International, Inc.

October 26, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

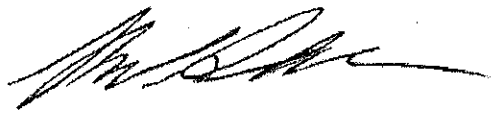
Ladies and Gentlemen:

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

10610 Liberty Road **SIGN 10**

October 6, 2020

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



CERTIFICATE OF POSTING

RE: Case No.: 2020-0138-SPHXA

Petitioner/Developer: The Gospel Faith Mission International, Inc.

Date of Hearing/Closing: October 26, 2020

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

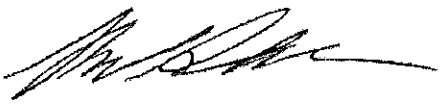
Attn: Kristen Lewis:

Ladies and Gentlemen:

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

10610 Liberty Road **GROUPS 1 & 2**

The sign(s) were posted on October 6, 2020
(Month, Day, Year)



The Daily Record

200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

Order #: 11923931
Case #:
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2020-0138-SPHXA

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:

10/6/2020

Darlene Miller

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 virtual hearing the property identified herein as follows:

CASE NUMBER: 2020-0138-SPHXA
10610 Liberty Road
Northeast side of Liberty Road, southeast of Holbrook Road
2nd Election District - 4th Council manic District
Legal Owners: The Gospel Faith Mission International, Inc.

Special Hearing to approve the building for religious worship (church) in all zones in which it is proposed as shown on the Plan to Accompany Petition for Zoning Hearing. Determine whether the parking located in the RC 7 zone is permitted by right under BCZR 1A08.3.A.7.d as an accessory use to a principle use permitted by right under BCZR 1A08.3.E, or whether a special exception is required for the parking in the RC 7 zone under BCZR 1A08.3.B.2. In the alternative to Special Hearing Request No. 2., approve institutional parking in a residential zone pursuant to BCZR 409.8.B for twenty-six (26) proposed parking spaces that partially extend into the adjacent RC-7 zone, as shown on the Plan to Accompany Petition for Zoning Hearing. Determine whether the two Moro-Bioretention Facilities (SW M Facilities) located in the RC 7 zone are permitted by right under BCZR 1A08.3.A.7.d as an accessory use to a principle use permitted by right BCZR 1A08.3.E, or whether a special exception is required for these facilities in the RC 7 zone under BCZR 1A08.3.B.2. Determine whether a Variance from BCZR 259.3.C.4 and 409.6 is required for the number of parking spaces in the RO-CR zone, specifically in this instance. Determine whether the building height of 44 feet is permitted by right pursuant to BCZR 300.2, or whether a special exception under BCZR 259.3.B.3 OR Variance under BCZR 300.7 is required. Such further and other relief as the nature of this case may require. Special Exception Request Nos. 2 and 4, the ALJ determines that a Special Exception is required for the parking or the S W M Facilities in the RC 7 zone (identified as Use Area A), then a special exception for parking and/ or the storm water management facilities in Use Area A as proposed on the Plan to Accompany the Petition for Zoning Hearing, as an accessory use to a church, pursuant to BCZR, 1A08.3.B.2. BCZR 259.3.B.3 to approve a building for religious worship (church) of 8,710 square feet on the ground floor in Use Area B in the RO-CR district in lieu of 6,600 square feet permitted on the ground floor, and if the ALJ determines pursuant to Special Hearing Request 6 that a Special Exception for building height of 44 feet is required in this instance, then a special exception for a building height of 44 feet in Use Area B in the RO-CR zone in lieu of 30 feet permitted. Variance to allow a setback from the street right of way line to the building of 103 feet in lieu of a maximum setback of 19 feet otherwise permitted. In the alternative to Special Exception Request No. 2 a Variance from BCZR 259.3.C.1 as follows: a. for a building with 8,710 square feet on the ground floor in the RO-CR zone in lieu of 6,600 square feet on the ground floor in the RO-CR zone. b. If the ALJ determines pursuant to Special Hearing Request 6 that a Variance for building height of 44 in lieu of 30 feet otherwise permitted is required in this instance, then a variance for a building height of 44 feet in the RO-CR zone in lieu of 30 feet otherwise permitted in the RO-CR. If pursuant to Special Hearing Request No. 4, the ALJ determines that a Variance is required for the number of parking spaces in the RO-CR zone, then a Variance from BCZR 409.6 for 57 parking spaces in the RO-CR zone in lieu of 88 parking spaces required, or such lesser relief as the ALJ determines is necessary.

Hearing: Monday, October 26, 2020 at 1:30 p.m.

For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

o6

JOHN A. OLSZEWSKI, JR.
County Executive

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

September 24, 2020

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0138-SPHXA
10610 Liberty Road
Northeast side of Liberty Road, southeast of Holbrook Road
2nd Election District – 4th Councilmanic District
Legal Owners: The Gospel Faith Mission International, Inc.

Special Hearing to approve the buidling for religious worship (church) in all zones in which it is proposed as shown on the Plan to Accompany Petition for Zoning Hearing. Determine whether the parking located in the RC 7 zone is permitted by right under BCZR 1A08.3.A.7.d as an accessory use to a principle use permitted by right under BCZR 1A08.3.E, or whether a special exception is required for the parking in the RC 7 zone under BCZR 1A08.3.B.2. In the alternative to Special Hearing Request No. 2., approve institutional parking in a residential zone pursuant to BCZR 409.8.B for twenty-six (26) proposed parking spaces that partially extend into the adjacent RC-7 zone, as shown on the Plan to Accompany Petition for Zoning Hearing. Determine whether the two Moro-Bioretention Facilities (S W M Facilities) located in the RC 7 zone are permitted by right under BCZR 1A08.3.A.7.d as an accessory use to a principle use permitted by right BCZR 1A08.3.E, or whether a special exception is required for these facilities in the RC 7 zone under BCZR 1A08.3.B.2. Determine whether a Variance from BCZR 259.3.C.4 and 409.6 is required for the number of parking spaces in the RO-CR zone, specifically in this instance. Determine whether the building height of 44 feet is permitted by right pursuant to BCZR 300.2, or whether a special exception under BCZR 259.3.B.3 OR Variance under BCZR 300.7 is required. Such further and other relief as the nature of this case may require. Special Exception Request Nos. 2 and 4, the ALJ determines that a Special Exception is required for the parking or the S W M Facilities in the RC 7 zone (identified as Use Area A), then a special exception for parking and/ or the storm water management facilities in Use Area A as proposed on the Plan to Accompany the Petition for Zoning Hearing, as an accessory use to a church, pursuant to BCZR, 1A08.3.B.2. BCZR 259.3.B.3 to approve a building for religious worship (church) of 8,710 square feet on the ground floor in Use Area B in the RO-CR district in lieu of 6,600 square feet permitted on the ground floor, and if the ALJ determines pursuant to Special Hearing Request 6 that a Special Exception for building height of 44 feet is required in this instance, then a special exception for a building height of 44 feet in Use Area B in the RO-CR zone in lieu of 30 feet permitted. Variance to allow a setback from the street right of way line to the building of 103 feet in lieu of a maximum setback of 19 feet otherwise permitted. In the alternative to Special Exception Request No. 2 a Variance from BCZR 259.3.C.1 as follows: a. for a building with 8,710 square feet on the ground floor in the RO-CR zone in lieu of 6,600 square feet on the ground floor in the RO-CR zone. b. If the ALJ determines pursuant to Special Hearing Request 6 that a Variance for building height of 44 in lieu of 30 feet otherwise permitted is required in this instance, then a variance for a building height of 44 feet in the RO-CR zone in lieu of 30 feet otherwise permitted in the RO-CR. If pursuant to Special Hearing Request No. 4, the ALJ determines that a Variance is required for the number of parking spaces in the RO-CR zone, then a Variance from BCZR 409.6 for 57 parking spaces in the RO-CR zone in lieu of 88 parking spaces required, or such lesser relief as the ALJ determines is necessary.

Hearing: Monday, October 26, 2020 at 1:30 p.m.

For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Michael Mallinoff
Director

MM:kl

C: Dino LaFiandra, 100 W. Pennsylvania Avenue, Ste. 305, Towson 21204
House of Change, P.O. Box 1197, Randallstown 21133

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 6, 2020**

TO: THE DAILY RECORD
Tuesday, October 6, 2020 – Issue

Please forward billing to:
Dino LaFiandra 443-204-3473
100 W. Pennsylvania Ave., Ste. 305
Towson, MD 21204

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0138-SPHXA
10610 Liberty Road
Northeast side of Liberty Road, southeast of Holbrook Road
2nd Election District – 4th Councilmanic District
Legal Owners: The Gospel Faith Mission International, Inc.

Special Hearing to approve the building for religious worship (church) in all zones in which it is proposed as shown on the Plan to Accompany Petition for Zoning Hearing. Determine whether the parking located in the RC 7 zone is permitted by right under BCZR 1A08.3.A.7.d as an accessory use to a principle use permitted by right under BCZR 1A08.3.E, or whether a special exception is required for the parking in the RC 7 zone under BCZR 1A08.3.B.2. In the alternative to Special Hearing Request No. 2., approve institutional parking in a residential zone pursuant to BCZR 409.8.B for twenty-six (26) proposed parking spaces that partially extend into the adjacent RC-7 zone, as shown on the Plan to Accompany Petition for Zoning Hearing. Determine whether the two Moro-Bioretention Facilities (S W M Facilities) located in the RC 7 zone are permitted by right under BCZR 1A08.3.A.7.d as an accessory use to a principle use permitted by right BCZR 1A08.3.E, or whether a special exception is required for these facilities in the RC 7 zone under BCZR 1A08.3.B.2. Determine whether a Variance from BCZR 259.3.C.4 and 409.6 is required for the number of parking spaces in the RO-CR zone, specifically in this instance. Determine whether the building height of 44 feet is permitted by right pursuant to BCZR 300.2, or whether a special exception under BCZR 259.3.B.3 OR Variance under BCZR 300.7 is required. Such further and other relief as the nature of this case may require. Special Exception Request Nos. 2 and 4, the ALJ determines that a Special Exception is required for the parking or the S W M Facilities in the RC 7 zone (identified as Use Area A), then a special exception for parking and/ or the storm water management facilities in Use Area A as proposed on the Plan to Accompany the Petition for Zoning Hearing, as an accessory use to a church, pursuant to BCZR, 1A08.3.B.2. BCZR 259.3.B.3 to approve a building for religious worship (church) of 8,710 square feet on the ground floor in Use Area B in the RO-CR district in lieu of 6,600 square feet permitted on the ground floor, and if the ALJ determines pursuant to Special Hearing Request 6 that a Special Exception for building height of 44 feet is required in this instance, then a special exception for a building height of 44 feet in Use Area B in the RO-CR zone in lieu of 30 feet permitted. Variance to allow a setback from the street right of way line to the building of 103 feet in lieu of a maximum setback of 19 feet otherwise permitted. In the alternative to Special Exception Request No. 2 a Variance from BCZR 259.3.C.1 as follows: a. for a building with 8,710 square feet on the ground floor in the RO-CR zone in lieu of 6,600 square feet on the ground floor in the RO-CR zone. b. If the ALJ determines pursuant to Special Hearing Request 6 that a Variance for building height of 44 in lieu of 30 feet otherwise permitted is required in this instance, then a variance for a building height of 44 feet in the RO-CR zone in lieu of 30 feet otherwise permitted in the RO-CR. If pursuant to Special Hearing Request No. 4, the ALJ determines that a Variance is required for the number of parking spaces in the RO-CR zone, then a Variance from BCZR 409.6 for 57 parking spaces in the RO-CR zone in lieu of 88 parking spaces required, or such lesser relief as the ALJ determines is necessary.

Hearing: Monday, October 26, 2020 at 1:30 p.m.

For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 7/15/2020

FROM: C. Pete Gutwald
Director, Department of Planning

RECEIVED
JUL 17 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 20-138

INFORMATION:
Property Address: 10610 Liberty Road
Petitioner: The Gospel Faith Mission International, Incorporated
Zoning: RO-CR, RC 3, RC 7
Requested Action: Special Hearing, Special Exception, Variance

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

The site is located in Randallstown, in the rural area of Liberty Road, near the Carroll County line. The property is split-zoned RO-CR, RC 3 & RC 7 and is currently being used as a church. The applicant is proposing to expand the church on the east side for a total ground floor square footage of 16,565 square feet. The property is located adjacent to a commercial building to the west and Baltimore County recreation area immediately to the east. The property to the north is wooded and being used as agricultural.

The property was the subject of prior zoning hearings, cases # 1977-0167-SPXS and 2008-0136-SPHA.

The Department of Planning has no objections to the requests. Should the Administrative Law Judge grant the petitioner's requests, the Department of Planning recommends the following conditions be imposed:

1. Submit architectural elevations of the proposed addition to the Department of Planning for review and approval. Materials and colors should match those on the existing building.
2. Submit a landscape plan and a lighting plan to be approved by the Baltimore County Landscape Architect.
3. Consider breaking the proposed 29 parking spaces located to the north of the property with landscape islands (CMDP page 117).
4. Indicate on the plan the new location for the relocated signs. Provide signage details including dimensions and lettering. Employ signage materials that blend with the landscape. Signage should comply with Section 450 of the Baltimore County Zoning Regulations (BCZR).
5. Incorporate the proposed stormwater management facilities into the landscape setting and ensure that it meets condition I of the Baltimore County Landscape Manual.
6. The proposed plan does not indicate the location for a dumpster. If a dumpster is being proposed, mark it on the plan. Ensure that the proposed dumpster meets condition H of the Baltimore County Landscape Manual.

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

CPG/JGN/kma/

c: Ngone Seye Diop
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Dino C. La Fiandra Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
JUN 26 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: June 23, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0138-SPHXA
Address 10610 Liberty Road
(Gospel Faith Mission International, Inc. Property)

Zoning Advisory Committee Meeting of **June 29, 2020**.

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

1. This project will require presentation to the Development Review Committee (DRC) for determination of plan process prior to issuance of any permits for Grading or Construction

2. Ground Water Management must review any future building permits, since the site is served by private well and septic.

Reviewer: Steve Ford & Dan Esser

RE: PETITION FOR SPECIAL HEARING SPECIAL EXCEPTION AND VARIANCE 10610 Liberty Road; NE/S of Liberty Road, SE 470' to c/line of Holbrook Road 2nd Election & 4th Councilmanic Districts Legal Owner(s): The Gospel Faith Mission International, Incorporated Petitioner(s)	*	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY 2020-138-SPHXA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

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 24th day of June, 2020, a copy of the foregoing Entry of Appearance was emailed to Dino LaFiandra, Esquire, 100 W Pennsylvania Avenue, Suite 305, Towson, Maryland 21204, dcl@lafiandralaw.com , Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

ZAC AGENDA

Case Number: 2020-0137-A **Reviewer:** Christina Frink
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: M. Neil Brownawell, Jean W. Schffenacke
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 8 **Council Dist:** 3

Property Address: 15320 YORK RD
Location: South side of York Road 1,000 feet North of Belfast Road.

Existing Zoning: RC 5 **Area:** 47,851 SQ FT
Proposed Zoning:
ADMINISTRATIVE VARIANCE:
1A04.3.B.2.b (BCZR) To permit an addition on the left side of house with a setback of 35 feet in lieu of the required 50 feet.
Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date: 07/13/2020

Miscellaneous Notes:

Case Number: 2020-0138-SPHXA **Reviewer:** Gary Hucik
Existng Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: SPECIAL HEARING, SPECIAL EXCEPTION, VARIANCE
Legal Owner: The Gospel Faith Mission International, Incorporated
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 2 **Council Dist:** 4

Property Address: 10610 LIBERTY RD
Location: North East side of Liberty Road, South East 470' to the center line of Holbrook Road.

Existing Zoning: RO CR, RC3, RC7 **Area:** 187,251 SQ FT
Proposed Zoning:
SPECIAL HEARING:
Approve the buidling for religious worship (church) in all zones in which it is proposed as shown on the Plan to Accompany Petition for Zoning Hearing.
Determine whether the parking located in the RC 7 zone is permitted by right under BCZR 1A08.3.A.7.d as an accessory use to a principle use permitted by right under BCZR 1A08.3.E, or whether a special exception is required for the parking in the RC 7 zone under BCZR 1A08.3.B.2.
In the alternative to Special Hearing Request No. 2., approve institutional parking in a residential zone pursuant to BCZR 409.8.B for twenty-six (26) proposed parking spaces that partially extend into the adjacent RC-7 zone, as shown on the Plan to Accompany Petition for Zoning Hearing.
Determine whether the two Moro-Bioretention Facilities (S W M Facilities) located in the RC 7 zone are permitted by right under BCZR 1A08.3.A.7.d as an accessory use to a principle use permitted by right BCZR 1A08.3.E, or whether a special exception is required for these facilities in the RC 7 zone under BCZR 1A08.3.B.2.
Determine whether a Variance from BCZR 259.3.C.4 and 409.6 is required for the number of parking spaces in the RO-

CR zone, specifically in this instance.
Determine whether the building height of 44 feet is permitted by right pursuant to BCZR 300.2, or whether a special exception under BCZR 259.3.B.3 OR Variance under BCZR 300.7 is required.
Sunch further and other relief as the nature of this case may require.

SPECIAL EXCEPTION:
Request Nos. 2 and 4, the ALJ determines that a Special Exception is required for the parking or the S W M Facilities in the RC 7 zone (identified as Use Area A), then a special exception for parking and/ or the storm water management facilities in Use Area A as proposed on the Plan to Accompany the Petition for Zoning Hearing, as an accessory use to a church, pursuant to BCZR, 1A08.3.B.2.
BCZR 259.3.B.3 to approve a building for religious worship (church) of 8,710 square feet on the ground floor in Use Area B in the RO-CR district in lieu of 6,600 square feet permitted on the ground floor, and if the ALJ determines pursuant to Special Hearing Request 6 that a Special Exception for building height of 44 feet is required in this instance, then a special exception for a building height of 44 feet in Use Area B in the RO-CR zone in lieu of 30 feet permitted.

VARIANCE:
BCZR 259.3.C.2.a to allow a setback from the street right of way line to the building of 103 feet in lieu of a maximum setback of 19 feet otherwise permitted.
In the alternative to Special Exception Request No. 2 a Variance from BCZR 259.3.C.1 as follows:
a. for a building with 8,710 square feet on the ground floor in the RO-CR zone in lieu of 6,600 square feet on the ground floor in the RO-CR zone.
b. If the ALJ determines pursuant to Special Hearing Request 6 that a Variance for building height of 44 in lieu of 30 feet otherwise permitted is required in this instance, then a variance for a building height of 44 feet in the RO-CR zone in lieu of 30 feet otherwise permitted in the RO-CR.
If pursuant to Special Hearing Request No. 4, the ALJ determines that a Variance is required for the number of parking spaces in the RO-CR zone, then a Variance from BCZR 409.6 for 57 parking spaces in the RO-CR zone in lieu of 88 parking spaces required, or such lesser relief as the ALJ determines is necessary.
Attorney: Dino C. La Fiandra
Prior Zoning Cases: 1977-0167-SPHX; 2008-0136-SPHA
Concurrent Cases: None
Violation Cases: None
Closing Date:

Miscellaneous Notes:

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration

Special Tax Recapture: None

Account Identifier: **District -** 02 **Account Number -** 0208652480

Owner Information

Owner Name:	THE GOSPEL FAITH MISSION INTERNATIONAL INCORPORATED(HOUSE OF CHANGE BALTIMORE)	**Use:**	EXEMPT COMMERCIAL
		Principal Residence:	NO
Mailing Address:	PO BOX 1197 RANDALLSTOWN MD 21133-	**Deed Reference:**	/30758/ 00415

Location & Structure Information

Premises Address:	10610 LIBERTY RD 0-0000	**Legal Description:**	4 AC CHURCH EXEMPT 10610 LIBERTY RD NS 2640 W LYONS MILL RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0066	0015	0395	10000.04	0000				2019	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1969	3,844 SF		174,240 SF	01

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
		OFFICE BUILDING	/	C3			

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2019	As of 07/01/2020	As of 07/01/2021
Land:	450,000	450,000		
Improvements	283,700	290,700		
Total:	733,700	740,700	738,367	740,700
Preferential Land:	0			0

Transfer Information

Seller: HOLBROOK CENTER L L C	**Date:** 04/28/2011	**Price:** $715,252
Type: ARMS LENGTH IMPROVED	**Deed1:** /30758/ 00415	**Deed2:**
Seller: ABEL ARNOLD T,JR	**Date:** 04/20/2007	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /25525/ 00508	**Deed2:**
Seller: HOLTHAUSE JOHN R,3RD	**Date:** 03/21/2003	**Price:** $525,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /17712/ 00118	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2020	07/01/2021
County:	700	738,367.00	740,700.00
State:	700	738,367.00	740,700.00
Municipal:	700	0.00|0.00	0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

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

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE (10610 Liberty Road) 2nd Election District 4th Council District The Gospel Faith Mission International, Incorporated *Legal Owner*	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY
Petitioner	*	**Case No. 2020-0138-SPHXA**

* * * * * * * * *

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 The Gospel Faith Mission International, Inc., legal owner ("Petitioner"). The Special Hearing was filed to approve the building for religious worship (church) in all zones in which it is proposed as shown on the Plan to Accompany Petition for Zoning Hearing. To determine whether the parking located in the R.C.7 zone is permitted by right under Baltimore County Zoning Regulations ("BCZR") § 1A08.3.A.7.d as an accessory use to a principle use permitted by right under BCZR § 1A08.3.E, or whether a special exception is required for the parking in the R.C.7 zone under BCZR § 1A08.3.B.2.

