IN RE: **PETITION FOR SPECIAL HEARING (11543 Philadelphia Road)**	*	BEFORE THE
11th Election District	*	OFFICE OF
5th Council District		
19 A Newport Drive, LLC *Legal Owner*	*	ADMINISTRATIVE HEARINGS
	*	FOR BALTIMORE COUNTY
Petitioner		
	*	**Case No. 2024-0076-SPH and 2022-0051-SPHXA**

* * * * * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before the Office of Administrative Hearings ("OAH") via an email from Andy Dudek, Jr., Protestant, ("Protestant Dudek") dated June 5, 2024 filed as a Motion for Reconsideration of the Amended Opinion and Order After Hearing on Special Extension Exception for the property located at 11543 Philadelphia Road, White Marsh (the "Property"). By email dated June 5, 2024, the Petitioner, through Counsel, filed a Response in Opposition. In the Motion, Protestant Dudek repeats the same issues, facts and arguments which he made at the Special Exception Extension Hearing. Prior to the Protestants' presentation of their collective case, and again before Protestant Dudek's individual testimony began, instructions were provided to the Protestants as to the specific issue to be addressed at the Special Exception Extension Hearing (i.e., the time period for the Special Exception, and not the Special Exception itself which had already been granted and was not being revisited). In his Motion, Protestant Dudek intertwines issues with State requirements for funeral homes/crematoriums for which OAH has no jurisdiction. To the extent that Protestant Dudek believes there is "an apparent hole in the Baltimore County Zoning Laws" in regard to crematoriums, he needs to address that issue with the County Council. Accordingly, there is no basis for changing the Amended Opinion and Order After Hearing on Special Extension Exception the Motion for Reconsideration and the Motion for Reconsideration

will be denied.

THEREFORE, IT IS ORDERED, this **13th** day of **June, 2024**, by the Administrative Law Judge for Baltimore County, that the Motion for Reconsideration be, and it is hereby, **DENIED**.

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

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM/dlm

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

June 13, 2024

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

RE: ORDER ON MOTION FOR RECONSIDERATION
Case No. 2024-0076-SPH and 2022-0051-SPHXA
Property: 11543 Philadelphia Road

Dear Mr. Schmidt and Mr. Vettori:

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,

Maureen E. Murphy

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure
c: *See Next Page*

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Caroline Kuhlman O'Neill – carolinekuhlman@gmail.com
danschulman1@comcast.net

IN RE: **PETITION FOR SPECIAL HEARING (11543 Philadelphia Road)**	*	BEFORE THE
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* * * * * * * *

AMENDED OPINION AND ORDER AFTER HEARING ON SPECIAL EXCEPTION EXTENSION

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of a Petition for Special Hearing filed on behalf of 19A Newport Drive, LLC, legal owner ("Petitioner") for the property located at 11543 Philadelphia Road, White Marsh (the "Property"). The Petition for Special Hearing was filed under Baltimore County Zoning Regulations ("BCZR"), §500.7 for an extension of the special exception approval for a period of not more than five years from the date of the final order granting same pursuant to BCZR, §502.3.

An in-person hybrid/virtual hearing was conducted on May 13, 2024 (the "Special Exception Extension Hearing"). The Petition was properly advertised and posted. Petitioner, Charles Evans, appeared in support of the Petition along with David McMillion, PE of Carroll Engineering, Inc. who prepared and sealed a site plan in Case No.: 2022-0051-SPHXA. Lawrence E. Schmidt, Esquire of Smith Gildea and Schmidt, LLC represented the Petitioner. There were many Protestants and interested citizens who attended the Special Exception Extension Hearing namely 3 community associations: (1) White-Marsh Cowenton Community Association; (2) Honeygo Ridge Homeowner's Association; and (3) Loreley-Beach Community Association.

Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP"), Development Plans Review ("DPR")/Department of Public Works and Transportation ("DPWT"), and Department of Environmental Protection and Sustainability ("DEPS") which agencies did not oppose the requested extension of time.

Procedural Background

In Case No.: 2022-0051-SPHXA, Petitioner filed a Petition for Special Exception for a funeral establishment along with a Petition for Special Hearing and Petition for Variance relief. After Notice of the Petitions were posted on the Property, were posted on the County Website, and were published in The Daily Record as required, a hearing was held *via* Webex on May 10, 2022 (the "Special Exception Hearing"). At the Special Exception Hearing, only one (1) interested citizen, namely Audrey Perkins, appeared. Subsequent to the Special Exception Hearing, an Opinion and Order was issued (Mayhew, P) dated May 16, 2022, granting the Special Exception and each of the requested Variance relief, as well as the Special Hearing relief, with the exception of the request for a Waiver to permit a portion of the parking lot in a riverine floodplain, which relief was denied, *without prejudice* (the "Special Exception Order"). All of the persons who attended the Special Exception Hearing received a copy of the Special Exception Order *via* email including Audrey Perkins. (See Files). There was no appeal of the Special Exception Order.

On or about March 14, 2023, Counsel for Petitioner submitted a proposed Order for Extension of time to use the Special Exception for an additional six (6) months, or until November 16, 2024 (the "6-month Extension Order"). The justification for the extension of time was detailed in the 6-month Extension Order, along with reference to BCZR, §502.3. The 6-month Extension Order was signed on March 14, 2024. (See File). Notwithstanding the 6-month Extension Order,

on March 20, 2024, Petitioner also filed a Petition for Special Hearing in Case No.: 2024-0076-SPH Hearing requesting the same extension. (Pet. Ex. 18).

On April 1, 2024, People's Counsel filed a Motion for Reconsideration of the Order for Extension arguing that a Special Hearing is required before an Extension can be considered by OAH, citing an *unreported* decision *Baltimore Lodge No. 7 of the Benevolent and Protective Order of Elks, et al. v. People's Counsel for Baltimore County* (October 2, 1980). On April 4, 2024, OAH received an email from Honeygo Ridge Homeowner's Association opposing the 6-month Extension Order which email was considered to be a Motion for Reconsideration. (See Files - OAH Email dated 4/5/24). On April 10, 2024, by Order for Hearing on Motions for Reconsideration, Case Nos. 2022-0051-SPHXA and 2024-0076-SPH were consolidated such that the Motions for Reconsideration and a hearing on the merits of the Special Exception Extension was scheduled to be heard on May 13, 2024.

Evidence

At the Special Exception Extension Hearing, Petitioner presented evidence through David McMillion, PE of Carroll Engineering, Inc., about his efforts to obtain the necessary approvals from County agencies during the 2 years since the Special Exception Order was signed on May 16, 2022. (Pet. Ex. 1). The chronology of events was that, prior to the Special Exception Hearing on May 10, 2022, Petitioner filed for a BCC, §32-4-106(b)(8) exemption from the development process, which request was tabled by the Development Review Committee ("DRC") on November 20, 2021. (Pet. Ex. 10). After receiving the Special Exception Order on May 16, 2022, Mr. McMillion again requested the exemption under BCC, §32-4-106(b)(8) which was granted by the DRC on June 1, 2022. (Pet. Ex. 11). Beginning on June 14, 2022, Mr. McMillion testified about, and provided a detailed chronology/timeline of efforts undertaken by him, to obtain the necessary

County approvals. (Pet. Ex. 6). Emails were also provided between Counsel for the Petitioner and Director of Permits, Approvals and Inspection ("PAI") requesting assistance in obtaining approvals to outstanding issues, along with email responses from County agencies apologizing for delays. (Pet. Exs. 13, 14, 16).

Mr. McMillion testified that, in regard to approving the request to provide parking in the floodplain, it took 13 months to obtain approval from DPWT. By letter dated May 31, 2023, the Director of DPWT granted the requested Waiver. (Pet. Ex. 9). Additionally, environmental Variances, including a Forest Buffer Variance and Forest Conservation Variance, were not approved until March 12, 2024. (Pet. Exs. 7, 8). Mr. McMillion testified that, over the last 2 years, the revisions requested by County agencies to the development plan required 6 separate submissions. In his experience with the submissions of development plans, the maximum number of submissions requested is 4. Mr. McMillion also verified that while the Concept Stormwater Management Plan has been approved, he is still waiting on final approval of the Development Stormwater Management Plan. He clarified that many of the County agencies requested changes to the Development Plan related to the County agencies' desire to avoid impacts to the environmental areas of the Property, given the underground, piped-stream in the rear yard.

At the Special Exception Extension Hearing, in order to streamline the collective testimony of the Protestants and interested citizens, the 3 community associations (WMCCA – Heather Patti; Honeygo Ridge CA – Michael Thomas; and Loreley-Beach CA – Raquel Muneses) were requested, on behalf of their communities, to ask cross examination questions of Mr. McMillion and to provide the testimony for each of their individual community associations. Each of the community associations were collectively opposed to any extension of time for the Special

Exception. Similarly, each of the individual citizens who testified voiced their opposition to any extension of time for the Special Exception.

Throughout the hearing, the community associations and individual citizens were asked why they did not appear at the Special Exception Hearing to voice their opposition to the proposed use. While not applicable to every community association and/or every individual citizen, the recurring reason for the lack of participation by the communities was their reliance on a decision made by WMCCA, not to oppose the funeral home use and not to participate in the May 10, 2022 hearing. Notwithstanding the fact that a business sign was located on the Property as of January of 2022 which read "Evans Funeral Chapel & Cremation Services," WMCCA President Heather Patti, testified that she understood that only a funeral home was being proposed, and not a crematorium. More specifically, Ms. Patti provided an email to OAH dated November 20, 2023 (which email was shown on the screen at the Special Exception Extension Hearing) which Ms. Patti identified as her email reiterating WMCCA's decision not to oppose the requested Special Exception in May of 2022:

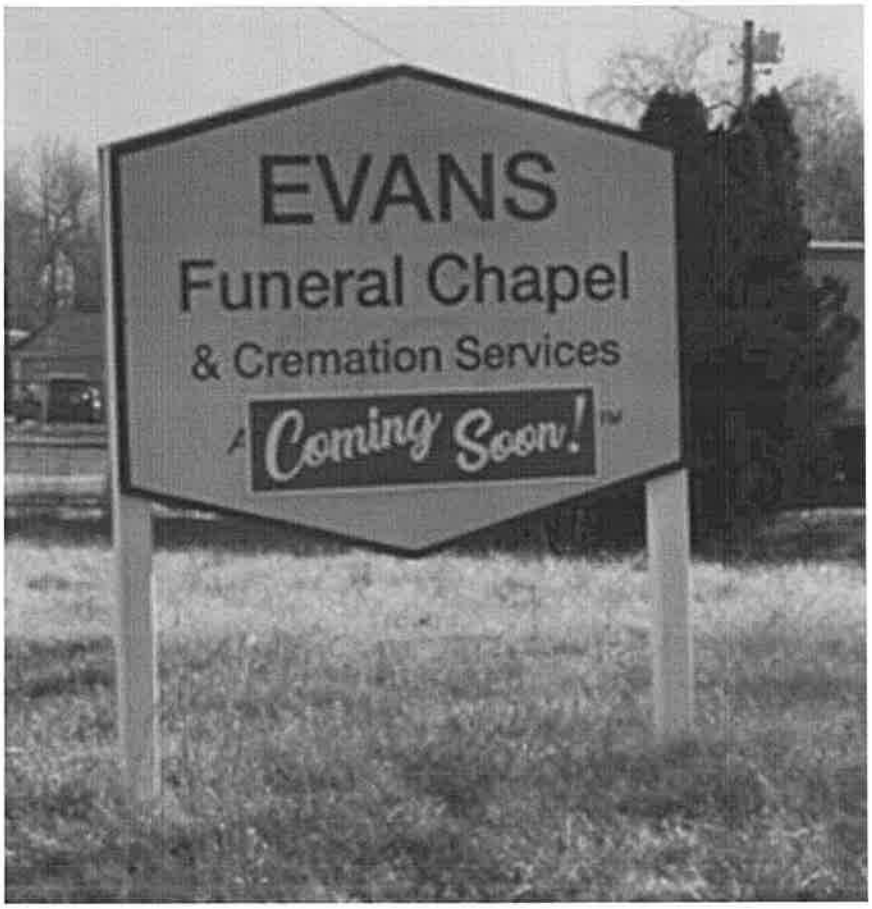
> In May 2021 property at 11543 Philadelphia Rd was purchased by Newport LLC, aka Evans Funeral Chapel. In January 2022, a sign was posted on the property which said, "Evans Funeral Chapel & Cremation Services COMING SOON!"
>
> I immediately began receiving phone calls and inquiries from many concerned residents asking if cremations would be performed on this property? There was a LOT of concern. Not being sure of what to do and not wanting to rely on hearsay for answers, I went "straight to the horse's mouth," meaning that I called the Evans Funeral Chapel's Parkville location directly. This was sometime in February 2022 and spoke with Charlie Evans himself. I introduced myself, explained the community's concerns and asked him if cremations would be performed at the 11543 Philadelphia Road location. Mr. Evans was pleasant and cordial as he explained to me that NO there would not be any cremations performed at their new White Marsh location, although they would be offering cremation services. He explained

that the actual cremations would be performed off-site. I thanked him for his time and we ended the call on good terms.

After doing some research online, I contacted MDE's Department of Air & Radiation to see if any permits had been filed for a crematory by Evans Funeral Chapel in Baltimore County. I was told no but that a permit to construct an additional crematory for their Harford County location had been filed recently. After explaining what Mr. Evans had told me, it was explained that the usual procedure was for cremations to be done at a separate site and then sent back to a funeral establishment for the service. Feeling satisfied that I'd received accurate information, I reported this to the community in late February to abate their concerns.

Being aware of the upcoming Zoning Hearing for a Special Exception, we decided that a Funeral Establishment would be a much better option for this property than other uses permitted by right - retail sales, personal services, restaurant, bank, office, tavern, food store, medical clinic. Funeral homes typically keep their properties clean and well lit, and end their hours before 10 pm. They are not loud and do not attract problems; we were looking forward to having this new business in the community. After reviewing the development plans, we decided that we did not need to attend the hearing in May 2022 for Zoning Special Exception, since we were not opposed to having a funeral establishment at 11543 Philadelphia Road. It is important to note that there is no mention of a crematory in the development plans.

I have enclosed pictures of the signs from The Evans Funeral Chapel's Parkville location, 8800 Harford Road, as well as the proposed White Marsh location, 11543 Philadelphia Road. As you can see, the signs are almost identical and contain the same wording, "EVANS Funeral Chapel & Cremation Services." It is important again to note that the Parkville location does not have a crematory on-site, but "offers" cremation services. There is nothing out of the ordinary to indicate that a crematory would be a possibility at the White Marsh location.



11543 Philadelphia Road, White Marsh

At the Special Exception Extension Hearing, the testimony of interested citizens and other community associations confirmed that they relied on the decision by WMCCA not to oppose the Special Exception and not to participate in the May, 2022 Special Exception Hearing.

In contrast to the collective decision not to appear at the Special Exception Hearing or oppose the Special Exception, Audrey Perkins was concerned enough, or at the least wanted information about, the proposed use and she elected to attend the Special Exception Hearing in May of 2022. Ms. Perkins testified that, prior to the May 10, 2022 Special Exception Hearing, she saw the Zoning Notice signs posted on the Property and pulled onto the Property to read them. At the Special Exception Hearing, Ms. Perkins asked and was told that a crematorium would be

located at the Property. Although she declined the Petitioner's offer, she also acknowledged that, at the Special Exception Hearing, Charles Evans offered to let her view the crematory facility at Forest Hill location.

SPECIAL HEARING

A "special hearing" request under BCZR §500.7 "is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). This regulation gives the Administrative Law Judge the authority to interpret the county zoning regulations and to grant appropriate relief based on those interpretations. Further, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing [request] 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).

Motions for Reconsideration of 6-Month Extension Order

As set forth in People's Counsel's Motion for Reconsideration, it was People's Counsel's position that a Special Hearing was required before an extension could be granted under BCZR, §502.3. Given that the Special Exception Extension Hearing was held on May 13, 2024, that Motion for Reconsideration is moot. With regard to Honeygo Ridge CA's Motion for Reconsideration, for the same reason, that Motion is also moot.

Decision

The sole issue in both Cases is the time period for the Special Exception Extension. As of the date of the Special Exception Extension Hearing, the Special Exception Order dated May 16, 2022 was still in effect, and the 30-day appeal period having passed without any appeal being filed, the Special Exception relief granted in Case No. 2022-0051-SPHXA could not be relitigated.

Indeed, where a party has obtained the requested zoning relief and the appeal period has run, the successful party has a right to rely upon the finality of the Special Exception Order, prior to its expiration.

On the issue of whether a public hearing is required, in contrast to BCC, §32-3-302(a) which *expressly* requires "a public hearing on a petition for a variance, special hearing, or special exception for a date not less than 30 days and not more than 120 days after the petition is accepted for filing," the Special Exception Extension provision in BCZR, §502.3 does not expressly require a public hearing. Moreover, given that the only issue is the time period for the extension, historically, extensions were requested administratively, without a hearing, and either granted or denied by way of letter or proposed Order. Without resolving whether a Special Hearing is required either way, and without delving into the precedent of an 'unreported' appellate decision from 1980, to the issue at hand, unlike the required factors set forth in BCZR, §502.1, there is no legal standard in BCZR, §502.3 for deciding whether an extension should be granted, and if granted, the actual time period for the extension (other than the time period cannot be longer than 3 years). However, BCZR, §502.3 does indicate that an appeal may be taken "solely as to the *reasonableness* of the period of time allowed." The concept of "reasonableness" is also found in regard to whether construction equates to utilization of a Special Exception.

In consideration of the evidence provided at the Special Exception Extension Hearing, I find that the Petitioner provided persuasive evidence by way of timeline/chronology, County agency approvals dates, as supported by the testimony of Mr. McMillion who had personal knowledge of the efforts he made and his interactions with County agencies in diligent pursuit of the requisite approvals, that the Petitioner's actions were reasonable and timely in 'moving the ball forward' to obtain the County approvals. It goes without saying that this Petitioner has every

motivation to obtain County approvals, and completing the required zoning and development processes, as quickly as possible, so that the funeral establishment can be open and operating. As a practical matter, there is no incentive for a petitioner to delay the requisite approvals because with delays comes additional costs for financing, expert expenses and attorney's fees, among other expenses. Considering that the County agencies were striving for the least amount of impact to the environmental areas on the Property, I find that the time-period for County agency approval was also reasonable and was provided without unnecessary delay.

