



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

December 26, 2023

Adam Rosenblatt, Esquire – amrosenblatt@venable.com
Venable, LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, MD 21204

RE: Petitions for Special Hearing & Variance
Case No. 2023-0219-SPHA
Property: 8123 Harford Road

Dear Mr. Rosenblatt:

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, appearing to read "Andrew M. Belt", is written over a horizontal line.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB; dlm
Enclosure
- See Next page

- c: Michael Pieranunzi – mpieranunzi@kleinfelder.com
Jared Fox – jaredfox@mountaincc.org
Rick Marsh – rickmarch@mountaincc.org
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sharon- sltonelson@hotmail.com

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(8123 Harford Road)	*	OFFICE OF
14 th Election District		
6 th Council District	*	ADMINISTRATIVE HEARINGS
Mountain Christian Church		
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2023-0219-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed by Mountain Christian Church (“MCC”) legal owner, (“Petitioner”) for the property located at 8123 Harford Road (the “Property”). The Petition for Special Hearing from the Baltimore County Zoning Regulations (“BCZR”) § 1B01.1.B.1g(6) to approve an exception to the residential transition area (“RTA”) restrictions for a new church. Variance relief from the BCZR § 1B01.2.C.1a for a nonresidential building (church) with an individual side yard interior setback of 10 feet in lieu of the required 20 feet.

A WebEx virtual hearing was conducted in lieu of an in-person hearing. The Petitions were properly advertised and posted. Rick Marsh and Jared Fox appeared on behalf of the Petitioner, as well as Petitioner’s experts Michael J. Pieranunzi and Kelly Kosino. Adam Rosenblatt, Esquire of Venable, LLP represented the Petitioners. Thirty-five individuals joined the WebEx hearing in support of the requested relief in support of this Special Hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), Department of Environmental Protections and Sustainability (“DEPS”) and from the Department of Public Works and Transportation (“DPW&T”) these agencies did not oppose the requested relief.

The Property is 2.98 acres +/- and zoned BL-CCC, DR 5.5 and DR 3.5. and is located on Harford Road in the Parkville area of Baltimore County. The subject property was originally built as the Colony Theater in 1949. The building features a buff-brick facade and triangular marquee. The theater closed in 1974 and VFW Post 9083 purchased the site. In 1989, the VFW constructed a one-story building in the rear, known as the Butler Building, to be used as a lounge with a restaurant and bar. The subject site is now owned by MCC who wishes to convert the site to church use and to construct a two-story rear addition to replace the Butler Building.

MCC Director of Campuses, Jacob Fox testified that the church currently maintains four other campuses which serve various communities in Maryland. MCC has been in existence for 199 years. The church has four existing campuses including Joppatowne, Edgewood, Aberdeen, and Abingdon. The church building will be used during the week for group life, children's programs and ministry programs. Mr. Fox explained that there is already a significant amount of MCC members who live in the Parkville area. As evidenced by photographs provided by Mr. Fox, MCC attempts to design their campus locations to architecturally blend into the surrounding community. (Pet. Ex 2). Mr. Fox explained that MCC has already dedicated significant resources in efforts to clean up the subject site by way of removing trash and debris and tending to landscaping that was long-neglected by the prior owners.

Petitioner's expert, Michael J. Pieranunzi explained that the subject site is surrounded by both commercial and residential uses, with commercial uses primarily along Harford Road and residential uses primarily down the side streets off of Harford Road. Immediately surrounding the subject site on Harford Road is a USPS Post Office, office space, retail store, and a bank. South of the subject site, along Oak Forest Drive are single family detached dwellings. Mr. Pieranunzi

provided photographs of several churches in the surrounding area on Harford Road that border residential communities. (Pet Ex. 8) Mr. Pieranunzi explained that the parking spaces along the northern property line do not extend past the USPS property in order not to propose parking spaces behind the existing homes on Woodside Avenue. The proposed parking spaces along the southern property line are to be set further back from the property line than the existing parking spaces. (Pet. Ex. 6) This lot configuration is proposed to create a larger buffer between the parking spaces and the existing homes on Oak Forest Drive.

MCC plans to retain the original historic facade of the building. Landscaping is planned to provide a buffer all the way around the proposed parking lot and additional islands with plantings will decrease impervious surface. (Pet. Ex. 6) By locating the two-story building closer to the northern property line between the subject site and the post office, the parking lot will still be able to accommodate two-way traffic and the proposed building will be no closer to the adjacent dwellings than the existing building.

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). And, "the administrative

practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations.” *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

The Petitioner has requested Special Hearing relief in accordance with BCZR § 1B01.1.B.1g(6) to approve an exception to the residential transition area (“RTA”) restrictions for a new church. BCZR § 1B01.1.B.1 defines the parameters as outlined below:

- B. Dwelling-type and other supplementary use restrictions based on existing subdivision and development characteristics.
 - 1. Residential transition areas and uses permitted therein.
 - a. Definitions and purpose:
 - (1) The residential transition area (RTA) is a 100-foot area including any public road or public right-of way, extending from a D.R. zoned tract boundary into the site of to be developed.
 - (2) The purpose of an RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screen are provided between dissimilar housing types
 - b. Generation of residential transition area. An RTA is generated if the property to be developed is zoned D.R. and lies adjacent to land zoned D.R.1, D.R.2, D.R.3.5, D.R. 5.5 or R.C. which:
 - (1) Contains a single-family detached, semi-detached or duplex dwelling within 150 feet of the tract boundary: or
 - (2) Is vacant, less than two acres in size, and contains a buildable area at least 20 feet by 30 feet on which a dwelling meeting all required setback can be erected.

Due to the subject properties BL/D.R. 5.5/D.R.3.5 split zoning and the nearby single family residential dwellings, the subject property falls within the purview of RTA restrictions.