In the alternative to Special Hearing Request No. 2., Petitioner seeks approval of institutional parking in a residential zone pursuant to BCZR § 409.8.B for twenty-six (26) proposed parking spaces that partially extend into the adjacent R.C.7 zone, as shown on the Plan to Accompany Petition for Zoning Hearing. And further, to determine whether the two Moro-Bioretention Facilities (Storm Water Management ["SWM"] Facilities) located in the R.C.7 zone are permitted by right under BCZR § 1A08.3.A.7.d as an accessory use to a principle use permitted by right under BCZR § 1A08.3.E, or whether a Special Exception is required for these facilities in

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the R.C.7 zone under BCZR § 1A08.3.B.2. To determine whether a Variance from BCZR §§ 259.3.C.4 and 409.6 is required for the number of parking spaces in the RO-CR zone, specifically in this instance. In addition, the Petition seeks a determination as to whether the building height of 44 feet is permitted by right pursuant to BCZR § 300.2, or whether a Special Exception under BCZR § 259.3.B.3 or Variance under BCZR § 300.7 is required.

In addition, a Petition for Special Exception was filed in regard to Request Nos. 2 and 4, if the Administrative Law Judge ("ALJ") determines that a Special Exception is required for the parking or the SWM Facilities in the R.C.7 zone (identified as Use Area A), then a Special Exception for parking and/or the storm water management facilities in Use Area A as proposed on the Plan to Accompany the Petition for Zoning Hearing, as an accessory use to a church, pursuant to BCZR § 1A08.3.B.2; and from BCZR § 259.3.B.3 to approve a building for religious worship (church) of 8,710 sq. ft. on the ground floor in Use Area B in the RO-CR district in lieu of 6,600 sq. ft. permitted on the ground floor, and if the ALJ determines pursuant to Special Hearing Request 6 that a Special Exception for building height of 44 feet is required in this instance, then a Special Exception for a building height of 44 feet in Use Area B in the RO-CR zone in lieu of 30 feet permitted. Furthermore, a Petition for Variance was filed pursuant to § 259.3.C.2. of the BCZR to allow a setback from the street right-of-way line to the building of 103 feet in lieu of a maximum setback of 19 feet otherwise permitted. In the alternative to Special Exception Request No. 2, a Variance from BCZR § 259.3.C.1 as follows: (a) For a building with 8,710 sq. feet on the ground floor in the RO-CR zone in lieu of 6,600 sq. ft. on the ground floor in the RO-CR zone; (b) If the ALJ determines pursuant to Special Hearing Request 6 that a Variance for building height of 44 feet in lieu of 30 feet otherwise permitted is required in this instance, then a variance for a building height of 44 feet in the RO-CR zone in lieu of 30 feet otherwise permitted in the RO-CR.

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If pursuant to Special Hearing Request No. 4, the ALJ determines that a Variance is required for the number of parking spaces in the RO-CR zone, then a Variance from BCZR § 409.6 for 57 parking spaces in the RO-CR zone in lieu of 88 parking spaces required, or such lesser relief as the ALJ determines is necessary.[1]

Due to COVID-19, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP") and from the Department of Environmental Protection and Sustainability ("DEPS"), Development Coordination Section. They did not oppose the requested relief, subject to proposed conditions, which will be incorporated into the Order.[2]

Pastor Taiwo Fagbuyi appeared on behalf of The Gospel Faith Mission International, Incorporated ("GOFAMINT") at the hearing. Dino C. LaFiandra, Esq. represented the Petitioner. Donald Mitten, P.E., the engineer who prepared the site plan also attended. The redlined site plan was admitted as Petitioner's Exhibit 2. Oluwaseun Owojuyigbe, the architect who designed the proposed church, also attended. Finally, Mark Keeley, a traffic engineer with Traffic Concepts, Inc., also attended on behalf of the Petitioner.

[1] At the hearing Counsel for Petitioner withdrew Special Hearing request Nos. 2 and 4 in the Petition and proceeded with attempting to prove entitlement to special exception relief for the parking and SWM facilities in the R.C.7 zone.

[2] It should be noted that these ZAC comments were apparently based on the site plan dated May 6, 2019 that was submitted with the LED application. The ZAC comments post-date that date and are all dated prior to November 18, 2021, the date on the redlined site plan that was submitted at the zoning hearing (Petitioner's Exhibit 2). Substantial revisions are made on the redlined plan that was not subject to ZAC review or comment.

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Adjoining property owners, Mary and Trina Vogelsang, attended the hearing and opposed the requested relief. They were represented by Michael McCann, Esq. Numerous letters in opposition were received from other nearby residents. The hearing took place on November 21, 2021 and September 15, 2022.

RECORD EVIDENCE

The subject property is on the north side of Liberty Road just west of its intersection with Lyons Mill Road and near the Liberty Reservoir. It is approximately 4.007 net acres and is split-zoned RO-CR, R.C.3 and R.C.7. The 2020 Master Plan transect designation for this site is T-1 Natural. The area across Liberty Road to the south is rural residential and is designated as transect T-2 Rural. There is a small snowball stand to the west of the site and County-owned designated green space to the east. Behind the parcel to the north is a 69 acre horse boarding and training farm owned by the Vogelsangs, who oppose the church expansion. Their property is primarily zoned R.C.4 – "Watershed Protection." Soldiers Delight, a 1900 acre Natural Environmental Area and Maryland "Wildlands" is in close proximity further north. It is home to over 30 rare or threatened species. A tributary of Locust Run is also in close proximity to the north and ultimately flows into Liberty Reservoir.

Petitioner currently operates a small church and offices on the site. The existing structure is only 3,650 sq. ft. They propose to expand the church to 20,218 sq. ft., with a 450 seat sanctuary, a fellowship hall, conference rooms, 10 classrooms, several offices, 8 bathrooms, and kitchen facilities. One hundred ninety five (195) parking spaces are proposed, which is 82 more than the 113 spaces required by BCZR § 409.6 (1 space for each 4 seats in the sanctuary). The site lies outside the Urban Rural Demarcation Line ("URDL") and is served by well and septic systems. Because of the split zoning, and the CR overlay in particular, the proposal generates a somewhat

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complex zoning analysis.

Religious buildings are permitted by right in the R.C.3 and RO zone, and are also permitted in the R.C.7 zone, but only if they were permitted by the previous zoning on the site prior to the application of the R.C.7 zoning. Evidently the prior zoning did allow churches because the zoning Order in Case No. 08-136-SPHA notes that a church was constructed on the site in 1969. In that case variances were granted to allow an office building with a gross floor area of 8,800 sq. ft. in lieu of the required 6,600 sq. ft. in the RO-CR zone, and a front yard setback variance of 110 feet in lieu of the required 19.5 feet was also granted.

Mr. LaFiandra explained that Petitioner purchased the property in 2009 and has been operating the GOFAMINT church there since that time. A limited exemption development ("LED") plan was approved for this project by the Development Review Committee ("DRC") on October 31, 2017, pursuant to BCC § 32-4-106(b)(8). A LED site plan was submitted to the DRC on May 16, 2019. However, as Mr. McCann notes, that plan has not yet been approved, and the site plans submitted in this case differ in several respects from those submitted to the DRC. During the LED process the Office of Zoning Review determined that GOFAMINT had never obtained a change of occupancy permit when they converted the office use back to a religious use. Zoning Review also identified the additional zoning relief that is sought in this case.

The engineer, Donald Mitten, was Petitioner's first witness. He explained the redlined site plan in some detail. The redlined revisions are as follows: 1) at the behest of the State Highway Administration ("SHA") the access point for the proposed church was moved from the far western portion of the site to the far eastern portion;[3] 2) the sanctuary capacity was increased from 350 to 450 seats; 3) the number of parking spaces was increased to 195 and the parking layout was

[3] At the present time the church has ingress and egress via a right of way easement over the Vogelsangs' driveway.

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reconfigured; and, 4) the stormwater management ("SWM") systems and design were modified. Mr. Mitten explained that the highest point of the site is at the southeast corner and that the site slopes and drains down from Liberty road toward the north side of the site, where it meets the Vogelsangs' property line. He explained that the proposed church expansion and most of the parking spaces will straddle the RO-CR and RC 3 portions of the site. Additional parking and two moro-bioretention SWM facilities are proposed in the RC 7 portion of the site.

He acknowledged that under BCZR § 259.3.C.1 the gross ground floor area for buildings in a CR District is 6,600 sq. ft. and the total permissible floor area is 8,800 sq. ft. In addition, under this regulation the floor area ratio may not exceed .20. He then explained that these limits can be exceeded by special exception and that special exception relief was needed here because the proposed church expansion would have 8,710 sq. ft. on the ground floor within the CR District portion of the site, and that the total square footage of the proposed church is 20,218 sq. ft. His interpretation of BCZR § 259.3.C.1 was that the CR District floor area limits pertain only to that portion of the building that actually lies within the CR District. Therefore, in this case, an imaginary line can be drawn down the middle of the building and the square footage of the building that lies within the R.C.3 zone does not count against the limits imposed by the CR District regulations. He used that same approach with regard to parking. Under BCZR § 259.3.C.4 all parking for a building in the CR District "must be located in the CR District." Mr. Mitten referred to Petitioner's Exhibit 8 to show that 190 of the proposed 450 sanctuary seats are within the CR District. Therefore, by this reasoning, 48 parking spaces (1 for every 4 seats) must be located within the District, and the plan proposes 57 spaces within the District. On cross-examination he conceded that he had never employed this reasoning before in any other cases, and that he had not previously worked on a site plan for a project in a CR District.

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Mr. Mitten further explained that the parapet or steeple of the proposed church is 45 feet. He acknowledged that the maximum building height in a CR District is 30 feet but he noted that BCZR § 300.2 specifically allows churches to be up to 50 feet in height in any zone. He then explained the need for the front setback variance. Under BCZR § 259.3.C.2.a, the front yard setback cannot exceed "the average of the setbacks of adjacent buildings." In this case that would be 19.5 feet. He explained that this would require razing the existing church structure since it is 140 feet from the front property line. Further it would cause intractable internal traffic flow problems at the site. He also explained that a front setback variance was granted for the existing church building in Case No. 2008-136-SPHA.

On cross-examination by Mr. McCann he acknowledged that this site is in a rural area and is surrounded by RC zones. He did not know how the site was designated in the 2020 Master Plan. He acknowledged that the regulations would require only 113 parking spaces for a 450 seat sanctuary, rather than the 195 proposed here. He agreed that these additional 82 spaces would entail adding substantially more impervious surface to the site but he claimed that churches typically require greater parking than the regulations call for. However, he did not know the size of the GOFAMINT congregation. He further acknowledged that the site plan presented to the DRC and with the original zoning petition called for only 350 sanctuary seats. He agreed that the LED plan has not yet been approved and that further redline changes to the site plan may be required. He also acknowledged that the redlined site plan does not address the enhanced CR District landscaping requirements set forth in BCZR § 259.3.C.3, or the "environmental holding capacity" requirements of BCZR § 259.3.C.5, which he said would be addressed with DEPS in the next phase of development. However, he stated that preliminary perc tests have been approved by DEPS. Finally, he conceded that the traffic impact studies they had submitted to SHA were also predicated on 350

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seats, not 450. *See,* Protestants' Exhibit 9.

The next witness was Pastor Taiwo Fagbuyi. He provided a brief history of GOFAMINT, which was founded in the United States in 1984. This chapter, the "House of Change Baltimore" was founded in 2002 and they have been at this location since 2009. Between 140 and 150 members attend Sunday services in person, and another 50 or so attend on-line. He described other programs that are offered on weeknights such as prayer meetings and bible study. These are typically attended by 30 to 40 people. On the Friday of the last week of every other month a "Supernatural Night of Wonders" service is attended by 160 to 170 congregants. He explained that they want to expand the church building because currently there is only room for approximately 100 persons in the sanctuary so the other 40 or 50 must watch a live video feed from an adjoining room. In response to questions from Mr. McCann he acknowledged that they currently do not need seating for 450 and that they may well never need such capacity. He testified that when they started in 2002 the congregation was approximately 100 members – so in 20 years they have only added about 50 members that attend services in person. He explained that the existing 3,650 sq. ft. structure contains a sanctuary, 3 classrooms, and 1 men's and 1 women's restroom, as well as a separate restroom for him. He testified that there are no plans to operate a school at the facility. Although they may host weddings, funerals, and other such events the kitchens will not have ovens or other commercial catering capacity and they will not rent the facility out. He was not sure how many parking spaces they presently have. He acknowledged that the traffic conditions on that stretch of Liberty Road are somewhat dangerous due to the sight distances and speed of traffic. He further explained that it can sometimes be difficult to exit the church property onto Liberty Road due to the speed and volume of traffic.

The architect, Mr. Owojuyigbe, testified next. He is a member of the AIA and has a masters degree in Architecture. He has been the President of Pro-Active Design and Building Systems since

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2011. He was accepted as an expert in architectural design. He explained that he has designed other religious buildings and that he has been working on this project since 2017. He identified Petitioner's Exhibit 11 as the floor plan he designed, and he explained that it meets all "Life Safety" regulations. He explained that the existing building will be converted to a Fellowship Hall and that the rest of the new church will be built around the existing structure, expanding the square footage more than five-fold. He identified the exterior building elevations as Petitioner's Exhibit 9. When asked how they decided on 450 seats he testified that the Pastor just told him that the current space was inadequate and that "we just came up with that number." He further explained that the seats in the sanctuary will be bolted down and that per safety code the sanctuary must have 25 total sq. ft. for each seat. He explained that he has attended GOFAMINT services at the existing church and observed that the congregants often get out of their seats to worship in song and dance. He therefore designed extra space within the sanctuary. Finally, he explained that the structure will be only one level but there are large windows above the sanctuary to allow natural light and solar heat. As a result the highest point of the building is 43 feet and the cross on the front of the building will be just under 45 feet. On cross-examination he acknowledged that the building will appear much taller from the Vogelsang's property due to the sloping topography.

Petitioner's final witness was traffic engineer, Mark Keeley. He explained that he was hired by the church to do a "speed study" and a trip generation analysis. At the request of SHA he also did a sight distance study for the proposed access point (Petitioner's Exhibit 13) that was accepted by that agency. He acknowledged that SHA would still require them to obtain an access point permit. He further acknowledged that the trip generation report that they had submitted to and approved by SHA was based on a 350 seat sanctuary. However, using the Institute of Transportation Engineers' ("I.T.E.")11th Edition Trip Generation Manual he testified that the 450 seat sanctuary would add

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only 23 additional peak hour trips on Sunday morning, which he deemed "not significant." He further testified that the new access point is preferable because it improves sight distances and obviates the need to share a driveway with the Vogelsangs' horse farm. On cross-examination he agreed that approximately 75% of traffic arriving to Sunday services will be coming from the east, and that it was possible that cars would have to queue up along the shoulder of Liberty Road while waiting to turn into the church parking lot. He acknowledged that this could possibly affect stopping sight distances for cars travelling westbound and approaching the site. He also acknowledged that the traffic study accepted by SHA was based on 350 seats. That concluded Petitioner's case.

The first witness in opposition was Lynell Tobler. She explained that she is the Vice President of Soldiers Delight Conservation, Inc., a non-profit group dedicated to "conserving and restoring its rare and endangered ecosystem for future generations." (Soldiers Delight brochure, admitted as Protestants' Exhibit 12). She explained that it is a Maryland state Natural Environment Area and a Maryland Wildlands Area. It is located to the north of this site, which is also bounded by County owned green space and the Vogelsangs' horse farm. She testified that she is intimately familiar with the Vogelsang's farm and operations because she boarded her horse there for many years and did trail riding in the surrounding forests. She further testified that she believes the noise and traffic associated with this large church expansion will have a severe impact on the Vogelsang's operations due to noise and light pollution; and severe impacts on the natural environment due to the amount of additional impervious surface. Finally, she expressed concern about traffic safety. She explained that it is "startling" when you come over the crest of the hill heading west and encounter patrons exiting the church or snowball stand due to the limited sight stopping distance. She testified that she thought the proposed additional church traffic is a "recipe for disaster."

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Trina Vogelsang testified next. She explained that she and her mother own the 69 acre farm that abuts the church property to the north. It is subject to a permanent agricultural easement. These easements are typically only granted for properties of at least 100 acres but an exception was made for her property due to its uniquely sensitive environmental features and its proximity to the Liberty Reservoir. She has operated Gaitaway Stables there for the last 26 years. They offer boarding, training, and riding lessons. On average there are about 40 horses boarded there at any given time. She and her clients ride the horses in her pastures and forest, and on the public trails through the adjacent county-owned green space. She lives on the farm and described it as a 24/7 operation and her "life's work and passion." One of the principal pastures directly abuts the church property. She described the impacts that the church has already had, including loud outdoor events with lights and amplified music. She has been awakened as late as 2 a.m. by music that is so loud it rattles her windows. She testified that the church has installed lights on the adjacent parking lot that are on 24 hours a day and that for some events they rent additional lights which shine directly at her house. Large commercial tents are erected for some of these events. She also expressed concern that the additional driveway and increased traffic proposed by the church will exacerbate the existing traffic safety issues. In addition she testified that the church members have created a significant litter problem by disposing trash on church grounds that then blows onto her property. She explained that it is dangerous for horses to eat litter because their digestive systems cannot process it. She stated that prior to the pandemic she was picking up three hefty bags full of church litter each week. She further testified that horses are easily startled and flighty by nature and that their first instinct is to run. She said that on several occasions horses have been startled during church events and bolted with riders. On one instance the rider was thrown and suffered a broken leg. As a result she no longer gives riding lessons during church events. She also explained that the storm runoff from the church

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property is channelled directly into a "v" that runs down a steep slope onto her property, and that it is already causing severe erosion. Protestants' Exhibit 2 is a series of photographs that include photos of this erosion. In addition she expressed serious concerns about the impact the church's proposed water usage will have on her well capacity. She explained that even now during church events her well water runs brown, which indicates to her that her well capacity is being impacted by the church's use. Finally, she testified that she fears that the proposed church expansion will dramatically alter the rural feel of the area and will cause her to lose customers due to the loss of the quiet bucolic setting. Ms. Vogelsang's testimony concluded the hearing.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Because of the site's split-zoning, including RC zones and a CR District overlay, this case is complex from a zoning standpoint. This is evidenced by the fact that the Petition contains 6 paragraphs of Special Hearing relief (including alternatives to certain relief), 2 paragraphs of Special Exception relief (with alternatives), and 3 paragraphs of Variance relief. In addition, because the requested zoning relief is for a religious use the case implicates the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. § 2000, *et seq.* The different forms of relief are addressed below in the order in which they are raised in the Petition.

As will be discussed, I find that most of the requested relief is warranted under the various provisions of the zoning regulations – at least as viewed through the lens of RLUIPA. However, I am also mindful of the aesthetic and environmental impacts the proposed church expansion will have in this rural area; and, more particularly, the impacts on the Vogelsangs' equestrian business and their quality of life. Therefore, appropriate conditions will be placed in the Order in an attempt to protect the neighbors' interests and this rural setting.

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SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

> The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). Special hearing relief is properly granted if it is within the spirit and intent of the zoning regulations and will not harm the public health, safety, or welfare.

Based on the testimony and exhibits adduced at the hearing, I find that the following Special Hearing relief is appropriate. First, religious uses are permitted in each of the three zones applicable here, either by right or by special exception. Of course that general right is subject to any applicable limiting regulations. As noted above, at the hearing Petitioner withdrew Special Hearing requests 2 and 4, which had sought a declaration that the proposed parking and stormwater management facilities were permitted by right in the RC 7 zone as accessories to the church. Instead, as stated in their Memorandum, "Petitioners have elected to simply move forward with the special exception proof, instead of arguing that a special exception is not required." Memo at p. 7 n.8. Those issues will therefore be addressed below.

Special Hearing request number 5 seeks a determination of "whether a Variance from BCZR § 259.3.C.4 and § 409.6 is required for the number of the parking spaces in the RO-CR

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zone, specifically in this instance." Pursuant to § 259.3.C.4 all the parking attributable to the use within the CR District must be located within the CR District zone. The proposed church building will straddle the RO-CR and RC 3 zones and most of the proposed parking is within those zones. Petitioner's engineer, Mr. Mitten, opined that in making this analysis the proposed church building should be apportioned. Following this approach 192 of the proposed 450 seats are within the RO-CR zone. Therefore, pursuant to § 409.6 a minimum of 48 spaces are required within the RO-CR portion of the site and the site plan proposes 57 spaces, so no variance relief is needed. Mr. McCann disputes this interpretation of § 259.3.C and points to the language in the regulation that states that "[t]he gross floor area for all buildings on a lot shall not exceed 8,800 square feet." He urges that this means that "the *entire* Church building on this lot – there is only one lot – cannot exceed 6600 square feet on the ground floor and 8800 square feet in gross floor area. We should not assume that the County Council, in adopting different zones for this property, did not contemplate such circumstances." Protestants' Memo, Sec. A (1) (emphasis in original). While this is a plausible interpretation – and the "apportioning" methodology is novel in my experience - I do not believe that in zoning a portion of the site RO-CR that the Council intended to preclude structures within the other zones on the site. If that was their intent one would think that they would have zoned the entire lot RO-CR. Moreover, they provided a remedy for this scenario by allowing the CR District bulk regulations to be exceeded by special exception – which is what has been requested here. In sum, if the church building is apportioned the proposed 57 spaces exceed the number required in the RO-CR zone. And Petitioner has requested a special exception in order to exceed the CR District bulk regulations. As such, I find that no variance relief is needed for either of these aspects of the site plan.

