



JOHN A. OLSZEWSKI, JR.
County Executive

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

September 15, 2023

Jason Vettori, Esquire - jvettori@sgs-law.com
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Petition for Variance
Case No. 2023-0160-A
Property: 203 E. Chatsworth Avenue

Dear Counsel:

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,

A handwritten signature in black ink that reads "Maureen E. Murphy".

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure

C: Jason E. Kamrath - jkamrath2episcopalmaryland.org
Chris DeBaugh - mcldebaugh@verizon.net
Colleen Kelly - colleensellsmd@gmail.com
Eric Hadaway - ehadaway@dmw.com
Joe Kosloski - jkosloski@smcmail.com
Karl Greninger - greninger1@gmail.com
Makena Hitner - hitnermm1994@gmail.com

IN RE: PETITION FOR VARIANCE
(203 E Chatsworth Avenue)
4th Election District
4th Council District
Vestry Reisterstown Parish Baltimore
County & All Saints P E Church
(*Legal Owners*)

Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS OF
* BALTIMORE COUNTY
* **CASE NO. 2023-0160-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by the Petitioners and legal owners, Vestry Reisterstown Parish Baltimore County & All Saints P E Church, (“Petitioners”) for the property located at 203 E Chatsworth Avenue, Reisterstown (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), §1B01.2.C.1.a to permit an interior side yard setback as of little as 3.5 ft. in lieu of the minimum setback of 20 ft. for an existing nonresidential principal building, and to permit a setback from the front and rear of existing nonresidential principal buildings of as little as 20 ft. in lieu of the minimum setback of 80 ft.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Eric Hadaway, Director of Environmental Services with Daft, McCune & Walker, the civil engineering and surveying firm who prepared and sealed a site plan (the “Site Plan”) appeared in support of the Petition. (Pet. Ex. 1). Jason Vettori, Esquire of Smith, Gildea & Schmidt represented the Petitioners. There were several Protestants and interested citizens who testified and asked questions during the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and Department of Environmental Protection and Sustainability (“DEPS”) and

Development Plans Review (“DPR”)/Department of Public Works and Transportation (“DPWT”).

The case proceeded by way of modified proffer by Mr. Vettori. Mr. Hadaway was accepted as an expert in land planning, zoning and development. (Pet. Ex. 2). Mr. Hadaway confirmed that his firm prepared the Site Plan which shows that the Property consists of two (2) separate parcels: (1) Parcel 179 – 1.319 acres +/- (57,492 sf) (Pet. Ex. 3); and (2) Parcel 714 – 2.399 acres +/- (104,537 sf) (Pet. Ex. 4). Both parcels are zoned Density Residential (DR 3.5). Street view photographs of the various buildings on the parcels were submitted. (Pet. Exs. 10A-10E). The Property is located within the Reisterstown National Register Historic District. Additionally, the Church is listed on the Maryland Inventory of Historic Properties (MHIP BA- 1262) and is on the Baltimore County Final Landmarks List. The Maryland Historical Trust has a Conservation Easement on Parcel 179 recorded in Land Records of Baltimore County on March 8, 2005 (Liber 14529, folio 52). (Pet. Ex. 7). The Conservation Easement includes the Church building, the bell tower, and one (1) of the two (2) stone walls at the driveway entrance on E. Chatsworth. (Pet. Ex. 1).

Presently, the interior Property line between the parcels runs through the existing Parish Hall building. (Pet. Ex. 1). Deeds from 1891 and 1892 describing the metes and bounds descriptions of the parcels were submitted. (Pet. Exs. 5, 6). To correct that boundary line through the Parish Hall building, and to group the historical buildings/features on one (1) parcel, Petitioners applied for a lot line exemption through the Development Review Group (“DRC”). (Pet. Ex. 9). By letter from the Maryland Historical Trust (“MHT”) dated July 19, 2023, Petitioner also obtained consent from the MHT to change the boundary line for the Conservation Easement to include the remaining (western) stone wall at the entrance, to be consistent with their proposed lot line adjustment. (Pet. Ex. 8). The reconfigured lot lines would run north-south, and would have

the western parcel consisting of 1.33 acres +/- (57,807 sf) to include the Rectory building, 1-car garage and existing shed. As a result, the Rectory will be as close as 3.5 ft. from the new lot line for which Variance relief is sought. The new eastern parcel also requires Variance relief for the 20 ft. setback between the existing Parish Hall and the existing Church.