However, BCZR § 1B01.1B.1g.(6) provides the following exception to RTA requirements:

- (6) A new church or other building for religious worship, the site plan for which has been approved after a public hearing in accordance with Section 500.7. Any such hearing shall include a finding that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

The proposed use of the subject site is covered by the above-referenced exception, granted that it is “compatible with the character and general welfare of the surrounding residential premises.” As stated by Mr. Fox and Mr. Pieranunzi, efforts have been made to ensure that the proposed development of the subject site is compatible with the surrounding area. Due to the prior use of the subject property as a theater and VFW Hall, a sizable parking area is already in existence. The original theater building is being preserved with its original façade and the proposed addition is designed in an architectural style not commonly associated with church use, but rather meant to blend with the adjacent residential community. (Pet. Ex 4-8). The buffers between the parking area and bordering residential are being expanded to provide greater distance between church parking and neighboring housing. Extensive landscaping in this area is also proposed to aid in visually screening the lot. (Pet. Ex. 6). The site plan for the lot itself also proposes new public green space and new storm water management. (Pet. Ex. 1)

The original building that fronts Harford Road is in keeping with the other commercial uses on Harford Road in the Parkville Area. As previously noted by Petitioner’s experts there are several churches fronting Harford Road in the immediate area whose parking borders residential communities. (Pet. Ex. 8) While a complete traffic study will be completed in conjunction with the development phase of this project, Petitioner’s traffic expert, Kelly Kosino testified that her initial study of the subject site reveals no concerns with traffic and she opined

that the use of the subject site as a church will be no more traffic-intensive than its prior uses as a church and VFW Hall.

For the reasons outlined above, I find that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. Additionally, I find that the proposed Special Hearing relief is compatible with the community and generally consistent with the spirit and intent of the regulations. Consequently, the Petition's request for Special Hearing relief is granted.

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

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

Petitioner has requested Variance relief from the BCZR § 1B01.2.C.1a for a nonresidential building (church) with an individual side yard interior setback of 10 feet in lieu of the required 20 feet as explained by Mr. Pieranunzi, the subject site is unique in its long and narrow rectangular shape. Additionally, the site is split zoned, with the front of the building being zoned BL and the rear of the proposed structure being zoned D.R. 3.5. It is this part of the proposed structure that is the catalyst for RTA restrictions. The side yard interior setback for the Butler Building now existing on the subject site is 8 feet. This side setback comes as a result of the 1988 Zoning Case (88-397-XSPHA) that granted such variance relief, further supporting the argument that the subject property is "unique." As noted by Mr. Pieranunzi, the need for variance relief comes

as a result of the efforts to move the proposed development as far away from the residential area on the opposite side of the parking area. Without the requested variance relief, the Petitioner would experience practical difficulty in that the property could not be converted to meet the needs of their congregation and would prevent the revitalization and continued use of the historic theater structure fronting Harford Road. 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, particularly in light of the lack of opposition. Accordingly, requested Variance relief from the BCZR § 1B01.2.C.1a for a nonresidential building (church) with an individual side yard interior setback of 10 feet in lieu of the required 20 feet is granted.

THEREFORE, IT IS ORDERED this 26th day of **December, 2023** by this Administrative Law Judge that the Petition for Special Hearing pursuant to BCZR § 1B01.1.B.1g(6) to approve an exception to the residential transition area (“RTA”) restrictions for a new church be and it is hereby **GRANTED**; and

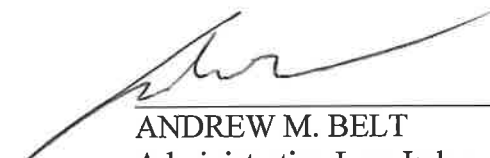
IT IS FURTHER ORDERED that the Petition for Variance from the BCZR § 1B01.2.C.1a for a nonresidential building (church) with an individual side yard interior setback of 10 feet in lieu of the required 20, be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

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

3. Prior to permitting, Petitioners shall address DPW&T November 6, 2023 comment which is attached hereto and made a part thereof.

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



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB/dlm



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 8123 Harford Road which is presently zoned BL CCC/DR 5.5
 Deed References: 47747/157 10 Digit Tax Account # 1 4 0 3 0 4 9 0 7 5
 Property Owner(s) Printed Name(s) Mountain Christian Church

(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. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether
 SEE ATTACHED

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

3. X 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)

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

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Adam M. Rosenblatt

Name- Type or Print

Signature

210 W. Penn. Ave, Suite 500 Towson MD
 Mailing Address City State

21204 / 410-494-6271 / amrosenblatt@venable.com
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

See Attached

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature # 2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Adam M. Rosenblatt

Name- Type or Print

Signature

210 W. Penn. Ave, Suite 500 Towson MD
 Mailing Address City State

21204 / 410-494-6271 / amrosenblatt@venable.
 Zip Code Telephone # Email Address

CASE NUMBER

2023-0214-SPHA

Filing Date

10/24/2023

Do Not Schedule Dates:

Reviewer

8123 HARFORD ROAD

ATTACHMENT TO PETITION FOR ZONING RELIEF

1. Variance from § 1B01.2.C.1.a for a nonresidential building (church) with an individual side yard interior setback of 10 feet in lieu of the required 20 feet.
2. Special Hearing to approve an exception to the residential transition area (RTA) restrictions for a new church in accordance with BCZR §1B01.1.B.1.g(6).
3. Also, for such further relief as the Administrative Law Judge may require.

8123 HARFORD ROAD
ATTACHMENT TO PETITION
FOR SPECIAL HEARING AND VARIANCE

PROPERTY OWNER

MOUNTAIN CHRISTIAN CHURCH

Rick Marsh
BY: Rick Marsh, Director of Finance
AUTHORIZED REPRESENTATIVE

**ZONING DESCRIPTION
MOUNTAIN CHRISTIAN CHURCH
8123 HARFORD ROAD
TAX ACCT. NO. 1403049075**

POINT OF BEGINNING Being for the same on the southeast side of Harford Road at a distance of 104 feet 7-3/4 inches northeast of Oak Forest Drive, thence binding and running on said road;

- 1) North 34° 02' 03" East, 162.85 feet to a point, thence leaving said road;
- 2) South 45° 19' 00" East, 753.43 feet to a point, thence;
- 3) South 44° 13' 21" West, 160.05 feet to a point, thence;
- 4) North 45° 19' 00" West, 724.63 feet to the place of beginning.

Containing 2.975 acres of land, more or less.

Professional Certification:

I hereby certify that this description was prepared by me or under my responsible charge, and that I am a duly licensed Professional Land Surveyor under the laws of the State of Maryland, License No. 21139, Expiration/Renewal Date June 20, 2024.