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By DR Mugnai

The last Special Hearing request is to determine "whether the building height of 44 feet is permitted by right pursuant to BCZR § 300.2, or whether a special exception under BCZR § 259.3B.3 or a Variance under BCZR § 307." As Petitioner notes, the plain language of § 300.2 provides that "[b]uildings for religious, hospital or educational purposes may be built to a height of 50 feet in *any* zone in which they are permitted." (emphasis added). This specific provision pertaining only to these three types of uses supersedes any conflicting general regulation. *See, e.g., Smack v. Dep't Of Health and Mental Hygiene,* 378 Md. 298, 306 (2003) (more specific regulation controls over general regulation). Therefore, I find that the 44 foot height of the proposed church is permitted by right.

SPECIAL EXCEPTION

Petitioner notes that no variances or special exceptions are needed for any of the proposed building, parking, or SWM facilities located in the RC 3 portion of the lot. Two Special Exceptions are, however, requested: 1) for parking and SWM facilities in the RC 7 zone; and, 2) a church with 8,710 square feet on the ground floor in the RO-CR zone in lieu of the required maximum 6,600 square feet.

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). In *People's Counsel for Baltimore County v. Loyola College of Maryland*, 406 Md. 54 (2008) the court of appeals quoted the following excerpts from *Schultz:*

> 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 fact 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.

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> Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material.

Id., at 88-89.

After further examining *Schultz* and other seminal cases the *Loyola College* decision quoted the holding in *Schultz*:

> These cases establish that a special exception use has an adverse effect and must be denied when it is determined from the facts and circumstances that the grant of the requested special exception use would result in an adverse effect upon adjoining and surrounding properties unique and different from the adverse effect that would otherwise result from the development of such a special exception use located anywhere within the zone. Thus, these cases establish that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

People's Counsel v. Loyola College, at 89–90, *quoting, Schultz,* 291 Md. at 15.

Finally, in *Attar v. DMS Tollgate, LLC*, 451 Md. 272, 286 (2017), the court reiterated that "[b]oth the burden of production and the burden of persuasion on the issue of whether the special exception should be granted fall on the applicant . . . and [the applicant] must persuade by a preponderance of the evidence that the special exception will conform to all applicable requirements."

In addition to these common law standards, in Baltimore County the following specific factors must be considered in determining whether a special exception should be granted:

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By DMignon

§ 502.1. - Conditions determining granting of special exception.

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

A. Be detrimental to the health, safety or general welfare of the locality involved;

B. Tend to create congestion in roads, streets or alleys therein;

C. Create a potential hazard from fire, panic or other danger;

D. Tend to overcrowd land and cause undue concentration of population;

E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;

F. Interfere with adequate light and air;

G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;

H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone, and for consideration of a solar facility use under Article 4F, the inclusion of the R.C.3, R.C.6, and R.C.8 Zones.

Further, BCZR § 502.2, titled "Protection of surrounding properties;" provides that:

> In granting any special exception, the Zoning Commissioner or the Board of Appeals, upon appeal, shall impose such conditions, restrictions or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties.

Finally, when a special exception is requested in a CR District the following additional requirements of BCZR §259.3.E must also be satisfied:

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By DMcMignon

Additional requirements for the granting of a special exception in a C.R. District. In addition to the requirements generally imposed in the issuance of special exceptions by Section 502.1, the following requirements shall apply to the granting of special exceptions in C.R. Districts:

1. The petitioner shall document the need for the development at the proposed location.

2. The proposed development shall take into account existing and proposed roads, topography, existing vegetation, soil types and the configuration of the site. The proposed development will not disturb slopes with grades exceeding 25 percent; will minimize disturbance to vegetated areas, wetlands and streams; and will not result in undue site disturbance or excessive erosion and sediment loss. Infiltration will be maximized and stormwater management discharge will be decentralized.

3. Architecturally or historically significant buildings and their settings shall be preserved and integrated into the site plan.

4. The buildings shall be sited to protect scenic views from public roads and so that the natural rural features, including but not limited to pastures, croplands, meadows and trees, are preserved to the extent possible. Additional open space may be required to preserve and enhance the enjoyment of the natural amenities and visual quality of the site.

5. The proposed development will not be detrimental to neighboring uses and the tranquility of the rural area through excessive noise and will not result in a nuisance or air pollution from dust, fumes, vapors, gases and odors.

The proposed church expansion implicates several of these areas of concern. The unrebutted testimony of Ms. Vogelsang was that the existing church, of only 3650 sq. ft. and only 150 members, is already significantly impacting her business and quality of life. She described excessive noise and light pollution from outdoor events, some running as late as 2 a.m. She also described a major littering problem, which goes beyond aesthetic concerns given the danger it poses to the health of her horses. She is also understandably concerned about the potential impacts the much larger church may have on her water supply, as well as the impacts from all the additional impervious surface area – especially since the existing runoff from the church site is already causing considerable erosion on her property. She and other neighbors, in their letters of opposition, also express concerns about traffic safety and about the impact the

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church expansion will have on the rural setting. They note that it will be by far the largest structure in the vicinity.

These are all valid concerns, and are expressly addressed in the extra protections that apply in CR Districts. And again, the Petitioner did not in any way rebut Ms. Vogelsang's testimony. BCZR §259.3.E.1 states that "the Petitioner shall document the *need* for the development at the proposed location." (emphasis added). In their Memorandum Petitioner urges that Pastor Fagbuyi testified "that the existing facilities are too small and additional space is necessary for worship and other activities within the building." Petitioner's Memo at 9. They further claim that their architect testified that "the proposed expansion is appropriate for this particular congregation in terms of the number, types and sizes of the spaces proposed, the number of seats in the sanctuary, and other building parameters. *Id.* at 9-10. However, in my view their testimony did not support the need for a facility with 450 seats, or for 195 parking spaces, which is well in excess of what is prescribed by the regulations. The Pastor testified that during the Covid pandemic many church members grew comfortable attending services on-line and that he thinks some may never return to regular in-person attendance. He explained that there has been an uptick in attendance since Covid restrictions were lifted but that in-person attendance has stabilized at 140 to 150 for Sunday services. When asked whether he believes the size of the congregation will increase he candidly said "maybe, maybe not." When questioned further on this point he stated that if they ever reached 450 members it would take "a long time" to get there. He testified that there are no plans to operate a school at the facility or to lease the facility to third parties. Neither he nor the architect explained the need for the 10 classrooms and 8 bathrooms that are proposed. And as for the parking, Petitioner's engineer agreed that the proposal for 195 spaces would create a "surplus" of parking and would result in substantially

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more impervious surface area. He acknowledged that the regulations prescribe only 113 spaces for a 450 seat sanctuary but he said that in his experience churches need more parking than the regulations require. But the 82 additional spaces proposed on the site plan are 73% more than the regulations call for.

In sum, Petitioner did not, in my view, meet their burden of production and persuasion, concerning the *need* for 450 seats and 195 parking spaces, as required by BCZR § 259.3.E.1 and the common law. *Attar, supra,* 451 Md. at 286. Further, given the recognized ecological fragility of the surrounding area, including the Vogelsangs' adjacent horse farm, I believe the church expansion, as proposed, *would* have "adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *People's Counsel v. Loyola College,* 406 Md. at 89–90.

That said, Petitioner did establish the need for a substantial expansion, and special exception uses do enjoy a presumption that they "are in the interest of the general public, and therefore valid." *Schultz, supra* 291 Md. 1. Further, the environmental impacts associated with the expansion will be mitigated to the extent possible by DEPS during the development process. Prior to the issuance of building permits they will require Petitioner's engineers to submit SWM, water usage, and septic plans that comply with all the applicable environmental regulations. Further, as explained below, conditions will be placed in this Order to mitigate some of the environmental and "quality of life" issues. Regarding traffic, since Route 26 is a state highway SHA has the ultimate authority and responsibility for ensuring traffic safety. As noted above, SHA has approved Petitioner's traffic study based on a sanctuary with 350 seats, and Petitioner will still be required to obtain an "access point permit" from SHA, which may involve further refinements of the site plan.

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By DPMuffman

In sum, the presumption in favor of special exceptions must be balanced against the interests of the neighboring property owners and the intent of the RC and CR District regulations. And in making this judgment I must also weigh the church's rights under RLUIPA (which will be discussed below). In the final analysis I believe that the special exception to allow a ground floor of 8,710 square feet in the RO-CR zone must be granted. However, I believe the sanctuary should be limited to the 350 seats that Petitioner proposed to the DRC in obtaining their LED, and that they submitted to the SHA in obtaining approval of their traffic study. This will still allow the church membership to essentially double in size. And if the church ever does need to accommodate more members it can file for further zoning relief to expand the special exception use. I find that the proposed parking should also be reduced so as to avoid unnecessary impervious surface area in this environmentally sensitive location. Under the regulations only 88 spaces are prescribed for a 350 seat sanctuary. Based on the fact that there is no on-street parking in the vicinity of the church, I will allow 125 spaces, which means a redcution of 70 spaces from the proposed 195. Accordingly, the special exception for 26 spaces in the RC 7 zone is not necessary and will be denied. In addition, the 44 proposed spaces that are adjacent to the Vogelsangs' property line will also be eliminated in order to eliminate as much impervious surface as possible and to mitigate visual impacts and litter.

Finally, the special exception for the SWM facilities in the RC 7 zone will be granted, as these moro bio-retention facilities will further the goal of mitigating environmental impacts.

VARIANCE

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and

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(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

As described above, the site is nothing if not unique. It is split-zoned with two different RC zones and a CR District overlay on an OR zone. It has steep topography and is served by well and septic. Further, it has an existing structure that Petitioner desires to save and build around. The only variance needed is relief from the front yard building setback regulation, which would require the proposed church to be located a mere 19.5 feet from the Liberty Road right of way. Variances to allow an office building with 8,400 sq. ft. on the ground level, and for a setback of 110 feet were previously granted for this site in Case No. 2008-0136-SPHA. Further, if the variance relief were denied in this case Petitioner would suffer practical difficulty and hardship because they would have to raze or repurpose the existing structure and would have to locate the proposed new structure very close to Liberty Road, which would cause a variety of site design and traffic flow problems. In addition it would not, in my view, be an aesthetically desirable location, and would appear even taller from the Vogelsangs' property because it would be at the highest point of the site. For all these reasons, and those stated in the previous case, I find that the variance is within the spirit and intent of the zoning regulations and that it will not harm the public health, safety or welfare.

RLUIPA, 42 U.S.C. § 2000, et seq.

The Religious Land Use and Institutionalized Persons Act ("RLUIPA") protects religious organizations from discrimination by local governments in their land use decisions. Its relevant provisions state as follows:

42 USCA § 2000cc - Protection of land use as religious exercise.
(a) Substantial burdens
(1) General rule

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By DMegnon

No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution—

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

(2) Scope of application

This subsection applies in any case in which

***

(C) the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.

(b) Discrimination and exclusion

***

(2) No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

(3) Exclusions and limits

No government shall impose or implement a land use regulation that

***

(2) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

In its post hearing memorandum Petitioner urges that RLUIPA "compels approval" of GOFAMINT's zoning petition. *See,* Petitioner's Memo at 15. As discussed above, GOFAMINT seeks a variety of substantial zoning relief, and I have granted the vast majority of the requested relief. However, RLUIPA does not mandate that the County's valid zoning regulations and the property rights of the neighbors be ignored simply because the applicant is a church.

In *Andon, LLC v. City of Newport News, Va.*, 813 F.3d 510 (4th Cir. 2016) the zoning board for the city of Newport News denied a church's variance request and as a result the church was unable to locate at its chosen location. The Fourth Circuit held that the church did not have a "reasonable expectation" that the requested variance would be granted based on the applicable zoning regulations, and they explained the contours of a "substantial burden" claim:

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We further observe that if we agreed with the plaintiffs that the BZA's denial of a variance imposed a substantial burden on their religious exercise, we effectively would be granting an automatic exemption to religious organizations from generally applicable land use regulations. Such a holding would usurp the role of local governments in zoning matters when a religious group is seeking a variance, and impermissibly would favor religious uses over secular uses. *See Petra Presbyterian Church,* 489 F.3d at 851 (reasoning that the substantial burden requirement must be taken seriously, or religious organizations would be free "from zoning restrictions of any kind"); *Civil Liberties for Urban Believers,* 342 F.3d at 762 (explaining that no "free pass for religious land uses masquerades among the legitimate protections RLUIPA affords to religious exercise").

The plain language of RLUIPA, however, prevents such a result. By requiring that any substantial burden be imposed by governmental action and by carefully balancing individual rights and compelling governmental interests, the language of RLUIPA demonstrates that Congress did not intend for RLUIPA to undermine the legitimate role of local governments in enacting and implementing land use regulations. *See Petra Presbyterian Church,* 489 F.3d at 851; *Civil Liberties for Urban Believers,* 342 F.3d at 762.

Anton, 813 F.3d at 516.

Again, RLUIPA protects religious uses from being treated less favorably than secular uses, but it does not mandate that they be afforded preferable treatment either. To do so would violate the First Amendment's Establishment Clause. In a recent case involving Baltimore County the District Court explained that

> RLUIPA's Equal Terms provision merely effectuates, in the context of land use, the Establishment Clause's dictates regarding neutrality. The Equal Terms section does not mandate that religious institutions are given any preferential treatment or special permissions in zoning schemes; rather, it mandates that the government acts neutrally towards religion when making land use decisions.

Hunt Valley Baptist Church, Inc. v. Baltimore County. Maryland, No. CV SAG-17-0804, 2020 WL 618662, at *7 (D. Md. Feb. 10, 2020).

Courts across the country have held that in order to establish a "substantial burden" claim a religious group must demonstrate that the government has materially interfered with their ability to practice their religion. In *United States v. City of Troy,* 592 F. Supp. 3d 591 (E.D. Mich. 2022) the court provided a helpful synopsis:

A court's inquiry into whether there was a substantial burden is "functional and factually driven." A substantial burden is more than a "mere inconvenience," *Living Water Church of God*

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v. Charter Twp. of Meridian, 258 F. App'x 729, 739 (6th Cir. 2007), there must be "some degree of severity [for a burden] to be considered 'substantial.' " *Livingston Christian Sch.*, 858 F.3d at 1001 (citing, among others, *Midrash Sephardi, Inc. v. Town of Surfside*, 366 F.3d 1214, 1227 (11th Cir. 2004)). A religious institution can show a substantial burden by demonstrating that (1) it has no "feasible alternative location from which it can carry on its mission"; (2) it has or "will suffer substantial delay, uncertainty, and expense due to the imposition of the regulation," and (3) it did not impose the burden upon itself. *Id.* at 1004 (citations and quotation marks omitted). These are "helpful factors" courts should consider when deciding a motion for summary judgment, but are not necessarily prerequisites to a prima facie case. *Id.* If a Court determines that a substantial burden exists, it may then consider evidence of discrimination or "improper decision-making" while evaluating whether the government action was narrowly tailored to serve a compelling state interest.

Further, "in the land use context, a plaintiff can succeed on a substantial burden claim by establishing that a government regulation puts substantial pressure on it to modify its behavior." *Bethel World Outreach Ministries v. Montgomery Cty. Council*, 706 F.3d 548, 556 (4th Cir. 2013). Given that the zoning map of the Property permits religious uses as of right, the denial of the permit and resulting inability to construct a mosque imposes a substantial burden on the ICC's religious exercise.

United States v. County. of Culpeper, Virginia, 245 F. Supp. 3d 758, 769 (W.D. Va. 2017).

Finally, a zoning decision that merely places some restrictions on a religious use rather than completely denying the zoning relief will not typically support a substantial burden claim. The Fourth Circuit explained this in *Bethel, supra,* noting that

[w]e find it significant that the County has completely prevented Bethel from building any church on its property, rather than simply imposing limitations on a new building. *See, e.g., Westchester Day Sch.,* 504 F.3d at 352 (considering as a factor in its substantial burden analysis whether village's denial of school's application was conditional or absolute); *Guru Nanak,* 456 F.3d at 991–92 (finding substantial burden where county's two denials of Guru Nanak's application significantly lessened the prospect of being able to build a temple in the future).

Bethel, supra, 706 F.3d at 558.

Indeed, Petitioner acknowledges in its Memorandum that "[t]he implementation of a land use regulation *in a manner which effects a total prohibition* of use of the property for religious exercise is a substantial burden." Petitioner's Memo at 16, *citing, Jesus Christ is the Answer Ministries v. Baltimore County*, 915 F.3d 356 (4th Cir. 2019) (emphasis added).

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In the instant case the conditions placed on GOFAMINT's use of the site do not substantially burden their religious exercise. As described at length above, the church simply does not presently need a 450 seat sanctuary and 195 parking spaces – and they likely never will. Further, if they do grow to that point in the future they can apply for further zoning relief. The conditions being placed on the church's use of this site are the bare minimum that I could, in good conscience, afford the Vogelsangs and the rest of the neighbors. As it is, I am not limiting the square footage of the building, only the number of seats and parking spaces. That said, I urge GOFAMINT to closely consider whether they actually need all 10 classrooms and all 8 bathrooms. Any voluntary downscaling of the building footprint would no doubt be appreciated by their neighbors.

THEREFORE, IT IS ORDERED this **13th** day of **December, 2022**, by this Administrative Law Judge, that:

SPECIAL HEARING REQUESTS:

Special Hearing request No. 1, seeking a declaration that the proposed church is permitted as depicted on the redlined site plan is **GRANTED;**

Special Hearing request No. 3, seeking a declaration that 26 parking spaces are permitted in the RC 7 zone pursuant to BCZR § 409.8.B is **DENIED;**

Special Hearing request No. 5, asking for a determination as to whether a Variance from BCZR § 259.3.C.4 and § 409.6 is **GRANTED** insofar as it is determined that no such variances are required.

Special Hearing request No. 6, seeking a declaration that the proposed church is permitted to have a height of 44 ft. by right pursuant to BCZR § 300.2 is **GRANTED.**

Special Hearing request Nos. 2 and 4 were withdrawn and are therefore **MOOT.**

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By DRMagnan

SPECIAL EXCEPTION REQUESTS:

Special Exception request No. 1 to allow 26 parking spaces in the RC 7 zone is **DENIED;**

Special Exception request No. 2 to allow two moro bio-retention facilities in the RC 7 zone is **GRANTED.**

Special Exception request No. 3 to approve, pursuant to BCZR § 259.3.B.3, a building for religious worship of 8,710 square feet on the ground floor in lieu of the required 6,600 square feet is **GRANTED.**

VARIANCE REQUEST:

Variance from BCZR § 259.3.C.2.a to allow a setback from the street right of way line to the building of 103 feet in lieu of a maximum setback of 19 feet otherwise permitted is **GRANTED.**

CONDITIONS:

The relief granted above is subject to the following conditions:

1. Petitioner shall comply with the ZAC comments of DEPS and DOP, attached hereto and incorporated herein.
2. Petitioner shall not have amplified sound or additional lighting at its outdoor events; and outdoor events, unless integral to the church's religious worship, shall end at sunset.
3. Petitioner shall not lease its facilities to any third party.
4. Petitioner shall not have a commercial kitchen.
5. Petitioner shall not operate a Monday thru Friday school at this site.
6. Petitioner shall maintain the site so that it is free of litter and debris.
7. The 44 parking spaces depicted on the northernmost portion of the site plan (adjacent to the

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By DM Wagner

proposed septic reserve area) shall not be constructed and that portion of the site shall not be paved.

8. There shall be a maximum of 350 seats in the sanctuary and a maximum of 125 parking spaces.

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.

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

PMM:dlm

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Date 12/13/22
By DLMugnon

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
JUN 26 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: June 23, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0138-SPHXA
Address 10610 Liberty Road
(Gospel Faith Mission International, Inc. Property)

Zoning Advisory Committee Meeting of **June 29, 2020.**

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

1. This project will require presentation to the Development Review Committee (DRC) for determination of plan process prior to issuance of any permits for Grading or Construction

2. Ground Water Management must review any future building permits, since the site is served by private well and septic.

Reviewer: Steve Ford & Dan Esser

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Date 12/13/22
By DMignon

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 7/15/2020

FROM: C. Pete Gutwald
Director, Department of Planning

RECEIVED
JUL 17 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 20-138

INFORMATION:
Property Address: 10610 Liberty Road
Petitioner: The Gospel Faith Mission International, Incorporated
Zoning: RO-CR, RC 3, RC 7
Requested Action: Special Hearing, Special Exception, Variance

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

The site is located in Randallstown, in the rural area of Liberty Road, near the Carroll County line. The property is split-zoned RO-CR, RC 3 & RC 7 and is currently being used as a church. The applicant is proposing to expand the church on the east side for a total ground floor square footage of 16,565 square feet. The property is located adjacent to a commercial building to the west and Baltimore County recreation area immediately to the east. The property to the north is wooded and being used as agricultural.

The property was the subject of prior zoning hearings, cases # 1977-0167-SPXS and 2008-0136-SPHA.