In regard to the requested Variance relief, Mr. Hadaway opined that the Property is uniquely shaped consisting of 2 parcels, the common boundary line for which runs through a building. No improvements are currently being proposed on the Property.

Several Protestants/interested citizens testified and asked questions: Colleen Kelly, 1301 York Rd, Lutherville; Joseph Kosloski, 5 Barngate Court, Reisterstown; Makena Hitner, 213 E. Chatsworth Avenue, Reisterstown; John Coleman, 211 E. Chatstworth Avenue, Reisterstown, and Christopher Debaugh, 11 Glyndon Gate Way, Reisterstown. The interested citizens sought information on the purpose behind the lot line adjustment and whether the Parcels would be sold. Collectively, they expressed concern about the lack of stormwater management devices on the Property which they assert causes water runoff onto adjoining properties. Some of the citizens requested that the Petitioner be required to install stormwater management devices as a condition of approval of the Variance relief requested.

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

Cromwell v. Ward, 102 Md. App. 691 (1995). I find that the Property is unique due to its shape and topography. The shape of the parcels is irregular and as confirmed by the citizens, the Property is elevated above the adjoining properties. The uniqueness is also found in the historically

significant buildings/features including the Church and Bell Tower, both of which are already included in a recorded conservation easement, along with one (1) of the stone walls at the entrance. Moreover, the internal boundary line between the parcels, which runs through the Parish Hall, is another unique feature. With the lot line reconfigurations, internal reduced setbacks are created due to the position of the existing buildings. I find that the Petitioners would suffer a practical difficulty and unreasonable hardship if the reduced setbacks were not granted because the lot lines could not be adjusted such that the historically significant building/features including the Church, Bell Tower and stone walls at entrance, as well as the Parish Hall, can all be included on one parcel (eastern) and the Rectory, garage and shed on the other parcel (western). I also find that the requested variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare.

In regard to the installation stormwater management devices, there are no improvements being proposed at the present time, only the lot line adjustment. Petitioners agree that stormwater management will be part of the development process and do not object to DPR/DPWT ZAC comment. As such, I will attach and incorporate the DPR/DPWT ZAC comment as part of this Order.

THEREFORE, IT IS ORDERED, this **15th** day of **September 2023** by the Administrative Law Judge for Baltimore County, that the Petition for Variance from BCZR, §1B01.2.C.1.a. to permit an interior side yard setback as of little as 3.5 ft. in lieu of the minimum setback of 20 ft. for an existing nonresidential principal building, and to permit a setback from the front and rear of existing nonresidential principal buildings of as little as 20 ft. in lieu of the minimum setback of 80 ft., be, and they are hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

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

2. Petitioners must comply with the DOP and DPR/DPWT ZAC comments, copies of which are attached hereto and made a part hereof.

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

A handwritten signature in black ink, reading "Maureen E. Murphy". The signature is written in a cursive, flowing style.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM/dlm

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Case Number: 2023-0160-A

Property Address: 203 E. Chatsworth Avenue

Property Description: North Side of E. Chatsworth Avenue, 375
feet west of the centerline of Sacred Heart Lane

Legal Owners (Petitioners): Vestry Reisterstown Parish Baltimore County & All Saints PE Church

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jason Kamrath

Company/Firm (if applicable): _____

Address: 4 West University Parkway
Baltimore, MD 21218

Telephone Number: (410) 467-1399

Revised 5/20/2014

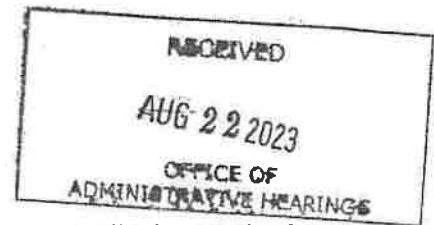
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 8/21/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0160-A



INFORMATION:

Property Address: 203 E. Chatsworth Avenue

Petitioner: Jason E. Kamrath; Vestry Reisterstown Parish Baltimore County & All Saints PE Church