2023-0219-SPHA

**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: 2023-0219-SPHA
Property Address: 8123 Hartford Road
Legal Owners (Petitioners): Mountain Christian Church
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Venable LLP c/o Adam M. Rosenblatt
Address: 210 W. Pennsylvania Ave, Ste 500
Towson, MD
21204
Telephone Number: 410-494-6271

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Revised 3/2022

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

No. 228931

Date: 10/24/2023

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					\$ 1,000

Total: \$ 1,000

Rec
From:

Venable LLP

For:

Special Hearing + Zoning Variance
8123 Hartford Rd
Zoning Case # 2023-0219-SPHA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

WTK

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 11/8/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0219-SPHA

INFORMATION:

Property Address: 8123 Harford Road
Petitioner: Mountain Christian Church
Zoning: BL CCC, DR 5.5
Requested Action: Special Hearing, Variance

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

Variance -

1. From Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (BCZR) for a nonresidential building (church) with an individual side yard interior setback of 10 feet in lieu of the required 20 feet;

Special Hearing -

2. To approve an exception to the residential transition area (RTA) restrictions for a new church in accordance with Section 1B01.1.B.1.g(6) of the BCZR; and
3. For such further relief as the Administrative Law Judge may require.

The subject site is a 2.98 acre parcel in the Parkville area. It is currently improved with a two-story metal building, which was previously used as a movie theater; a one-story metal building to its rear; and a surface parking lot.

Although the site is not a designated historic resource at the County, State, or Federal level, research was done on the property in 2006 and the site was determined to be eligible for the National Register of Historic Places at that time. The former theater, known as the Colony Theatre, was constructed in 1949 and embodies the distinctive characteristics of the Moderne-style – including a buff-brick facade, geometric detailing, and a triangular marquee – and is representative of the later work of the prominent Baltimore theatre architect John J. Zink. The theater was built as a neighborhood theater in response to the rapidly growing population of the Parkville area following World War II. From October 13th, 1949 until September 2nd, 1974, the theater was a popular local source of entertainment for the Parkville community.

Following the closing of Colony Theatre, VFW Post 9083 purchased the site for their operations. They constructed the one-story building in the rear, known as the Butler Building, to be used as a lounge with a restaurant and bar in 1989. Despite the change in ownership, the former theater retained much of its character defining exterior architectural elements, and is well-known in the community for its three-sided

metal ticket booth with canted sides, triangular metal marquee, and aluminum-frame poster boxes on the first story; as well as the glass block-filled window openings framed with brown-brick decoration on the second story. Additional information about Colony Theatre is available on Maryland Historical Trust's website at: <https://apps.mht.maryland.gov/Medusa/PDF/BaltimoreCounty/BA-3202.pdf>.

The subject site is surrounded with both commercial and residential uses, with commercial uses primarily along Harford Road and residential uses primarily down the side streets off of Harford Road. Immediately surrounding the subject site on Harford Road is a USPS post office, office space, retail stores, and a bank. South of the subject site, along Oak Forest Drive, are single family detached dwellings.

The subject site is within the boundary of the Carney-Cub Hill-Parkville Community Plan, adopted May 3rd, 2010. The plan recognizes that most of the plan area's commercial development is located along Harford Road, and continues on to say that "there are at least two dozen churches [in the area;] many of the churches are located along Harford Road" (page 10). When discussing strengths, weaknesses, opportunities, and threats for the plan area, the Carney-Cub Hill-Parkville Community Plan states that one strength is the area's convenient location and proximity to major highways, shopping, services, schools, churches, recreation, restaurants, cultural amenities, and libraries (page G-1).

Per the site plan submitted with the Zoning Petition, the Petitioner wishes to demolish the one-story building at the rear of the former Colony Theatre and construct a two-story building in its place. The former Colony Theatre and the two-story building will then be used as a church. Per the preliminary cross-section of the proposed building, due to the change in grade, the proposed two-story building will not be highly visible from the front of the building on Harford Road. A portion of the two-story building will be in the BL CCC Zone, with the rest being in the DR 3.5 Zone. Immediately north of the two-story building is the USPS post office, which will likely screen the structure from the public right-of-way when traveling southwest along Harford Road.

The Department of Planning met with the Petitioner and their representative virtually via WebEx on November 7th, 2023 to discuss the petition. During the meeting, the following was explained:

- Mountain Christian Church is an existing congregation and has existed for 199 years. The church has four existing campuses, including in Joppatowne, Edgewood, Aberdeen, and Abingdon.
- The church building will be used during the week for group life, children's programs, ministry programs, etc.
- Mountain Christian Church has "epicenters" at two of their existing campuses that work with the community to establish and meet their needs. Mountain Christian Church plans to help determine the Parkville communities needs and then help to administer those services. Possible services include before and after school care, a food pantry, and/or homeless services.
- The parking spaces along the northern property line do not extend past the USPS property, in order to not propose parking spaces behind the existing homes on Woodside Avenue.
- The proposed parking spaces along the southern property line are set further back from the property line than the existing parking spaces. This was proposed to create a larger buffer between the parking spaces and the existing homes on Oak Forest Drive.
- Mountain Christian Church appreciates the iconic front façade of the former Colony Theatre and plans to retain it.
- The preliminary, concept landscape plan provides a buffer all the way around the proposed parking lot.
- There is an existing wooden privacy fence dividing the subject site and the single family detached dwellings on Oak Forest Drive. Ownership of the fence is still being determined, as of the date of these comments.

The Department of Planning has no objections regarding the Variance request to permit a side yard interior setback of 10 feet in lieu of the required 20 feet. The location of this setback is near the commercial building at 8201 Harford Road (the USPS post office). By locating the two-story building closer to the northern property line between the subject site and the post office, the parking lot will still be able to accommodate two-way traffic and the proposed building will be no closer to the adjacent dwellings than the existing building formerly known as the Colony Theatre.