Conversely, the Protestants collectively wanted to provide evidence of changes to the neighborhood as a basis for denying the Special Exception Extension. If permitted to do so, the Special Exception Order - which is still in effect - would have been relitigated. Importantly, there is no provision in BCZR, §502.3 which requires 'change' as a basis for considering a Special Exception Extension. Moreover, it was significant that Audrey Perkins - after reading the Zoning Notice signs posted on the Property - appeared at the Special Exception Hearing, and was provided information she sought about the proposed use. Thus, there was nothing which prevented any other community association or interested citizen from appearing at the Special Exception Hearing, even if solely for the purpose of reassurance that they had all the relevant information. And, if at the Special Exception Hearing, the Protestants learned information that was not acceptable to them, they could then have filed an appeal, *de novo*, to the Board of Appeals. In any event, the uncontroverted evidence reveals that, other than Ms. Perkins, a deliberate decision was made not to appear at the Special Exception Hearing and not to oppose the Special Exception.

With regard to the extension of time to use the Special Exception, based on the evidence presented and the efforts made during the past 2 years, I find that a 3-year time period extension is reasonable and should be granted.

THEREFORE, IT IS ORDERED this **15th** day of **May**, **2024** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to BCZR, §502.3 for an extension of time to utilize the Special Exception for a period of three (3) years from the date of this Order, be, and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED, that the Motions for Reconsideration filed by People's Counsel and Honeygo Ridge Homeowner's Association be, and they are each hereby, **MOOT**; and

IT IS FURTHER ORDERED, that the 6-Month Order for Extension dated March 14, 2024 will be **AMENDED AND REPLACED WITH THE ORDER HEREIN**.

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

Maureen E. Murphy

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm

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

May 15, 2024

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Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Petition for Special Hearing
Case No. 2024-0076-SPH and 2022-0051-SPHXA
Property: 11543 Philadelphia Road

Dear Mr. Schmidt:

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,

Maureen E. Murphy

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure
C: See Next Page

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IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE	*	BEFORE THE
(11543 Philadelphia Road)	*	OFFICE OF
11th Election		
5th Councilmanic District	*	ADMINSTRATIVE HEARINGS
19A Newport Drive LLC		
Legal Owner and Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2022-051-SPHXA and Case No. 2024-0076-SPH

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

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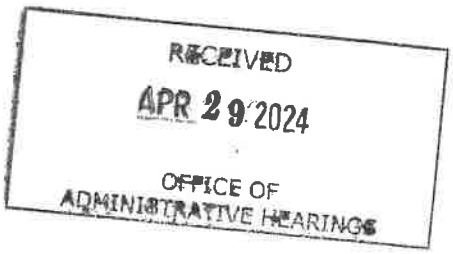


TO: R. Brady Locher
Department of Environmental
Protection and Sustainability
111 West Chesapeake Avenue, Room 319
Towson, Maryland 21204
blocher@baltimorecountymd.gov

You are hereby summoned and commanded to appear at an **In-Person/Virtual /Hybrid Hearing** before the Administrative Law Judge for Baltimore County on **Monday, the 13th day of May, 2024, at 1:30 PM**, regarding the above captioned matter, for the purposes of testifying at the request of Petitioner, 19A Newport Drive, LLC, and to bring with you the following materials:

> Any and all pertinent documents (including but not limited to plans, studies, correspondence, etc.) regarding the Dept. of Environmental Protection and Sustainability's review of the Development Plan (and associated plans, i.e. storm water management plans) regarding the property located at 11543 Philadelphia Road since 2022 to the present.

Upon receipt of service of this subpoena you are required to contact the Office of Administrative Hearings at (410) 887-3868, or administrativehearings@baltimorecountymd.gov to provide your e-mail address so that a Webex link/invitation can be e-mailed to you prior to the hearing so that you can testify as commanded. Please then accept this link/invitation promptly upon receipt.

Private Process Server:

Please process in accordance with Rule 4(c) of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County.

Maureen E. Murphy

MAUREEN E. MURPHY
CHIEF ADMINISTRATIVE LAW JUDGE
FOR BALTIMORE COUNTY

Issued: 4/29/24

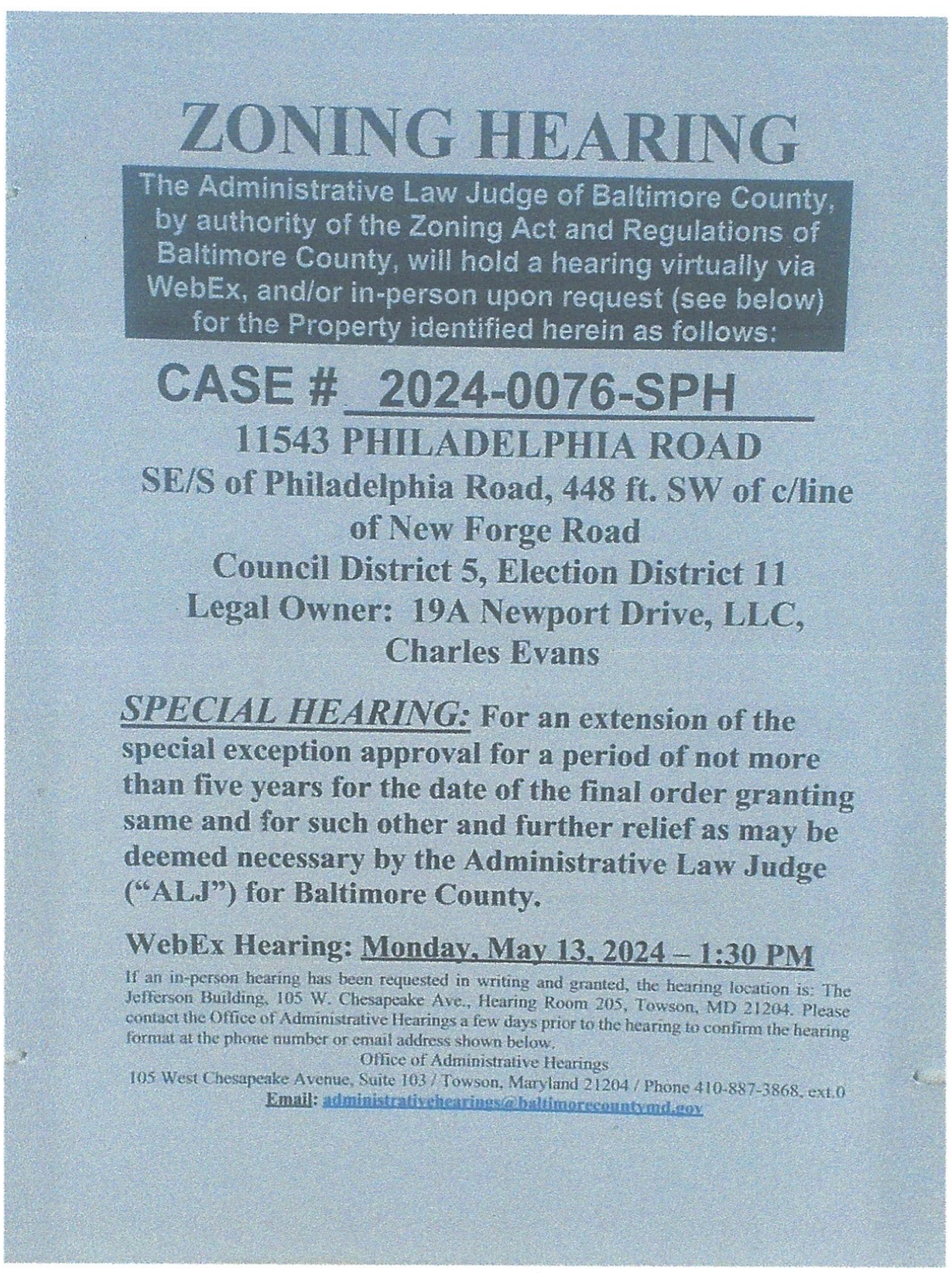
c: County Attorney, Baltimore County Office of Law, 400 Washington Avenue, Second Floor, Towson, Maryland 21204
Counsel of Record

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS
DATE: 4/21/2024
Case Number: 2024-0076-SPH
Petitioner / Developer: SMITH, GILDEA & SCHMIDT, LLC ~ CHARLES EVANS
Date of Hearing: MAY 13, 2024

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
11543 PHILADELPHIA ROAD

The sign(s) were posted on: APRIL 21, 2024



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

From: Administrative Hearings
Sent: Thursday, April 18, 2024 8:10 AM
To: Maureen E Murphy
Cc: Debra Wiley
Subject: FW: Case No: 2022-0051 SPXHA
Attachments: EVANS ALJ ORDER.pdf; Evans Development Plan March 2023.pdf; Review of Development Plans.pdf; Evans InitialDocket-05-23 (3).pdf

Fyi -

From: Information WMCCA <wmcca.info@gmail.com>
Sent: Wednesday, April 17, 2024 9:47 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Fwd: Case No: 2022-0051 SPXHA

CAUTION: This message from wmcca.info@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,

Please see forwarded email below, which was sent to your office on November 20, 2023. May you please provide me with the disposition of this email? Was it forwarded to Judge Murphy as requested?

Thank you,

Heather Patti
President
White Marsh Cowenton Community Association

---------- Forwarded message ---------
From: **Information WMCCA** <wmcca.info@gmail.com>
Date: Mon, Nov 20, 2023, 2:55 PM
Subject: Fwd: Case No: 2022-0051 SPXHA
To: <administrativehearings@baltimorecountymd.gov>

Please kindly forward to ALJ Maureen Murphy for review. I was unaware that Judge Mayhew had recently retired.

---------- Forwarded message ---------
From: **Information WMCCA** <wmcca.info@gmail.com>
Date: Sun, Nov 19, 2023, 4:07 PM
Subject: Case No: 2022-0051 SPXHA
To: <pmayhew@baltimorecountymd.gov>

Your Honorable Judge Mayhew,

I know this is very unorthodox but I felt compelled to contact you regarding the above referenced decision made in May 2022 which involved The Evans Funeral Chapel, represented by attorney Lawrence Schmidt.

In May 2021 property at 11543 Philadelphia Rd was purchased by Newport LLC, aka Evans Funeral Chapel. In January 2022, a sign was posted on the property which said, “Evans Funeral Chapel & Cremation Services COMING SOON!”

I immediately began receiving phone calls and inquiries from many concerned residents asking if cremations would be performed on this property? There was a LOT of concern. Not being sure of what to do and not wanting to rely on hearsay for answers, I went “straight to the horse's mouth,” meaning that I called the Evans Funeral Chapel’s Parkville location directly. This was sometime in February 2022 and spoke with Charlie Evans himself. I introduced myself, explained the community’s concerns and asked him if cremations would be performed at the 11543 Philadelphia Road location. Mr. Evans was pleasant and cordial as he explained to me that NO. there would not be any cremations performed at their new White Marsh location, although they would be offering cremation services. He explained that the actual cremations would be performed off-site. I thanked him for his time and we ended the call on good terms.

After doing some research online, I contacted MDE’s Department of Air & Radiation to see if any permits had been filed for a crematory by Evans Funeral Chapel in Baltimore County. I was told no but that a permit to construct an additional crematory for their Harford County location had been filed recently. After explaining what Mr. Evans had told me, it was explained that the usual procedure was for cremations to be done at a separate site and then sent back to a funeral establishment for the service. Feeling satisfied that I’d received accurate information, I reported this to the community in late February to abate their concerns.

Being aware of the upcoming Zoning Hearing for a Special Exception, we decided that a Funeral Establishment would be a much better option for this property than other uses permitted by right - retail sales, personal services, restaurant, bank, office, tavern, food store, medical clinic. Funeral homes typically keep their properties clean and well lit, and end their hours before 10 pm. They are not loud and do not attract problems; we were looking forward to having this new business in the community. After reviewing the development plans we decided that we did not need to attend the hearing in May 2022 for Zoning Special Exception, since we were not opposed to having a funeral establishment at 11543 Philadelphia Road. It is important to note that there is no mention of a crematory in the development plans.

I have enclosed pictures of the signs from The Evans Funeral Chapel’s Parkville location, 8800 Harford Road, as well as the proposed White Marsh location, 11543 Philadelphia Road. As you can see, the signs are almost identical and contain the same wording, “EVANS Funeral Chapel & Cremation Services.” It is important again to note that the Parkville location does not have a crematory on-site, but “offers” cremation services. There is nothing out of the ordinary to indicate that a crematory would be a possibility at the White Marsh location.

11543 Philadelphia Road, White Marsh

8800 Harford Road, Parkville

Sometime in March 2023 I received a phone call from a concerned and agitated community member who told me that The Evans Funeral Chapel was building a crematory at 11543 Philadelphia Road. I explained that I had spoken directly with the owner and that no cremations were to take place at this location according to his own words. However, I decided to follow up again with MDE's Department of Air & Radiation Permits to see if any new applications had been received from Evans. I was informed that MDE had recently received an application from Evans Funeral home to construct a crematory at 11543 Philadelphia Road; in fact the application was dated February 21, 2023.

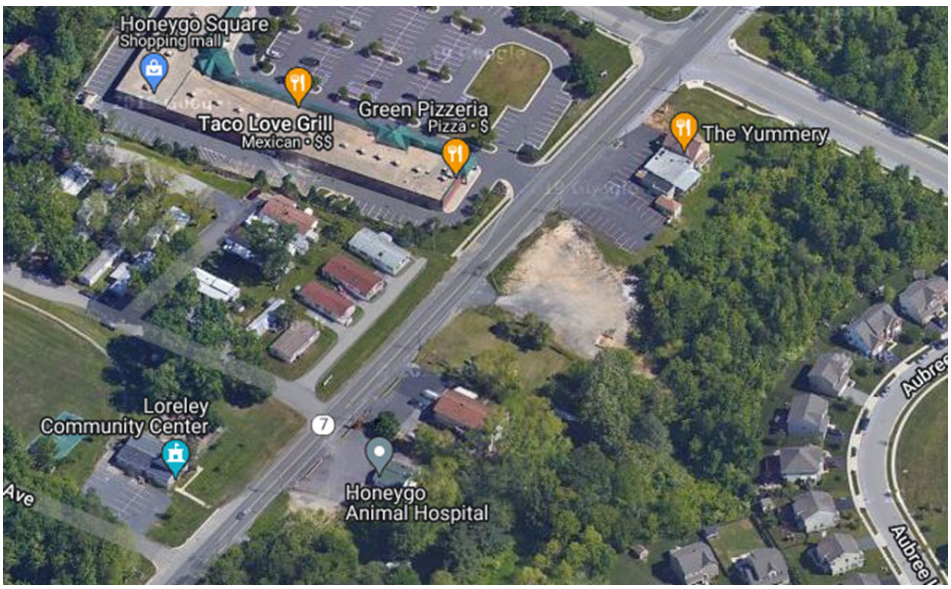
Of course, as you are well aware – March 2023 is well beyond the statute of limitations to file an appeal for the Zoning Special Exception decision made in May 2022. The community had no recourse. MDE held a Community Input Meeting in May 2023, where it was revealed that one of the prerequisites for filing the application to construct a crematory is having proper zoning for a funeral establishment. By the way, this meeting was held at the White Marsh Volunteer Fire Department and was standing room only. Everyone in attendance except for the Evans' representatives were opposed to having a crematory built in their neighborhood.

(Since this time we have been actively opposing the construction of a crematory within a residential area in every way possible.)

According to G&L Mapping systems measurements, there are (35) residences and (6) businesses within 215 ft of the proposed crematory site. One of these businesses is a daycare facility, another is a bakery, another is a restaurant with an outdoor eating section, and then there is a mobile home park (Sylvania Mobile Home Park) located directly across the street from the proposed crematory site. This mobile home park has been located at this site since the early 1960's and is mostly inhabited by the elderly and disabled, who have multiple medical conditions; There are some scattered young families. I counted (14) mobile home units within 500 ft of the proposed crematory. The remainder of the 30+ residential homes are located in recently built housing developments with a median price of $550K, which are almost exclusively inhabited by families with small children.

All of these small local businesses and residences are located off of Philadelphia Road, a small 2-lane rural state road. The proposed crematory site is less than a mile from the Big Gunpowder River. When I read the testimony provided by Mr. Schmidt, counsel for Evans Funeral Chapel, I couldn't believe none of this was mentioned. Additionally, I wondered how we, as a community, missed the notice for a development plan? I was able to find out per the DRC website that this was waived since the plan involved less than three parcels.

Here is a glimpse of the neighborhood:



The building to the right of the Honeygo Animal Hospital (brown roof) at 11543 Philadelphia Road has been razed and is the proposed site of the Evans Funeral Chapel. You can see that Philadelphia Road/Rt 7 is a 2-lane rural state road surrounded by scattered local businesses and residential homes. The property in question is within one mile of the URDL (The Gunpowder River), so it's still a fairly rural area.

You may ask – Why am I bringing all of this information to YOUR attention? I know that essentially nothing can be done in this case, but we as a community feel that not only Evans Funeral Chapel but their attorney, Mr. Schmidt misrepresented themselves in your courtroom, or at the very least weren't completely forthcoming. I wanted to show you, in the event you weren't already aware, the type of representation Mr. Schmidt offers to his clients and what he is willing to omit in a courtroom.

I've attached the findings of a licensed land surveyor who reviewed the development plans, and I think you will be interested in these.