Zoning: DR 3.5

Requested Action: Variance

The Department of Planning has reviewed the petition for the following:

Variance(s) -

1. 1B01.2.C.1.a to permit an interior side yard setback of as little as 3.5 feet in lieu of the minimum required setback of 20 feet for an existing nonresidential principal building, and
2. 1B01.2.C.1.a to permit a setback from the front and rear of existing nonresidential principal buildings of as little as 20 feet in lieu of the minimum setback of 80 feet, and
3. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

The proposed site is a 1.319 acre property zoned DR 3.5. It is surrounded by predominantly residential uses. The site is located within the Reisterstown National Register Historic District, the church is listed on the Baltimore County Final Landmarks List, and the property has been surveyed in the Maryland Inventory of Historic Properties (MIHP BA-1262).

The existing land use is currently a religious place of worship. The requested zoning relief appears to have minimal impact on adjacent properties and the public right of way. It is understood that all the structures on site are existing and are to remain. The proposal does not counter the current fabric and character of the existing neighborhood and achieves a desired design with the assistance of minimal relief.

The Department has no objections in granting the relief conditioned upon the following:

- 1) Indicate any deed references for any access, utility, or maintenance agreements that will be required after the lot line adjustment.
- 2) The plan conforms to all other bulk and setback regulations set forth in the Baltimore County Zoning Regulations for D.R. 3.5 zoned property and
- 3) The plan meets all additional conditions as required by the Administrative Law Judge.

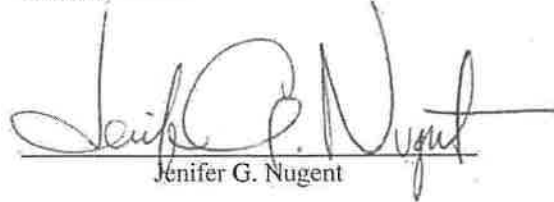
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jennifer G. Nugent

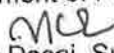
SL/JGN/KP

Jason T. Vettori
Alexandra Laham, Community Planner
Ngone Seye Diop, Community Planning Division Chief
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM: 
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 14, 2023
Item No. 2023-0160-A

DATE: August 14, 2023

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPW&T Comments:

- A) The plan entitled "Plan to Accompany Petition for Zoning Hearing All Saints Episcopal Church" not dated and submitted with the application indicates extinguished and proposed property lines. Subdivision of land is considered development per code 32-8-101(g)(2). If this subdivision of land is part of the hearing, the property is located within the Gwynns Falls Watershed, an interjurisdictional watershed, and 100-year stormwater management is required.

VKD: JK
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: August 22, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0160-A
Address: 203 E CHATSWORTH AVE
Legal Owner: Vestry Reisterstown Parish Balto. Co., All Saints PE Church,
Jason E. Kamrath, Auth. Rep.

Zoning Advisory Committee Meeting of August 14, 2023.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Additional Comments:

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 8/21/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0160-A

INFORMATION:

Property Address: 203 E. Chatsworth Avenue

Petitioner: Jason E. Kamrath; Vestry Reisterstown Parish Baltimore County & All Saints PE Church

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Requested Action: Variance

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- 2) The plan conforms to all other bulk and setback regulations set forth in the Baltimore County Zoning Regulations for D.R. 3.5 zoned property and
- 3) The plan meets all additional conditions as required by the Administrative Law Judge.

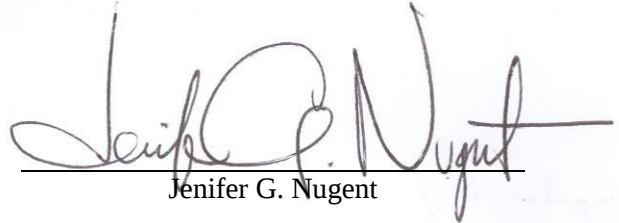
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Prepared by:



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Division Chief:



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Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

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

No. 222584

Date: 8/1/2023

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

Total: \$ 500.00

Rec From: Episcopal Diocese of MD.
For: Zoning Variance Request
2038 E. Chatsworth Avenue
Zoning Case 2023-0160-A

DISTRIBUTION

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

GOLD - ACCOUNTING

CASHIER'S
VALIDATION

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 04 Account Number - 0401035475