The Department of Planning has no objections to the requests. Should the Administrative Law Judge grant the petitioner's requests, the Department of Planning recommends the following conditions be imposed:

1. Submit architectural elevations of the proposed addition to the Department of Planning for review and approval. Materials and colors should match those on the existing building.
2. Submit a landscape plan and a lighting plan to be approved by the Baltimore County Landscape Architect.
3. Consider breaking the proposed 29 parking spaces located to the north of the property with landscape islands (CMDP page 117).
4. Indicate on the plan the new location for the relocated signs. Provide signage details including dimensions and lettering. Employ signage materials that blend with the landscape. Signage should comply with Section 450 of the Baltimore County Zoning Regulations (BCZR).
5. Incorporate the proposed stormwater management facilities into the landscape setting and ensure that it meets condition I of the Baltimore County Landscape Manual.
6. The proposed plan does not indicate the location for a dumpster. If a dumpster is being proposed, mark it on the plan. Ensure that the proposed dumpster meets condition H of the Baltimore County Landscape Manual.

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By DMignon

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

CPG/JGN/kma/

c: Ngone Seye Diop
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Dino C. La Fiandra Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

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Date 12/13/22
By

JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

December 13, 2022

Dino La Fiandra, Esquire – dcl@lafiandralaw.com
The Law Office of Dino C. LA Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, MD 21204

Michael McCann, Esquire – michael@mccannlaw.net
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing. Special Exception and Variance
Case No. 2020-0138-SPHXA
Property: 10610 Liberty Road

Dear Mr. La Fiandra and Mr. McCann:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure
c: *Please see next page -*

Bro. Idris O. Aborlurin – aboluringbenga@yahoo.com
Bro. Temidayo Sekireri – stemiadayo@gmail.com
Deacon Dimeji Adedire – adedire@yahoo.com
Deaconess Tolu Olugbemi – tolu.olugbemi@gmail.com
Elder Olaoluwa Abina – houseofffire2020@gmail.com
Elder Philip Olaomi – olaomiphilip@gmail.com
Pastor Taiwo Fagbuyi – taiwofagbuyi@yahoo.com
Pastor Uwem Ikpo – uwemekpo@yahoo.com
Sister Pat Stark – pkonstark@hotmail.com
Mark Keely – mkeeley@traffic-concepts.com
Ola Abina – houseoffire2020@gmail.com
Moses Kuna – kuna_2002@yahoo.com
Mary Vogelsang – granmaryrn@yahoo.com
Faustina Balogun – tina070@yahoo.com
Lynell Tobler – lynelltobler@outlook.com
Oluwaseun Owojuyigbe – seunowo@proactivedbs.com
Kate Richardson – quansima@hotmail.com
Majack Alexander-Stark – majackmail@gmail.com
Gloria Ekpo – guekpo@yahoo.com
Myibat Sanni – aronke5111@gmail.com
Myibat Sanni – ronke5111@gmail.com
Celeste Stratton – cstratton123z@gmail.com
Patrick Richardson – rick@richardsonengineering.net

Donna Mignon

From: Administrative Hearings
Sent: Tuesday, December 13, 2022 4:08 PM
To: Dino La Fiandra; Michael McCann
Cc: Debra Wiley; Bro. Idris O. Aborlurin –; Bro. Temidayo Sekireri –; Deacon Dimeji Adedire –; Deaconess Tolu Olugbemi –; Elder Olaoluwa Abina –; Elder Philip Olaomi –; Pastor Taiwo Fagbuyi –; Pastor Uwem Ikpo –; Sister Pat Stark –; Mark Keely –; Ola Abina –; Moses Kuna –; Mary Vogelsang –; Faustina Balogun –; Lynell Tobler –; Oluwaseun Owojuyigbe –; Kate Richardson –; Majack Alexander-Stark –; Gloria Ekpo –; Myibat Sanni –; Myibat Sanni –; Celeste Stratton –; Patrick Richardson –; County Council (countycouncil@baltimorecountymd.gov); Henry Ayakwah; PAI; Peoples Counsel; Peter Max Zimmerman (pzimmerman@baltimorecountymd.gov); Rebecca Wheatley (rwheatley@baltimorecountymd.gov); Vishnubhai K Desai (vdesai@baltimorecountymd.gov)
Subject: Case No: 2020-0138-SPHXA 10610 Liberty Road
Attachments: 2020-0138-SPHXA.pdf

Good Afternoon,

Please find attached ALJ Mayhew's Opinion and Order in reference to the above matter.

Have a great and safe day.

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204
410-887-3868

Attendance Sheet

2020-0138-SPHKA

Sept. 15th 2022

Attendance Program Name

1
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Event Name

Zoning Hearing - Case No. 2020-0138-SPHXA - 10610 Liberty Rd. - The Gospel Faith Mission, Intl.,Inc. (House of Change, Balto.)
Zoning Hearing - Case No. 2020-0138-SPHXA - 10610 Liberty Rd. - The Gospel Faith Mission, Intl.,Inc. (House of Change, Balto.)
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Event Start Date	Event Start Time	FirstName	LastName	Company
September 15, 2022 New York Time	10:00 am New York Time	Adetoro	Olugbemi	
September 15, 2022 New York Time	10:00 am New York Time	Adetoro	Olugbemi	
September 15, 2022 New York Time	10:00 am New York Time	Adetoro	Olugbemi	
September 15, 2022 New York Time	10:00 am New York Time	Idris	Abolurin	
September 15, 2022 New York Time	10:00 am New York Time	Idris	Abolurin	
September 15, 2022 New York Time	10:00 am New York Time	Idris	Abolurin	
September 15, 2022 New York Time	10:00 am New York Time	Mark	Keeley	
September 15, 2022 New York Time	10:52 am New York Time	Donna	Mignon	
September 15, 2022 New York Time	10:00 am New York Time	Ola	Abina	
September 15, 2022 New York Time	10:00 am New York Time	Ola	Abina	
September 15, 2022 New York Time	10:00 am New York Time	Taiwo	Fagbuyi	
September 15, 2022 New York Time	10:00 am New York Time	Moses	Kuna	
September 15, 2022 New York Time	10:00 am New York Time	Moses	Kuna	
September 15, 2022 New York Time	10:00 am New York Time	trina	vogelsang	
September 15, 2022 New York Time	10:00 am New York Time	michak	mccann	
September 15, 2022 New York Time	10:00 am New York Time	trina	vogelsang	
September 15, 2022 New York Time	10:00 am New York Time	Dino	La Fiandra	
September 15, 2022 New York Time	10:00 am New York Time	Philip	Olaomi	
September 15, 2022 New York Time	10:00 am New York Time	Patrick	Richardson	
September 15, 2022 New York Time	10:00 am New York Time	PAUL	MAYHEW	
September 15, 2022 New York Time	10:00 am New York Time	Mary	Vogelsang	
September 15, 2022 New York Time	10:00 am New York Time	Mary	Vogelsang	
September 15, 2022 New York Time	10:00 am New York Time	Faustina	Balogun	
September 15, 2022 New York Time	10:00 am New York Time	Lynell	Tobler	
September 15, 2022 New York Time	10:00 am New York Time	Lynell	Tobler	
September 15, 2022 New York Time	10:00 am New York Time	Oluwaseun	Owojuyigbe	
September 15, 2022 New York Time	10:00 am New York Time	Kate	Richardson	
September 15, 2022 New York Time	10:00 am New York Time	Kate	Richardson	
September 15, 2022 New York Time	10:00 am New York Time	Kate	Richardson	
September 15, 2022 New York Time	10:00 am New York Time	Majack	Alexander-Stark	
September 15, 2022 New York Time	10:00 am New York Time	Majack	Alexander-Stark	
September 15, 2022 New York Time	10:00 am New York Time	Gloria	Ekpo	
September 15, 2022 New York Time	10:00 am New York Time	Gloria	Ekpo	

September 15, 2022 New York Time	10:00 am New York Time	Myibat	Sanni
September 15, 2022 New York Time	10:00 am New York Time	Muibat	Sanni
September 15, 2022 New York Time	10:00 am New York Time	Muibat	Sanni
September 15, 2022 New York Time	10:00 am New York Time	Muibat	Sanni

Email	Join Time	Leave Time	Attendance Duration	Chat	Chat sent a
tolu.olugbemi@gmail.com	11:05 am New York Time	12:01 pm New York Time	55.0 mins	N/A	N/A
tolu.olugbemi@gmail.com	1:19 pm New York Time	2:57 pm New York Time	97.0 mins	N/A	N/A
tolu.olugbemi@gmail.com	2:58 pm New York Time	4:30 pm New York Time	92.0 mins	N/A	N/A
aboluringbenga@yahoo.com	10:11 am New York Time	11:25 am New York Time	73.0 mins	N/A	N/A
aboluringbenga@yahoo.com	11:32 am New York Time	12:12 pm New York Time	40.0 mins	N/A	N/A
aboluringbenga@yahoo.com	1:07 pm New York Time	4:30 pm New York Time	203.0 mins	N/A	N/A
mkeeley@traffic-concepts.com	9:51 am New York Time	4:30 pm New York Time	399.0 mins	N/A	N/A
dmignon@baltimorecountymd.gov	9:38 am New York Time	4:30 pm New York Time	412.0 mins	N/A	N/A
houseoffire2020@gmail.com	10:01 am New York Time	3:43 pm New York Time	341.0 mins	N/A	N/A
houseoffire2020@gmail.com	2:26 pm New York Time	4:30 pm New York Time	124.0 mins	N/A	N/A
taiwofagbuyi@yahoo.com	9:44 am New York Time	4:30 pm New York Time	406.0 mins	N/A	N/A
kuna_2002@yahoo.com	9:58 am New York Time	4:30 pm New York Time	392.0 mins	N/A	N/A
kuna_2002@yahoo.com	10:01 am New York Time	4:30 pm New York Time	389.0 mins	N/A	N/A
michael@mmccannlaw.net	9:53 am New York Time	12:13 pm New York Time	140.0 mins	N/A	N/A
michael@mmccannlaw.net	9:55 am New York Time	4:30 pm New York Time	395.0 mins	N/A	N/A
michael@mmccannlaw.net	12:46 pm New York Time	4:30 pm New York Time	224.0 mins	N/A	N/A
dcl@lafiandralaw.com	9:52 am New York Time	4:30 pm New York Time	398.0 mins	N/A	N/A
olaomiphilip@gmail.com	9:59 am New York Time	4:30 pm New York Time	391.0 mins	N/A	N/A
rick@richardsonengineering.net	9:53 am New York Time	4:30 pm New York Time	397.0 mins	N/A	N/A
pmayhew@baltimorecountymd.gov	10:04 am New York Time	4:30 pm New York Time	386.0 mins	N/A	N/A
granmaryrn@yahoo.com	9:59 am New York Time	4:30 pm New York Time	391.0 mins	N/A	N/A
granmaryrn@yahoo.com	12:49 pm New York Time	4:30 pm New York Time	221.0 mins	N/A	N/A
tina070@yahoo.com	1:31 pm New York Time	4:30 pm New York Time	179.0 mins	N/A	N/A
lynelltobler@outlook.com	9:48 am New York Time	9:51 am New York Time	3.0 mins	N/A	N/A
lynelltobler@outlook.com	9:52 am New York Time	4:30 pm New York Time	398.0 mins	N/A	N/A
seunowo@proactivedbs.com	9:59 am New York Time	4:30 pm New York Time	391.0 mins	N/A	N/A
quansima@hotmail.com	10:03 am New York Time	10:09 am New York Time	5.0 mins	N/A	N/A
quansima@hotmail.com	10:23 am New York Time	3:12 pm New York Time	288.0 mins	N/A	N/A
quansima@hotmail.com	2:20 pm New York Time	4:30 pm New York Time	130.0 mins	N/A	N/A
majackmail@gmail.com	10:07 am New York Time	10:08 am New York Time	1.0 min	N/A	N/A
majackmail@gmail.com	10:12 am New York Time	4:30 pm New York Time	378.0 mins	N/A	N/A
guekpo@yahoo.com	9:56 am New York Time	3:28 pm New York Time	332.0 mins	N/A	N/A
guekpo@yahoo.com	10:01 am New York Time	4:30 pm New York Time	389.0 mins	N/A	N/A

aronke5111@gmail.com	10:04 am New York Time	11:36 am New York Time	92.0 mins	N/A	N/A
ronke5111@gmail.com	11:39 am New York Time	12:12 pm New York Time	32.0 mins	N/A	N/A
ronke5111@gmail.com	2:05 pm New York Time	3:16 pm New York Time	71.0 mins	N/A	N/A
ronke5111@gmail.com	3:35 pm New York Time	4:30 pm New York Time	55.0 mins	N/A	N/A

Question	Question s	Question s	Priority	Answer	Answer ser	Answered l	Responded to
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
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N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
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N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
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N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Donna Mignon

From: Kristen L Lewis
Sent: Friday, October 29, 2021 9:21 AM
To: Donna Mignon; Debra Wiley
Subject: Continuation

Good morning,

Case 2020-0138 has been confirmed by both attorneys this morning, for Tues., November 23, 2021 at 1:30 p.m. Thank you.

Kristen Lewis-Coles
Legal Secretary
PAI – Zoning Review

Donna Mignon

From: Administrative Hearings
Sent: Friday, October 29, 2021 10:46 AM
To: Kristen L Lewis; Debra Wiley
Subject: LINK - RE: Continuation

Top of Form

Event Information

Event:	Zoning Hearing - Case No: 2020-0138-SPHXA - 10610 Liberty Road - The Go Incorporated
Type:	Listed Event
Event address for attendees:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTI
Event address for panelists:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTI
Date and time:	Tuesday, November 23, 2021 1:30 pm Eastern Standard Time (New York, GMT-05:00)
Duration:	11 hours
Description:	Zoning Hearing Case No: 2020-0138-SPHXA Address: 10610 Liberty Road Owners: The Gospel Faith Mission International, Incorporated
Event number:	2313 131 6806
Event password:	1234
Host key:	731086
Alternate Host:	Deb Wiley,Paul Mayhew
Panelist info:	
Panelist password:	
Panelist numeric password:	287924
Video Address:	23131316806@baltimorecountymd.webex.com You can also dial 173.243.2.68 and enter your meeting number.
Audio conference:	US Toll +1-415-655-0001 Show all global call-in numbers Access code: 2313 131 6806
Maximum number of registrants:	10000
Destination address after event:	
Host image:	
Attendee list available for viewing by:	Host, presenter and panelists only
Event material:	None
Post-event survey:	No
Email configured:	Pending, Approved, Rejected

Registration Information

Registration ID required:	No
Password required:	No
Password:	
Approval required:	No
Custom registration form:	No
After registration, go to URL:	

Bottom of Form
Top of Form
Bottom of Form

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Friday, October 29, 2021 9:21 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Continuation

Good morning,

Case 2020-0138 has been confirmed by both attorneys this morning, for Tues., November 23, 2021 at 1:30 p.m. Thank you.

Kristen Lewis-Coles
Legal Secretary
PAI – Zoning Review

Edit Event

Basic Information:

Asterisks (*) indicate required values.

*** Event type:** Online Event **Event Template:** -- Standard Templates --

*** Event name:** Zoning Hearing - Case No: 2020-0138-SPHXA - 10(?

☑ Listed on public calendar

Registration: ☑ Required

*** Event password:** 1234 The password must be at least 4 characters.

Date & Time:

*** Start date:** November 23 2021

*** Start time:** 1 30 ○ am ◉ pm Plan event time zones...

Estimated duration: 11 hours 00 minutes

*** Time zones:** New York (Eastern Daylight Time, GMT-04:00)

☐ Attendees can join 0 minutes before the scheduled start time

Email reminder: Send me a reminder email None minutes before event starts

Audio Conference Settings:

Select conference type: Webex Audio

☑ Display global call-in numbers

☐ Provide audio to attendees using Audio Broadcast ?

☑ Mute upon entry for all participants

Entry & exit tone: No Tone

Update This Event

Event Description & Options:

Description:

Zoning Hearing
Case No: 2020-0138-SPHXA
Address: 10610 Liberty Road
Owners: The Gospel Faith Mission International, Incorporated

Upload a picture about the event description

Host image: Upload a picture of yourself or the presenter

Event material: Upload event material for attendees to download before event starts

Other UCF options: ☐ Do not allow attendees to share rich media files in this event
☑ Request attendees to verify rich media players

Who can view the attendee list: ○ All participants
◉ Only the host, presenter, and panelists

Video: ☑ Turn on video

Post-event survey: Create post-event survey
◉ Do not display survey to attendees
○ Display survey in pop-up window
○ Display survey in main browser window (instead of destination URL)

Destination URL after event: http://

Attendees & Registration:

Attendees: Create invitation list
View invitation list

Invite friends: ☑ Allow registrants to invite friends to this event

Maximum number of registrants: 10000

Registration form: Click here to customize your registration form

Destination URL after registration: http://

Approval required: ○ Yes ◉ No Set up approval rules

Registration password: ○ Yes, specify password: The password must be at least 4 characters.
◉ No

Registration ID required: ○ Yes ◉ No

Presenters & Panelists:

Panelists: Edit invitation list
View invitation list

Panelists info: [ ] [?]

☐ Allow panelists to upload documents associated with the event.

Panelist password: [ ] (recommended) The password must be at least 4 characters.

Confirm password: [ ]

Email Messages:

Email format: ○ Plain Text ◉ HTML ☑ Include iCalendar Attachments

---

Invitation emails: Attendees | Panelists

Registration emails: ☑ Pending ☑ Approved ☑ Rejected | Event In Progress

Event updated emails: All Approved Registrants | All Attendees | All Panelists

Reminder emails: ☐ 1st Reminder — November 23 2021 — 1 30 ○ am ◉ pm

☐ 2nd Reminder — November 23 2021 — 1 30 ○ am ◉ pm

Follow-up emails: ☐ Thank You for Attending — November 24 2021 — 12 30 ◉ am ○ pm

☐ Absentee Follow-Up Email — November 24 2021 — 12 30 ◉ am ○ pm

Save as template... Go Back Update This Event

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Debra Wiley

From: Debra Wiley
Sent: Friday, August 5, 2022 9:51 AM
To: Donna Mignon; Kristen L Lewis
Subject: LINK - RE: Continuation 2020-0138-SPHXA

Event Information

Event:	Zoning Hearing - Case No. 2020-0138-SPHXA - 10610 Liberty Rd. - The Gospel Fa Change, Balto.)
Type:	Listed Event
Event address for attendees:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e1
Event address for panelists:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e1
Date and time:	Thursday, September 15, 2022 10:00 am Eastern Daylight Time (New York, GMT-04:00)
Duration:	7 hours
Description:	Zoning Hearing Case No. 2020-0138-SPHXA 10610 Liberty Rd. The Gospel Faith Mission, Intl., Inc. (House of Change, Baltimore)
Event number:	2309 729 1150
Event password:	1233
Host key:	377164
Alternate Host:	Donna Mignon
Panelist Info:	
Panelist password:	
Panelist numeric password:	469887
Video Address:	23097291150@baltimorecountymd.webex.com You can also dial 173.243.2.68 and enter your meeting number.
Audio conference:	US Toll +1-415-655-0001 Show all global call-in numbers Access code: 2309 729 1150
Maximum number of registrants:	10000

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Friday, August 5, 2022 8:52 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: Continuation 2020-0138-SPHXA
Importance: High

Hi Kristen,
Paul has code in the morning on this day.

Create Panelist Invitation List

You can select contacts from an existing address book, import a Comma or Tab Delimited file (file contains non-ASCII characters, use a Unicode file delimited either by commas or tabs) or add new contacts. Note that the number of invitation emails cannot exceed 10000.

Select Contacts... | Import Contacts...

Panelists to Invite

Name	Email address	Phone number	Language	Time Zone	Locale
Donna Mignon (Alternate Host)	dmignon@baltimorecountymd.gov	1-	English	New York Time	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
Dino La Fiandra, Esq.	dcl@lafiandralaw.com	1-	English	New York Time	U.S.
Michael McCann, Esq.	michael@mmccannlaw.net	1-	English	New York Time	U.S.
Bro. Idris O. Aborlurin	aboluringbenga@yahoo.com	1-	English	New York Time	U.S.
Bro. Temidayo Sekireri	stemidayo@gmail.com	1-	English	New York Time	U.S.
Celeste Stratton	cstratton123z@gmail.com	1-	English	New York Time	U.S.
Deacon Dimeji Adedire	adedire@yahoo.com	1-	English	New York Time	U.S.
Deacon Moses Kuna	kuna_2002@yahoo.com	1-	English	New York Time	U.S.
Deaconess Tolu Olugbemi	tolu.olugbemi@gmail.com	1-	English	New York Time	U.S.
Don Mitten	don@richardsonengineering.net	1-	English	New York Time	U.S.
Elder Olaoluwa Abina	houseoffire2020@gmail.com	1-	English	New York Time	U.S.
Elder Philip Olami	olaomiphilip@gmail.com	1-	English	New York Time	U.S.
Ken Schmid	kschmid@traffic-concepts.com	1-	English	New York Time	U.S.
Pastor Taiwo Fagbuyi	taiwofagbuyi@yahoo.com	1-	English	New York Time	U.S.
Pastor Uwem Ekpo	uwemekpo@yahoo.com	1-	English	New York Time	U.S.
Sister Pat Stark	pkonstark@hotmail.com	1-	English	New York Time	U.S.
Suen Owojuyigbe	seunowo@proactivebs.com	1-	English	New York Time	U.S.
Mark Keeley	mkeeley@traffic-concepts.com	1-	English	New York Time	U.S.

Invite | Select All | Clear All | Delete | Cancel

New Panelist

Full name: (required)

Email address: (required)

Phone number: Country/Region 1 Number (with area/city code)

Time Zone: New York (Eastern Daylight Time, GMT-04:00)

Language: English

Locale: U.S.