The single-family dwellings at 3004, 3006, 3008, 3010, 3012, 3014, 3016, 2018, and 3020 Oak Forest Road back up to the existing subject site parking lot, whereas the dwellings at 3022, 3024, and 3026 Oak Forest Road back up to grassy area at the very rear of the subject site. A wooden privacy fence divides the dwellings from the subject site. With the proposal, the dwellings will still back up to the parking lot and/or grassy area. As such, regarding the request for a Special Hearing to allow an exception to the residential transition area (RTA) restrictions for a new church, the Department of Planning has no objections, subject to the following conditions:

1. Landscaping between the subject site and the residential dwellings along Oak Forest Drive shall be evergreen, in order to provide year-round screening;
2. If the existing privacy fence dividing the subject site and the residential dwellings along Oak Forest Drive is determined to belong to Mountain Christian Church, it shall be maintained; and
3. Although the Colony Theatre is not a designated historic resource, the Department of Planning strongly encourages the applicant to maintain the front façade facing Harford Road, as it is a character defining building along Harford Road in the Parkville community.

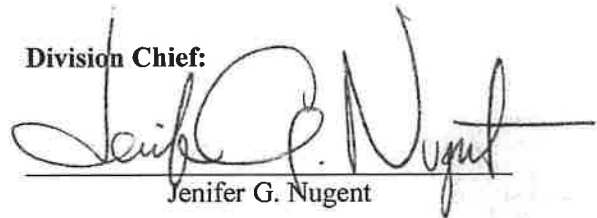
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

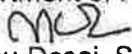
SL/JGN/KP

c: Adam M. Rosenblatt
David Birkenenthal, Community Planner
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 November 6, 2023
Item No. 2023-0219-SPHA

DATE: November 6, 2023

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

DPW&T Comments:

- A) An ultimate land use conditions riverine flood study meeting the Baltimore County Department of Public Works and Transportation (DPWT) Design Manual and the Baltimore County Department of Permits, Approvals, and Inspections (PAI) Bureau of Development Plans Review Policy Manual is required and must be submitted to PAI to be "Accepted for Filing". The flood study must include the analysis of the existing storm drain system and what happens if the existing storm drain system surcharges because the storm drain system is designed for less than a 1% annual chance storm event (100-year). The applicant may be required to apply for a Zoning Hearing with the Administrative Law Judge to obtain a waiver to Baltimore County Code 32-4-414 and 32-8.

Landscape: If Special Hearing and Zoning Relief is granted a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

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: November 6, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0219-SPHA
Address: 8123 Harford Rd.
Legal Owner: Mountain Christian Church

Zoning Advisory Committee Meeting of November 6, 2023.

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

1. Development of the property must comply with all requirements of Baltimore County Code, Article 33, Title 3, Protection Of Water Quality, Streams, Wetlands And Floodplains. A stream, wetland, and forest buffer delineation must be submitted for review.
2. Development of this property must comply with all requirements of Baltimore County Code, Article 33, Title 6, Forest Conservation. A forest stand delineation, forest conservation worksheet, and forest conservation plan must be submitted for review.

Reviewer: Paul Dennis, Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
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Reviewer: Paul Dennis, Environmental Impact Review

CERTIFICATE OF POSTING

2023-0219-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Mountain Christian Church

December 14, 2023

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: Jeff Perlow:

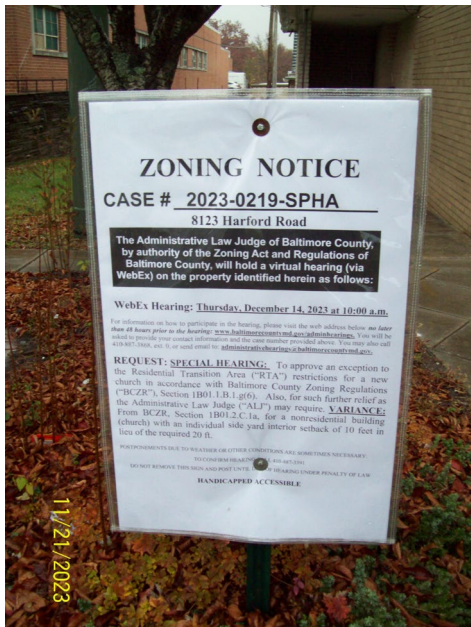
Ladies and Gentlemen:

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: _____

8123 Harford Road ***SIGN 1***

November 21, 2023

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 **November 21, 2023**

(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)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 11/8/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0219-SPHA

INFORMATION:

Property Address: 8123 Harford Road
Petitioner: Mountain Christian Church
Zoning: BL CCC, DR 5.5
Requested Action: Special Hearing, Variance

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

Variance -

1. From Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (BCZR) for a nonresidential building (church) with an individual side yard interior setback of 10 feet in lieu of the required 20 feet;

Special Hearing -

2. To approve an exception to the residential transition area (RTA) restrictions for a new church in accordance with Section 1B01.1.B.1.g(6) of the BCZR; and
3. For such further relief as the Administrative Law Judge may require.

The subject site is a 2.98 acre parcel in the Parkville area. It is currently improved with a two-story metal building, which was previously used as a movie theater; a one-story metal building to its rear; and a surface parking lot.

Although the site is not a designated historic resource at the County, State, or Federal level, research was done on the property in 2006 and the site was determined to be eligible for the National Register of Historic Places at that time. The former theater, known as the Colony Theatre, was constructed in 1949 and embodies the distinctive characteristics of the Moderne-style – including a buff-brick facade, geometric detailing, and a triangular marquee – and is representative of the later work of the prominent Baltimore theatre architect John J. Zink. The theater was built as a neighborhood theater in response to the rapidly growing population of the Parkville area following World War II. From October 13th, 1949 until September 2nd, 1974, the theater was a popular local source of entertainment for the Parkville community.

Following the closing of Colony Theatre, VFW Post 9083 purchased the site for their operations. They constructed the one-story building in the rear, known as the Butler Building, to be used as a lounge with a restaurant and bar in 1989. Despite the change in ownership, the former theater retained much of its character defining exterior architectural elements, and is well-known in the community for its three-sided

metal ticket booth with canted sides, triangular metal marquee, and aluminum-frame poster boxes on the first story; as well as the glass block-filled window openings framed with brown-brick decoration on the second story. Additional information about Colony Theatre is available on Maryland Historical Trust's website at: <https://apps.mht.maryland.gov/Medusa/PDF/BaltimoreCounty/BA-3202.pdf>.

The subject site is surrounded with both commercial and residential uses, with commercial uses primarily along Harford Road and residential uses primarily down the side streets off of Harford Road. Immediately surrounding the subject site on Harford Road is a USPS post office, office space, retail stores, and a bank. South of the subject site, along Oak Forest Drive, are single family detached dwellings.