Kind regards,

Heather Patti, RN

Resident and Community Leader

White Marsh, Baltimore County

10916 Philadelphia Road

White Marsh, MD 21162

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

April 10, 2024

Peter Max Zimmerman – peoplescounsel@baltimorecountymd.gov
People's Counsel for Baltimore County

Michael Thomas – miket03@gmail.com
5624 Harvey Ct.
White Marsh, MD 21162

Lawrence E. Schmidt, Esq. – lschmidt@sgs-law.com
Jason T. Vettori, Esq. – jvettori@sgs-law.com
Smith, Gildea & Schmidt, LLC

RE: **ORDER FOR HEARING ON MOTIONS FOR RECONSIDERATION**
Petitions for Special Hearing, Special Exception & Variance
Case Nos. 2022-0051-SPHXA & 2024-0076-SPH
Property: 11543 Philadelphia Road

Dear Messrs. Zimmerman, Thomas, Schmidt & Vettori:

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,

Maureen E. Murphy

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlw
Enlosure

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE	*	BEFORE THE
(11543 Philadelphia Road) 11th Election District 5th Councilmanic District 19A Newport Drive, LLC *Legal Owner*	*	OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2022-0051-SPHXA and Case No. 2024-0076-SPH

* * * * * * * * *

ORDER FOR HEARING ON MOTIONS FOR RECONSIDERATION

This matter comes before the Office of Administrative Hearings ("OAH") on the following pleadings and/or correspondence: (1) a Motion for Reconsideration filed by Peter Max Zimmerman, People's Counsel for Baltimore County dated April 1, 2024 and his subsequent email dated April 8, 2024 entitled "Reconsideration Rule and Ruling Redux"; (2) a Motion for Reconsideration filed by Michael Thomas, *pro se*, by his email dated April 4, 2024; and (3) Counsel for Petitioner's emails dated April 4, 2024 and April 8, 2024, suggesting that both Motions for Reconsideration be consolidated with the scheduled hearing in Case No. 2024-0076-SPH on the Petition for Special Hearing requesting an Extension of the Special Exception for the above-captioned Property, which hearing is currently scheduled for May 13, 2024.

Code of Baltimore County Regulations ("COBAR"), Title 2, Chapter 1, Part 1, Rule 4K, pertains to Motions for Reconsideration and reads as follows:

> K. Motion for Reconsideration.
>
> A party may file a motion for reconsideration of an order issued by the Zoning Commissioner. Such a motion must be made in writing, within 30 days of the date of the original order. The motion must state, with specificity, the grounds and reasons for the request. The filing of a motion for reconsideration shall stay all further proceedings in the matter, including the time limits/deadlines for the filing of an appeal. The Zoning Commissioner shall rule on the Motion within 30 days from the date which the motion is accepted

> for filing. A ruling by the Zoning Commissioner on the motion for reconsideration shall be considered the final decision in accordance with Section 26-209 or 26-132 of the Baltimore County Code. At his discretion, the Zoning Commissioner may convene a hearing to receive testimony and/or argument on the motion. Each party shall be limited to that which is the subject matter of the motion.

The issue in both Cases is the same – the extension of the time period for a Special Exception previously granted in Case No. 2022-0051-SPHXA by Opinion and Order dated May 16, 2022. Borrowing language from a previous Order by ALJ Beverungen, I find that Petitioner's suggestion to consolidate in the same hearing, the Motions for Reconsideration filed by multiple parties in Case No. 2022-0051-SPHXA, along with the merits of the Petition for Special Hearing requesting an extension of time to use the Special Exception as filed in Case No. 2024-0076-SPH, to be "a reasonable request, and is one that will allow for this matter to be resolved in a sensible and economical fashion, without the need for multiple appeals and a procedural morass." This Order shall be considered sufficient to meet the requirements of Rule 4K. Accordingly, in the interests of judicial economy, and pursuant to the OAH's discretion as authorized in Rule 4K, Case No. 2022-0051-SPHXA and Case No. 2024-0076-SPH shall be heard and decided in the same hearing scheduled for May 13, 2024.

THEREFORE, IT IS ORDERED by this Administrative Law Judge for Baltimore County, this **10th** day of **April, 2024,** that a hearing scheduled for May 13, 2024 shall include argument on the separately filed Motions for Reconsideration by People's Counsel and Michael Thomas, along with evidence on the Petition for Special Hearing filed in Case No. 2024-0076-SPH.

Maureen E. Murphy

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM/dlm/dlw

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: April 8, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0076-SPH
Address: 11543 PHILADELPHIA RD.
Legal Owner: 19A Newport Drive, LLC.
Charles Evans

Zoning Advisory Committee Meeting of April 2, 2024.

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

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

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

Reviewer: Gris Batchelder

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald **DATE:** 4/4/2024
Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 2024-0076-SPH

INFORMATION:
Property Address: 11543 Philadelphia Road
Petitioner: Charles Evans
Zoning: BL, BR, DR 3.5
Requested Action: Special Hearing

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

Special Hearing -

1. To approve an extension of the Special Exception approval for a period of time not more than five years from the date of the final Order granting the same; and
2. For such other and further relief as may be required by the Administrative Law Judge.

The subject site is an approximately 1.28 acre parcel along Philadelphia Road in the White Marsh area. The site is currently vacant; however, the property owners have been seeking approval for the construction of a funeral establishment on the site since 2021.

Uses surrounding the site vary – along Philadelphia Road, uses are primarily commercial and include an animal hospital, Honeygo Square shopping mall, multiple restaurants, a bakery, and a community center. Immediately across Philadelphia Road from the subject site is a mobile home park. East/behind the subject site is primarily comprised of single family detached residential on DR 3.5 zoned land.

In 2022, the site was the subject of Zoning Case 2022-0051-SPHXA. The request included a Special Hearing, a Special Exception, and multiple Variances. The Special Exception request was to permit a funeral establishment pursuant to Baltimore County Zoning Regulations (BCZR) Section 230.3. The Department of Planning had no objections to any of the requests in the Case and offered comments for consideration related to improving vehicular circulation, considering a sidewalk along Philadelphia Road, and providing adequate landscaping. In a May 16th, 2022 Opinion and Order, Administrative Law Judge Mayhew granted the Special Hearing for business parking in a residential zone and for a modified parking plan; granted the Special Exception for a funeral establishment pursuant to BCZR Section 230.3; and conditionally granted Variances related to parking, landscaping, and front yard depths. The Opinion and Order states that the Petitioner stated there would be a crematory at the location, but that there would be no embalming of other body preparation. In response to a question from a community member, the Petitioner explained that the crematory would be regulated by the State of Maryland and would need to comply with stringent regulations of the federal Environmental Protection Agency. In the Administrative

Law Judge's review of the Special Exception, the Opinion and Order states "the record evidence establishes that the impacts of this proposed funeral establishment at this location will have no greater impacts than are inherent in the use. Further, a significant portion of this site is zoned BR, which allows this use by right."

In September of 2022, the Department of Planning received the 1st review materials for the Evans Funeral Chapel White Marsh Facility Limited Exemption Development Plan (PAI # 11-1191). The Department offered comments related to, but not limited to, correcting notes on the plan, providing a circulation diagram, providing architectural elevations of the funeral home, providing details on signage, and providing lighting and landscaping details. In January of 2023, the Department received the 2nd review materials, in which the applicant had positively addressed Planning's 1st review comments. The Department of Planning recommended approval of the Limited Exemption Development Plan, subject to two conditions: that landscaping along the northern elevation be evergreen to screen the building from the public right-of-way year-round, and that details of any proposed signage be provided at the time of permitting. In January 2024, the Department of Planning received 3rd review materials for the Limited Exemption Development Plan, which included a "Revisions to Site Layout" letter from the engineer. The letter explained that, in order to address County comments and reduce impacts to environmental features and neighboring properties, the site lay out had been revised. Changes included decreasing the building size, which, in turn, reduced required paving, required stormwater management, impacts to the floodplain and neighboring properties, impact to the forest butter, and the overall limit of disturbance for the site. The Department of Planning found the 3rd review materials acceptable and recommended approval as submitted.

The site is currently the subject of a 2024 Comprehensive Zoning Map Process (CZMP) issue, Issue 5-063. The issue was raised by the Baltimore County Council and was raised same-to-same, meaning the existing and requested zoning are the same. The justification for the issue stated, in part, "Councilman Marks is raising this issue so the County Council can determine the appropriate level of development here and throughout this region of Baltimore County. Councilman Marks looks forward to a productive dialogue with residents and stakeholders throughout the Comprehensive Zoning Map Process." At the District 5 Planning Board CZMP Public Hearing, a significant number of nearby residents testified that they were opposed to a crematorium on the property. The Staff Recommendation for Issue 5-063 is for the property to maintain its existing BL, BR, and DR 3.5 zoning. As of the date of these comments, the Planning Board has not offered a recommendation on the issue, and the County Council has not made a final decision on the issue.

The site is within the boundary of the Perry Hall Community Plan, adopted February 22nd, 2011. The plan provides background information on the plan area boundary and offers recommendations related to building strong neighborhoods, improving mobility, improving the environment, and creating a strong sense of place for the area. The plan does not provide guidance specific to the subject site.

The Department of Planning contacted the representative for the petition via telephone on April 2nd, 2024 seeking additional information on the crematorium aspect of the funeral establishment. During the phone call, the representative explained that the crematorium is still part of the Development Plan, as it was during Zoning Case 2022-0051-SPHXA. The representative explained that the Development Plan has run into significant issues related to stormwater management, and that the engineer is currently on the 4th or 5th review with the County in regards to stormwater management; as such, the project has not been able to vest in the two years since the May 2022 Opinion and Order and Special Exception approval. The representative continued that as the two-year mark was approaching, he submitted a letter to the Administrative Law Judge requesting an extension of the Special Exception. The extension was approved, however, People's Council requested the Administrative Law Judge reconsider their decision and require the Special Exception to have a new Hearing. The representative explained that, as of the date of the

phone call, the Administrative Law Judge had not made a decision on the matter, but that the Zoning Case currently at hand was submitted out of an abundance of caution in the event the Administrative Law Judge agreed with People's Council and reversed the extension. The representative concluded the phone call by reiterating information consistent with the 2022 Opinion and Order – that the crematorium needed to be permitted by the State of Maryland, and would need to comply with strict environmental regulations.

While the Department of Planning understands the communities' concerns and acknowledges their opposition to the crematorium aspect of the funeral establishment, the request is in keeping with the 2022 Zoning Case. At that time, the Department had no objections to the Zoning Case or the Limited Exemption Development Plan, which the Department recommended approval of. As such, the Department of Planning has no objections to the requested Special Hearing to approve an extension of the Special Exception approval for a period of time not more than five years from the date of the final Order granting the same.

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: Lawrence E. Schmidt, Esquire
Ainsley Pressl, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

From: Michael Thomas <miket03@gmail.com>
Sent: Thursday, April 4, 2024 4:22 PM
To: Maureen E Murphy
Cc: Administrative Hearings
Subject: Case No. 2022-0051-SPHXA - Extension

CAUTION: This message from miket03@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.

Honorable Maureen Murphy,

I was recently informed of a request for a 6 month extension of the special exception on the property of 11543 Philadelphia Rd in White Marsh MD.

I read through the request and would like to formally appeal the decision. The decision appears to have been signed on 3/14/24 and today (4/4/24) is within the 30 day appeal window. I would like to request that this decision is reversed and ensure the current legal owner abides by the existing ruling applied to the property. If they do request such an extension, I'd like them to request this with a public notice and adequate time for review of impacted residents.

I am a resident of an adjoining property along the subject reference lot. Also, unfortunately, I am not a lawyer nor do I fully understand how this process works. If there is a better way to appeal this ruling, would you be able to direct me to the appropriate resources? If there is a web form that I need to complete or otherwise, please advise.

Thank you very much.

Sincerely,

Michael Thomas
5624 Harvey Ct
White Marsh, MD 21162

443-492-9186

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: March 28, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0076-SPH

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

DPR: In a 500-year riverine floodplain.

DPW-T: The property is located within non-tidal (riverine), Special Flood Hazard Area. Current Baltimore County Code 32-4-414 and 32-8 prohibits development within a non-tidal special flood hazard area. The 2015 Baltimore County Building Code Part 125.1 states "No new Buildings or Additions shall be constructed in any riverine floodplain."

A riverine flood plain that meets the qualifications of a Baltimore County flows overland very close to the property. Based on Baltimore County Code 32-4-414, development in a riverine flood plain is prohibited. A riverine flood study based on ultimate land use conditions according to the Department of Permits, Approvals and Inspections Bureau of Development Plans Review (DPR) Policy Manual and DPWT Design Manual must be submitted and "Accepted for Filing" by DPR before the approval of the Variance for the addition. The proposed addition must also meet DPWT Design Manual Plate DF-1.

Landscaping: 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.

Recreations & Parks: No Greenways affected.

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

No. 229557

Date: 3/20/2024

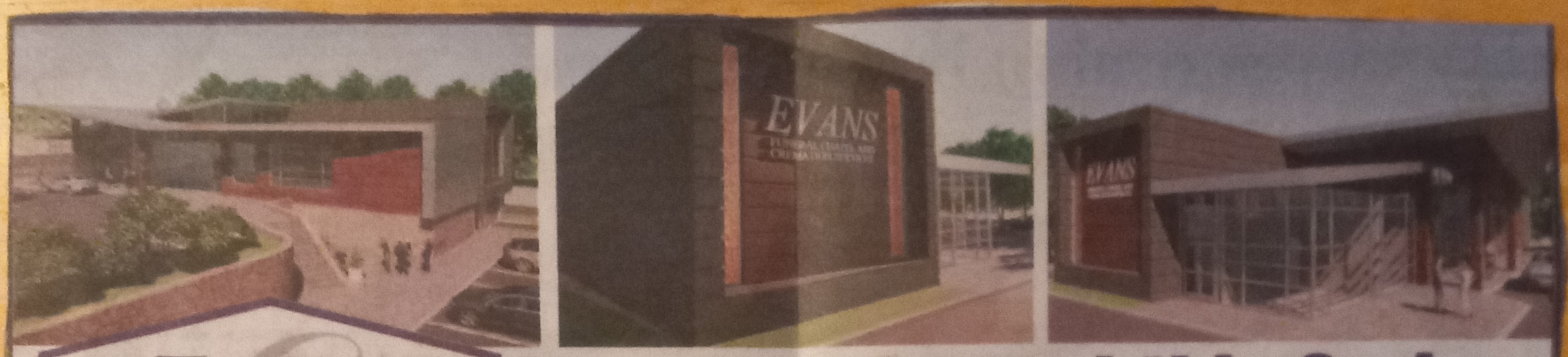
Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				$500
						Total:		$500

Rec From: Evans Funeral Chapel

For: Special Hearing Request
11543 Philadelphia Road
Zoning Case # 2024-0076-SPH

CASHIER'S VALIDATION

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!



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CREMATION SERVICES
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www.evansfuneralchapel.com

2022-0051-SPXHA

LIST OF EXPERT WITNESSES

GENE SIMMERS	TRAFFIC	UNAVAILABLE
LISA POLYAK	ENVIRONMENTAL	UNAVAILABLE
IKENNA ENURAH	ENVIRONMENTAL	
OFFFICER DEHART	BALTIMORE CO PD	UNAVAILABLE
BRUCE DOAK	LAND USE	REFUSED TO TESTIFY DUE TO CONFLICT OF INTEREST

Development Plan Submitted

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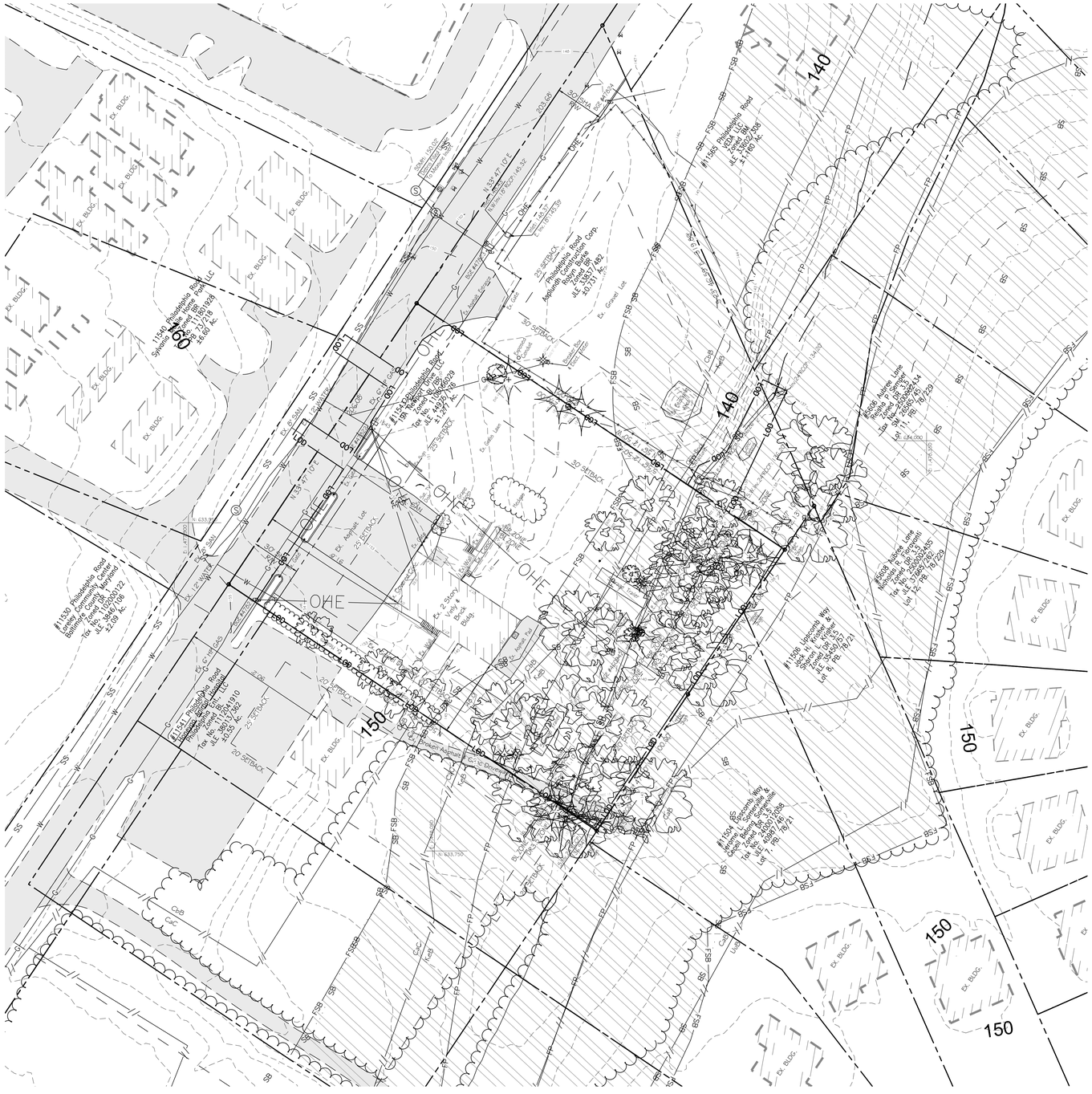

EXISTING CONDITIONS PLAN

SCALE: 1"=30'

30 15 0 30 60
GRAPHIC SCALE IN FEET

PAI NO. 11-1191
LIMITED EXEMPTION NO. 22024LN
TRACKING NO. LIM-2022-00013
DRC NO. 111621D

09/02/2022 4:11:18 PM C:\Users\chuba\Desktop\Documents\220645 01 Evans White Marsh Facility\design_v8\chuba.rvt

PROPERTY INFORMATION:

OWNER: CHARLIE F. EVANS, JR.
8800 HARFORD ROAD, PARKVILLE, MD 21234
PROPERTY ADDRESS: 11543 PHILADELPHIA ROAD
WHITE MARSH, MARYLAND 21162
PHONE NUMBER: 410-665-9444
SITE AREA: 1.277 AC. (55,641.6 SF)
BUILDING AREA:
EXISTING: 4,216 SF
MAP: 0073
GRID: 0002
PARCEL: 0237
ELECTION DISTRICT: 11
COUNCILMANIC DISTRICT: 6
ACCOUNT: 1108066029
DEED REFERENCE: 44975/00176
ZONING: BUSINESS LOCAL (BL), BUSINESS ROADSIDE (BR) & DENSITY RESIDENTIAL (DR3.5)
ZONING HISTORY: CASE NO. R-1960-5048; PETITION TO RE-CLASSIFY ZONING FROM R-6 TO BL GRANTED ON AUGUST 10, 1960
PERMITS ON FILE: B985139
DRC NUMBER: 111621D, DIST. 11C6 (TRACKING NUMBER DRC-2021-00155)
"PROJECT WAS TABLED TO THE OFFICE OF ZONING REVIEW"
RETURNED TO DRC AS "OLD BUSINESS" ON 5/31/2022 AND WAS GRANTED LIMITED EXEMPTION (b)(8)
WATERSHED: LOWER GUNPOWDER FALLS
UTILITIES: PUBLIC WATER/SEWER AND THERE ARE NO WELLS/SEPTIC SYSTEMS ON SITE.