☐ Add new panelist in my address book

☐ Invite as alternate host

Add to Invitation List

Debra Wiley

Subject:	Zoning Hearing - Case No. 2020-0138-SPHXA - 10610 Liberty Rd. - The Gospel Faith Mission, Intl.,Inc. (House of Change, Balto.)
Location:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e80d08ca14c0521d112ed048037b057d9
Start:	Thu 9/15/2022 10:00 AM
End:	Thu 9/15/2022 5:00 PM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	webex

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

When it's time, start the Webex event here.

Host: Debra Wiley (dwiley@baltimorecountymd.gov)
Event number (access code): 2309 729 1150

Thursday, September 15, 2022 10:00 am, Eastern Daylight Time (New York, GMT-04:00)

Event address for attendees:
https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e80d08ca14c0521d112ed048037
Event address for panelists:
https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=edf5d1fab1143df3ac30889072a3

Start event

Audio conference information
+1-415-655-0001 US Toll
Global call-in numbers

Join from a video system or application
Dial 23097291150@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.

Debra Wiley

From: messenger@webex.com
Sent: Friday, August 5, 2022 9:50 AM
To: Debra Wiley
Subject: Email delivery status for Web seminar: Zoning Hearing - Case No. 2020-0138-SPHXA - 10610 Liberty Rd. - The Gospel Faith Mission, Intl.,Inc. (House of Change, Balto.)

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

webex by CISCO

Webex sent the email message "Panelist Invitation" for your event.

Number of email addresses the message was sent to successfully: 18

Number of email addresses the message could not be sent to: 0

Need help? Go to https://help.webex.com

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Debra Wiley

From: messenger@webex.com
Sent: Friday, August 5, 2022 9:50 AM
To: Debra Wiley
Subject: Email delivery status for Web seminar: Zoning Hearing - Case No. 2020-0138-SPHXA - 10610 Liberty Rd. - The Gospel Faith Mission, Intl.,Inc. (House of Change, Balto.)

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

webex by CISCO

Webex sent the email message "Invitation for Alternate Host" for your event.

Number of email addresses the message was sent to successfully: 1

Number of email addresses the message could not be sent to: 0

Need help? Go to https://help.webex.com

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Event Information

Event:	Zoning Hearing - 10610 Liberty Road - Case No: 2020-0138-SPHXA
Type:	Listed Event
Event address for attendees:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e55ee2a450e7f5e9f533a38df0f6f64f4
Event address for panelists:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e4ab1ae92f32eceb3d8e7a757682a3c6c
Date and time:	Monday, October 26, 2020 1:30 pm Eastern Daylight Time (New York, GMT-04:00)
Duration:	1 hour
Description:	Zoning Hearing Case No: 2020-0138-SPHXA Address: 10610 Liberty Road Owners : The Gospel Faith Mission International, Inc.
Event number:	172 117 6965
Event password:	1234
Host key:	765631
Alternate Host:	Deb Wiley,Henry Ayakwah
Panelist Info:	
Panelist password:	
Panelist numeric password:	120124
Video Address:	1721176965@baltimorecountymd.webex.com You can also dial 173.243.2.68 and enter your meeting number.
Audio conference:	US Toll +1-415-655-0001 Show all global call-in numbers Access code: 172 117 6965
Maximum number of registrants:	10000
Destination address after event:	
Host image:	
Attendee list available for viewing by:	Host, presenter and panelists only
Event material:	None
Post-event survey:	No
Email configured:	Pending, Approved, Rejected

Start Ev
You can
event by
Start Nov
Sta

Send Ev
You can
emails b
Send Em
Send

Registration Information

Registration ID required:	No
Password required:	No
Password:	
Approval required:	No
Custom registration form:	No
After registration, go to URL:	

Manage Registrations | Delete Event | Edit Event

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Donna Mignon

Subject:	Web seminar scheduled: Zoning Hearing - 10610 Liberty Road - Case No: 2020-0138-SPHXA
Location:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eba1c6f752b6d4dfd4d05f478b8d7a086
Start:	Mon 10/26/2020 1:30 PM
End:	Mon 10/26/2020 2:30 PM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	webex

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

When it's time, start the Webex event here.

Host: Donna Mignon (dmignon@baltimorecountymd.gov)
Event number (access code): 172 117 6965

Monday, October 26, 2020 1:30 pm, Eastern Daylight Time (New York, GMT-04:00)

Event address for attendees:
https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eba1c6f752b6d4dfd4d05f478b8d7
Event address for panelists:
https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e43092f373cce39146aacc81ca7b

Start event

Audio conference information
+1-415-655-0001 US Toll
Global call-in numbers

Join from a video system or application

Dial 1721176965@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Panelist numeric password: 120124

If you are a host, click here to view host information:
https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=e8fe67ce2967b301fb8e524ae58bd2e02

Need help? Go to http://help.webex.com

Create Panelist Invitation List

You can select contacts from an existing address book, import a Comma or Tab Delimited file (file contains non-ASCII characters, use a Unicode file delimited either by commas or tabs) or add new contacts. Note that the number of invitation emails cannot exceed 10000.

Select Contacts... | Import Contacts...

Panelists to Invite

	Name	Email address	Phone number	Language	Time Zone	Locale
☑	Dino C. La Fiandra	dcl@lafiandralaw.com	1-	English	New York Time	U.S.
☑	Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	English	New York Time	U.S.
☑	Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	English	New York Time	U.S.
☑	Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.

Invite | Select All | Clear All | Delete | Cancel

New Panelist

Full name: (required)

Email address: (required)

Phone number: Country/Region [1] Number (with area/city code)

Time Zone: New York (Eastern Daylight Time, GMT-04:00)

Language: English

Locale: U.S.

☐ Add new panelist in my address book

☐ Invite as alternate host

Add to Invitation List

Donna Mignon

From: Administrative Hearings
Sent: Monday, November 22, 2021 8:40 AM
To: 'cstratton123z@gmail.com'

Good Morning,

Please see the below link to Test COMPUTER Equipment for WebEx Event
Go to https://link.edgepilot.com/s/6615e777/pATcLNVxA0eruJPivWnLQg?u=http://www.webex.com/test-meeting

Brings you into a "fake" meeting
Allows you to make sure your software is compatible – test audio & video

Hope this helps. Have a great day.

From: webmaster@baltimorecountymd.gov <webmaster@baltimorecountymd.gov>
Sent: Sunday, November 21, 2021 10:55 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Celeste
Last Name	Stratton
Email	Cstratton123z@gmail.com
Phone	4437210054
Address	10627 Liberty Rd
City	Randallstown
State	Maryland
ZIP Code	21133
Case Number	2020-0138 SPHXA
Scheduled Hearing Date	11/23/21

Donna Mignon

From: Administrative Hearings
Sent: Wednesday, November 17, 2021 3:20 PM
To: Dino La Fiandra
Cc: Administrative Hearings
Subject: RE: Case 2020-138-SPHXA - 10610 Liberty Road

Hi Dino,
I had to invite some and I re-invited who was invited. Thank you. Have a great day.

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Wednesday, November 17, 2021 2:44 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Case 2020-138-SPHXA - 10610 Liberty Road

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

Good afternoon,

For whatever reason, my witnesses and I do not seem to have the calendar invite with the link to the hearing on their calendar. Would you be so kind as to send it again to the following individuals?

Pastor Taiwo Fagbuyi - taiwofagbuyi@yahoo.com ✓
Don Mitten - don@richardsonengineering.net ✓
Suen Owojuyigbe - seunowo@proactivedbs.com ✓
Ken Schmid - kschmid@traffic-concepts.com ✓

FYI, the hearing on my calendar shows that it runs from 1:30 pm to 12:30 a.m the following day.

Thanks for your help.

Regards,
Dino

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

LaFiandralaw.com

vCard

Donna Mignon

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Wednesday, November 17, 2021 2:44 PM
To: Administrative Hearings
Subject: Case 2020-138-SPHXA - 10610 Liberty Road

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

Good afternoon,

For whatever reason, my witnesses and I do not seem to have the calendar invite with the link to the hearing on their calendar. Would you be so kind as to send it again to the following individuals?

Pastor Taiwo Fagbuyi - taiwofagbuyi@yahoo.com
Don Mitten - don@richardsonengineering.net
Suen Owojuyigbe - seunowo@proactivedbs.com
Ken Schmid - kschmid@traffic-concepts.com

FYI, the hearing on my calendar shows that it runs from 1:30 pm to 12:30 a.m the following day.

Thanks for your help.

Regards,
Dino

DCL
Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

LaFiandralaw.com
vCard

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	New York Time	English	U.S.
Paul Mayhew (Alternate Host)	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Bro. Idris O. Aborlurin	aboluringbenga@yahoo.com	1-	New York Time	English	U.S.
Bro. Temidayo Sekireri	stemidayo@gmail.com	1-	New York Time	English	U.S.
Celeste Stratton	cstratton123z@gmail.com	1-	New York Time	English	U.S.
Deacon Dimeji Adedire	adedire@yahoo.com	1-	New York Time	English	U.S.
Deacon Moses Kuna	kuna_2002@yahoo.com	1-	New York Time	English	U.S.
Deaconess Tolu Olugbemi	tolu.olugbemi@gmail.com	1-	New York Time	English	U.S.
Dino C. La Fiandra	dcl@lafiandralaw.com	1-	New York Time	English	U.S.
Don Mitten	don@richardsonengineering.net	1-	New York Time	English	U.S.
Elder Olaoluwa Abina	houseoffire2020@gmail.com	1-	New York Time	English	U.S.
Elder Philip Olaomi	olaomiphilip@gmail.com	1-	New York Time	English	U.S.
Ken Schmid	kschmid@traffic-concepts.com	1-	New York Time	English	U.S.
Michael McCann	michael@mccannlaw.net	1-	New York Time	English	U.S.
Pastor Taiwo Fagbuyi	taiwofagbuyi@yahoo.com	1-	New York Time	English	U.S.
Pastor Uwem Ekpo	uwemekpo@yahoo.com	1-	New York Time	English	U.S.
Sister Pat Stark	pkonstark@hotmail.com	1-	New York Time	English	U.S.
Suen Owojuyigbe	seunowo@proactivedbs.com	1-	New York Time	English	U.S.

OK

Donna Mignon

From: webmaster@baltimorecountymd.gov
Sent: Sunday, November 21, 2021 10:55 PM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Celeste
Last Name	Stratton
Email	Cstratton123z@gmail.com
Phone	4437210054
Address	10627 Liberty Rd
City	Randallstown
State	Maryland
ZIP Code	21133
Case Number	2020-0138 SPHXA
Scheduled Hearing Date	11/23/21

webex by CISCO (https://baltimorecountymd.webex.com/)

Webex Events (classic)

New User Reference (https://help.webex.com/

Attend an Event

List of Events (/ec3300/eventcenter/ever theAction=listevents_date&

Unlisted Events (/ec3300/eventcenter/enrc siteurl=baltimorecountymd)

Event Recordings (/ec3300/eventcenter/recc theAction=archive)

Search

Event Information

Event:	Zoning Hearing - Case No: 2020-013 Incorporated
Type:	Listed Event
Event address for attendees:	https://baltimorecountymd.webex.com
Event address for panelists:	https://baltimorecountymd.webex.com
Date and time:	Tuesday, November 23, 2021 1:30 pm Eastern Standard Time (New York, G
Duration:	11 hours
Description:	Zoning Hearing Case No: 2020-0138-SPHXA Address: 10610 Liberty Road

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	New York Time	English	U.S.
Paul Mayhew (Alternate Host)	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Bro. Idris O. Aborlurin	aboluringbenga@yahoo.com	1-	New York Time	English	U.S.
Bro. Temidayo Sekireri	stemidayo@gmail.com	1-	New York Time	English	U.S.
Deacon Dimeji Adedire	adedire@yahoo.com	1-	New York Time	English	U.S.
Deacon Moses Kuna	kuna_2002@yahoo.com	1-	New York Time	English	U.S.
Deaconess Tolu Olugbemi	tolu.olugbemi@gmail.com	1-	New York Time	English	U.S.
Dino C. La Fiandra	dcl@lafiandralaw.com	1-	New York Time	English	U.S.
Elder Olaoluwa Abina	houseoffire2020@gmail.com	1-	New York Time	English	U.S.
Elder Philip Olaomi	olaomiphilip@gmail.com	1-	New York Time	English	U.S.
Michael McCann	michael@mccannlaw.net	1-	New York Time	English	U.S.
Pastor Taiwo Fagbuyi	taiwofagbuyi@yahoo.com	1-	New York Time	English	U.S.
Pastor Uwem Ekpo	uwemekpo@yahoo.com	1-	New York Time	English	U.S.
Sister Pat Stark	pkonstark@hotmail.com	1-	New York Time	English	U.S.

OK

Donna Mignon

From: Donna Mignon
Sent: Friday, September 16, 2022 7:19 AM
To: cstratton123z
Subject: RE: RE: Please join the event in progress now: Zoning Hearing - Case No. 2020-0138-SPHXA - 10610 Liberty Rd. - The Gospel Faith Mission, Intl.,Inc. (House of Change, Balto.)

Good Morning,
The Judge has requested the Petitioner's and Protestants' attorneys to file a brief. That brief is due by October 21, 2022. Once the Judge reviews the briefs then he will then write an Order. If you were in the hearing, anyone that was at the hearing will receive a copy of that Order by email.

If you have any other questions, please contact our office.

Have a great day.

From: cstratton123z <cstratton123z@gmail.com>
Sent: Thursday, September 15, 2022 6:08 PM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: FW: RE: Please join the event in progress now: Zoning Hearing - Case No. 2020-0138-SPHXA - 10610 Liberty Rd. - The Gospel Faith Mission, Intl.,Inc. (House of Change, Balto.)

CAUTION: This message from cstratton123z@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hello Donna Mignon,
Would it be possible to get a conclusion or next steps statement for the hearing today for case# 2020-0138-SPHXA - 10610 Liberty Rd?
Thank you for the consideration.
Celeste Stratton

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: cstratton123z <cstratton123z@gmail.com>
Date: 9/15/22 6:02 PM (GMT-05:00)
To: dwiley@baltimorecountymd.gov
Subject: RE: Please join the event in progress now: Zoning Hearing - Case No. 2020-0138-SPHXA - 10610 Liberty Rd. - The Gospel Faith Mission, Intl.,Inc. (House of Change, Balto.)

Dear Debra Wiley
Due to unexpected circumstances out of my control, I was unable to attend the hearing on 9/15/22, for case #2020-0138-SPHXA - 10610 Liberty Rd . If possible please share a summary/conclusion and next steps. I look

forward to attending future hearings online and appreciate receiving the invite for such an important case which impacts me directly. as my home is across the street.and driveway is in the drawings.

Thank you very much,
Celeste Stratton

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: messenger@webex.com
Date: 9/15/22 9:39 AM (GMT-05:00)
To: cstratton123z@gmail.com
Subject: Please join the event in progress now: Zoning Hearing - Case No. 2020-0138-SPHXA - 10610 Liberty Rd. - The Gospel Faith Mission, Intl.,Inc. (House of Change, Balto.)

Join my Webex event in progress.

Zoning Hearing - Case No. 2020-0138-SPHXA - 10610 Liberty Rd. - The Gospel Faith Mission, Intl.,Inc. (House of Change, Balto.)

Thursday, September 15, 2022 10:00 am, Eastern Daylight Time (New York, GMT-04:00)

Event number (access code): 2309 729 1150
Panelist password: The Event has no Panelist Password

Join event

Join the audio conference only
+1-415-655-0001 US Toll
Global call-in numbers

Join from a video system or application
Dial 23097291150@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Panelist numeric password: 469887

Need help? Go to https://help.webex.com

Donna Mignon

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Tuesday, September 13, 2022 3:06 PM
To: Administrative Hearings
Subject: Case 2020-0138-SPHXA

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

Good afternoon,

Would you please send a calendar invite with hearing link to:

rick@richardsonengineering.net - Rick Richardson. ✓

Thank you and hope all is well.

Regards,
Dino



Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

LaFiandralaw.com
vCard

Edit Panelist Invitation List

You can select contacts from an existing address book, import a Comma or Tab Delimited file (file contains non-ASCII characters, use a Unicode file delimited either by commas or tabs) or add new contacts. Note that the number of invitation emails cannot exceed 10000.

Select Contacts... Import Contacts...

Panelists to Invite

	Name	Email address	Phone number	Language	Time Zone	Locale
☐	Donna Mignon (Alternate Host)	dmignon@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	Bro. Idris O. Aborlurin	aboluringbenga@yahoo.com	1-	English	New York Time	U.S.
☐	Bro. Temidayo Sekireri	stemidayo@gmail.com	1-	English	New York Time	U.S.
☐	Celeste Stratton	cstratton123z@gmail.com	1-	English	New York Time	U.S.
☐	Deacon Dimeji Adedire	adedire@yahoo.com	1-	English	New York Time	U.S.
☐	Deacon Moses Kuna	kuna_2002@yahoo.com	1-	English	New York Time	U.S.
☐	Deaconess Tolu Olugbemi	tolu.olugbemi@gmail.com	1-	English	New York Time	U.S.
☐	Dino La Fiandra, Esq.	dcl@lafiandralaw.com	1-	English	New York Time	U.S.
☐	Don Mitten	don@richardsonengineering.net	1-	English	New York Time	U.S.
☐	Elder Olaoluwa Abina	houseoffire2020@gmail.com	1-	English	New York Time	U.S.
☐	Elder Philip Olami	olaomiphilip@gmail.com	1-	English	New York Time	U.S.
☐	Ken Schmid	kschmid@traffic-concepts.com	1-	English	New York Time	U.S.
☐	Mark Keeley	mkeeley@traffic-concepts.com	1-	English	New York Time	U.S.
☐	Michael McCann, Esq.	michael@mmccannlaw.net	1-	English	New York Time	U.S.
☐	Pastor Taiwo Fagbuyi	taiwofagbuyi@yahoo.com	1-	English	New York Time	U.S.
☐	Pastor Uwem Ekpo	uwemekpo@yahoo.com	1-	English	New York Time	U.S.
☐	Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	Sister Pat Stark	pkonstark@hotmail.com	1-	English	New York Time	U.S.
☐	Suen Owojuyigbe	seunowo@proactivebs.com	1-	English	New York Time	U.S.
☑	Patrick Richardson, Jr.	rick@richardsonengineering.net	1-	English	New York Time	U.S.

Invite Select All Clear All Delete Cancel

New Panelist

Full name: [ ] (required)

Email address: (required)

Country/Region Number (with area/city code)

Phone number: 1

Time Zone: New York (Eastern Daylight Time, GMT-04:00)

Language: English

Locale: U.S.

☐ Add new panelist in my address book

☐ Invite as alternate host

Add to Invitation List

webex by cisco

After **March of 2023**, you will no longer be able to schedule any new events with Webex Events (classic) (https://baltimorecountymd.webex.com/) webinars-gs)

Webex Events (classic)

New User Reference (https://help.webex.com/

Attend an Event

List of Events (/ec3300/eventcenter/ever theAction=listevents_date8

Unlisted Events (/ec3300/eventcenter/enrc siteurl=baltimorecountymd)

Event Recordings (/ec3300/eventcenter/recc theAction=archive)

Search

Event Information

Event:	Zoning Hearing - Case No. 2020-0 Change, Balto.)
Type:	Listed Event
Event address for attendees:	https://baltimorecountymd.webex.c
Event address for panelists:	https://baltimorecountymd.webex.c
Date and time:	Thursday, September 15, 2022 10: Eastern Daylight Time (New York,
Duration:	7 hours
Description:	Zoning Hearing Case No. 2020-0138-SPHXA

Debra Wiley

From: Donna Mignon
Sent: Friday, August 5, 2022 8:52 AM
To: Kristen L Lewis; Debra Wiley
Subject: RE: Continuation 2020-0138-SPHXA

Importance: High

Hi Kristen,
Paul has code in the morning on this day.
He needs an all-day hearing starting at 10:00.
I know code can go up to 12.

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Friday, August 5, 2022 8:46 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Continuation 2020-0138-SPHXA

Good morning,

The above referenced case that was held before Judge Mayhew has been set to continue on Sept. 15, 2022 at 10 a.m. I will update the web as soon as the new webex link is received, thank you.

Kristen Lewis-Coles
Legal Secretary
PAI – Zoning Review

Donna Mignon

From: Kristen L Lewis
Sent: Wednesday, August 3, 2022 9:38 AM
To: Donna Mignon
Subject: RE: 2021-0138-SPHXA

Ok great, thank you. They are asking for a full day, I will let you know when this is set. Thank you.

Kristen Lewis-Coles
Legal Secretary
PAI – Zoning Review

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Wednesday, August 3, 2022 9:34 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: RE: 2021-0138-SPHXA

Hi Kristen,
Since they started the hearing already they do not need to repost or readvertise.
I do know that Paul indicated that he would like this set at 10:00 (it will take a full day) since they were only able to get through one witness on the first day. Thank you.

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Wednesday, August 3, 2022 9:31 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: RE: 2021-0138-SPHXA

Yes, that's it. He gave me the wrong case number but that is the address.

Kristen Lewis-Coles
Legal Secretary
PAI – Zoning Review

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Wednesday, August 3, 2022 9:27 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: RE: 2021-0138-SPHXA

Hi Kristen,
I see the case of 2020-0138-SPHXA is this the case they are calling on?
10610 Liberty Road...

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Wednesday, August 3, 2022 9:19 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: 2021-0138-SPHXA

Good morning Donna,

Dino LaFiandra and Mike McCann are giving me dates to set this in and I wanted to make sure the file was still in your office, and that it doesn't need to be reposted and re-advertised. Thank you.