The subject site is within the boundary of the Carney-Cub Hill-Parkville Community Plan, adopted May 3rd, 2010. The plan recognizes that most of the plan area's commercial development is located along Harford Road, and continues on to say that "there are at least two dozen churches [in the area;] many of the churches are located along Harford Road" (page 10). When discussing strengths, weaknesses, opportunities, and threats for the plan area, the Carney-Cub Hill-Parkville Community Plan states that one strength is the area's convenient location and proximity to major highways, shopping, services, schools, churches, recreation, restaurants, cultural amenities, and libraries (page G-1).

Per the site plan submitted with the Zoning Petition, the Petitioner wishes to demolish the one-story building at the rear of the former Colony Theatre and construct a two-story building in its place. The former Colony Theatre and the two-story building will then be used as a church. Per the preliminary cross-section of the proposed building, due to the change in grade, the proposed two-story building will not be highly visible from the front of the building on Harford Road. A portion of the two-story building will be in the BL CCC Zone, with the rest being in the DR 3.5 Zone. Immediately north of the two-story building is the USPS post office, which will likely screen the structure from the public right-of-way when traveling southwest along Harford Road.

The Department of Planning met with the Petitioner and their representative virtually via WebEx on November 7th, 2023 to discuss the petition. During the meeting, the following was explained:

- Mountain Christian Church is an existing congregation and has existed for 199 years. The church has four existing campuses, including in Joppatowne, Edgewood, Aberdeen, and Abingdon.
- The church building will be used during the week for group life, children's programs, ministry programs, etc.
- Mountain Christian Church has "epicenters" at two of their existing campuses that work with the community to establish and meet their needs. Mountain Christian Church plans to help determine the Parkville communities needs and then help to administer those services. Possible services include before and after school care, a food pantry, and/or homeless services.
- The parking spaces along the northern property line do not extend past the USPS property, in order to not propose parking spaces behind the existing homes on Woodside Avenue.
- The proposed parking spaces along the southern property line are set further back from the property line than the existing parking spaces. This was proposed to create a larger buffer between the parking spaces and the existing homes on Oak Forest Drive.
- Mountain Christian Church appreciates the iconic front façade of the former Colony Theatre and plans to retain it.
- The preliminary, concept landscape plan provides a buffer all the way around the proposed parking lot.
- There is an existing wooden privacy fence dividing the subject site and the single family detached dwellings on Oak Forest Drive. Ownership of the fence is still being determined, as of the date of these comments.

The Department of Planning has no objections regarding the Variance request to permit a side yard interior setback of 10 feet in lieu of the required 20 feet. The location of this setback is near the commercial building at 8201 Harford Road (the USPS post office). By locating the two-story building closer to the northern property line between the subject site and the post office, the parking lot will still be able to accommodate two-way traffic and the proposed building will be no closer to the adjacent dwellings than the existing building formerly known as the Colony Theatre.

The single-family dwellings at 3004, 3006, 3008, 3010, 3012, 3014, 3016, 2018, and 3020 Oak Forest Road back up to the existing subject site parking lot, whereas the dwellings at 3022, 3024, and 3026 Oak Forest Road back up to grassy area at the very rear of the subject site. A wooden privacy fence divides the dwellings from the subject site. With the proposal, the dwellings will still back up to the parking lot and/or grassy area. As such, regarding the request for a Special Hearing to allow an exception to the residential transition area (RTA) restrictions for a new church, the Department of Planning has no objections, subject to the following conditions:

1. Landscaping between the subject site and the residential dwellings along Oak Forest Drive shall be evergreen, in order to provide year-round screening;
2. If the existing privacy fence dividing the subject site and the residential dwellings along Oak Forest Drive is determined to belong to Mountain Christian Church, it shall be maintained; and
3. Although the Colony Theatre is not a designated historic resource, the Department of Planning strongly encourages the applicant to maintain the front façade facing Harford Road, as it is a character defining building along Harford Road in the Parkville community.

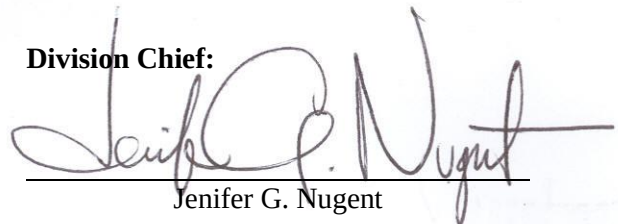
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Adam M. Rosenblatt
David Birkenthal, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

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: November 6, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0219-SPHA
Address: 8123 Harford Rd.
Legal Owner: Mountain Christian Church

Zoning Advisory Committee Meeting of November 6, 2023.

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Reviewer: Paul Dennis, Environmental Impact Review

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
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Special Tax Recapture: None

Account Identifier: District - 14 Account Number - 1403049075

Owner Information

Owner Name:	MOUNTAIN CHRISTIAN CHURCH	Use:	COMMERCIAL
Mailing Address:	1824 MOUNTAIN RD JOPPA MD 21085-	Principal Residence:	NO
		Deed Reference:	/47747/ 00157

Location & Structure Information

Premises Address:	8123 HARFORD RD BALTIMORE 21234-	Legal Description:	2.975 AC SES HARFORD ROAD 450 N DUBOIS AVE
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Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0081	0002	0307	10000.04	0000				2022	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
	12,932 SF		2.9800 AC	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:	515,000	515,000		
Improvements	1,039,200	430,300		
Total:	1,554,200	945,300	945,300	945,300
Preferential Land:	0	0		

Transfer Information

Seller: SSV 1 LLC	Date: 02/01/2023	Price: \$1,500,000
Type: ARMS LENGTH IMPROVED	Deed1: /47747/ 00157	Deed2:

Seller: PARKVILLE MEMORIAL POST NO 9083	Date: 12/21/2022	Price: \$850,000
Type: ARMS LENGTH IMPROVED	Deed1: /47639/ 00001	Deed2:

Seller: NORTHFIELD-LOCH RAVEN MEMORIAL	Date: 08/02/1993	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /05471/ 00575	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	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