NATURAL ENVIRONMENT INFORMATION:

1. SLOPES GREATER THAN 25% ARE NOT LOCATED ON SITE.
2. FLOODPLAINS ARE LOCATED ON SITE.
3. STREAMS ARE NOT LOCATED ON SITE. STREAMS ARE ADJACENT TO PROPERTY.
4. 100-FOOT STREAM BUFFERS ARE LOCATED ON SITE.
5. 100-FOOT FOREST BUFFERS ARE LOCATED ON SITE.

HISTORIC INFORMATION:

11543 PHILADELPHIA ROAD IS NOT LISTED IN THE MIHP DATABASE. THERE ARE TWO PROPERTIES NEAR 11543 PHILADELPHIA ROAD LISTED IN THE MIHP DATABASE. THE PROPERTIES ARE:

MIHP NO. BA-131: LORELEY SCHOOL (NOW LORELEY COMMUNITY CENTER UNDER PARKS & REC), 11501 PHILADELPHIA ROAD, FALLS WITHIN 200 FEET OF THE 11543 PHILADELPHIA ROAD SITE. LOCATED WEST OF OUR SITE.
MIHP NO. BA-357: ASBURY METHODIST CHURCH, 11646 PHILADELPHIA ROAD. DOES NOT FALL WITHIN 200 FEET OF THE 11543 PHILADELPHIA ROAD SITE. LOCATED SOUTHEAST OF OUR SITE.

THE PROPOSED BUILDING AND SITE DEVELOPMENT AT THE 11543 PHILADELPHIA ROAD ARE NOT BELIEVED TO SIGNIFICANTLY IMPACT VIEWS OF THE NEARBY LORELEY COMMUNITY CENTER (BA-131).

GENERAL NOTES:

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2. ELEVATIONS REFER TO NAVD 1988.
3. THE FOLLOWING BALTIMORE COUNTY SURVEY CONTROL MONUMENTS WERE USED AS A CHECK:

NAME	NORTH	EAST	ELEV
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BALTO. CO. STA. #ETL4	634,601.534	1,478,106.379	136.79'

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I, Charles F. Evans Jr., certify under oath that there are no delinquent accounts for any other development with respect to any of the following: the applicant, a person with a financial interest in the proposed development, or a person who will perform contractual service on behalf of the proposed development.

Charles F Evans Jr 08/05/2022
Signature Date

VICINITY MAP

SCALE: 1"=1000'

Marshall Craft Associates, Inc.
2031 Clipper Park Road, Suite 105
Baltimore, Maryland 21211
410.532.3131 | www.mca.design

MCA | ARCHITECTURE

MEP ENGINEERING
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303 International Circle, Suite 450
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GEOTECHNICAL ENGINEERING
SCHNABEL ENGINEERING
1504 Woodlawn Drive
Baltimore, MD 21207
410.944.6170

SEAL

NOT FOR CONSTRUCTION

STATE OF MARYLAND · JOHN A. CARROLL · 14446 · PROFESSIONAL ENGINEER

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE No.: 14446 EXP. DATE: 5-25-23

EVANS FUNERAL CHAPEL AND CREMATION SERVICES

LIMITED EXEMPTION DEVELOPMENT PLAN
EVANS FUNERAL CHAPEL WHITE MARSH FACILITY

11543 PHILADELPHIA ROAD
WHITE MARSH, MARYLAND 21162
BALTIMORE COUNTY

KEY PLAN:

REVISIONS:

	DATE:	COMMENTS:

MCA JOB NO.	PROJ.MANAGER:	SHEET BY:
20044	DWM	DWM / CMF

SHEET SET AND SHEET ISSUE DATE:
County Development Plan 08/05/2022

SHEET NAME:
EXISTING CONDITIONS PLAN PRE-CONCEPT

SHEET NO.
C-100

LEGEND

- EXISTING PROPERTY LINE
- EXISTING RIGHT-OF-WAY
- EXISTING EASEMENT
- EXISTING SETBACK
- EXISTING BUILDING
- 130 EXISTING MAJOR CONTOUR
- 131 EXISTING MINOR CONTOUR
- EXISTING CURB
- EXISTING CURB & GUTTER
- EXISTING ROADWAY
- EXISTING PAVEMENT
- EXISTING ASPHALT PAVING
- EXISTING CONCRETE PAVING
- EXISTING GRAVEL
- EXISTING FENCELINE
- EXISTING BOLLARD
- EXISTING SIGN
- EXISTING ELECTRIC HANDBOX
- EXISTING ELECTRIC MANHOLE
- OHE EXISTING OVERHEAD ELECTRIC
- UGE EXISTING UNDERGROUND ELECTRIC
- COND EXISTING UNDERGROUND CONDUIT
- UGE EXISTING DUCTBANK
- CATV EXISTING CABLE TELEVISION
- G EXISTING GAS LINE
- GV EXISTING GAS VALVE
- SS EXISTING SANITARY LINE
- EXISTING SANITARY MANHOLE
- EXISTING STORMDRAIN LINE
- EXISTING STORMDRAIN INLET
- EXISTING STORMDRAIN MANHOLE
- EXISTING STORMDRAIN CLEANOUT
- UGT EXISTING TELEPHONE
- EXISTING TELEPHONE MANHOLE
- EXISTING TELEPHONE PEDESTAL
- EXISTING UTILITY POLE
- EXISTING LIGHT POLE
- W EXISTING WATER LINE
- WM EXISTING WATER METER
- WV EXISTING WATER VALVE
- EXISTING WATER MANHOLE
- EXISTING FIRE HYDRANT
- EXISTING STREAM/WATERBODY
- SB EXISTING STREAM BUFFER
- FP EXISTING FLOODPLAIN
- CnB, KeB EXISTING SOILS
- EXISTING TREELINE
- EXISTING DECIDUOUS TREE
- EXISTING EVERGREEN TREE
- EXISTING SHRUB
- FSB EXISTING FOREST BUFFER
- LOD LIMIT OF DISTURBANCE
- B-14 SOIL BORING
- EXISTING DOWNSPOUT
- EXISTING FOREST EASEMENT

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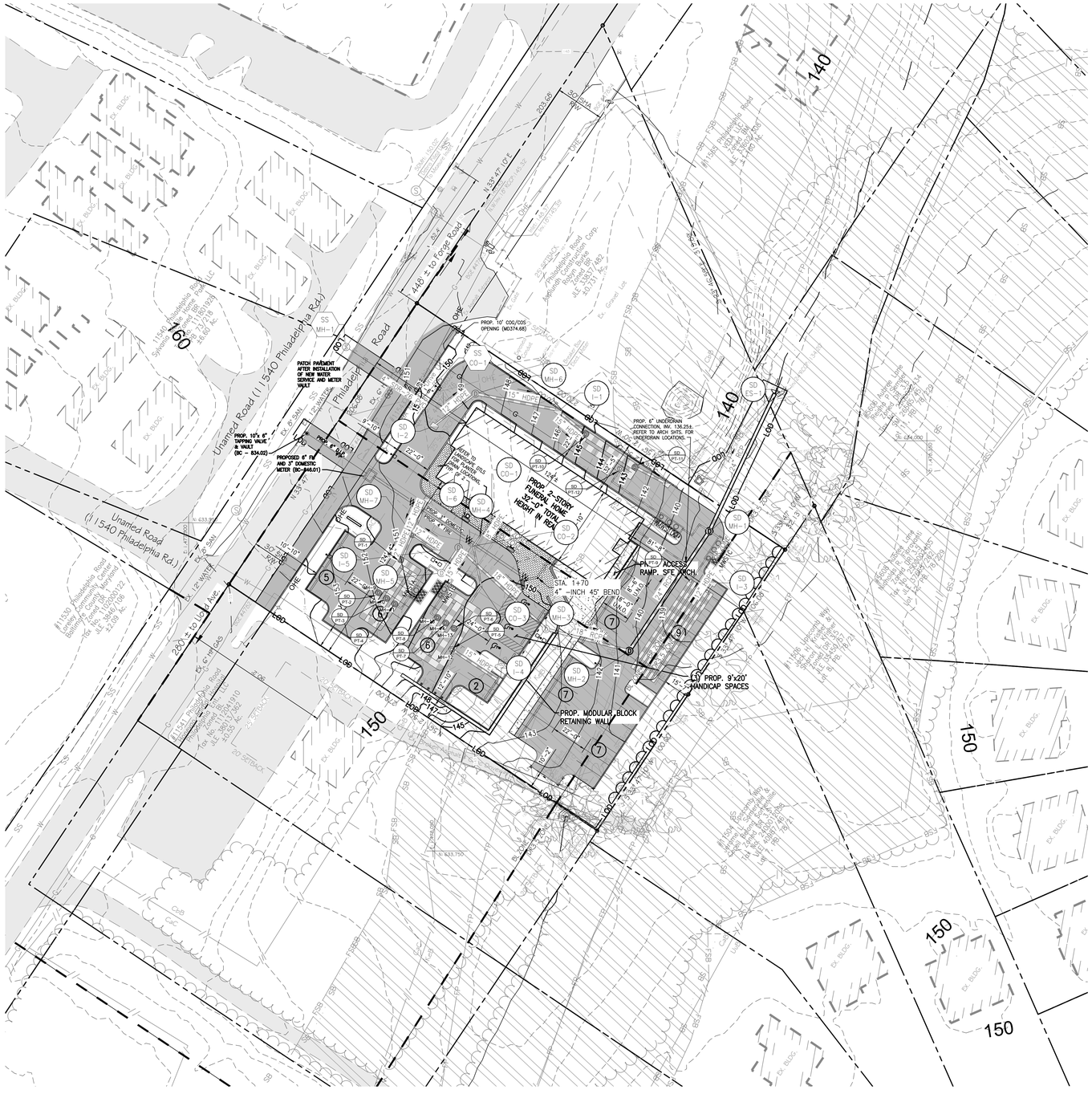

COUNTY DEVELOPMENT PLAN

SCALE: 1"=30'

30 15 0 30 60
GRAPHIC SCALE IN FEET

PAI NO. 11-1191
LIMITED EXEMPTION NO. 22024LN
TRACKING NO. LIM-2022-00013
DRC NO. 111621D

"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."

MARYLAND COORDINATE SYSTEM (MCS)

LEGEND

- EXISTING PROPERTY LINE
- EXISTING RIGHT-OF-WAY
- EXISTING EASEMENT
- EXISTING SETBACK
- EXISTING BUILDING
- 130 EXISTING MAJOR CONTOUR
- 131 EXISTING MINOR CONTOUR
- EXISTING CURB
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- FSB EXISTING FOREST BUFFER
- LOD LIMIT OF DISTURBANCE
- B-14 SOIL BORING
- EXISTING DOWNSPOUT
- EXISTING FOREST EASEMENT

- PROPOSED BUILDING
- 100 PROPOSED MAJOR CONTOUR
- 99 PROPOSED MINOR CONTOUR
- PROPOSED CURB
- PROPOSED CURB & GUTTER
- PROPOSED ROADWAY
- PROPOSED SIDEWALK
- PROPOSED CONCRETE WALK
- PROPOSED CONCRETE DRIVE
- PROPOSED ASPHALT PAVING
- PROPOSED CRASH-RATED, LIGHTED BOLLARD
- PROPOSED SIGN
- PROPOSED WHEEL STOP
- HB PROPOSED ELECTRIC HANDBOX
- PROPOSED ELECTRIC MANHOLE
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- WM PROPOSED WATER METER
- WV PROPOSED WATER VALVE
- PROPOSED WATER MANHOLE
- PROPOSED FIRE HYDRANT
- MWS PROPOSED BIOCLEAN MODULAR WETLANDS SYSTEM (SWM)

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Charles F Evans Jr. 08/05/2022
Signature Date

VICINITY MAP

SCALE: 1"=1000'

PROPERTY INFORMATION:

OWNER: CHARLIE F. EVANS, JR.
8800 HARFORD ROAD, PARKVILLE, MD 21234
PROPERTY ADDRESS: 11543 PHILADELPHIA ROAD
WHITE MARSH, MARYLAND 21162
PHONE NUMBER: 410-665-9444
SITE AREA: 1.277 AC. (55,641.6 SF)
BUILDING AREA:
EXISTING: 4,216 SF (BL ZONING)
PROPOSED: 8,522 SF (BR ZOING)
MAP: 0073
GRID: 0002
PARCEL: 0237
ELECTION DISTRICT: 11
COUNCILMANIC DISTRICT: 6
CENSUS TRACT: 4113.02
ACCOUNT: 1108066029
DEED REFERENCE: 44975/00176
ZONING: BUSINESS LOCAL (BL), BUSINESS ROADSIDE (BR) & DENSITY RESIDENTIAL (DR3.5)
ZONING HISTORY: CASE NO. 2022-0051-SPHXA; PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE
CASE NO. R-1960-5048; PETITION TO RE-CLASSIFY ZONING FROM R-6 TO BL GRANTED ON AUGUST 10, 1960
PERMITS ON FILE: B985139
DRC NUMBER: 111621D, DIST. 11C6 (TRACKING NUMBER DRC-2021-00155)
LIMITED EXEMPTION UNDER BCC SECTION 32-4-106(b)(8)
WATERSHED: LOWER GUNPOWDER FALLS
UTILITIES: PUBLIC WATER/SEWER AND THERE ARE NO WELLS/SEPTIC SYSTEMS ON SITE.
PARKING CALCULATIONS:
REQUIRED: 5,056 SF @ 10 PER 1,000 = 51 (50.56)
2 ON-SITE EMP. @ 0.5 PER EMP. = 1
1 PER BUSINESS VEHICLE = 0
TOTAL = 52 SPACES
PROVIDED: 52 SPACES
SETBACKS:
BUSINESS LOCAL (BL): 25' FRONT, 20' SIDE & REAR
BUSINESS ROADSIDE (BR): 25' FRONT, 30' SIDE & REAR
HEIGHT OF STRUCTURE:
MAXIMUM PERMITTED: 35'-0"
PROPOSED: 32'-0" AT REAR (BASEMENT TO ROOF)
FLOOR AREA RATIO (MAXIMUM 2.0 PER BCZR 238.5):
MAXIMUM PERMITTED: 111,283 SF
EXISTING: 4,216 SF
PROPOSED: 8,522 SF
FLOOR AREA RATIO: 8,522 / 111,283 = 0.077

NATURAL ENVIRONMENT INFORMATION:

1. SLOPES GREATER THAN 25% ARE NOT LOCATED ON SITE.
2. FLOODPLAINS ARE LOCATED ON SITE.
3. STREAMS ARE NOT LOCATED ON SITE. STREAMS ARE ADJACENT TO PROPERTY.
4. 100-FOOT STREAM BUFFERS ARE LOCATED ON SITE.
5. 100-FOOT FOREST BUFFERS ARE LOCATED ON SITE.