Kristen Lewis-Coles
Legal Secretary
PAI – Zoning Review

Donna Mignon

From: Administrative Hearings
Sent: Tuesday, November 23, 2021 9:18 AM
To: Dino La Fiandra
Subject: RE: Case 2020-138-SPHXA - 10610 Liberty Road - Hearing Date: Today

Hi Dino,
I invited Mr. Kelley and if you could resend the new Exhibit 15, it was not attached to your original email. Thank you.

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Tuesday, November 23, 2021 9:05 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Case 2020-138-SPHXA - 10610 Liberty Road - Hearing Date: Today

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

Good morning,

I have to change one of my expert witnesses for today's hearing due to a personal issue with the original expert who was to testify. Accordingly, I have included a new exhibit, Exhibit 15, Mr. Keeley's CV, and a new exhibit list. Would you like me to drop hard copies of these items off in the drop box?

Would you please provide a calendar invite for the hearing to Mark Keeley at mkeeley@traffic-concepts.com

Thank you for your assistance, as always.

Regards,
Dino

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

LaFiandralaw.com
vCard

Donna Mignon

From: Administrative Hearings
Sent: Tuesday, November 23, 2021 9:16 AM
To: Dino La Fiandra; Administrative Hearings
Subject: RE: Case 2020-138-SPHXA - 10610 Liberty Road - Hearing Date: Today

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Dino,
Your new exhibit 5 is not attached. Please send. Yes, please drop off a copy when you can. I will invite the new expert witness. Thank you.

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Tuesday, November 23, 2021 9:05 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Case 2020-138-SPHXA - 10610 Liberty Road - Hearing Date: Today

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

Good morning,

I have to change one of my expert witnesses for today's hearing due to a personal issue with the original expert who was to testify. Accordingly, I have included a new exhibit, Exhibit 15, Mr. Keeley's CV, and a new exhibit list. Would you like me to drop hard copies of these items off in the drop box?

Would you please provide a calendar invite for the hearing to Mark Keeley at mkeeley@traffic-concepts.com

Thank you for your assistance, as always.

Regards,
Dino

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

LaFiandralaw.com
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Donna Mignon

From: Donna Mignon
Sent: Wednesday, November 24, 2021 7:55 AM
To: Kristen L Lewis
Cc: Debra Wiley
Subject: 2020-0138-SPHXA

Hi Kristen,
I wanted to give you a heads up that this case will need another full day. They were only able to get through one witness yesterday since the hearing did not start until 1:30 p.m. Paul would like this set in at 10 when you do set this in again.. I am sure Michael and Dino will be contacting you shortly. Thank you.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Pm 11-23
1:30 pm

Debra Wiley

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Tuesday, November 23, 2021 9:05 AM
To: Administrative Hearings
Subject: Case 2020-138-SPHXA - 10610 Liberty Road - Hearing Date: Today

Follow Up Flag: Follow up
Flag Status: Flagged

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

Good morning,

I have to change one of my expert witnesses for today's hearing due to a personal issue with the original expert who was to testify. Accordingly, I have included a new exhibit, Exhibit 15, Mr. Keeley's CV, and a new exhibit list. Would you like me to drop hard copies of these items off in the drop box?

Would you please provide a calendar invite for the hearing to Mark Keeley at mkeeley@traffic-concepts.com

Thank you for your assistance, as always.

Regards,
Dino

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Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

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The Law Office of Dino C. La Fiandra, LLC
100 West Pennsylvania Avenue | Suite 305 | Towson, Maryland 21204
443-204-3473 • dcl@LaFiandraLaw.com • LaFiandraLaw.com

Memorandum

DATE: November 19, 2021

TO: Office of Administrative Hearings

FROM: Dino La Fiandra

SUBJECT: Exhibits for Case 2020-138-SPHXA
10610 Liberty Road
Hearing Date: Tuesday 11/23 @ 1:30 pm

Enclosed herewith please find an Exhibit List and hard copies of the exhibits in the above referenced case. I have included a reduced size version of Exhibit 3 and I will deliver the full size version on Monday 11/22/2021 when I receive it from the engineer. Please let me know if you have any questions or require any additional information.

RECEIVED
NOV 22 2021
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Donna Mignon

From: Administrative Hearings
Sent: Friday, October 29, 2021 10:46 AM
To: Kristen L Lewis; Debra Wiley
Subject: LINK - RE: Continuation

Top of Form

Event Information

Event:	Zoning Hearing - Case No: 2020-0138-SPHXA - 10610 Liberty Road - The Go Incorporated
Type:	Listed Event
Event address for attendees:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTI
Event address for panelists:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTI
Date and time:	Tuesday, November 23, 2021 1:30 pm Eastern Standard Time (New York, GMT-05:00)
Duration:	11 hours
Description:	Zoning Hearing Case No: 2020-0138-SPHXA Address: 10610 Liberty Road Owners: The Gospel Faith Mission International, Incorporated
Event number:	2313 131 6806
Event password:	1234
Host key:	731086
Alternate Host:	Deb Wiley,Paul Mayhew
Panelist Info:	
Panelist password:	
Panelist numeric password:	287924
Video Address:	23131316806@baltimorecountymd.webex.com You can also dial 173.243.2.68 and enter your meeting number.
Audio conference:	US Toll +1-415-655-0001 Show all global call-in numbers Access code: 2313 131 6806
Maximum number of registrants:	10000
Destination address after event:	
Host image:	
Attendee list available for viewing by:	Host, presenter and panelists only
Event material:	None
Post-event survey:	No
Email configured:	Pending, Approved, Rejected

Registration Information

Registration ID required:	No
Password required:	No
Password:	
Approval required:	No
Custom registration form:	No
After registration, go to URL:	

Bottom of Form
Top of Form
Bottom of Form

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Friday, October 29, 2021 9:21 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Continuation

Good morning,

Case 2020-0138 has been confirmed by both attorneys this morning, for Tues., November 23, 2021 at 1:30 p.m. Thank you.

Kristen Lewis-Coles
Legal Secretary
PAI – Zoning Review

Donna Mignon

Subject:	Web seminar scheduled: Zoning Hearing - Case No: 2020-0138-SPHXA - 10610 Liberty Road - The Gospel Faith Mission International, Incorporated
Location:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e36dd3e6a046cdcc6a2e9bd49ab717c99
Start:	Tue 11/23/2021 1:30 PM
End:	Wed 11/24/2021 12:30 AM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	webex

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

When it's time, start the Webex event here.

Host: Donna Mignon (dmignon@baltimorecountymd.gov)
Event number (access code): 2313 131 6806

Tuesday, November 23, 2021 1:30 pm, Eastern Standard Time (New York, GMT-05:00)

Event address for attendees:
https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e36dd3e6a046cdcc6a2e9bd49ab
Event address for panelists:
https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e8629f548cf822f7b1ffadf4855518

Start event

Audio conference information
+1-415-655-0001 US Toll
Global call-in numbers

Join from a video system or application

Dial 23131316806@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Panelist numeric password: 287924

If you are a host, click here to view host information:
https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=ede36614dc2bb85e0d3b74b18124903db

Need help? Go to https://help.webex.com

[redacted] 10/29 @ 9:30 [redacted] CASE NO. 2020-0138SPHXA

CHECKLIST

✓Order

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
6/23	DEPS (if not received, date e-mail sent _____)	Comments
_____	FIRE DEPARTMENT	_____
7/15	PLANNING (if not received, date e-mail sent _____)	Comments no objection
_____	STATE HIGHWAY ADMINISTRATION	_____
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

Paul to go on 12/3 and on record.

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 1977-0167-SPHX & (attached) 2008-0136-SPHA - (attached))

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING (1st) Date: _____ by _____

SIGN POSTING (2nd) Date: 10/26 by Sgt. Black

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

§ 259.3. - Special regulations for C.R. Districts.

[Bill No. 103-1988]

A. Uses permitted by right. Any use permitted by right in the underlying zone on which the C.R. District is applied and which meets the bulk regulations of Section 259.3.C.1 is permitted by right.

B. Uses permitted by special exception.

1. Any use permitted by special exception in the underlying zone on which the C.R. District designation is applied and which meets the bulk regulations of Section 259.3.C.1 is permitted by special exception.
2. Any use permitted (by right or by special exception) within the C.R. District but which is not permitted in the underlying zone and which meets the bulk regulations of Section 259.3.C.1 is permitted by special exception, except that service stations and car wash operations are only permitted in a C.R. District with B.L., B.M. or B.R. as a base zone.

[Bill No. 172-1993]

3. Buildings which exceed the requirements of Section 259.3.C.1 may be permitted by special exception only when the proposed development is in compliance with site design guidelines and performance standards which are part of a duly adopted Master Plan for the district.
4. In addition to the requirements generally imposed by Section 502.1, any use permitted by special exception in C.R. Districts shall meet the requirements of Subsection E below.

C. Use restrictions.

1. Bulk regulations.
   a. The gross floor area for all buildings on a lot shall not exceed 8,800 square feet, of which no more than 6,600 square feet shall be on the ground floor.
   b. The floor area ratio shall not exceed 0.20.
   c. Building height shall not exceed 30 feet.
2. Setbacks.
   a. The front yard setback shall be not less than 15 feet from the street right-of-way line and not more than the average of the setbacks of adjacent buildings.
   b. The rear and side yard setbacks shall be not less than 15 feet.
3. Landscaping. In addition to the requirements of the Landscape Manual for commercial zones, the following landscape standards shall apply to uses in C.R. Districts:
   a. The entire required front, side and rear setbacks shall be landscaped; and
   b. A minimum of seven percent of the parking lot shall be pervious surface with a minimum of one tree per eight parking spaces provided.
4. Parking. Parking shall be located in a manner appropriate and consistent with adjoining development and must be located within the C.R. District. Access onto roadways shall be limited to no more than two locations. Except where physical constraints, site configuration or safety precludes compliance, parking must be accessible to the parking lots of adjacent nonresidential uses and zones.
5. Environmental holding capacity. The applicant shall prove to the satisfaction of the Director of the Department

of Environmental Protection and Sustainability that the land can support the proposed development without overburdening the required private sewage disposal system and the potable water supply, endangering the metropolitan district reservoirs or creating a health or environmental nuisance for neighboring properties.

[Bill No. 122-2010]

6. Outside storage. Outside storage of equipment and material shall be permitted only on the lot, subject to the following requirements:
   a. The storage area must be located to the side or rear of the building, outside of the required setbacks;
   b. The storage area shall not cover more than 15 percent of the lot, except as determined by the Zoning Commissioner in a special exception hearing; and
   c. The storage area shall be screened by a fence in association with plantings.
7. Signs and displays. Signs are permitted, subject to Section 450 and the following additional restrictions:

[Bill No. 89-1997]

   a. Only one wall-mounted enterprise sign which does not project more than six inches from the building and does not have a surface area exceeding eight square feet is permitted.
   b. Only one freestanding enterprise sign with a surface area of no more than 25 square feet per side is permitted. The sign shall be integrated with the landscaping, and the location shall be approved by the Director of the Department of Planning.

[Bill No. 55-2011]

   c. No sign shall be illuminated unless approved by the Zoning Commissioner after a hearing.
   d. Display of goods, vehicles and equipment is permitted in the front yard, but not more than five feet in front of the required front building line.
8. Relationship to surrounding neighborhoods. New buildings or additions shall be appropriate pursuant to § 32-4-402 of the Baltimore County Code.

[Bill No. 137-2004]

9. Auto service stations are subject to the provisions of Section 405.

D. Procedure for obtaining plan approval in a C.R. District.
   1. If a County Review Group (CRG) plan is required, the plan shall be approved prior to the granting of a special exception in a C.R. District.
   2. When a special exception is required, the CRG shall also find that the proposed development satisfies the requirements of Subsection E below.

E. Additional requirements for the granting of a special exception in a C.R. District. In addition to the requirements generally imposed in the issuance of special exceptions by Section 502.1, the following requirements shall apply to the granting of special exceptions in C.R. Districts:
   1. The petitioner shall document the need for the development at the proposed location.
   2. The proposed development shall take into account existing and proposed roads, topography, existing vegetation, soil types and the configuration of the site. The proposed development will not disturb slopes with

grades exceeding 25 percent; will minimize disturbance to vegetated areas, wetlands and streams; and will not result in undue site disturbance or excessive erosion and sediment loss. Infiltration will be maximized and stormwater management discharge will be decentralized.

3. Architecturally or historically significant buildings and their settings shall be preserved and integrated into the site plan.
4. The buildings shall be sited to protect scenic views from public roads and so that the natural rural features, including but not limited to pastures, croplands, meadows and trees, are preserved to the extent possible. Additional open space may be required to preserve and enhance the enjoyment of the natural amenities and visual quality of the site.
5. The proposed development will not be detrimental to neighboring uses and the tranquility of the rural area through excessive noise and will not result in a nuisance or air pollution from dust, fumes, vapors, gases and odors.

F. Any contrary provision of these regulations notwithstanding, the provisions of Sections 259.2.A and 259.3 shall not apply to any building, use or structure in existence or for which a CRG plan has been approved as of the date of the enactment of Bill No. 103-1988 or to any M.L. Zone with C.R. District designation.

The Law Office of Dino C. La Fiandra, LLC
100 West Pennsylvania Avenue | Suite 305 | Towson, Maryland 21204
443-204-3473 • dcl@LaFiandraLaw.com • LaFiandraLaw.com

Memorandum

DATE: November 19, 2021

TO: Office of Administrative Hearings

FROM: Dino La Fiandra

SUBJECT: Exhibits for Case 2020-138-SPHXA
10610 Liberty Road
Hearing Date: Tuesday 11/23 @ 1:30 pm

Enclosed herewith please find an Exhibit List and hard copies of the exhibits in the above referenced case. I have included a reduced size version of Exhibit 3 and I will deliver the full size version on Monday 11/22/2021 when I receive it from the engineer. Please let me know if you have any questions or require any additional information.

RECEIVED
NOV 22 2021
OFFICE OF
ADMINISTRATIVE HEARINGS

Donna Mignon

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Friday, November 19, 2021 12:34 PM
To: Administrative Hearings
Subject: Case 2020-138-SPHXA
Attachments: Exhibit List.pdf; Exhibit 1 - Mitten CV.pdf; Exhibit 5 - Proposed Conditions (Colored Zones).pdf; Exhibit 6 - Zoning Comments (Dev. Plan, 5_14_2019).pdf; Exhibit 4 - Existing conditions (Colored Zones).pdf; Exhibit 3 - Blackline Zoning Site Plan (November 18, 2021).pdf; Exhibit 2 - Redlined Zoning Plan (11_18_2021).pdf; Exhibit 7 - SHA Approval (03_09_2021).pdf; Exhibit 12 - Schmid CV.pdf; Exhibit 10 - Zoning Case _ Site Plan 08-136-SPHA.pdf; Exhibit 8 - Floor Plan (w_ Zone Line).pdf; Exhibit 9 - Building Elevations.pdf; Exhibit 14 - Department of Planning Comments (7_15_2020).pdf; Exhibit 13 - Sight Distance Exhibit.pdf; Exhibit 11 - Floor Plan.pdf

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

Good afternoon,

Attached please find an exhibit list and the exhibits in the above-referenced case. I will drop off the hard copies in the lobby shortly. The case is set for hearing on Tuesday, November 23 at 1:30 pm.

Have a nice weekend.

Regards,
Dino



Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

LaFiandralaw.com
vCard

Donna Mignon

From: Donna Mignon
Sent: Tuesday, November 16, 2021 7:52 AM
To: 'Dino La Fiandra'; 'Michael McCann'
Cc: Debra Wiley
Subject: Case No. 2020-138-SPHXA - 10610 Liberty Road

Good Morning:

As you are aware, a virtual Webex hearing has been scheduled for November 23, 2021 at 1:30 p.m. You should have received an invitation in an email which invited you to this hearing when the event was created on or about October 29, 2021.

Please note that all electronic and hard copies of all hearing exhibits, documents, site plans, photographs or evidence of any kind must be submitted in PDF format **at least two full business days** in advance of the hearing to : Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov

Exhibits must be separately numbered and submitted, an exhibit list with the Case Number, an exhibit number and a brief description for each exhibit.

Please bring a hard copy of all exhibits and drop off in our lobby (address below) at least two full business days before the hearing date.

Thank you.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Legal Secretary
PAI – Zoning Review

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Monday, October 25, 2021 10:45 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: Case No. 2020-138-SPHXA - 10610 Liberty Road

CAUTION: This message from dcl@lafiandralaw.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 Kristen,

I would like to schedule the above referenced zoning case for hearing. The case was postponed on the record and does not need to be reposted or readvertised. I represent the Petitioner, The Gospel Faith Mission International, Inc. Michael McCann, copied on this email, represents the adjoining property owners, the Vogelsangs, and has entered his appearance in the matter.

Unless Michael thinks more time is needed, I believe the case can be heard in half a day. The case was postponed before any testimony was taken, and I believe it can be assigned to either ALJ.

Can you please provide Michael and I with a few dates and times for us to check for our availability and that of our clients and witnesses?

Thank you.

Regards,
Dino

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

LaFiandralaw.com
vCard

Donna Mignon

From: Kristen L Lewis
Sent: Thursday, October 28, 2021 9:23 AM
To: Donna Mignon; Debra Wiley
Subject: 2020-0138

Good morning,

Lajuanda will be bringing the above file over today, I am still waiting on confirmation from Mr. McCann on 11/23 at 1:30 p.m. Mr. LaFiandra has agreed.

Kristen Lewis-Coles
Legal Secretary
PAI – Zoning Review

Donna Mignon

From: Donna Mignon
Sent: Monday, October 25, 2021 11:39 AM
To: Debra Wiley
Cc: Kristen L Lewis
Subject: RE: Case No. 2020-138-SPHXA - 10610 Liberty Road

Kristen,
I do need to see if we still have the file, so I can reinvite everyone. Apparently there were at least 10 people in this hearing. If we don't have the file, I will need to get from you so I can reinvite the wheel since this is an old case that was cancelled back in October 2020. Thank you.

From: Debra Wiley <dwiley@baltimorecountymd.gov>
Sent: Monday, October 25, 2021 11:34 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: RE: Case No. 2020-138-SPHXA - 10610 Liberty Road

Great job Donna !! Thank you for being so resourceful; it is appreciated !

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Monday, October 25, 2021 11:33 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: Case No. 2020-138-SPHXA - 10610 Liberty Road

Hi Kristen,
This case was heard in October 2020, it was agreed on the record that this would be reset in front of Paul and no need to re-advertise or post.

If you need anything else, please let me know. Thank you.

From: Donna Mignon
Sent: Monday, October 25, 2021 11:29 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: Case No. 2020-138-SPHXA - 10610 Liberty Road

I am going on the webex hearing to listen to what was said. I will be in touch. Thank you.

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Monday, October 25, 2021 11:18 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: FW: Case No. 2020-138-SPHXA - 10610 Liberty Road

Good morning,

I am in receipt of this email below. Is this correct that this case was opened and posting/publishing does not need to be done? Which judge? Also, Is it ok to assign a new date and your office just send out a new webex link?

Kristen Lewis-Coles

Donna Mignon

From: Donna Mignon
Sent: Monday, October 26, 2020 1:38 PM
To: Kristen L Lewis
Subject: 2020-0138SPHXA - 10610 Liberty Road - The Gospel Faith Mission International Incorp.

Hi Kristen,
This case was scheduled for today 10/26/2020 at 1:30 p.m.
Paul postponed it on the record. He wants this one rescheduled ASAP.
Do you want me to bring the file over to you now?

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Donna Mignon

From: Donna Mignon
Sent: Thursday, October 22, 2020 10:57 AM
To: Administrative Hearings; Dino La Fiandra
Subject: RE: Participants for 2020-138-SPHXA

Hi Dino,
I wanted to let you know that I invited everyone from below.
Thank you
Donna

From: Administrative Hearings
Sent: Thursday, October 22, 2020 10:23 AM
To: 'Dino La Fiandra' <dcl@lafiandralaw.com>
Subject: RE: Participants for 2020-138-SPHXA

Thank you Dino. I will invite them sometime today. I am working with Judge Mayhew right now regarding a development hearing.
As soon as this hearing is over, I will go in and invite these people below. Again, Thank you.

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Thursday, October 22, 2020 10:01 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Participants for 2020-138-SPHXA

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

Please send an invite to the following participants for the hearing in this case on October 26, 2020 at 1:30 pm.

1. Pastor Taiwo Fagbuyi (Resident Pastor)	taiwofagbuyi@yahoo.com
2. Pastor Uwem Ekpo (Associate Pastor)	uwemekpo@yahoo.com
3. Elder Olaoluwa Abina	houseoffire2020@gmail.com
4. Elder Philip Olaomi	olaomiphilip@gmail.com
5. Deacon Dimeji Adedire	adedire@yahoo.com
6. Deacon Moses Kuna	kuna_2002@yahoo.com
7. Bro. Idris O. Abolurin	aboluringbenga@yahoo.com
8. Deaconess Tolu Olugbemi	tolu.olugbemi@gmail.com
9. Bro. Temidayo Sekiteri	stemidayo@gmail.com
10. Sister Pat Stark	pkonstark@hotmail.com

Thank you for your assistance!
Dino

DCL

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

LaFiandralaw.com
vCard

Donna Mignon

From: Administrative Hearings
Sent: Thursday, October 22, 2020 10:23 AM
To: Dino La Fiandra
Subject: RE: Participants for 2020-138-SPHXA

Thank you Dino. I will invite them sometime today. I am working with Judge Mayhew right now regarding a development hearing.
As soon as this hearing is over, I will go in and invite these people below. Again, Thank you.