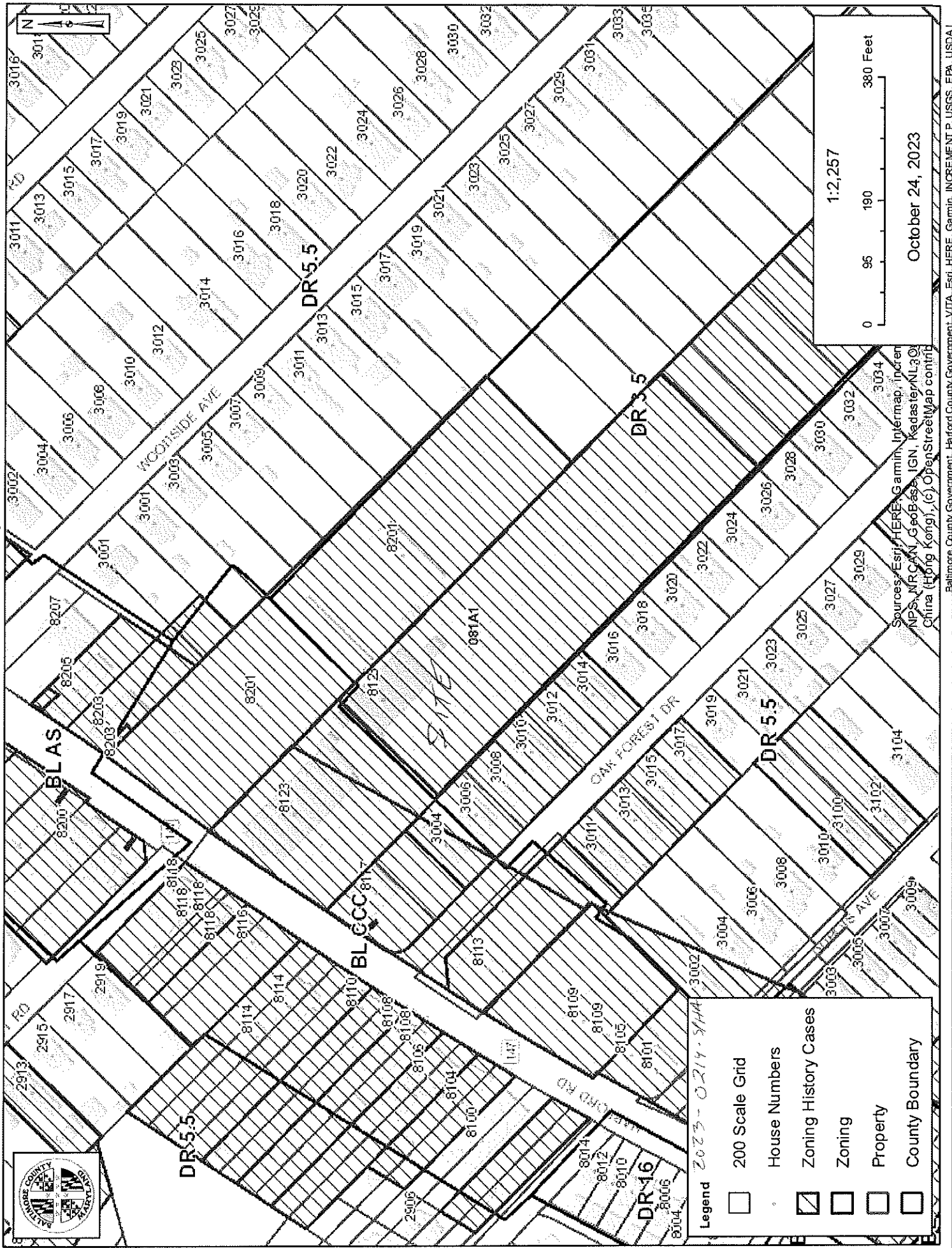
Homeowners' Tax Credit Application Status: No Application **Date:**

2023-0219-SHA

Aerial of 8123 Harford Road



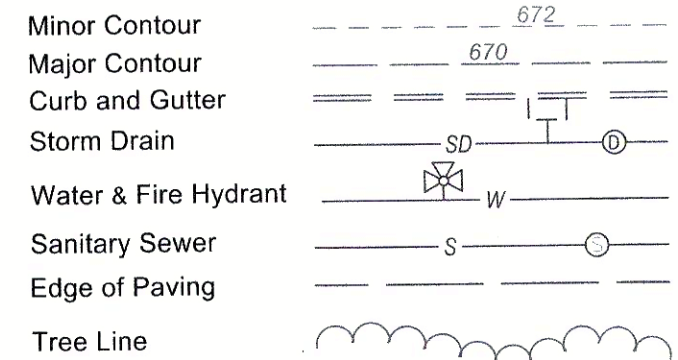
Baltimore County - My Neighborhood



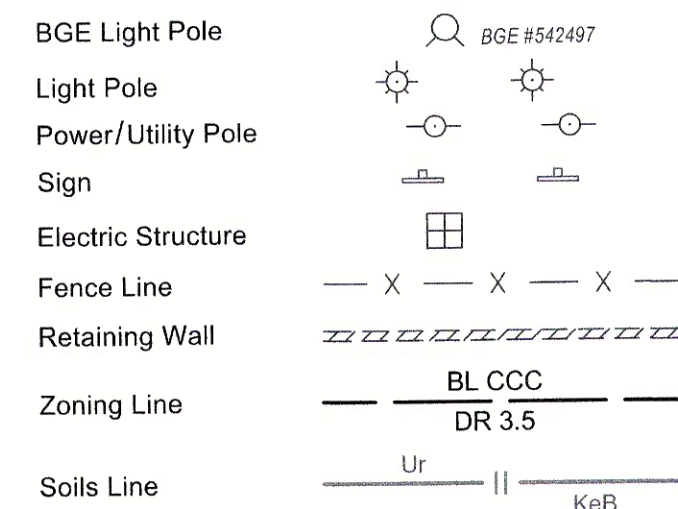
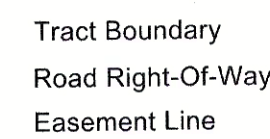
T:\2023\Facilities\20233550.001A Mountain Christian Church\CIVIL\CADD\Drawings\20233550.002A (DRC-01) Zoning Request.dwg Oct 24, 2023 1:20pm rromcann