HISTORIC INFORMATION:

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5. LIVE UNDERGROUND UTILITIES MAY EXIST WITHIN THE WORK AREA. CONTRACTOR SHALL USE EXTREME CAUTION AND SHALL COMPLY WITH APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS.
6. INFORMATION SHOWN ON THIS DRAWING HAS BEEN PROVIDED AS A GUIDE TO ASSIST THE CONTRACTOR IN ESTABLISHING THE LOCATIONS OF PROPOSED CONSTRUCTION WITH RESPECT TO EXISTING SITE IMPROVEMENTS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL CONSTRUCTION SURVEY STAKEOUT REQUIRED AND TO FIELD VERIFY ALL GRADES, ELEVATIONS, DIMENSIONS, ETC. PRIOR TO STARTING CONSTRUCTION.
4. CONTRACTOR SHALL OBTAIN ALL APPLICABLE PERMITS FOR CONSTRUCTION PURPOSES.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR ESTABLISHING AND MAINTAINING TEMPORARY BENCHMARKS THROUGHOUT THE DURATION OF THE PROJECT FOR CONSTRUCTION LAYOUT PURPOSES.
6. ANY EARTHWORK IN LOCATIONS WHERE UTILITIES TO REMAIN ARE POSSIBLE SHALL BE DONE WITH EXTREME CAUTION. THE GIVING OF INFORMATION ON THE PLANS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATION TO SUPPORT AND PROTECT ALL DESIGNATED OR UNDESIGNATED EXISTING UTILITIES AND APPURTENANCES. SHOULD ANY EXISTING UTILITY BE DAMAGED BY THE CONTRACTOR, THE CONTRACTOR SHALL REPAIR THE DAMAGE CAUSED TO THE UTILITY OWNER'S SATISFACTION, AT THE CONTRACTOR'S EXPENSE.
7. IN ANY AREA WHERE GRADING OCCURS AROUND EXISTING UTILITIES TO REMAIN, THE CONTRACTOR IS RESPONSIBLE TO ADJUST THE ELEVATIONS OF ALL SURFACE FEATURES (MANHOLE COVERS, GRATES, HANDBOXES, ECT.) TO MATCH GRADING.
8. CONTRACTOR SHALL PROVIDE 2% MINIMUM SLOPE AWAY FROM BUILDING WALLS. ALL FINISH GRADES SHALL FLOW TOWARDS STORM DRAIN DEVICES.
9. CONTRACTOR SHALL PROTECT ALL AREAS BEYOND THE LIMITS OF DISTURBANCE AND SHALL RESTORE ANY AND ALL AREAS DISTURBED DURING CONSTRUCTION TO THEIR ORIGINAL OR BETTER CONDITION. SEE EROSION AND SEDIMENT CONTROL PLAN FOR LIMITS OF DISTURBANCE.
10. TOTAL LIMIT OF DISTURBANCE (LOD) = 1.18 AC. (51,297 SQ. FT.)

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EVANS FUNERAL CHAPEL AND CREMATION SERVICES

LIMITED EXEMPTION DEVELOPMENT PLAN
EVANS FUNERAL CHAPEL WHITE MARSH FACILITY

11543 PHILADELPHIA ROAD
WHITE MARSH, MARYLAND 21162
BALTIMORE COUNTY

KEY PLAN:

REVISIONS:

△	DATE:	COMMENTS:

MCA JOB NO.	PROJ.MANAGER:	SHEET BY:
20044	DWM	DWM / CMF

SHEET SET AND SHEET ISSUE DATE:
County Development Plan 08/05/2022

SHEET NAME:
COUNTY DEVELOMENT PLAN

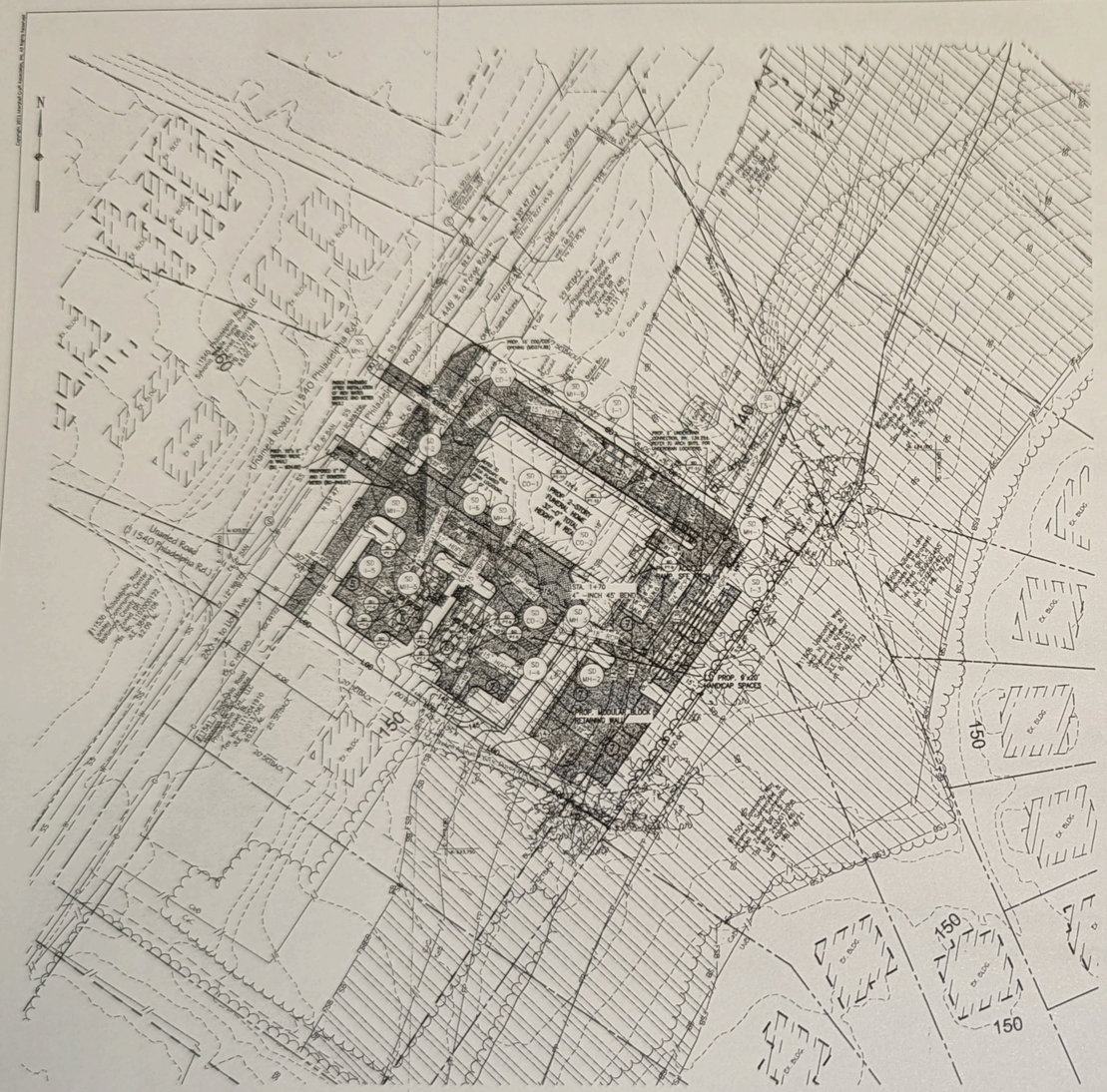
SHEET NO.
C-200

08/05/2022 4:13:18 PM C:\Users\kwheat\Documents\20044_01 Evans White Marsh Fac Redesign_cdwheat.rvt

N
OHE
UGE
COND
CATV
Club
CAC
150
Dr. Bldg.
Dr. Garage
Dr. Shed
Dr. Gazebo
Dr. Pool
Dr. Deck
Dr. Pavilion
Dr. Gravel Lot
Dr. Asphalt Lot
Dr. Concrete Lot
Dr. Tennis Court
Dr. Basketball Court
Dr. Shuffleboard Court
Dr. Sport Court
Dr. Putting Green
Dr. Golf Cart Path
Dr. Golf Tee
Dr. Golf Green
Dr. Golf Bunker
Dr. Golf Fairway
Dr. Golf Rough
Dr. Golf Water Hazard
Dr. Golf Out of Bounds

The locations and topo were provided by a good surveying firm that I use also.

County Development Plan


N
Unnamed Road
(1540 Philadelphia Rd.)
PROP. 9'x20' HANDICAP SPACES
PROP. MASONRY BLOCK RETAINING WALL
PROP. 6' CONCRETE SIDEWALK
PROP. 4' CONCRETE SIDEWALK

...AS GRANTED

...SITE.

...ERTY.

...RE
...BASE.
...R
...FEET
...ROAD.
...ITE.
...HA

...ED ON MA, INC. SURVEY DRAWING DATED JUNE 2021. THE TOPOGRAPHIC SURVEY
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LEGEND

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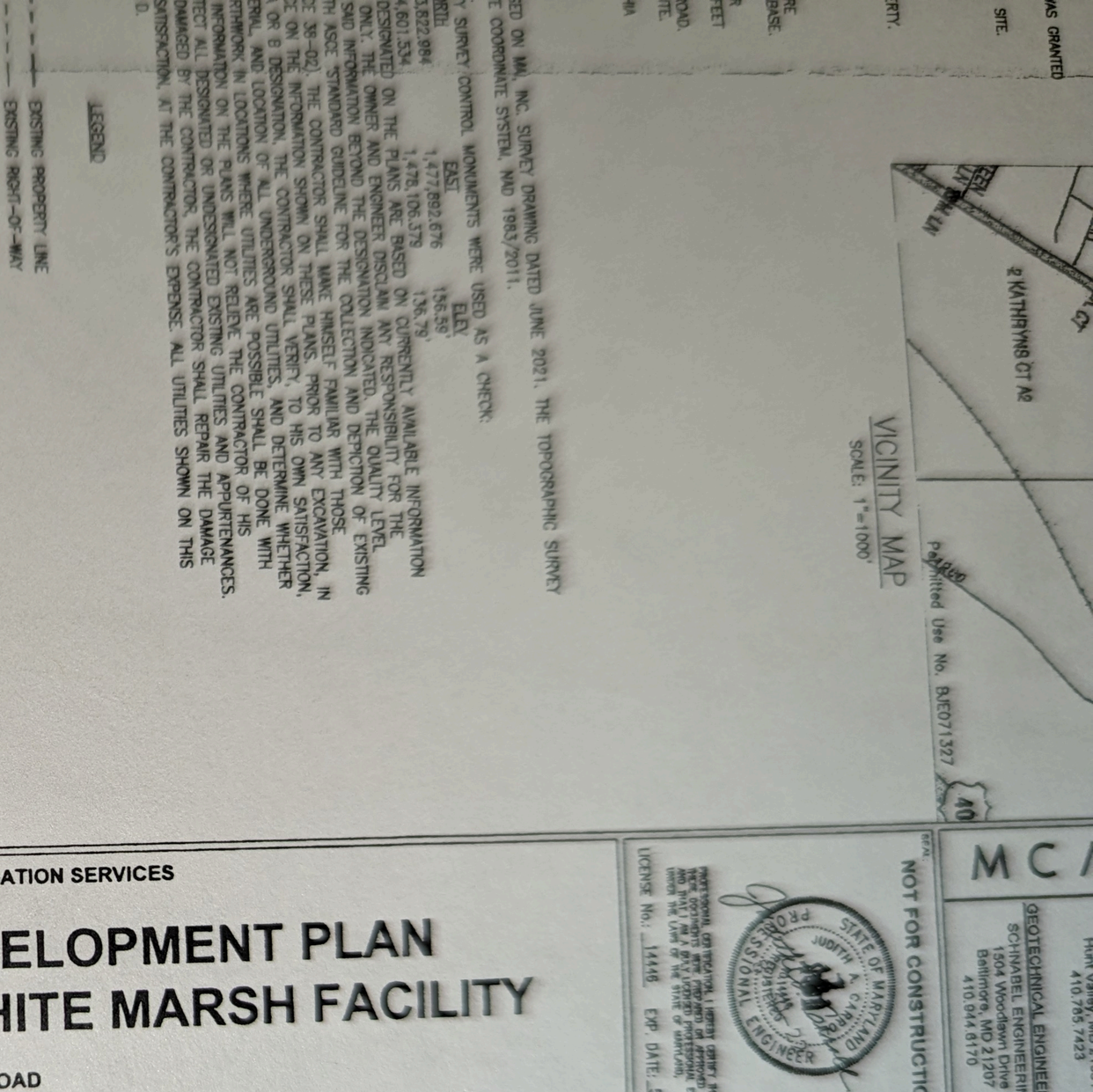
FP	EXISTING STREAM BUFFER
	EXISTING FLOODPLAIN



KEY PLAN

EVANS FUNERAL CHAPEL AND CREMATION SERVICES

LIMITED EXEMPTION DEVELOPMENT PLAN
EVANS FUNERAL CHAPEL WHITE MARSH FACILITY

11543 PHILADELPHIA ROAD
WHITE MARSH, MARYLAND 21162
BALTIMORE COUNTY

...PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND,

LICENSE No.: 14446 EXP. DATE: 5-25-23

STATE OF MARYLAND
JUDITH A. CARROLL
PROFESSIONAL ENGINEER

REV. NOT FOR CONSTRUCTION

MCA

GEOTECHNICAL ENGINEERING
SCHNABEL ENGINEERING
1504 Woodlawn Drive
Baltimore, MD 21207
410.944.8170

...410.785.7423

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald **DATE:** 4/4/2024
Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 2024-0076-SPH

INFORMATION:
Property Address: 11543 Philadelphia Road
Petitioner: Charles Evans
Zoning: BL, BR, DR 3.5
Requested Action: Special Hearing

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

Special Hearing -

1. To approve an extension of the Special Exception approval for a period of time not more than five years from the date of the final Order granting the same; and
2. For such other and further relief as may be required by the Administrative Law Judge.

The subject site is an approximately 1.28 acre parcel along Philadelphia Road in the White Marsh area. The site is currently vacant; however, the property owners have been seeking approval for the construction of a funeral establishment on the site since 2021.

Uses surrounding the site vary – along Philadelphia Road, uses are primarily commercial and include an animal hospital, Honeygo Square shopping mall, multiple restaurants, a bakery, and a community center. Immediately across Philadelphia Road from the subject site is a mobile home park. East/behind the subject site is primarily comprised of single family detached residential on DR 3.5 zoned land.

In 2022, the site was the subject of Zoning Case 2022-0051-SPHXA. The request included a Special Hearing, a Special Exception, and multiple Variances. The Special Exception request was to permit a funeral establishment pursuant to Baltimore County Zoning Regulations (BCZR) Section 230.3. The Department of Planning had no objections to any of the requests in the Case and offered comments for consideration related to improving vehicular circulation, considering a sidewalk along Philadelphia Road, and providing adequate landscaping. In a May 16th, 2022 Opinion and Order, Administrative Law Judge Mayhew granted the Special Hearing for business parking in a residential zone and for a modified parking plan; granted the Special Exception for a funeral establishment pursuant to BCZR Section 230.3; and conditionally granted Variances related to parking, landscaping, and front yard depths. The Opinion and Order states that the Petitioner stated there would be a crematory at the location, but that there would be no embalming of other body preparation. In response to a question from a community member, the Petitioner explained that the crematory would be regulated by the State of Maryland and would need to comply with stringent regulations of the federal Environmental Protection Agency. In the Administrative

Law Judge's review of the Special Exception, the Opinion and Order states "the record evidence establishes that the impacts of this proposed funeral establishment at this location will have no greater impacts than are inherent in the use. Further, a significant portion of this site is zoned BR, which allows this use by right."

In September of 2022, the Department of Planning received the 1st review materials for the Evans Funeral Chapel White Marsh Facility Limited Exemption Development Plan (PAI # 11-1191). The Department offered comments related to, but not limited to, correcting notes on the plan, providing a circulation diagram, providing architectural elevations of the funeral home, providing details on signage, and providing lighting and landscaping details. In January of 2023, the Department received the 2nd review materials, in which the applicant had positively addressed Planning's 1st review comments. The Department of Planning recommended approval of the Limited Exemption Development Plan, subject to two conditions: that landscaping along the northern elevation be evergreen to screen the building from the public right-of-way year-round, and that details of any proposed signage be provided at the time of permitting. In January 2024, the Department of Planning received 3rd review materials for the Limited Exemption Development Plan, which included a "Revisions to Site Layout" letter from the engineer. The letter explained that, in order to address County comments and reduce impacts to environmental features and neighboring properties, the site lay out had been revised. Changes included decreasing the building size, which, in turn, reduced required paving, required stormwater management, impacts to the floodplain and neighboring properties, impact to the forest butter, and the overall limit of disturbance for the site. The Department of Planning found the 3rd review materials acceptable and recommended approval as submitted.

The site is currently the subject of a 2024 Comprehensive Zoning Map Process (CZMP) issue, Issue 5-063. The issue was raised by the Baltimore County Council and was raised same-to-same, meaning the existing and requested zoning are the same. The justification for the issue stated, in part, "Councilman Marks is raising this issue so the County Council can determine the appropriate level of development here and throughout this region of Baltimore County. Councilman Marks looks forward to a productive dialogue with residents and stakeholders throughout the Comprehensive Zoning Map Process." At the District 5 Planning Board CZMP Public Hearing, a significant number of nearby residents testified that they were opposed to a crematorium on the property. The Staff Recommendation for Issue 5-063 is for the property to maintain its existing BL, BR, and DR 3.5 zoning. As of the date of these comments, the Planning Board has not offered a recommendation on the issue, and the County Council has not made a final decision on the issue.

The site is within the boundary of the Perry Hall Community Plan, adopted February 22nd, 2011. The plan provides background information on the plan area boundary and offers recommendations related to building strong neighborhoods, improving mobility, improving the environment, and creating a strong sense of place for the area. The plan does not provide guidance specific to the subject site.

The Department of Planning contacted the representative for the petition via telephone on April 2nd, 2024 seeking additional information on the crematorium aspect of the funeral establishment. During the phone call, the representative explained that the crematorium is still part of the Development Plan, as it was during Zoning Case 2022-0051-SPHXA. The representative explained that the Development Plan has run into significant issues related to stormwater management, and that the engineer is currently on the 4th or 5th review with the County in regards to stormwater management; as such, the project has not been able to vest in the two years since the May 2022 Opinion and Order and Special Exception approval. The representative continued that as the two-year mark was approaching, he submitted a letter to the Administrative Law Judge requesting an extension of the Special Exception. The extension was approved, however, People's Council requested the Administrative Law Judge reconsider their decision and require the Special Exception to have a new Hearing. The representative explained that, as of the date of the

phone call, the Administrative Law Judge had not made a decision on the matter, but that the Zoning Case currently at hand was submitted out of an abundance of caution in the event the Administrative Law Judge agreed with People's Council and reversed the extension. The representative concluded the phone call by reiterating information consistent with the 2022 Opinion and Order – that the crematorium needed to be permitted by the State of Maryland, and would need to comply with strict environmental regulations.