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Thursday, October 22, 2020 10:01 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Participants for 2020-138-SPHXA

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Please send an invite to the following participants for the hearing in this case on October 26, 2020 at 1:30 pm.

1. Pastor Taiwo Fagbuyi (Resident Pastor)	taiwofagbuyi@yahoo.com
2. Pastor Uwem Ekpo (Associate Pastor)	uwemekpo@yahoo.com
3. Elder Olaoluwa Abina	houseoffire2020@gmail.com
4. Elder Philip Olaomi	olaomiphilip@gmail.com
5. Deacon Dimeji Adedire	adedire@yahoo.com
6. Deacon Moses Kuna	kuna_2002@yahoo.com
7. Bro. Idris O. Abolurin	aboluringbenga@yahoo.com
8. Deaconess Tolu Olugbemi	tolu.olugbemi@gmail.com
9. Bro. Temidayo Sekiteri	stemidayo@gmail.com
10. Sister Pat Stark	pkonstark@hotmail.com

Thank you for your assistance!
Dino



Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

LaFiandralaw.com
vCard

Donna Mignon

From: Jenae Johnson
Sent: Monday, October 19, 2020 2:44 PM
To: Donna Mignon; Kristen L Lewis
Subject: RE: Case No: 2020-0138-SPHXA

yup sure can

From: Donna Mignon
Sent: Monday, October 19, 2020 2:42 PM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>; Jenae Johnson <jnjohnson@baltimorecountymd.gov>
Subject: Case No: 2020-0138-SPHXA

Hi Guys,
Jenae was going to come over and pick up 2020-0138-SPHXA.
Paul has not postponed it yet. He is going to go on that afternoon, Michael McCann is going to request the postponement and Paul is going to grant it, but he wanted to put it on the record.

Can I give you this file once this is done on Wednesday?

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Donna Mignon

From: Donna Mignon
Sent: Monday, October 19, 2020 2:42 PM
To: Kristen L Lewis; Jenae Johnson
Subject: Case No: 2020-0138-SPHXA

Hi Guys,
Jenae was going to come over and pick up 2020-0138-SPHXA.
Paul has not postponed it yet. He is going to go on that afternoon, Michael McCann is going to request the postponement and Paul is going to grant it, but he wanted to put it on the record.

Can I give you this file once this is done on Wednesday?

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

[redacted]

Paul Mayhew

From: Michael McCann <michael@mmccannlaw.net>
Sent: Tuesday, October 13, 2020 11:24 AM
To: Paul Mayhew
Cc: Dino La Fiandra
Subject: RE: 10610 Liberty Road (Case No. 2020-0138-SPHXA)

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

Thank you Judge. Will do.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

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From: Paul Mayhew [mailto:pmayhew@baltimorecountymd.gov]
Sent: Tuesday, October 13, 2020 10:59 AM
To: Michael McCann <michael@mmccannlaw.net>
Cc: Dino La Fiandra <dcl@lafiandralaw.com>
Subject: RE: 10610 Liberty Road (Case No. 2020-0138-SPHXA)

Counsel,
That is sufficiently good cause. I will call the case that day and continue it. Although I will not require new posting and advertising, please confer with each other and contact Kristen Lewis, to schedule a new date at the earliest available time that works with my calendar.
Thank you,

Paul M. Mayhew
Managing Administrative Law Judge
105 West Chesapeake Ave., Suite 103
Towson, Maryland 21204
410-887-3868
pmayhew@baltimorecountymd.gov

Donna Mignon

From: Paul Mayhew
Sent: Tuesday, October 13, 2020 10:59 AM
To: Michael McCann
Cc: Dino La Fiandra
Subject: RE: 10610 Liberty Road (Case No. 2020-0138-SPHXA)

Counsel,
That is sufficiently good cause. I will call the case that day and continue it. Although I will not require new posting and advertising, please confer with each other and contact Kristen Lewis, to schedule a new date at the earliest available time that works with my calendar.
Thank you,

Paul M. Mayhew
Managing Administrative Law Judge
105 West Chesapeake Ave., Suite 103
Towson, Maryland 21204
410-887-3868
pmayhew@baltimorecountymd.gov

From: Michael McCann <michael@mmccannlaw.net>
Sent: Tuesday, October 13, 2020 10:46 AM
To: Paul Mayhew <pmayhew@baltimorecountymd.gov>
Cc: Dino La Fiandra <dcl@lafiandralaw.com>
Subject: RE: 10610 Liberty Road (Case No. 2020-0138-SPHXA)

CAUTION: This message from michael@mmccannlaw.net 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: I have a hearing before you on the subsequent two days (Tuesday and Wednesday) and am supposed to meet with my folks on that day (Monday). I am out of town the weekend before and returning late Sunday.

So, as I told Dino, no specific court conflict with that day, but more of a workload and timing issue.

Thank you.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

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[redacted]ael McCann <michael@mmccannlaw.net>
Sent: Tuesday, October 13, 2020 10:46 AM
To: Paul Mayhew <pmayhew@baltimorecountymd.gov>
Cc: Dino La Fiandra <dcl@lafiandralaw.com>
Subject: RE: 10610 Liberty Road (Case No. 2020-0138-SPHXA)

CAUTION: This message from michael@mmccannlaw.net 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: I have a hearing before you on the subsequent two days (Tuesday and Wednesday) and am supposed to meet with my folks on that day (Monday). I am out of town the weekend before and returning late Sunday.

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Thank you.

Michael

Michael R. McCann
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118 W. Pennsylvania Avenue
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From: Paul Mayhew [mailto:pmayhew@baltimorecountymd.gov]
Sent: Tuesday, October 13, 2020 10:38 AM
To: Michael McCann <michael@mmccannlaw.net>
Cc: Dino La Fiandra <dcl@lafiandralaw.com>
Subject: RE: 10610 Liberty Road (Case No. 2020-0138-SPHXA)

Counsel,
What is the basis for your requested postponement?

Paul M. Mayhew
Managing Administrative Law Judge
105 West Chesapeake Ave., Suite 103
Towson, Maryland 21204
410-887-3868
pmayhew@baltimorecountymd.gov

From: Michael McCann <michael@mmccannlaw.net>
Sent: Monday, October 12, 2020 11:26 AM

notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please delete/destroy any copy of this message and notify Michael R. McCann at 410 825-2150.

From: Paul Mayhew [mailto:pmayhew@baltimorecountymd.gov]
Sent: Tuesday, October 13, 2020 10:38 AM
To: Michael McCann <michael@mmccannlaw.net>
Cc: Dino La Fiandra <dcl@lafiandralaw.com>
Subject: RE: 10610 Liberty Road (Case No. 2020-0138-SPHXA)

Counsel,
What is the basis for your requested postponement?

Paul M. Mayhew
Managing Administrative Law Judge
105 West Chesapeake Ave., Suite 103
Towson, Maryland 21204
410-887-3868
pmayhew@baltimorecountymd.gov

From: Michael McCann <michael@mmccannlaw.net>
Sent: Monday, October 12, 2020 11:26 AM
To: Paul Mayhew <pmayhew@baltimorecountymd.gov>
Cc: Dino La Fiandra <dcl@lafiandralaw.com>
Subject: 10610 Liberty Road (Case No. 2020-0138-SPHXA)

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

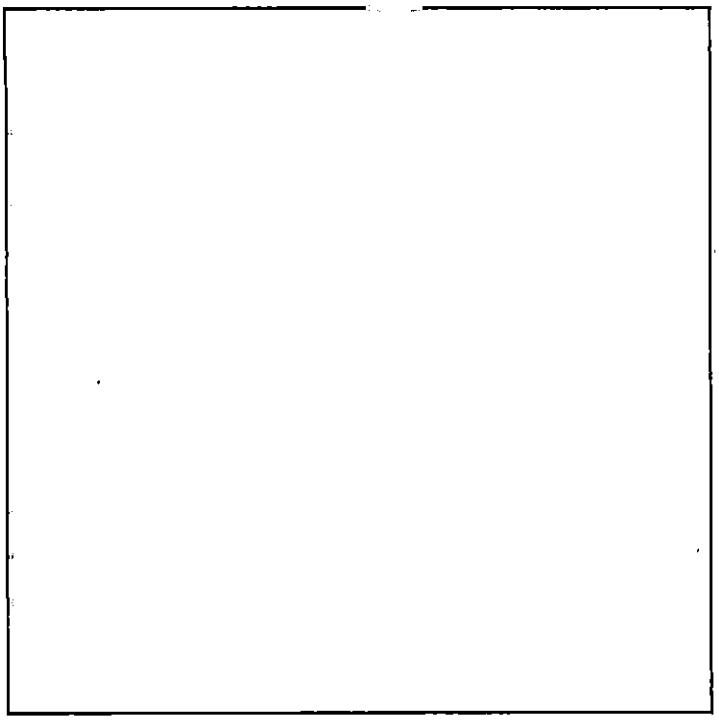
Judge Mayhew: Please see the attached correspondence.

Thank you.

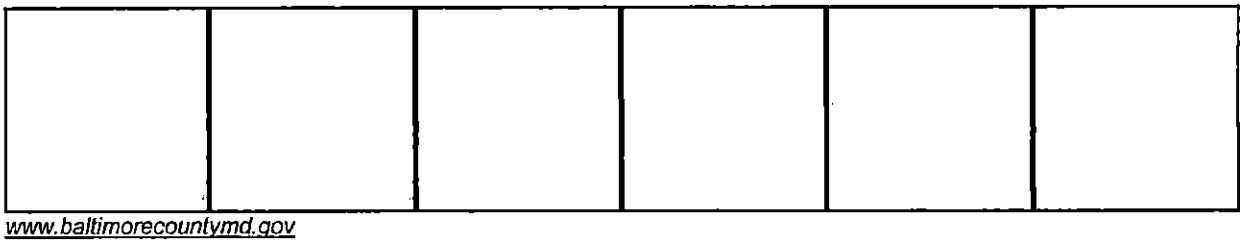
Michael

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CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Donna Mignon

From: Paul Mayhew
Sent: Monday, October 12, 2020 4:38 PM
To: Donna Mignon
Subject: Fw: 10610 Liberty Road (Case No. 2020-0138-SPHXA)
Attachments: 20201012112455392.pdf

Please print this and find this file for me
Thanks
Sent using OWA for iPhone

From: Michael McCann <michael@mmccannlaw.net>
Sent: Monday, October 12, 2020 11:26:11 AM
To: Paul Mayhew
Cc: Dino La Fiandra
Subject: 10610 Liberty Road (Case No. 2020-0138-SPHXA)

CAUTION: This message from michael@mmccannlaw.net 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: Please see the attached correspondence.

Thank you.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

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

October 12, 2020

Via Email and US Mail

Hon. Paul M. Mayhew
Office of Administrative Hearings
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: 10610 Liberty Road
Case No. 2020-0138-SPHXA
Scheduled Hearing: October 26, 2020

Dear Judge Mayhew:

I was recently retained to represent Richard and Mary Vogelsang, who own the farm adjoining the property that is the subject of this zoning hearing. Please accept this letter as my entry of appearance in this matter.

I have reached out to Dino LaFiandra, who represents the petitioner, and informed him that I will need a postponement of the hearing, presently scheduled for October 26, 2020. Mr. LaFiandra indicated that he would not oppose my request.

In an effort to avoid the considerable cost of re-posting the property, I intend to ask for the postponement on the date of the hearing, October 26, 2020. I have discussed this with Dino and we thought it best to let you know my intentions in advance of the hearing so that Dino would not be put in the difficult position of having to proceed with his case that day if either you deny the postponement request or my client decides not to move forward for some reason.

If your Honor disagrees with proceeding in this fashion, please let us know.

Thank you for your consideration.

Respectfully,

Michael R. McCann

cc: Dino LaFiandra, Esq. (*via* email)

Donna Mignon

From: Kristen L Lewis
Sent: Thursday, September 24, 2020 10:26 AM
To: Debra Wiley; Donna Mignon
Subject: Webex
Attachments: 20200924102327078.pdf

Good morning ladies,

Attached is the information needed for a new webex event. Mr. LaFiandra indicated he will be sending a list of additional participants later. Thank you.

Kristen Lewis
PAI – Zoning Review
410-887-3391

Donna Mignon

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Thursday, October 22, 2020 10:01 AM
To: Administrative Hearings
Subject: Participants for 2020-138-SPHXA

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

Please send an invite to the following participants for the hearing in this case on October 26, 2020 at 1:30 pm.

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2. Pastor Uwem Ekpo (Associate Pastor) uwemekpo@yahoo.com
3. Elder Olaoluwa Abina houseoffire2020@gmail.com
4. Elder Philip Olaomi olaomiphilip@gmail.com
5. Deacon Dimeji Adedire adedire@yahoo.com
6. Deacon Moses Kuna kuna_2002@yahoo.com
7. Bro. Idris O. Abolurin aboluringbenga@yahoo.com
8. Deaconess Tolu Olugbemi tolu.olugbemi@gmail.com
9. Bro. Temidayo Sekiteri stemidayo@gmail.com
10. Sister Pat Stark pkonstark@hotmail.com

Thank you for your assistance!
Dino

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

LaFiandralaw.com
vCard

JOHN A. OLSZEWSKI, JR.
County Executive

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

September 24, 2020

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0138-SPHXA
10610 Liberty Road
Northeast side of Liberty Road, southeast of Holbrook Road
2nd Election District – 4th Councilmanic District
Legal Owners: The Gospel Faith Mission International, Inc.

Special Hearing to approve the buidling for religious worship (church) in all zones in which it is proposed as shown on the Plan to Accompany Petition for Zoning Hearing. Determine whether the parking located in the RC 7 zone is permitted by right under BCZR 1A08.3.A.7.d as an accessory use to a principle use permitted by right under BCZR 1A08.3.E, or whether a special exception is required for the parking in the RC 7 zone under BCZR 1A08.3.B.2. In the alternative to Special Hearing Request No. 2., approve institutional parking in a residential zone pursuant to BCZR 409.8.B for twenty-six (26) proposed parking spaces that partially extend into the adjacent RC-7 zone, as shown on the Plan to Accompany Petition for Zoning Hearing. Determine whether the two Moro-Bioretention Facilities (S W M Facilities) located in the RC 7 zone are permitted by right under BCZR 1A08.3.A.7.d as an accessory use to a principle use permitted by right BCZR 1A08.3.E, or whether a special exception is required for these facilities in the RC 7 zone under BCZR 1A08.3.B.2. Determine whether a Variance from BCZR 259.3.C.4 and 409.6 is required for the number of parking spaces in the RO-CR zone, specifically in this instance. Determine whether the building height of 44 feet is permitted by right pursuant to BCZR 300.2, or whether a special exception under BCZR 259.3.B.3 OR Variance under BCZR 300.7 is required. Such further and other relief as the nature of this case may require. Special Exception Request Nos. 2 and 4, the ALJ determines that a Special Exception is required for the parking or the S W M Facilities in the RC 7 zone (identified as Use Area A), then a special exception for parking and/ or the storm water management facilities in Use Area A as proposed on the Plan to Accompany the Petition for Zoning Hearing, as an accessory use to a church, pursuant to BCZR, 1A08.3.B.2. BCZR 259.3.B.3 to approve a building for religious worship (church) of 8,710 square feet on the ground floor in Use Area B in the RO-CR district in lieu of 6,600 square feet permitted on the ground floor, and if the ALJ determines pursuant to Special Hearing Request 6 that a Special Exception for building height of 44 feet is required in this instance, then a special exception for a building height of 44 feet in Use Area B in the RO-CR zone in lieu of 30 feet permitted. Variance to allow a setback from the street right of way line to the building of 103 feet in lieu of a maximum setback of 19 feet otherwise permitted. In the alternative to Special Exception Request No. 2 a Variance from BCZR 259.3.C.1 as follows: a. for a building with 8,710 square feet on the ground floor in the RO-CR zone in lieu of 6,600 square feet on the ground floor in the RO-CR zone. b. If the ALJ determines pursuant to Special Hearing Request 6 that a Variance for building height of 44 in lieu of 30 feet otherwise permitted is required in this instance, then a variance for a building height of 44 feet in the RO-CR zone in lieu of 30 feet otherwise permitted in the RO-CR. If pursuant to Special Hearing Request No. 4, the ALJ determines that a Variance is required for the number of parking spaces in the RO-CR zone, then a Variance from BCZR 409.6 for 57 parking spaces in the RO-CR zone in lieu of 88 parking spaces required, or such lesser relief as the ALJ determines is necessary.

Hearing: Monday, October 26, 2020 at 1:30 p.m.

For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Michael Mallinoff
Director

MM:kl

C: Dino LaFiandra, 100 W. Pennsylvania Avenue, Ste. 305, Towson 21204
House of Change, P.O. Box 1197, Randallstown 21133

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 6, 2020**

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 10610 Liberty Road **which is presently zoned** RO-CR, RC-3, RC-7

Deed References: 30758/0458 10 Digit Tax Account # 0208652480

Property Owner(s) Printed Name(s) The Gospel Faith Mission International, Incorporated (House of Change, Baltimore)

(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

   See attached.

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

   See attached.

3. ✓ **a Variance** from Section(s)

   See attached.

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

To be presented at hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

N/A
Name- Type or Print

ORDER RECEIVED FOR FILING
Signature

Date 12/13/22

Mailing Address City State

By DM Mugnai

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

The Gospel Faith Mission International, Incorporated (House of Change, Baltimore)
Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

TAIWO FAGBUYI PASTOR
Signature # 2

P.O. Box 1197, Randallstown, MD
Mailing Address City State

21133 / /
Zip Code Telephone # Email Address

Attorney for Petitioner:

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name- Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

Representative to be contacted:

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name – Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

CASE NUMBER 2020-0138-SPHXA Filing Date 6/16/2020 Do Not Schedule Dates: _____ Reviewer gh

REV. 10/4/11

The Gospel Faith Mission International, Incorporated (House of Change, Baltimore)
10610 Liberty Road
Petition for Zoning Hearing
Continuation Sheet

The Petitioner seeks:

☑ A Special Hearing under BCZR § 500.7 to:

1. Approve the building for religious worship (church) in all zones in which it is proposed as shown on the Plan to Accompany Petition for Zoning Hearing.

2. Determine whether the parking located in the RC 7 zone is permitted by right under BCZR §1A08.3.A.7.d as an accessory use to a principle use permitted by right under BCZR §§1A08.3.E, or whether a special exception is required for the parking in the RC 7 zone under BCZR §1A08.3.B.2.

3. In the alternative to Special Hearing Request No. 2., approve institutional parking in a residential zone pursuant to BCZR §409.8.B for twenty-six (26) proposed parking spaces that partially extend into the adjacent RC-7 zone, as shown on the Plan to Accompany Petition for Zoning Hearing.

4. Determine whether the two Moro-Bioretention Facilities (SWM Facilities) located in the RC 7 zone are permitted by right under BCZR §1A08.3.A.7.d as an accessory use to a principle use permitted by right under BCZR §§1A08.3.E, or whether a special exception is required for these facilities in the RC 7 zone under BCZR §1A08.3.B.2.

5. Determine whether a Variance from BCZR §259.3.C.4 and §409.6 is required for the number of parking spaces in the in the RO-CR zone, specifically in this instance.

6. Determine whether the building height of 44 feet is permitted by right pursuant to BCZR §300.2, or whether a special exception under BCZR §259.3.B.3 or a Variance under BCZR §300.7 is required.

7. Such further and other relief as the nature of this case may require.

☑ A Special Exception as follows:

1. If, pursuant to Special Hearing Request Nos. 2 and 4, the ALJ determines that a Special Exception is required for the parking or the SWM Facilities in the RC 7 zone (identified as Use Area A), then a special exception for parking and/or the stormwater management facilities in Use Area A as proposed on the Plan to Accompany the Petition for Zoning Hearing, as an accessory use to a church, pursuant to BCZR, §1A08.3.B.2.

2. A Special Exception pursuant to BCZR §259.3.B.3 to approve a building for religious worship (church) of 8,710 square feet on the ground floor in Use Area B in the RO-CR

2020-0138-SPHXA

district in lieu of 6,600 square feet permitted on the ground floor, and, if the ALJ determines pursuant to Special Hearing Request 6 that a Special Exception for building height of 44 feet is required in this instance, then a special exception for a building height of 44 feet in Use Area B in the RO-CR zone in lieu of 30 feet permitted.

✓ A Variance as follows:

1. A Variance from BCZR §259.3.C.2.a to allow a setback from the street right of way line to the building of 103 feet in lieu of a maximum setback of 19 feet otherwise permitted.

2. In the alternative to Special Exception Request No. 2, a Variance from BCZR §259.3.C.1 as follows:

    a. For a building with 8,710 square feet on the ground floor in the RO-CR zone in lieu of 6,600 square feet on the ground floor in the RO-CR zone.

    b. If the ALJ determines pursuant to Special Hearing Request 6 that a Variance for building height of 44 feet in lieu of 30 feet otherwise permitted is required in this instance, then a variance for a building height of 44 feet in the RO-CR zone in lieu of 30 feet otherwise permitted in the RO-CR.

3. If, pursuant to Special Hearing Request No. 4, the ALJ determines that a Variance is required for the number of parking spaces in the RO-CR zone, then a Variance from BCZR §409.6 for 57 parking spaces in the RO-CR zone in lieu of 88 parking spaces required, or such lesser relief as the ALJ determines is necessary.