Owner Information

Owner Name: ALL SAINTS P E CHURCH Use: EXEMPT COMMERCIAL
Principal Residence:NO
Mailing Address: REISTERSTOWN MD 21136 Deed Reference:

Location & Structure Information

Premises Address: CHATSWORTH AVE Legal Description: LT NS CHATSWORTH AV
0-0000 1450 E REISTERSTOWN ROAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0048 0011 0714 10000.04 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1893 1,923 SF 1.7700 AC 01

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
CHURCH / C4

Value Information

	Base Value	Value As of 01/01/2022	Phase-in Assessments As of 07/01/2023	As of 07/01/2024
Land:	159,300	159,300		
Improvements	480,900	506,500		
Total:	640,200	665,800	657,267	665,800
Preferential Land:	0	0		

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2023	07/01/2024
County:	700 657,267.00	665,800.00
State:	700 657,267.00	665,800.00
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 ApplicationDate:

2023-0160-A

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 04 Account Number - 0422025026

Owner Information

Owner Name: VESTRY REISTERSTOWN PARISH Use: EXEMPT COMMERCIAL
BALTIMORE COUNTY Principal Residence: NO
Mailing Address: REISTERSTOWN MD 21136
Deed Reference: /00000/ 00000

Location & Structure Information

Premises Address: CHATSWORTH AVE Legal Description: LT NS CHATSWORTH AV
0-0000

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0048 0011 0179 10000.04 0000 2022 Plat Ref:
Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1964	6,150 SF		13,430 SF	01

Stories	Basement Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
	FRATERNAL BUILDING/	C3			

Value Information

	Base Value	Value	Phase-In Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	178,400	178,400		
Improvements	519,600	550,400		
Total:	698,000	728,800	718,533	728,800
Preferential Land:	0	0		

Transfer Information

Seller:	Date:	Price:
DEVESE J WILLIAM	11/30/1956	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /00000/ 00000	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2023	07/01/2024
County: 700	718,533.00	728,800.00
State: 700	718,533.00	728,800.00
Municipal: 700	0.00/0.00	0.00/0.00