While the Department of Planning understands the communities' concerns and acknowledges their opposition to the crematorium aspect of the funeral establishment, the request is in keeping with the 2022 Zoning Case. At that time, the Department had no objections to the Zoning Case or the Limited Exemption Development Plan, which the Department recommended approval of. As such, the Department of Planning has no objections to the requested Special Hearing to approve an extension of the Special Exception approval for a period of time not more than five years from the date of the final Order granting the same.

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: Lawrence E. Schmidt, Esquire
Ainsley Pressl, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 11543 Philadelphia Road **Currently Zoned** BL, DR 3.5 & BR

Deed Reference 44975 / 00176 **10 Digit Tax Account #** 1108066029

Owner(s) Printed Name(s) 19A Newport Drive, LLC

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. [✓] **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Please see the attached

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

3. [ ] **a Variance** from Section(s)

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

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.
I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners): Authorized Representative of

Charles Evans / 19A Newport Drive, LLC
Name #1 – Type of Print Name #2 – Type or Print

Signature #1 Signature # 2

8800 Harford Road Baltimore MD
Mailing Address City State

21234 / (410) 665-9444 / info@evansfuneral
Zip Code Telephone #'s (Cell and Home) Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Esquire
Name - Type or Print

Lawrence E. Schmidt
Signature

600 Washington Ave., Ste 200 Towson MD
Mailing Address City State

21204 / (410) 821-0070 / lschmidt@sgs-law.com
Zip Code Telephone # Email Address

Representative to be contacted:

Lawrence E. Schmidt, Esquire
Name – Type or Print

Lawrence E. Schmidt
Signature

600 Washington Ave., Ste 200 Towson MD
Mailing Address City State

21204 / (410) 821-0070 / lschmidt@sgs-law.
Zip Code Telephone # Email Address

Case Number 2024-0076-SPH **Filing Date** 5/20/2024 **Do Not Schedule Dates** **Reviewer** MTK

Revised 8/2022

ATTACHMENT TO PETITION FOR ZONING HEARING

11543 Philadelphia Road
Tax Id: 1108066029
11th Election District; 5th Councilmanic District

Special Hearing to approve:

1. An extension of the special exception approval for a period of not more than five years from the date of the final order granting same; and

2. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

ZONING DESCRIPTION FOR 11543 PHILADELPHIA ROAD, WHITE MARSH, MARYLAND

Beginning at a point on the southeast side of Philadelphia Road which is 60' wide at the distance of 448' southwest to the centerline of the nearest improved intersecting street, Forge Road, which is 60' wide.

Thence the following course and distance: S. 56 12' 50" E. 270.00', S. 33 47' 10" W. 106.08', S. 33 47' 10" W. 100.00', N. 56 12' 50" W. 270.00', N. 33 47' 10" E. 206.08', back to the point of beginning as recorded in Deed Liber 44975, Folio 176, containing 1.2774 acres. Located in the 11 Election District and 5 Council District.

2024-0076-SPH

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map **View GroundRent Redemption** **View GroundRent Registration**

Special Tax Recapture: None

Account Identifier: **District - 11 Account Number -** 1108066029

Owner Information

Owner Name: 19A NEWPORT DRIVE LLC **Use:** COMMERCIAL
Principal Residence: NO

Mailing Address: 8800 HARFORD RD
BALTIMORE MD 21234-

Deed Reference: /44975/ 00176

Location & Structure Information

Premises Address: 11543 PHILADELPHIA RD
WHITE MARSH 21162-

Legal Description: 1.2774 AC
SES PHILADELPHIA RD
433 FT SW NEW FORGE RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0073	0002	0237	10000.04	0000				2022	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			1.2774 AC	06

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

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2022	As of 07/01/2023	As of 07/01/2024
Land:	275,200	275,200		
Improvements	8,700	8,700		
Total:	283,900	283,900	283,900	283,900
Preferential Land:	0	0		

Transfer Information

Seller: BANGERT CHARLES HOWARD	**Date:** 06/23/2021	**Price:** $660,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /44975/ 00176	**Deed2:**
Seller: BANGERT CHARLES HOWARD	**Date:** 06/25/2013	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /33837/ 00489	**Deed2:**
Seller: HOLTER WILLIAM P,SR	**Date:** 11/20/1973	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /05409/ 00570	**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:**

2024-0076-SPH

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: 2024-0076-SPH

Property Address: 11543 Philadelphia Road

Property Description: Southeast Side of Philadelphia Road, 448 feet Southwest the centerline of New Forge Road

Legal Owners (Petitioners): 19A Newport Drive, LLC

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Charlie Evans

Company/Firm (if applicable): 19A Newport Drive, LLC

Address: 8800 Harford Road

Baltimore, MD 21234

Telephone Number: charlie@evansfuneralchapel.com

Revised 5/20/2014

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

No. 229557

Date: 3/20/2024

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				$500
						Total:		$500

Rec From: Evans Funeral Chapel

For: Special Hearing Request
11543 Philadelphia Road
Zoning Case # 2024-0076-SPH

CASHIER'S VALIDATION

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

on Philadelphia Road. The site is located within the Perry Hall Community Plan boundary and Eastern Pedestrian and Bicycle Access Plan.

Currently, the site is split between three zones, BR, BL and DR 3.5. The site also slopes downhill from Philadelphia Road, and there is a drainage pipe beneath grade. The peculiar topography, underground piping and split zoning has created a unique hardship that has contributed to the current site layout and requested special hearings and variances.

The Department of Planning has reviewed the requests and finds that the requests are justified considering the surrounding context and site constraints. However, the Department has concerns about the lack of vehicle circulation with the current dead-end parking lane design. The Department has no objections to the requests, but offers the following comments for consideration as deemed practical and necessary:

- Consider connecting the first parking lane off Philadelphia Road with the parking lot at 11541 Philadelphia Rd to improve circulation, upon coordination between property owners.
- Consider adding a new sidewalk on Philadelphia Road in anticipation of potential overflow parking off-site, in accordance with the Eastern Baltimore County Pedestrian and Bicycle Plan.
- Adequate landscaping and buffering should be included in plans in accordance to the Baltimore County Landscape Manual Condition B.

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP/

c: Mark Landolina
Lawrence E. Schmidt, Esquire
Office of Administrative Hearings
People's Counsel for Baltimore County

ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a hearing virtually via WebEx, and/or in-person upon request (see below) for the Property identified herein as follows:

CASE # 2024-0076-SPH

11543 PHILADELPHIA ROAD
SE/S of Philadelphia Road, 448 ft. SW of c/line of New Forge Road
Council District 5, Election District 11
Legal Owner: 19A Newport Drive, LLC, Charles Evans

SPECIAL HEARING: **For an extension of the special exception approval for a period of not more than five years for the date of the final order granting same and for such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.**

WebEx Hearing: Monday, May 13, 2024 – 1:30 PM

If an in-person hearing has been requested in writing and granted, the hearing location is: The Jefferson Building, 105 W. Chesapeake Ave., Hearing Room 205, Towson, MD 21204. Please contact the Office of Administrative Hearings a few days prior to the hearing to confirm the hearing format at the phone number or email address shown below.

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3868, ext.0
Email: administrativehearings@baltimorecountymd.gov

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None
Account Identifier: **District** - 11 **Account Number** - 1108066029

Owner Information

Owner Name: 19A NEWPORT DRIVE LLC
Use: COMMERCIAL
Principal Residence: NO
Deed Reference: /44975/ 00176

Mailing Address: 8800 HARFORD RD
BALTIMORE MD 21234-

Location & Structure Information

Premises Address: 11543 PHILADELPHIA RD
WHITE MARSH 21162-
Legal Description: 1.2774 AC
SES PHILADELPHIA RD
433 FT SW NEW FORGE RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0073	0002	0237	10000.04	0000				2022	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1962	4,216 SF		1.2774 AC	06

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

Value Information

	Base Value	Value As of 01/01/2022	Phase-in Assessments As of 07/01/2021	As of 07/01/2022
Land:	275,200	275,200		
Improvements	202,700	341,800	477,900	524,267
Total:	477,900	617,000		
Preferential Land:	0	0		

Transfer Information

Seller: BANGERT CHARLES HOWARD	**Date:** 06/23/2021	**Price:** $660,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /44975/ 00176	**Deed2:**
Seller: BANGERT CHARLES HOWARD	**Date:** 06/25/2013	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /33837/ 00489	**Deed2:**
Seller: HOLTER WILLIAM P,SR	**Date:** 11/20/1973	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /05409/ 00570	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2021	07/01/2022
County:	000	0.00	
State:	000	0.00	0.00|0.00
Municipal:	000	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:**

EVANS
Funeral Chapel
& Cremation Services
Coming Soon!

EVANS
Funeral Chapel
& Cremation Services
A Life Celebration Home ™

White Marsh-Cowenton Community Association

Feb 22, 2022 ·

There has been some concern within the community regarding the possibility of a crematorium installation since Evans Funeral Chapel posted a sign on their property last week.

We contacted MDE's Department of Air Quality and here is an update:

At this time, the Air Quality Permits Program does not have an application for an air quality permit for a crematory at Evans Funeral Chapel in White Marsh, Maryland.

They are currently processing an air quality permit to construct application for a crematory at Evans Funeral Chapel in Forest Hill, Maryland. The draft permit is out for public comment through February 28. You can find more information about the draft permit for the Forest Hill location under the heading Opportunity to Request a Public Hearing online here:

https://mde.maryland.gov/programs/Permits/AirManagementPermits/Pages/index.aspx

Sandy Vandevender Davis

Heather Patti, could you let us know if you find out there will be a community input meeting. I grew up and my family still lives on New Forge Rd. If I could smell Libscombs cooking growing up at the house, then pretty sure that whatever negative elements/pollutants that would be released into the air would blow right over to our house now. We are not agreeable to a crematoria. Evans knew what they really wanted to build there from the beginning. I thought when they said a funeral home, it would need to be for smaller services since not a huge lot, but turns out they really didn't need a lot of land...

1y Like Reply 1

#	Date	Name	Place of residence	Email address	Street Address (required by Baltimore County)	Zipcode
1	2023-03-24	Heather Patti	White Marsh, MD 21162, United States	hp2970@yahoo.com	10916 Philadelphia Road	21162
2	2023-03-24	Mike Bendler	White Marsh, United States	bbcardguy9@hotmail.com	5507 Maudes Way	21162
3	2023-03-24	Tori Tolbert	White Marsh , United States	tori.hooper@gmail.com	5504 Maudes Way	21162
4	2023-03-24	Chris Wilson	White Marsh, United States	lsuchris@comcast.net	5610 Allender Rd.	21162
5	2023-03-24	James Kenney	White Marsh, United States	z06jay@comcast.net	5701 Ranelagh Rd	21162
6	2023-03-24	Joanne Clabaugh	White Marsh, United States	jocatwoman@comcast.net	5611 Harvey Court	21162
7	2023-03-24	Adam Ferguson	White Marsh, United States	ferg6730@yahoo.com	10916 Philadelphia Rd White Marsh MD	21162
8	2023-03-24	David Barsotti	Perry Hall, United States	dbarsotti55@yahoo.com	5208 Forge Road	21128
9	2023-03-24	Colleen Barsotti	Perry Hall, United States	cbarsotti77@gmail.com	5208 Forge Road	21128
10	2023-03-24	Jimena Portillo	White Marsh, United States	jimena_md@hotmail.com	11550 Philadelphia Rd	21162
11	2023-03-24	Gelmin Portillo	Parkville, United States	gelmin@gmx.com	11550 Philadelphia Road	21162
12	2023-03-24	Jackie Hesselton	Perry Hall, MD, United States	jackie.hesselton@gmail.com	18 Bangert Avenue	21128
13	2023-03-24	Christina Uhrin	Perry Hall, United States	csotti25@gmail.com	41 Bangert Ave	21128
14	2023-03-24	Deborah Szymanik	Baltimore, United States	dheade@comcast.net	7908 Bridge Ave	21237
15	2023-03-24	Anthony Dudek, Jr.	White Marsh, United States	adudekjr@live.com	5707 Ranelagh Road	21162
16	2023-03-24	Lori Nauman	Middle River , United States	lnauman2@verizon.net	13101 Eastern Avenue	21220
17	2023-03-24	Robert Franklin	Essex, United States	r.frank0175@gmail.com	316 Poplar Rd	21221
18	2023-03-25	G Reyes	White Marsh , United States	joliechris0209@yahoo.com	5502 Maudes Way	21162
19	2023-03-25	Charles Hilseberg	White Marsh, United States	infinitemonkey3@gmail.com	5604 Aubree Ln	21162
20	2023-03-25	Milicent Santos	WHITE MARSH, United States	milietorrijos_santos@yahoo.com	5621 NEW FORGE RD	21162
21	2023-03-25	Alex Santos	White Marsh, United States	asanto16@jhmi.edu	5621 new forge rd	21162

#	Date	Name	Place of residence	Email address	Street Address (required by Baltimore County)	Zipcode
22	2023-03-25	Monica Searfino	White Marsh, United States	msearfino@gmail.com		21162
23	2023-03-25	Linda Newell	White Marsh, United States	lan0501@outlook.com	5319 Bangert Street	21162
24	2023-03-25	Erika Tia	Nottingham , United States	vixenkimmono@yahoo.com		21236
25	2023-03-25	Brian Brooks	White Marsh, United States	bbrooks358@aol.com	11616 Bonaparte Ave	21162
26	2023-03-26	Lisa Turner	Nottingham, United States	lturner01@icloud.com	4007 Kahlston Rd	21236
27	2023-03-26	Diane Gilliam	White Marsh , United States	dianemgilliam@aol.com	11322 Red Lion Road	21162
28	2023-03-26	JoAnn Brooks	White Marsh , United States	jbrooks8589@gmail.com	11616 Bonaparte Ave	21162
29	2023-03-26	Charles Dobry	Nottingham , United States	cdobry01@gmail.com	9213 Greenhouse Circle	21236
30	2023-03-26	Michelle Kauffman	Middle River, United States	michellek0216@yahoo.com	2 Taos Circle	21220
31	2023-03-26	Pamela Hagerich	Baltimore, United States	griz59ly@hotmail.com	7140 Cunning Circle	21220
32	2023-03-26	Christina Pirie	White Marsh, United States	cpirie@bcps.org	5658 Gunpowder Road	21162
33	2023-03-26	David Croft	White Marsh, United States	sylvester2win@gmail.com	11540 Philadelphia Rd. #4, White Marsh Md.	21162
34	2023-03-26	J bush	kingsville, United States	jadbush@comcast.net	7414 goettner rd	21087
35	2023-03-26	Kathy Biedenback	White Marsh, United States	kbiedenback31@gmail.com	6152 Ebenezer Rd	21220
36	2023-03-26	Shirley Decerbo	Nottingham , United States	shirl0670@gmail.com	9111 Bowline rd	21236
37	2023-03-26	Cathy German	Nottingham, United States	cgerman8833@gmail.com	8833 Terrell Rd	21236
38	2023-03-26	June Kron	Baltimore , United States	bugamarooo@gmail.com	6854 Leslie rd	
39	2023-03-26	Janet Stabile	Baltimore , United States	janet.stabile@comcast.net		21128
40	2023-03-26	Stella Kang Kang	Perry hall, United States	stella_714@hotmail.com	9829 Forge Park Rd	21128
41	2023-03-26	Joseph Patti	Middle River , United States	jojopatti24@gmail.com	208 mulberry lane	21220
42	2023-03-26	Karen Zeiler	Nottingham, United States	klz05@aol.com	8 Willow Path Court	21236

#	Date	Name	Place of residence	Email address	Street Address (required by Baltimore County)	Zipcode
43	2023-03-26	J Delores Keefer	Perry Hall, United States	rivendell1026@gmail.com		21128
44	2023-03-26	Alison Maier	BALTIMORE, United States	amaier10@gmail.com	12 Juliet Lane	21236
45	2023-03-26	TA Bowser	White Marsh, United States	rainbows1957@hotmail.com		21220
46	2023-03-26	Michelle Bendler	White Marsh, United States	michelle.bendler@gmail.com	5507 Maudes Way	21162
47	2023-03-26	Louis Novak	Middle River, United States	louiscnovak@comcast.net	13117 east greenbank Rd.	21220
48	2023-03-26	Josh Sines	Middle river , United States	jsjs2424@gmail.com	825 stumpf rd	21220
49	2023-03-26	Mark Lundin	Perry Hall, United States	mdl333@comcast.net	5089 Cameo Ter	21128
50	2023-03-26	Randy Coffey	Kingsville, United States	m43pwrwagon@gmail.com	12046 Philadelphia Road	21087
51	2023-03-27	Paul Krebs	KINGSVILLE, United States	pkrebs6214@gmail.com		21087
52	2023-03-27	LORIS PULITI	PERRY HAL, United States	fampuliti@gmail.com		21128
53	2023-03-27	Courtney Callegary	Towson, United States	courtney.k.callegary@gmail.com	701 Stemmers Run Road	21221
54	2023-03-27	Fred Kuhn	Kingsville , United States	cardiofred@aol.com	11408 cedar lane	21087
55	2023-03-27	Mary Muth	Middle River, United States	marymuth14@gmail.com	3803 Clarks Point	21220
56	2023-03-27	Beth Grzebien	Perry Hall, United States	bms693@hotmail.com	5009 Crest Haven Way	21128
57	2023-03-27	Crystal Cox	Baltimore, United States	jandclcox@gmail.com		21220-1221
58	2023-03-27	Jackie Perry	Middle River , United States	jackiedperry@gmail.com	14 shirehall ct	21220
59	2023-03-27	Diane Hildenberger	Essex, United States	dhildenberger@gmail.com	2108 Middleborough Rd	21221
60	2023-03-27	Dora Wilson	White Marsh, United States	sissie.wilson@gmail.com	5610 Allender Rd	21162
61	2023-03-27	Russell Denny	Middle River, United States	russellsauto@gmail.com	12813 Sand Dollar Way	21220
62	2023-03-27	Sarah Wooden	White marsh , United States	sega423@gmail.com	9310A Pent Angel way	21236
63	2023-03-27	Sharon Davella	White marsh, md, United States	sdavella5505@comcast.net		21162