LEGEND

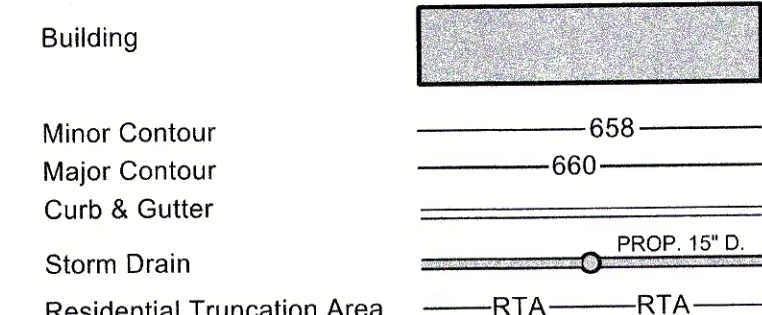
EXISTING



Building



PROPOSED

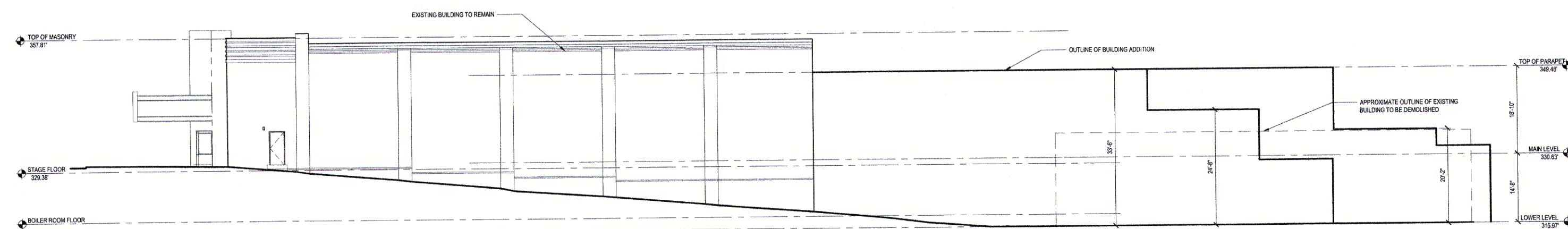


COUNTY ADOPTED PLANS

EXISTING	NOT EXISTING	IN CONFORMANCE	
✓		✓	BALTO. CO. MASTER PLAN 2020
			COMMUNITY OR REVITALIZATION PLANS(S)
			RECREATION AND PARKS PLAN
			STREETSCAPE PLAN
			GREENWAYS PLAN
			OTHER:

ENVIRONMENTAL INFORMATION

EXISTING	NOT EXISTING	FIELD DELINEATION	FIELD VERIFIED	
✓			✓	TOPOGRAPHY AND STREET GRADES (MIN. 5 FT. CONTOURS APPROPRIATELY LABELED)
	✓		✓	SLOPES GREATER THAN 25%
			✓	100 YEAR F.E.M.A. FLOODPLAIN
			✓	SOILS MAPPED ACCORDING TO SOIL SURVEY, BALTIMORE COUNTY, MARYLAND
			✓	STREAMS, SEEPS, PONDS OR OTHER WATER BODIES SHOWN ON SITE AND WITHIN 200 FT. OF SITE BOUNDARIES
			✓	WETLANDS
			✓	FOREST BUFFER LIMITS INCLUDING ADJUSTMENTS FOR STEEP SLOPES AND/OR ERODIBLE SOILS
			✓	LAND COVER ON AND WITHIN 200 FT. OF SITE
			✓	SIGNIFICANT REGULATED PLANT OR WILDLIFE COMMUNITIES
			✓	WELLS ON SITE AND WITHIN 100 FEET OF SITE
			✓	SEPTIC ON SITE AND WITHIN 100 FEET OF SITE
			✓	UNDERGROUND FUEL TANKS ON SITE AND WITHIN 100 FT. OF SITE
			✓	SOIL EVALUATION TESTS, (PERC TESTS) PERFORMED: YES NO DATE
		N/A		



SOUTHWEST ELEVATION

NOT TO SCALE

BUILDING SETBACKS REQUIRED

Zone	Front Yard	Side Yard	Rear Yard
BL-CCC	The front building line must be at least 10' from the front property line and not less than 40' from the center line of the street.	None. The BL portion of the site does not abut a lot in a residential zone.	n/a (the rear yard is in the DR zone)
DR 3.5	n/a (the front yard is in the BL zone)	20'	30'