Special Tax Recapture: None

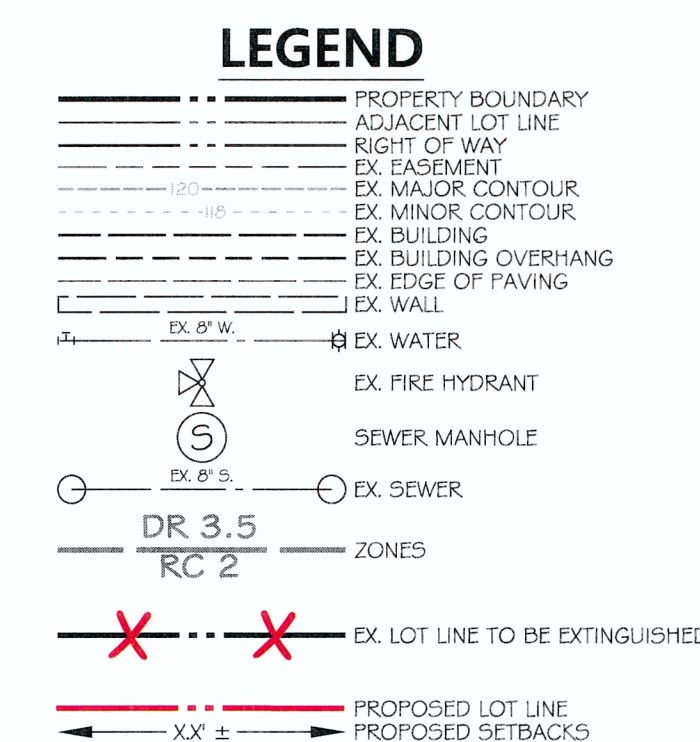
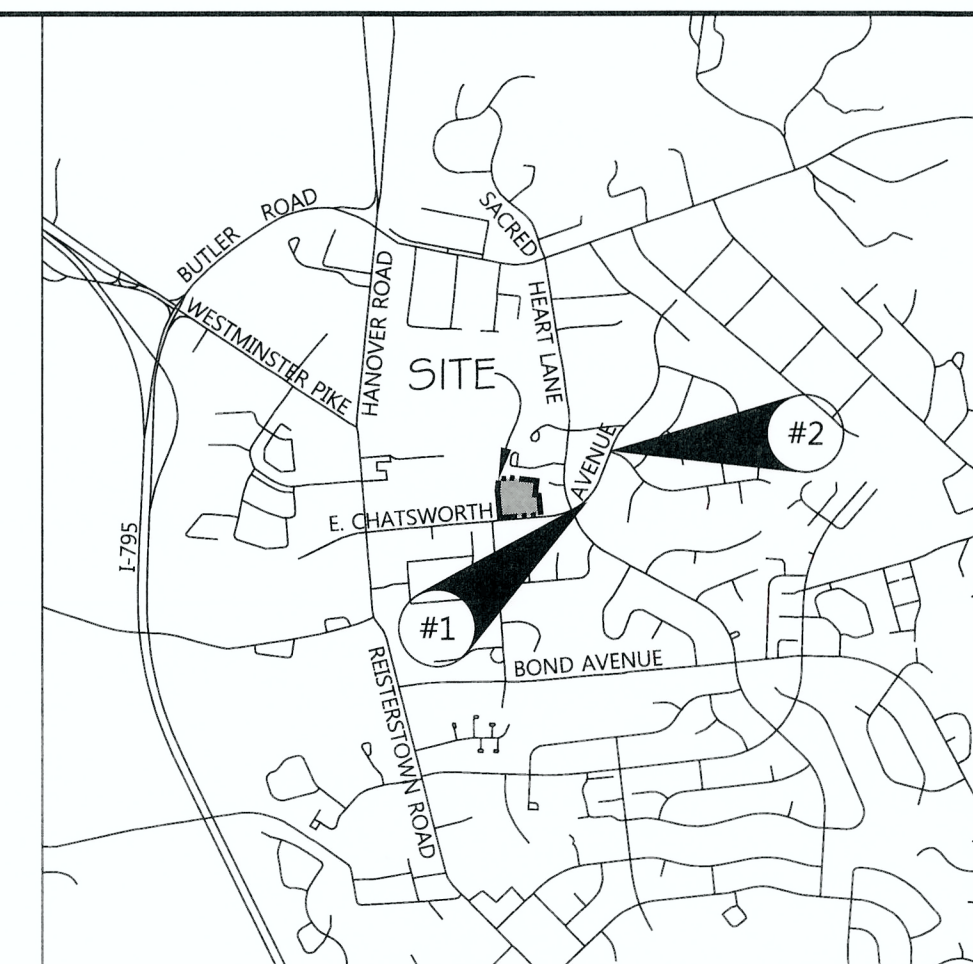
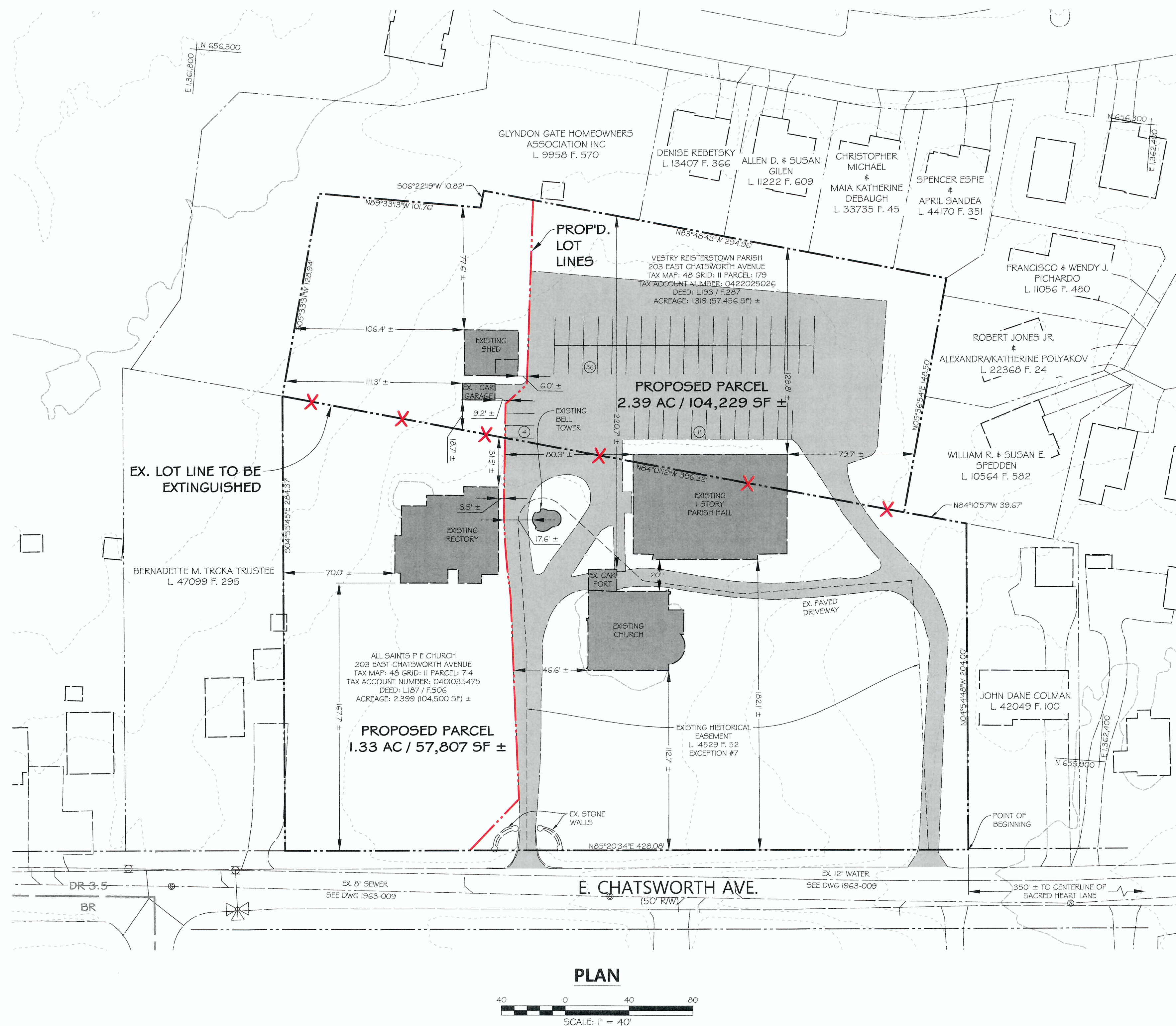
Homestead Application Information