#	Date	Name	Place of residence	Email address	Street Address (required by Baltimore County)	Zipcode
64	2023-03-27	Courtney Lancaster	Rosedale, United States	lancastercn@gmail.com	7 Tulip Poplar Ct.	21237
65	2023-03-27	Diane Frazier	Balto, United States	beautydi2@aol.com	1013 Rohe Farm Lane	21220
66	2023-03-27	Dyan McGraw	Middle River, United States	dyanwed@verizon.net	6912 N River Drive	21220
67	2023-03-27	Traci Brown	Middle River, United States	tbrowngrant@gmail.com		21220
68	2023-03-27	elizabeth kennedy	Parkville , United States	ekennedy@jhmi.edu	9237 hines estates drive	21234
69	2023-03-27	Ellen Vandevender	White Marsh, United States	sannersplace72@yahoo.com	5501 New Forge Rd	21162
70	2023-03-27	Jean Martin	Perry Hall, United States	treesnbooks@hotmail.com	5423 E Joppa Rd	21128
71	2023-03-27	Kimberly Bambino	Middle River, United States	kbambino.kb@gmail.com	17 Sproul Court	21220
72	2023-03-27	Steven DiGristine	Baltimore , United States	eapatrick3@verizon.net	9203 Kilbride Road	21236
73	2023-03-27	David Ferguson	White Marsh , United States	trudrew67@gmail.com	11223 Philadelphia rd.	21162
74	2023-03-27	Jimmy Nealis	White marsh, United States	jgnj1983@gmail.com	11316 red lion rd white marsh md 21162	21162
75	2023-03-27	Karen Pritchett	MIDDLE RIVER, United States	kdp6973@aol.com	10233 Bird River Rd	21220
76	2023-03-27	De Salaris	Rosedale, United States	dsalaris@bcps.org	8603 Wilenoak ct	21237
77	2023-03-27	Tracy Thompson	Rosedale, United States	tthompson0618@yahoo.com	30 Leatherwood Pl Apt D	21237
78	2023-03-28	gloria cimaglia	dundalk, United States	gcimaglia@msn.com	123 Briarwood Road	21222
79	2023-03-28	Zakariya Al Sagheer	White Marsh, United States	zakarrya1@yahoo.com	9704 Gaylord street	21162
80	2023-03-28	Carin Cavaliere	Perry Hall, United States	carincavaliere@hotmail.com		21128
81	2023-03-28	Linda McGough	Nottingham , United States	mcgough.linda@gmail.com	3 Clipstone Ct	21236
82	2023-03-28	Debbie OBrien	Perry Hall, United States	followjesus.debbie@gmail.com		21128
83	2023-03-28	Fay Short	Middle river , United States	mshort5324@verizon.net		21220
84	2023-03-28	Jeannette Mroz	Middle River , United States	jetmroz1@gmail.com	23 Holcumb Court	21220

#	Date	Name	Place of residence	Email address	Street Address (required by Baltimore County)	Zipcode
85	2023-03-28	C. Hipley	Perry Hall, United States	cahipley@yahoo.com		21128
86	2023-03-28	kimberly Ayre	White Marsh, United States	ilovemynewtruck@aol.com	5300 Bush St	21162
87	2023-03-28	Mary C. Quesenberry	Nottingham, United States	maryque@comcast.net	4317 E. Joppa Road	21236
88	2023-03-28	Theresa Dalton Scarlatta	White Marsh, United States	tlp123@hotmail.com	5718 Carrington Drive	21162
89	2023-03-28	Thomas Emich	Parkville, United States	temich6059@gmail.com	3306 Texas Ave	21234
90	2023-03-28	Lisa Frederick	Perry Hall, United States	lisalrenner@hotmail.com	9114 back drop dr	21128
91	2023-03-29	Susan Cox-Williams	White Marsh, United States	scox4@comcast.net	5651 Gunpowder Road	21162-1128
92	2023-03-29	Patricia Hurn	White Marsh , United States	mum100@aol.com	11618 Jerome Ave	21162
93	2023-03-29	Jessica Merrill	Rosedale, United States	jpeddicord611@gmail.com	9 Hardwood Dr	21237
94	2023-03-29	Lisa Hauf	white marsh, United States	lisahauf@comcast.net		21162
95	2023-03-29	Gail and William Cather	White Marsh, United States	acornsup1@aol.com	11167 Pulaski Hwy	21162
96	2023-03-29	Kelly Loughran	White Marsh, United States	kellyf2605@gmail.com	5641 Gunpowder Rd	21162
97	2023-03-29	Mary Rawlings	Rosedale, United States	mr2cats@gmail.com	5332 Millfield Road	21237
98	2023-03-29	Carol Harten	White Marsh, United States	cblueeyes33@hotmail.com	11613 Philadelphia rd	21162
99	2023-03-30	Daniel Levett	Baltimore, United States	dan@levettlife.com	9808 Russellwood Road	21237
100	2023-03-30	Jennifer Stump	White Marsh, United States	whingdingdilly@yahoo.com	5534 Edwin Ct	21162
101	2023-03-30	Maria Kowalevicz	White Marsh , United States	mariakowalevicz2011@comcast.net	5514 Madge Ct.	21162
102	2023-03-30	joanne Ormrod	Perry Hall, United States	jogrammy721@gmail.com		21128
103	2023-03-30	Pat Schoenleber	Parkville, United States	pat.schoenleber@verizon.net	5 Meadowbank Court	21234
104	2023-03-30	Susan Garey	Nottingham, United States	sgarey1@hotmail.com	4313 Hanf Farm Rd	21236
105	2023-03-30	Ayden Cooney	Nottingham, United States	rathgebera13@gmail.com	125 Lyndale Ave	21236

#	Date	Name	Place of residence	Email address	Street Address (required by Baltimore County)	Zipcode
106	2023-03-30	Patricia Dreja	Perry Hall, United States	patdreja@gmail.com	5228 Morning Dove Way	21128
107	2023-03-30	Judy A Douglas	Nottingham, United States	jacd1422@gmail.com	70 Millwheel Court Nottingham	21236
108	2023-03-30	Thomas McGhan	Nottingham, United States	thomas.mcghan@gmail.com	4443 Ebenezer Road	21236
109	2023-03-30	Audrey Webster	Baltimore, United States	sjwebster443@gmail.com	12833 Sand Dollar Way	21220
110	2023-03-30	Emma Canoles	Baltimore, United States	emmacanoles@gmail.com	4706 White Marsh Rd	21237
111	2023-03-30	Betty Ogle	Nottingham , United States	bzallthetime8@yahoo.com	8907 Parlo Rd	21236
112	2023-03-31	Reisha Semper	White Marsh, United States	reisemper@gmail.com	5606 Aubree Lane	21162
113	2023-03-31	Ginger Kratochvil	Baltimore , United States	gingercorbett64@gmail.com	9234 Ravenwood Rd	21237
114	2023-03-31	Susan Szamski	Glen Arm, United States	szamskiboyz@gmail.com	11747 Harford Rd	21057
115	2023-03-31	Jo Anne Davis	White Marsh, United States	02_greasy.sighs@icloud.com	5206 Bush St	21162
116	2023-03-31	YUMINIE FRIAS-WALTON	Nottingham, MD 21236, USA, United States	yumie.frias@yahoo.com	47 Millbridge Ct.	21236
117	2023-03-31	Jean Price	Baltimore, United States	jcp19529@hotmail.com	9105 Covered Bridge Road	21234
118	2023-03-31	RODNEY WALKER	White Marsh, United States	r1walket@gmail.com	5634 ALLENDER RD	21162
119	2023-03-31	Megan Merson	Nottingham, United States	m.merson@icloud.com	4419 Macworth Place	21236
120	2023-03-31	Betty Walker	White Marsh , United States	elizabethwilkes1934@gmail.com	Allender Road, White Marsh	21152
121	2023-04-01	Kristin Farmer	White Marsh , United States	nursekfarm@gmail.com	5622 Allender Road	21162
122	2023-04-01	Jack King	White Marsh, United States	vernefrax@gmail.com	11552 Autumn Terrace	21162
123	2023-04-01	MARY ARMETTA	Nottingham, United States	bigalice1109@verizon.net		21236
124	2023-04-01	Kellie Merryman	Baltimore , United States	kelliem1973@duck.com	39 Bernadotte Court	21234
125	2023-04-01	Kim Aubel	Rosedale , United States	kimaubel@hotmail.com	7508 Babikow Rd.	21237
126	2023-04-02	Amy Smith	Kingsville, United States	garnetfusion@gmail.com	7511 Days Woods Ct	21087

#	Date	Name	Place of residence	Email address	Street Address (required by Baltimore County)	Zipcode
127	2023-04-02	Rebecca Grasham	Upper Falls, United States	jobmcd@aol.com		21156
128	2023-04-02	Christine Redline	White Marsh, United States	ctsredline@hotmail.com	5626 Allender Rd	21162
129	2023-04-02	Sheila Lockhart	Perry Hall, United States	shelockh@verizon.net	9814 Kerries Ct	21128
130	2023-04-02	John Hartman	White Marsh, United States	jwoahart@gmail.com	5309 Bush St	21162
131	2023-04-02	Amy Overbey	White Marsh, United States	amykoverbey@yahoo.com		21162-3421
132	2023-04-02	Robert Stephan	WHITE MARSH, United States	masterrick@newwavema.com	5642 Gunpowder Rd	21162
133	2023-04-02	Kennedy Overbey	White Marsh, United States	kenkena03@gmail.com	11516 Lipscomb Way	21162
134	2023-04-02	Michele Lozanski	Kingsville, United States	mlozansk@msn.com	6609 Mt Vista rd	21087
135	2023-04-03	Kate Webster	Rosedale, United States	katemichelle07@gmail.com	9205 Nottingwood Road	21237-3401
136	2023-04-03	Yvonne Sizemore	Middle River, United States	ysize10@gmail.com	633 Nollmeyer Rd	21220
137	2023-04-03	Deborah Brazil	White Marsh, United States	dbrazil@jhmi.edu		21162
138	2023-04-03	Marybeth Krebs	Kingsville , United States	schnauzmom2@gmail.com	6 Heritage Hills Court	21087
139	2023-04-03	Amber Levett	Rosedale, United States	amber@levettlife.com	9808 Russellwood Rd	21237
140	2023-04-03	mark davis	PERRY HALL, United States	asimd@comcast.net	5409 bobby joseph ct	21128
141	2023-04-03	Lewis Parrog	Baltimore, United States	lparrog@comcast.net	106 Woodmans Ct.	21221
142	2023-04-03	Amanda Lasky	Perry Hall, United States	amanda1509@gmail.com	4920 Forge Road	21128
143	2023-04-03	Nathan Redline	White Marsh, United States	n.redline@yahoo.com	5626 Allender Rd	21162
144	2023-04-04	Shenise James-Dubose	White Marsh, United States	jms_shnc@yahoo.com	5714 Allender Road	21162
145	2023-04-04	Courtney Croxton	White Marsh, United States	courtney.croxton@gmail.com	6017 Loreley Beach Rd	21162
146	2023-04-04	Filippos Filippakis	White Marsh , United States	filippos@comcast.net	5609 Country Farm Rd	21162
147	2023-04-04	Robert Iman	Perry Hall, United States	rgiman2000@yahoo.com		21128

#	Date	Name	Place of residence	Email address	Street Address (required by Baltimore County)	Zipcode
148	2023-04-04	Brenda Greene	White Marsh , United States	bawest33@gmail.com		21162
149	2023-04-04	jullie herman	upper falls, United States	jherman@stursula.org	10936 raphel road	21156
150	2023-04-04	Megaela Minutella	Perry hall, United States	megaelam@comcast.net	9637 Gerst Rd	21128
151	2023-04-04	nancy Phillips	Perry hall, United States	nhanna84@yahoo.com	9026 Bella brook way	21128
152	2023-04-05	Maria Reppas	Perry Hall , United States	mariareppas86@gmail.com	9714 Perry Farms Drive Perry Hall, MD	21128
153	2023-04-05	Cathy Torres	Nottingham , United States	cperfidio@yahoo.com	28 stoneway place	21236
154	2023-04-05	Zoe Rodowsky	WhiteMarsh, United States	zlibrarian@hotmail.com	5631 Gunpowder Rd	21162
155	2023-04-05	Joe Webster	Rosedale, United States	j2@jwebs.email	9205 Nottingwood Rd	21237
156	2023-04-06	George Stakias	Perry Hall, United States	georgestakias@yahoo.com	2 Forge Crossing	21128
157	2023-04-06	Nancy Taylor	White marsh, United States	nancy_schrenker97@yahoo.com	11316 red lion rd white marsh md 21162	21162
158	2023-04-06	Teresa Koogle	Baltimore, United States	terry.koogle@aol.com	9107 Gardenia Road	21236
159	2023-04-06	Jennifer Peach	White Marsh, United States	zonerkid@msn.com	5616 New Forge Rd	21162
160	2023-04-06	Halo Ledwell	White Marsh, United States	haloberri@gmail.com		21162
161	2023-04-07	Puspa Poudel	White Marsh, United States	plpoudel@hotmail.com	11550 Philadelphia Rd Ste 105	21162
162	2023-04-07	Puspa Poudel	White Marsh, United States	plpoudel@hotmail.com	11550 Philadelphia Rd Ste 105	21162
163	2023-04-07	Connie Ittner	White Matsh, United States	ittner2@aol.com	5607 Overlook Court	21162
164	2023-04-08	Dorothy Brushwiller	White Marsh, United States	brushwiller1954@gmail.com	11540 Philadelphia Rd	21162
165	2023-04-09	Mary Stakias	Perry hall, United States	marykstakias@gmail.com	2 forge Crossing court	21128
166	2023-04-10	Janet L Tesar	White Marsh, United States	charcoalmom@live.com	11540 Philadelphia Rd. Trlr 18	21162
167	2023-04-11	Diane Hayes	White Marsh , United States	dehayesknit@gmail.com	5620 Harvey Ct	21162
168	2023-04-11	Kamalesh Panthi	White Marsh, United States	kpanthi@gmail.com	5619 Harvey ct	21162

#	Date	Name	Place of residence	Email address	Street Address (required by Baltimore County)	Zipcode
169	2023-04-11	Kristi Schulman	White Marsh, United States	klp5g1@hotmail.com	5608 Harvey Ct	21162
170	2023-04-11	Donna Palmere	White Marsh, United States	pdpalm@yahoo.com	5602 Honeygo Ridge Ct.	21162
171	2023-04-12	Catherine Allen	White Marsh, United States	cathyallen0808@gmail.com	5615 Carrington Dr	21162
172	2023-04-12	James Sanchez Yap Jr	White Marsh, MD, United States	james.yap@comcast.net	5506 Maudes Way	21162-3417
173	2023-04-12	Efstathia Minutella	Perry hall, United States	stephaniemin@comcast.net	9637 Gerst Rd	21128
174	2023-04-12	Caroline Wingerd	White Marsh, United States	cwbusiness1996@gmail.com	9706 Winkler St.	21162
175	2023-04-12	Perry Likakis	Perry Hall, United States	perrylikakis32@gmail.com	5106 Robins Perch Lane	21128
176	2023-04-12	Lisa Shaprow	White Marsh, United States	lshaprow@gmail.com	11401 Eunice Court	21162
177	2023-04-12	Jennifer Sansosti	White Marsh, United States	jandmsansosti@comcast.net	5606 Harvey Ct	21162
178	2023-04-12	Mary Bartram	Rosedale, United States	maryrufinobartram@gmail.com	8883 Pennsbury Pl	21237
179	2023-04-12	SAMUEL Enurah	WHITE MARSH, United States	nenurah@hotmail.com	11510 Asbury ct,, WHITE MARSH, MD	21162
180	2023-04-12	Nadia ENURAH	White Marsh, United States	nadia.enurah@morgan.edu		21162
181	2023-04-12	Leslie Grace	White Marsh, United States	lgrace21162@gmail.com	11503 Asbury Ct	21162
182	2023-04-12	Kathleen Wianke	White Marsh , United States	luckywianke1@yahoo.com	5612 Honeygo Ridge Ct	21162
183	2023-04-12	Wendy Callins	White Marsh, United States	usmcwife32580@yahoo.com	5605 Harvey Court	21162
184	2023-04-12	Klein Whitney	White Marsh , United States	phoebus98@hotmail.com	5607 Ranelagh Rd	21162
185	2023-04-12	Kyle Vega	White Marsh, United States	kyle.vega01@gmail.com	11519 Lipscomb Way	21162-3425
186	2023-04-12	jp jabon	white marsh, United States	sharp5610@gmail.com	5610 new forge	21162
187	2023-04-13	Meredith Shelton	Perry Hall, United States	meremm7@gmail.com	9316 Glen vista rd	21128
188	2023-04-13	Joan Garrity	White Marsh, United States	joangarrity@gmail.com		21162
189	2023-04-13	Dolores Rockstroh	Perry Hall, United States	drockstroh1965@gmail.com	9706 Bernard Lewis Ct	21128