BUILDING SETBACKS PROVIDED

BL-CCC	12' E / 40' W OF RD.	N/A	N/A
DR 5.5	N/A	10'	350' ±

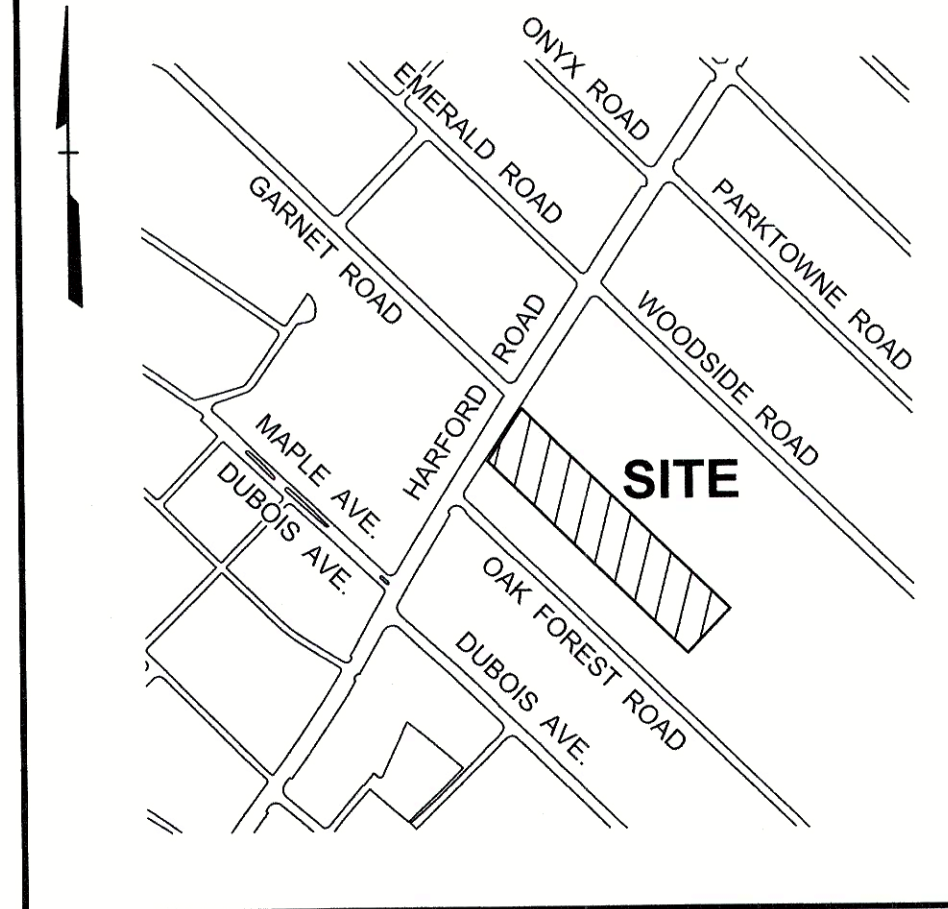
*VARIANCE REQUIRED

BENCHMARK

Coordinates, bearings and distances are referred to the Maryland Coordinate System (NAD 83/2011) via GPS and tied to the following Leica smart net NGS CORS reference station network stations:

MDDU-369 N 584.421.3731 E 1,453,296.5354 ELEV. 61.9786

The average scale factor for the subject site is 0.99998810487527. The average site elevation based upon NAVD88 vertical datum is 314.6738, for an elevation factor of 0.99998473365189. The combined factor for the subject site is 0.99997283670849. All bearings and distances shown are based on grid coordinates.



VICINITY MAP

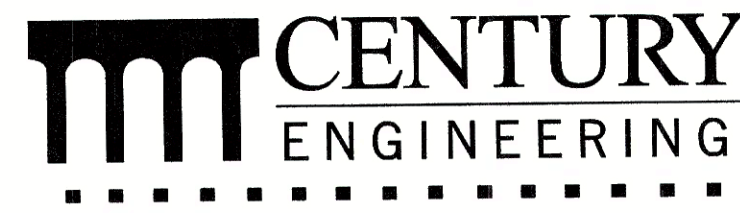
SCALE: 1"=500'

Zoning Cases:

- R-1946-0532: Zoning reclassification from an "A" Residence zone to an "E" Commercial zone for a Retail Store and Moving Picture Theater zone on December 14, 1945.
- R-1947-1006: Zoning reclassification from an "A" Residence zone to an "E" Commercial zone for Approved Commercial Use on August 19, 1947.
- 1947-0816-X: Special Permit to use the land for Parking Facilities on January 30, 1947.
- 1950-1853-X: Special Permit to use the land for an extension of parking area on October 19, 1950.
- 1959-4563-X: Special exemption granted for erection of 2-12'x25' advertising structures on January 22, 1959.
- 1974-0261-X: Special exemption for a community building on April 12, 1974.
- 1988-0397-XSPHA: Special exemption permit to build half the building ion B.L. zone and remainder in D.R. zone on August 10, 1988.

DATA SOURCES:

- Topographic information shown on this plan is from a field-run survey performed by Century Engineering - A Kleinfelder Company, dated July 5, 2023.
- The boundary is taken from the Plat prepared by S.J. Martenet & Company, Inc. dated August 12, 2022.



A Kleinfelder Company

10710 Gilroy Road, Hunt Valley, MD 21031
Phone: 443.589.2400 www.centuryeng.com

Plan to Accompany Zoning Request

Mountain Christian Church

Parkville Campus
8123 Harford Road Baltimore, MD 20794
Election District 14 Councilmanic District 6



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: 1008
EXPIRATION DATE: 5/20/2024

DATE: 10/24/2023 SCALE: 1"=30'
PROJECT NUMBER: 20233550.002A

DRAWING: 1 of 1

CASE #2023-0129-SPHA

SITE DATA/GENERAL NOTES

- Owner: Mountain Christian Church
- Mailing Address: 1824 Mountain Road Joppa, Maryland 21085
- Site Address: 8123 Harford Road Baltimore, Maryland 20794
- Existing Zoning: DR 3.5, DR 5.5, BL CCC
- Zoning Map No.: 081A1
- Deed Reference: 47747/0157
- Area of Property: 129808.8 S.F. / 2.98 Ac.
- Tax Account No.: 1403049075
- Map: 0081, Grid: 0002, Parcel: 0307
- Councilmanic District: 6
- Election District: 14
- Census Tract (2000): 13
- Commercial Revitalization district: Parkville ADC Map Reference: 28 C-10
- Watershed: Back River
- Subshed: Stemmers Run
- Existing Use: Commercial (former theater)
- Proposed Use: Church Existing: (32,422 sq.ft. [ex. theater 12,932 sq.ft., Prop. Building 19,490 sq.ft.])
- Number of Seats Proposed: 494
- Parking Required: 124 (1sp. per 4 seats)
- Parking Provided: 134 (includes 6 handicap spaces)
- The subject site is not within an "F" level zone traffic deficient area (Baltimore County Department of Public Works Basic Services Transportation Map number 25-22, effective May 16, 2022).
- Public water and sewer will be provided on-site via a connection to the existing utility lines in Harford Road.
- Public water and sewer is proposed for the entire site. The Baltimore County Water Supply and Sewerage Plans designated for the property are S-1 and W-1.
- 100 Year Floodplain Area: This site is not within a FEMA Floodplain.
- There are no known designated historic structures/sites on or continuous to this site.
- There are no known hazardous materials located on this site as defined by Section 7-101 of the Environmental Article of the Annotated Code of Maryland, as from time to time amended.
- This site is not known to be a designated area of critical state concern.
- Soil types are in accordance with the soil survey, Baltimore County, Maryland, map number 33.
- Stormwater management will be designed to meet the current Baltimore County Standards. The design will be based on the redevelopment classification and will be met using a combination of grass swales and micro-bioretention facilities.
- Signage to comply with Section 450 of Baltimore County ZONING Regulations and all zoning sign policies or a variance will be granted.