2020-0138-SPHXA

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 10610 Liberty Road which is presently zoned RO-CR, RC-3, RC-7

Deed References: 30758/0458 10 Digit Tax Account # 0208652480

Property Owner(s) Printed Name(s) The Gospel Faith Mission International, Incorporated (House of Change, Baltimore)

(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

   See attached.

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

   See attached.

3. ✓ **a Variance** from Section(s)

   See attached.

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

To be presented at hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

N/A
Name- Type or Print

ORDER RECEIVED FOR FILING
Date 12/13/22
Signature
By DRM

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

The Gospel Faith Mission International, Incorporated (House of Change, Baltimore)
Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

TAIWO FAGBUYI PASTOR
Signature # 2

P.O. Box 1197, Randallstown, MD
Mailing Address City State

21133
Zip Code Telephone # Email Address

Attorney for Petitioner:

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name- Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
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Representative to be contacted:

Dino C. La Fiandra, Esquire
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100 W. Pennsylvania Avenue, Suite 305
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CASE NUMBER 2020-0138-SPHXA Filing Date 6/16/20 Do Not Schedule Dates: _____ Reviewer gln

REV. 10/4/11

The Gospel Faith Mission International, Incorporated (House of Change, Baltimore)
10610 Liberty Road
Petition for Zoning Hearing
Continuation Sheet

The Petitioner seeks:

✓ A Special Hearing under BCZR § 500.7 to:

1. Approve the building for religious worship (church) in all zones in which it is proposed as shown on the Plan to Accompany Petition for Zoning Hearing.

2. Determine whether the parking located in the RC 7 zone is permitted by right under BCZR §1A08.3.A.7.d as an accessory use to a principle use permitted by right under BCZR §§1A08.3.E, or whether a special exception is required for the parking in the RC 7 zone under BCZR §1A08.3.B.2.

3. In the alternative to Special Hearing Request No. 2., approve institutional parking in a residential zone pursuant to BCZR §409.8.B for twenty-six (26) proposed parking spaces that partially extend into the adjacent RC-7 zone, as shown on the Plan to Accompany Petition for Zoning Hearing.

4. Determine whether the two Moro-Bioretention Facilities (SWM Facilities) located in the RC 7 zone are permitted by right under BCZR §1A08.3.A.7.d as an accessory use to a principle use permitted by right under BCZR §§1A08.3.E, or whether a special exception is required for these facilities in the RC 7 zone under BCZR §1A08.3.B.2.

5. Determine whether a Variance from BCZR §259.3.C.4 and §409.6 is required for the number of parking spaces in the in the RO-CR zone, specifically in this instance.

6. Determine whether the building height of 44 feet is permitted by right pursuant to BCZR §300.2, or whether a special exception under BCZR §259.3.B.3 or a Variance under BCZR §300.7 is required.

7. Such further and other relief as the nature of this case may require.

✓ A Special Exception as follows:

1. If, pursuant to Special Hearing Request Nos. 2 and 4, the ALJ determines that a Special Exception is required for the parking or the SWM Facilities in the RC 7 zone (identified as Use Area A), then a special exception for parking and/or the stormwater management facilities in Use Area A as proposed on the Plan to Accompany the Petition for Zoning Hearing, as an accessory use to a church, pursuant to BCZR, §1A08.3.B.2.

2. A Special Exception pursuant to BCZR §259.3.B.3 to approve a building for religious worship (church) of 8,710 square feet on the ground floor in Use Area B in the RO-CR

2020-0138-SPHXA

district in lieu of 6,600 square feet permitted on the ground floor, and, if the ALJ determines pursuant to Special Hearing Request 6 that a Special Exception for building height of 44 feet is required in this instance, then a special exception for a building height of 44 feet in Use Area B in the RO-CR zone in lieu of 30 feet permitted.

✓ A Variance as follows:

1. A Variance from BCZR §259.3.C.2.a to allow a setback from the street right of way line to the building of 103 feet in lieu of a maximum setback of 19 feet otherwise permitted.

2. In the alternative to Special Exception Request No. 2, a Variance from BCZR §259.3.C.1 as follows:

    a. For a building with 8,710 square feet on the ground floor in the RO-CR zone in lieu of 6,600 square feet on the ground floor in the RO-CR zone.

    b. If the ALJ determines pursuant to Special Hearing Request 6 that a Variance for building height of 44 feet in lieu of 30 feet otherwise permitted is required in this instance, then a variance for a building height of 44 feet in the RO-CR zone in lieu of 30 feet otherwise permitted in the RO-CR.

3. If, pursuant to Special Hearing Request No. 4, the ALJ determines that a Variance is required for the number of parking spaces in the RO-CR zone, then a Variance from BCZR §409.6 for 57 parking spaces in the RO-CR zone in lieu of 88 parking spaces required, or such lesser relief as the ALJ determines is necessary.

2020-0138-SPHXA

Richardson Engineering, LLC

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

Phone: 410 560-1502
Fax: 443-901-1208

ZONING PROPERTY DESCRIPTION FOR
10610 LIBERTY ROAD
2ND ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the **northeast** side right-of-way of **Liberty Road (Maryland Route #26)** at a distance of **470 feet +/- southeast** of the centerline of the nearest improved intersecting street **Holbrook Road**:

Thence the following courses and distances:

(1) North 13 degrees 20 minutes 14 seconds East 389.55 feet,

(2) South 69 degrees 48 minutes 55 seconds East 478.87 feet,

(3) South 21 degrees 30 minutes 58 seconds West 387.14 feet,

(4) North 69 degrees 46 minutes 45 seconds West 423.42 feet, to the point of beginning.

Containing a net area of 174,548 square feet or 4.007 acres.

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 NUMBER 16597, EXPIRATION DATE: 08-15-2021



6/10/20

2020-0138-SPHXA

Richardson Engineering, LLC

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

Phone: 410 560-1502
Fax: 443-901-1208

ZONING DESCRIPTION FOR 10610 LIBERTY ROAD-USE AREA "B" 2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the **northeast** side right-of-way of **Liberty Road (Maryland Route #26)** at a distance of **656 feet +/- southeast** of the centerline of the nearest improved intersecting street **Holbrook Road**, said point being the intersection of the zoning line and the southeast property line.

Thence the following courses and distances:

(1) North 18 degrees 37 minutes 13 seconds East 97.49 feet, said point being the southeast corner of Use Area "B"

(2) North 69 degrees 46 minutes 45 seconds West 30.26 feet,

(3) North 29 degrees 46 minutes 45 seconds West 58.63 feet,

(4) North 70 degrees 00 minutes 23 seconds West 44.09 feet,

(5) North 20 degrees 12 minutes 10 seconds East 75.76 feet

(6) South 69 degrees 35 minutes 17 seconds East 116.14 feet

(7) South 18 degrees 37 minutes 13 seconds West 112.93 feet, to the southeast corner of Use Area "B".

Containing a net area of 10,805 square feet or 0.248 acres +/-.

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 NUMBER 16597, EXPIRATION DATE: 08-15-2021



6/10/20

2020-0138-SPHXA

Richardson Engineering, LLC

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

Phone: 410 560-1502
Fax: 443-901-1208

ZONING DESCRIPTION FOR
10610 LIBERTY ROAD-USE AREA "A"
2ND ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the **northeast** side right-of-way of **Liberty Road (Maryland Route #26)** at a distance of **893 feet +/- southeast** of the centerline of the nearest improved intersecting street **Holbrook Road**, said point being the southeast property corner of the subject property.

Thence the following courses and distances:

(1) North 69 degrees 46 minutes 45 seconds West 46.74 feet,

(2) North 20 degrees 37 minutes 45 seconds East 387.02 feet,

(3) South 69 degrees 49 minutes 08 seconds West 52.73 feet,

(4) South 21 degrees 30 minutes 58 seconds West 387.15 feet, to the point of beginning.

Containing a net area of 19,248 square feet or 0.442 acres.

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 NUMBER 16597, EXPIRATION DATE: 08-15-2021



6/10/20

2020-0138-SPHXA

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 twenty (20) 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: 2020-0138-SPHXA

Property Address: 10610 Liberty Road

Property Description: _____

_____

Legal Owners (Petitioners): The Gospel Faith Mission International, Inc.

Contract Purchaser/Lessee: (House of Change, Baltimore)

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dino LaFiandra

Company/Firm (if applicable): The Law Office of Dino C. LaFiandra LLC

Address: 100 W. Pennsylvania Avenue
Suite 300
Towson MD 21204

Telephone Number: 443 204 3473

Revised 7/9/2015

THE GOSPEL FAITH MISSION INTERNATIONAL, 03-11

OPERATIONS ACCOUNT

PO BOX 1197
RANDALLSTOWN, MD 21133-1108

4269

DATE 6/10/2020

7-163/520 MD
5326

PAY TO THE ORDER OF Baltimore County Maryland One thousand two hundred and no/100 $ 1200.00

DOLLARS

Photo Safe Deposit Site Details on back

BANK OF AMERICA

ACH R/T 052001633

FOR Filing Fee

Gabriel Wise

MP

⑈004269⑈ ⑆052001633⑆ 466016547334⑈

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

No. 197384

Date: 6/10/2020

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	820	0000		6150				1200.00

Total: 1200.00

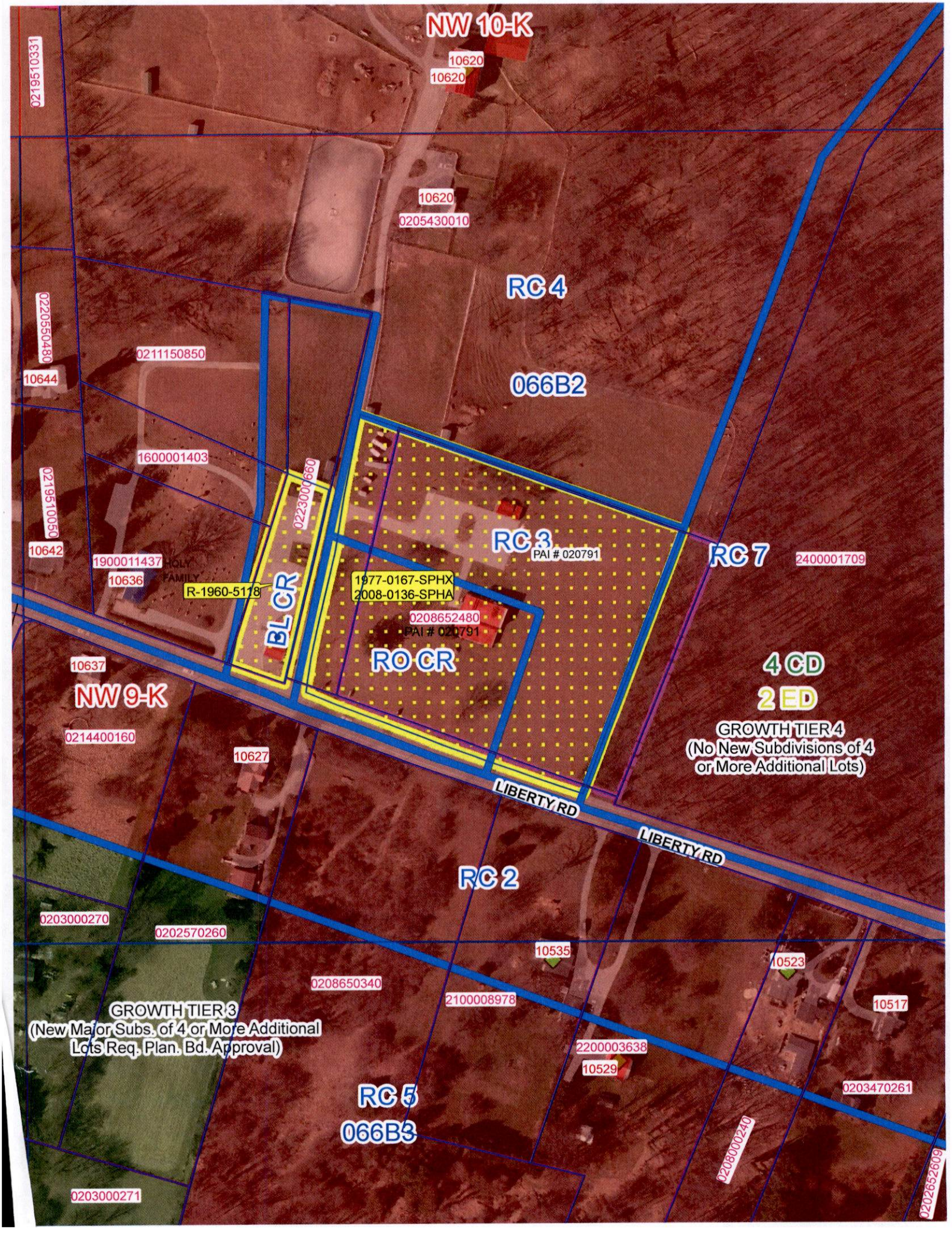
Rec From: The Gospel Faith Mission International

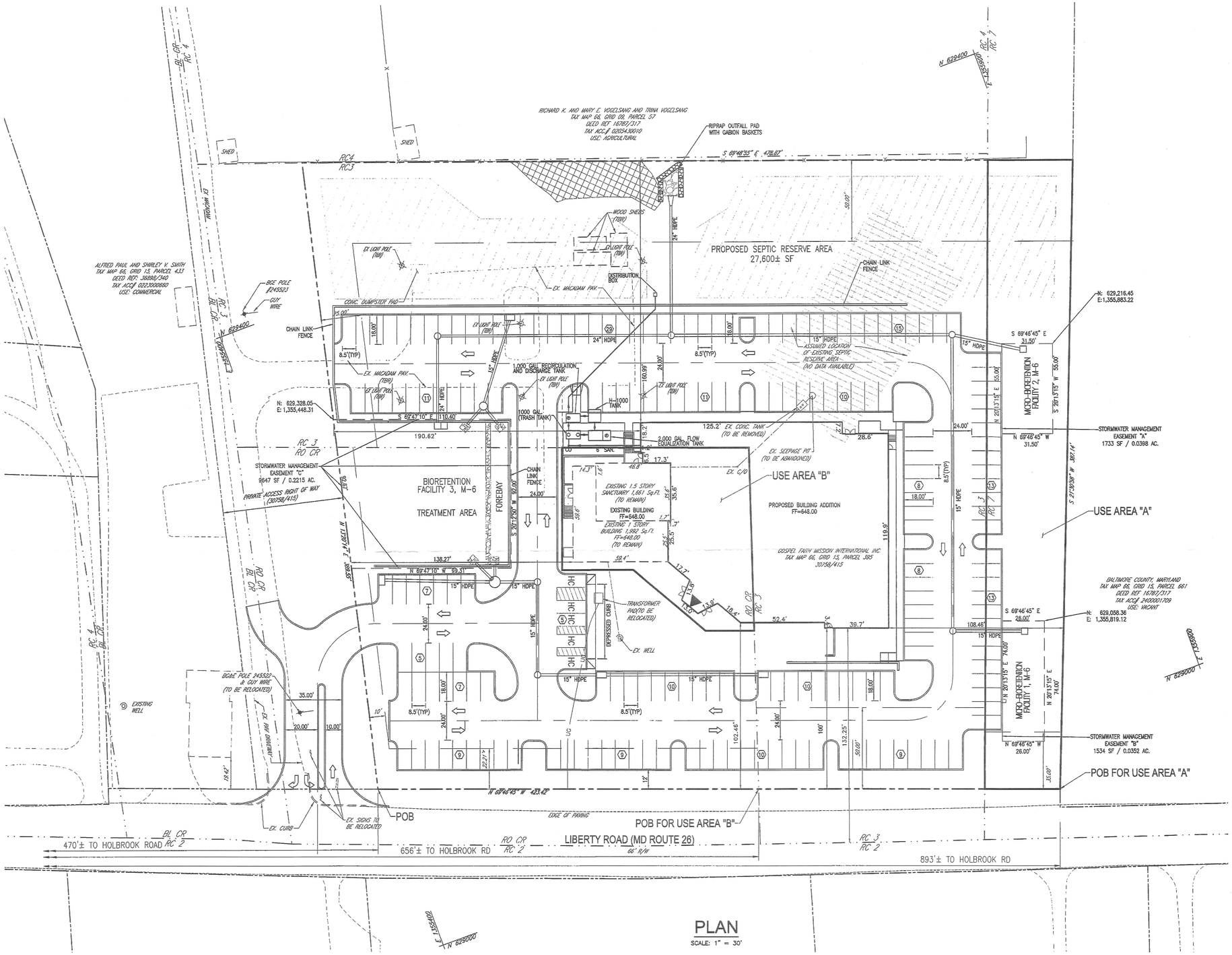
For: 2020-0138-SPHXA

10610 Liberty Road

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

CASHIER'S VALIDATION


NW 10-K
10620
10620
0219510331
10620
0205430010
RC 4
0220550480
0211150850
10644
066B2
1600001403
0219510050
0223000660
RC 3
PAI # 020791
RC 7
2400001709
10642
1900011437
HOLY FAMILY
10636
R-1960-5118
BL CR
1977-0167-SPHX
2008-0136-SPHA
0208652480
PAI # 020791
RO CR
10637
NW 9-K
4 CD
2 ED
GROWTH TIER 4
(No New Subdivisions of 4 or More Additional Lots)
0214400160
10627
LIBERTY RD
LIBERTY RD
RC 2
0203000270
0202570260
10535
10523
0208650340
2100008978
10517
GROWTH TIER 3
(New Major Subs. of 4 or More Additional Lots Req. Plan. Bd. Approval)
2200003638
10529
0203470261
RC 5
066B3
0208000240
0202652609
0203000271


RICHARD K. AND MARY E. VOGELSANG AND TRINA VOGELSANG
TAX MAP 66, GRID 02, PARCEL 57
LIBER REF. 16787/317
TAX ACC.# 0205430010
USE: AGRICULTURAL
ALFRED PAUL AND SHIRLEY V. SMITH
TAX MAP 66, GRID 15, PARCEL 433
DEED REF. 38888/340
TAX ACC.# 0232000650
USE: COMMERCIAL
RIPRAP OUTFALL PAD WITH GABION BASKETS
S 69°48'35" E 478.87'
N 629400
E 1355000
PROPOSED SEPTIC RESERVE AREA
27,600± SF
WOOD SHEDS (TBR)
EX. LIGHT POLE (TBR)
DISTRIBUTION BOX
EX. MACADAM PAV.
CONC. DUMPSTER PAD
CHAIN LINK FENCE
BGE POLE #245553
GUY WIRE
24" HDPE
15" HDPE
ASSUMED LOCATION OF EXISTING SEPTIC RESERVE AREA (NO DATA AVAILABLE)
1000 GAL RECIRCULATION AND DISCHARGE TANK
1000 GAL (TRASH TANK)
2,000 GAL FLOW EQUALIZATION TANK
EX. SEEPAGE PIT (TO BE ABANDONED)
EX. C/O
N: 629,328.05
E: 1,355,448.31
S 69°47'10" E 110.40'
190.62'
STORMWATER MANAGEMENT EASEMENT "C"
9647 SF / 0.2215 AC.
PRIVATE ACCESS RIGHT OF WAY (30758/415)
BIORETENTION FACILITY 3, M-6
TREATMENT AREA
FOREBAY
CHAIN LINK FENCE
EXISTING 1.5 STORY SANCTUARY 1,661 Sq.Ft. (TO REMAIN)
EXISTING BUILDING FF=648.00
EXISTING 1 STORY BUILDING 1,982 Sq.Ft. FF=648.00 (TO REMAIN)
PROPOSED BUILDING ADDITION FF=648.00
USE AREA "B"
USE AREA "A"
GOSPEL FAITH MISSION INTERNATIONAL INC.
TAX MAP 66, GRID 15, PARCEL 395
30758/415
N 69°47'10" W 59.31'
TRANSFORMER PAD(TO BE RELOCATED)
DEPRESSED CURB
EX. WELL
BGE POLE #455522 & GUY WIRE (TO BE RELOCATED)
EXISTING WELL
EX. SIGNS TO BE RELOCATED
EX. CURB
POB
POB FOR USE AREA "B"
POB FOR USE AREA "A"
EDGE OF PAVING
N 69°46'45" W 423.42'
MICRO-BIORETENTION FACILITY 2, M-6
S 69°46'45" E 31.50'
N: 629,216.45
E:1,355,863.22
S 20°13'15" W 55.00'
N 20°13'15" E 55.00'
N 69°46'45" W 31.50'
STORMWATER MANAGEMENT EASEMENT "A"
1733 SF / 0.0398 AC.
S 21°02'59" W 307.14'
BALTIMORE COUNTY, MARYLAND
TAX MAP 66, GRID 15, PARCEL 661
DEED REF 16787/317
TAX ACC.# 2400001709
USE: VACANT
S 69°46'45" E 28.00'
N: 629,058.36
E: 1,355,819.12
MICRO-BIORETENTION FACILITY 1, M-6
N 20°13'15" W 74.00'
N 20°13'15" E 74.00'
N 69°46'45" W 28.00'
STORMWATER MANAGEMENT EASEMENT "B"
1534 SF / 0.0352 AC.
470'± TO HOLBROOK ROAD
656'± TO HOLBROOK RD
893'± TO HOLBROOK RD
LIBERTY ROAD (MD ROUTE 26)
66' R/W
RC 3 RO CR
RC 4 RC 3
RC 2
RO CR RC 2
RC 3 RC 2
RC 4 RC 3
RC 3 RC 2
RC 3 RO CR
RC 3 RC 2
RC 4 RC 3
RC 3 RC 2
RC 4 RC 3
RC 3 RC 2
RC 4 RC 3