Homestead Application Status: No Application

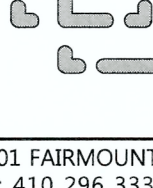
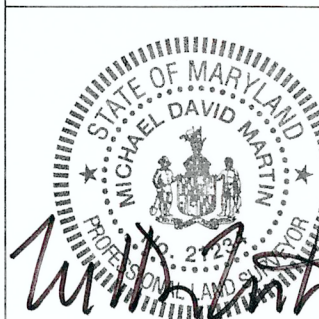
Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2023-0160-A



PARKING TABULATION		
USE	SPACES REQUIRED	SPACES PROVIDED
CHURCH / PARISH HALL	39*	39
RECTORY	2	2
TOTALS	41	52**

 DMW DAFT MCCUNE WALKER INC		
501 FAIRMOUNT AVENUE SUITE 300 TOWSON, MD 21286 P. 410 296 3333 F. 410 296 4705 WWW.DMW.COM		
PLAN TO ACCOMPANY PETITION FOR ZONING HEARING		
ALL SAINTS EPISCOPAL CHURCH		
203 EAST CHATSWORTH AVENUE REISTERSTOWN, MD 21136		
4 TH ELECTION DISTRICT 4 TH COUNCILMAN/DISTRICT	BALTIMORE COUNTY, MARYLAND	
	SEAL 	
DATE	BY	REVISONS
ISSUE DATES		BASE: _____
REVIEW: _____	DRAWN: _____	PRD _____
BID: _____	DESIGNED: _____	
PERMIT: _____	CHECKED BY: _____	
CONSTRUCTION: _____	DATE CHECKED: _____	
SCALE: _____	DRAWING: _____	
PROJECT NO: 22094.00		1 of 1

Baltimore County - My Neighborhood