#	Date	Name	Place of residence	Email address	Street Address (required by Baltimore County)	Zipcode
190	2023-04-13	Efthymios Kastanaras	Perry hall, United States	jkastanaras71@gmail.com	5002 Dorothy Field	21128
191	2023-04-13	Melina Likakis	Baltimore , United States	melinalikakis1966@gmail.com		
192	2023-04-13	Mark Clabaugh	White Marsh, United States	mclabaugh1@gmail.com	5611 Harvey Court	21162
193	2023-04-13	Jim Allen	White Marsh, United States	allen9426@yahoo.com	5615 Carrington Dr	21162
194	2023-04-13	Lina Mariner	Perry hall, United States	linamariner@yahoo.com	4905 forge haven dr	21128
195	2023-04-13	Jenny Kemper	Baltimore, United States	kemper.jennym@gmail.com	5106 Robins Perch Lane	21128
196	2023-04-13	Nancy Gregoire	White Marsh, United States	bostongregoire@verizon.net	5617 Harvey Court	21162
197	2023-04-13	Colleen Notaro	Perry Hall , United States	cnotaro02@yahoo.com	9620 Gerst Rd	21128
198	2023-04-13	Daniel McCarthy	Perry Hall , United States	dpm9503@yahoo.com		
199	2023-04-13	Vicki Yuhas	Kingsville, United States	vyuhas10841@gmail.com	10841 Pfeffers Rd	21087
200	2023-04-13	Jonathan Saladini	Perry Hall, United States	jonsal8305@gmail.com	9633 Gerst Road	21128
201	2023-04-13	Brian Barnaba	White Marsh, United States	brianbarnaba@verizon.net	5614 Harvey Ct.	21162
202	2023-04-13	Tia Gardner-Bethea	Perry Hall, United States	tiagbethea@gmail.com	5535 E Joppa Road	21128
203	2023-04-13	Robert Watson	Upper Falls , United States	watson11740@gmail.com	11740 Franklinville Road	21156
204	2023-04-13	Maureen Minot	Perry Hall, United States	mminot87@gmail.com	5045 Glenside Manor Drive	21128
205	2023-04-13	Traci Sheely	Perry Hall, United States	tracigraham1@gmail.com	9639 Gerst Rd	21128
206	2023-04-14	Jaimie Richardson	White Marsh, United States	jaimie5200@comcast.net	5624 Aubree Lane	21162
207	2023-04-14	Nicoletta Minutella	Perry Hall, United States	nminutella@gmail.com	9637 Gerst Rd	
208	2023-04-14	Priscilla Hiram	Whitemarsh, United States	nginda77@gmail.com		
209	2023-04-14	Susan McCullough	White Marsh, United States	princess99_21061@yahoo.com		21262
210	2023-04-14	Clarice Steg	Middle River, United States	cbsteg14@gmail.com	715 Fuselage Ave	21220

#	Date	Name	Place of residence	Email address	Street Address (required by Baltimore County)	Zipcode
211	2023-04-14	Adam Fournier	White Marsh, United States	afourni3@gmail.com	5702 Fieldcrest Drive	21162
212	2023-04-14	John Wouldridge	White Marsh , United States	john.wouldridge@gmail.com		21162
213	2023-04-14	Suzzane Wouldridge	White Marsh, United States	suzzane.wouldridge@gmail.com	5508 Maudes Way	21162
214	2023-04-15	Michelle Pulley	White Marsh, United States	piercem1908@yahoo.com	5642 Crescent Ridge Drive	21162
215	2023-04-15	Mark Rau	White Marsh, United States	mdrau79@gmail.com	5940 Gambrill Circle	21162
216	2023-04-15	Nidhin Babu	White Marsh, United States	nidhin.91nb@gmail.com	11504 Autumn Terrace Drive, White Marsh, MD 21162	21162
217	2023-04-15	Pat Minot	Perry Hall, United States	patrickaminot1986@gmail.com	5045 Glenside manor drive, Perry hall, md	21128
218	2023-04-15	Denise Loehr	Bel Air, United States	dgloehr7@gmail.com	513 Adelaide Lane	21015
219	2023-04-15	Sara Gaynor	White Marsh, United States	doctorbingel@gmail.com	11528 Autumn Terrace Dr	21162
220	2023-04-15	Jennifer OConnell	Perry Hall, United States	jlfiori@gmail.com	4805 Forge Acre Dr	21128
221	2023-04-16	Tinea Burley	White Marsh, United States	tineaphillips@gmail.com	11537 Autumn Terr Dr	21162
222	2023-04-16	Tia Ditzel	White Marsh, United States	tia.ditzel@gmail.com	11566 Autumn Terrace Drive	21162
223	2023-04-16	Alexandra Likakis	Perry Hall, United States	alexandralikakis2@gmail.com	5106 Robins Perch Lane	21128
224	2023-04-16	Ashley Ruehl	Perry Hall, United States	a_ruehl@verizon.net	5005 Dorothy Field rd Perry Hall	21128
225	2023-04-16	Meghan Clary	White Marsh, United States	megadom2915@gmail.com	5515 Bush St	21162
226	2023-04-17	Ruth Howard	White Marsh, United States	rvhoward1@gmail.com	11405 Eunice Ct	21162
227	2023-04-17	Stacey King	White Marsh, United States	staceyd.king@verizon.net	11617 Philadelphia Road	21162
228	2023-04-18	Leena Desai	White marsh , United States	samitleena@gmail.com	11518 Autumn Terrace dr	21162
229	2023-04-18	Christina Dunn	White Marsh, United States	dunnpartyof6@comcast.net	11515 Autum Terrace Dr	21162
230	2023-04-18	Kristen Kaufman	Perry Hall, United States	kmcooke2@gmail.com	5015 Forge Haven Drive	21128
231	2023-04-19	Jennifer Aiken	White Marsh, United States	jaiken@towsonalumni.org	5608 Honeygo Ridge Ct	21162

#	Date	Name	Place of residence	Email address	Street Address (required by Baltimore County)	Zipcode
232	2023-04-19	Caroline Kuhlman ONeill	White Marsh, United States	carolinekuhlman@gmail.com	5609 Honeygo Ridge Ct	21162
233	2023-04-19	Cathy Aiken	White Marsh , United States	cataiken41@gmail.com	5608 Honeygo Ridge Court	21162
234	2023-04-19	Inderdeep Brar	White Marsh , United States	deepi.singh227@gmail.com	11581 Autumn Terrace Dr	21162
235	2023-04-19	Caitlin Simms	Delmar, United States	polarbearcait@gmail.com	5608 Honeygo Ridge Ct	21162
236	2023-04-19	Evita Foster	White Marsh , United States	eofoster81@gmail.com	5625 Harvey Ct	21162
237	2023-04-20	Haley Short	White Marsh, United States	haleymarie0002@gmail.com	11588 Autumn Terrace Dr	21162
238	2023-04-20	Jesse Backof	White Marsh, United States	jesse.backof@gmail.com	11541 Autumn Terrace Dr	21162
239	2023-04-20	Philip DePalo	Baltimore, United States	drphil@consultology.us	1120 Burke Rd	21220
240	2023-04-20	Tanya Tag	Fork, United States	tltag@yahoo.com	6416 Brinton Lane	21051
241	2023-04-21	Holly Nelson	Perry Hall, United States	hollyberry86@hotmail.com	4910 Forge Haven Drive	21128
242	2023-04-22	Tammy Larkin	White Marsh, United States	tammyhuntlarkin@gmail.com	5600 Harvey CR	21162
243	2023-04-22	Cuijin Zhang	White marsh, United States	zcuijin704179769@gmail.com	11408 Eunice ct	21162
244	2023-04-23	Karen Cruz	Baltimore, United States	karencruz71@verizon.net	2804 Moorgate Road	21222
245	2023-04-23	Kate Dzintars	White Marsh, United States	katesabol@yahoo.com	11578 Autumn Terrace Drive	21162
246	2023-04-24	Melissa Shifflett	White Marsh , United States	lifeamongthetulips@gmail.com	5926 Gambrill Circle	21162
247	2023-04-24	Teresa Thomas	White Marsh, United States	tlthomas24@gmail.com	5624 Harvey Ct	21162
248	2023-04-24	Ava Spencer	White Marsh , United States	spencer17@msn.com	11501 Lipscomb way	21162
249	2023-04-24	Trinh Nguyen	Nottingham , United States	trinhphungph@yahoo.com	9702 Harford rd	21234
250	2023-04-25	Robert Korczakowski	Kingsville , United States	robert@rjkcontractors.com	7006 Heathcoate drive	21087
251	2023-04-26	Kelly Zopp	White Marsh, United States	kgzopp@gmail.com	5628 New Forge Rd	21162
252	2023-04-27	Scott Sewellk	Essex, United States	nitro1707@verizon.net	1707 Anne Avenue	21221

#	Date	Name	Place of residence	Email address	Street Address (required by Baltimore County)	Zipcode
253	2023-04-28	Michele Kreider	Nottingham, United States	shellylynn2@verizon.net	4102 Chardel Road, Unit H	21236
254	2023-04-30	C Cast	White Marsh, United States	cors2000@yahoo.com	Maudes Way	21162
255	2023-05-01	Andrew Kowalevicz	White Marsh , United States	andyko2019@comcast.net	5514 Madge ct	21162
256	2023-05-02	Kristen Pierce	Rosedale, United States	khmatilda1@aol.com	9204 Swiven Pl	21237
257	2023-05-11	Massimo Minutella	White marsh, United States	mminutella1@comcast.net	11550 Philadelphia rd	21162
258	2023-05-12	Ceceil Somerville	White Marsh, United States	belong2sea@verizon.net	11504 Lipscomb Way	21162
259	2023-05-23	Rebecca Eberwein	Perry Hall, United States	giltbeauty7@gmail.com	11565 Philadelphia Road	21162
260	2023-05-23	Laura Isenberg	Perry Hall, United States	laura1210@live.com	4804 Berryhill Cr #201	21128
261	2023-05-24	Sujan Sharma	White Marsh, United States	efejgevivlinjktfbl@bbitj.com	5601 Honeygo Ridge Ct	21162
262	2023-05-24	Will Steele	Essex, United States	willsteele21221@outlook.com	6 Punte ln	21221
263	2023-05-24	Jennifer O'Connor	Ellicott City, United States	jennyoc925@gmail.com	4852 ilchester Road	21043
264	2023-05-26	Freya Bates	Forest Hill, United States	freyabates@gmail.com	1807 Alpine Drive	21050
265	2023-05-30	Kate Morris	Middle River, United States	kate.c.morris@hotmail.com	4 Punte Ln	21221
266	2023-06-03	N/a N/a	Perry hall , United States	jaskorr1@gmail.com	N/a	N/a

MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION

INFORMATIONAL MEETING FOR: EVANS FUNERAL CHAPEL & CREMATION SERVICES – WHITE MARSH, P.A.

1

DATE AND TIME:
Wednesday, May 24, 2023, 6:00PM

LOCATION:
WHITE MARSH VOLUNTEER FIRE COMPANY
10331 PHILADELPHIA ROAD
WHITE MARSH, MARYLAND 21162

SIGN-IN SHEET

NOTICE

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NAME PLEASE PRINT	E-MAIL or POSTAL ADDRESS PLEASE PRINT	ORGANIZATION PLEASE PRINT
Joanne and Mark Clabaugh	5611 Harvey Court White Marsh, MD 21162 jocatwoman@comcast.net	
Maureen + Patrick Minot	5045 Glenside Manor Drive Perry Hall, MD 21128 mminot87@gmail.com	
Charles Wallis	wallydogph@gmail.com	
Tim Lawrence	Leeuwenhoek77@yahoo.com	
Melissa Shifflett	melissa@strollguilford.com	Resident
Kristy + Steve Szymanowski	Kristy S Kemp@gmail	Resident

MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION

(2)

INFORMATIONAL MEETING FOR: EVANS FUNERAL CHAPEL & CREMATION SERVICES – WHITE MARSH, P.A.

DATE AND TIME:
Wednesday, May 24, 2023, 6:00PM

LOCATION:
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10331 PHILADELPHIA ROAD
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NAME PLEASE PRINT	E-MAIL or POSTAL ADDRESS PLEASE PRINT	ORGANIZATION PLEASE PRINT
Milton Lynn	miltonlynn1@gmail.com	
Scott LeBrun	lebrun@evansfuneralchapel.com	
JOHN GARRITY	joongarrity@gmail.com	
Massimo Minotella	MMinotella1@comcast.net	
Stephanie Minotelli	stephanieMin@comcast.net	
MARK HAUF	MARK HAUF @ COMCAST.NET	SADDLEBROOKE

MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION

INFORMATIONAL MEETING FOR: EVANS FUNERAL CHAPEL & CREMATION SERVICES – WHITE MARSH, P.A.

3

DATE AND TIME:
Wednesday, May 24, 2023, 6:00PM

LOCATION:
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10331 PHILADELPHIA ROAD
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NAME PLEASE PRINT	E-MAIL or POSTAL ADDRESS PLEASE PRINT	ORGANIZATION PLEASE PRINT
MARIA & ANDREW KOWALEVICZ	5514 MADGE CT WHITE MARSH 21162	
Ben Terzi	2647 Liberty Pkwy	Avenue News
Alexia Fuentes	Alexiafuerantes@aol.com	
Jim Kenney	5701 Roxbrough Rd	
Donna L Palmere	5602 Honeygo Ridge Ct	Honeygo Ridge HOA
Bob Farlow	5610 Honeygo Ridge Ct. White Marsh 21162	Honeygo Ridge HOA

MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION

4

INFORMATIONAL MEETING FOR: EVANS FUNERAL CHAPEL & CREMATION SERVICES – WHITE MARSH, P.A.

DATE AND TIME:
Wednesday, May 24, 2023, 6:00PM

LOCATION:
WHITE MARSH VOLUNTEER FIRE COMPANY
10331 PHILADELPHIA ROAD
WHITE MARSH, MARYLAND 21162

MARY RAWLINGS - RESIDENT
mr2cats@gmail.com

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NAME PLEASE PRINT	E-MAIL or POSTAL ADDRESS PLEASE PRINT	ORGANIZATION PLEASE PRINT
Tony Forno	tonyzsi@yahoo.com	
Sue Carlozo	Sue Carlozo	
Joe Carlozo	joe@carlozo.com	
Caroline Kuhlman O'Neill	Caroline Kuhlman@gmail	
Kyle Wagner	Kew9909@yahoo.com	
Kate Wagner	~~kwagner920~~	
Andrew Faranatos	Andrew.Faranatos@gmail.com	

MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION

INFORMATIONAL MEETING FOR: EVANS FUNERAL CHAPEL & CREMATION SERVICES – WHITE MARSH, P.A.

5

DATE AND TIME:
Wednesday, May 24, 2023, 6:00PM

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NAME PLEASE PRINT	E-MAIL or POSTAL ADDRESS PLEASE PRINT	ORGANIZATION PLEASE PRINT
PETE HAJEWSKI	REPETE[illegible]@AOL.COM 5643 GUNPOWDER RD	
Greg + Amy Smith	gsmith114@gmail.com 7511 Days Woods Ct., Kingsville	
Greg + Vicki Fuhs	10841 PEPPERS Rd. KINGSVILLE, MD 21087	
Kathy Farlow	5610 Honeygo Ridge Ct. White Marsh 21162	Honeygo Ridge HOA
Krista Foster	5625 Harvey Ct White Marsh MD 21162	
MARTIN FARMER	5622 Allender Rd White Marsh MD 21162	

MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION

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INFORMATIONAL MEETING FOR: EVANS FUNERAL CHAPEL & CREMATION SERVICES – WHITE MARSH, P.A.

DATE AND TIME:
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WHITE MARSH, MARYLAND 21162

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NAME PLEASE PRINT	E-MAIL or POSTAL ADDRESS PLEASE PRINT	ORGANIZATION PLEASE PRINT
W. Malloy	NathanMalloy39@gmail.com	
S. SELWAY	SUSANSELWAY ~~Sselway~~ @ comcast.net	NOTTINGHAM VILLAGE
D. WARD	dennisrward@verizon.net	Perry Hall
WILLIAM BJERST	bjerst@bhs-world.com	White Marsh 21162
Jim Allen	allen9426@yahoo.a	White Marsh 21162

MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION

INFORMATIONAL MEETING FOR: EVANS FUNERAL CHAPEL & CREMATION SERVICES – WHITE MARSH, P.A.

DATE AND TIME:
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NAME PLEASE PRINT	E-MAIL or POSTAL ADDRESS PLEASE PRINT	ORGANIZATION PLEASE PRINT
Andy Dudek, Jr.	adudekjr@live.com	WMCCA
Jean Augustyniak	quiet_nites4me@yahoo.com	Bowerman Lonely Beach
John Dulin ~~MACROCK~~	JohnDulin@mac.com	DELEGATE ~~MACROCK~~
Beth Ann Evans	flowery.bottle@yahoo.com	

MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION

INFORMATIONAL MEETING FOR: EVANS FUNERAL CHAPEL & CREMATION SERVICES – WHITE MARSH, P.A.

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NAME PLEASE PRINT	E-MAIL or POSTAL ADDRESS PLEASE PRINT	ORGANIZATION PLEASE PRINT
Chris Wilson	LSUCHRIS@Comcast.net	WMCCA
Heather Patti	wmcca.info@gmail.com hp2970@yahoo.com	WMCCA
Carolyn Jones	SJC809@gmail.com	Evans FH
Janet Dutton	MDE janet.dutton1@maryland.gov	MDE
Kelly Stiemly	Kelly@evansfuneralchapel.com	Evans FH
Robert Franklin	C.Frank0175@gmail.com	WMCCA

MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION

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INFORMATIONAL MEETING FOR: EVANS FUNERAL CHAPEL & CREMATION SERVICES – WHITE MARSH, P.A.

DATE AND TIME:
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NAME PLEASE PRINT	E-MAIL or POSTAL ADDRESS PLEASE PRINT	ORGANIZATION PLEASE PRINT
Mike + Michelle Bendler	5501 Manders Way 21162	
CAROLE WISEMAN	31 STRABANE Ct 21234	
Councilman David Marks	400 Washington Ave. 21204	
Estella Cassel	begroshie@verizon.net.	11226 N. Loreley Beach Rd. White Marsh, 21162

MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION

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INFORMATIONAL MEETING FOR: EVANS FUNERAL CHAPEL & CREMATION SERVICES – WHITE MARSH, P.A.

DATE AND TIME:
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NAME PLEASE PRINT	E-MAIL or POSTAL ADDRESS PLEASE PRINT	ORGANIZATION PLEASE PRINT
Patrick Taylor	ptaylor@baltimorecountymd.gov	CE Olszewski
Taylor Evans	company	
Rebecca Eberwein	RoxyGem9869@gmail.com	
Tom Lee	RoxyGem9869@gmail.com	
JACK WATSON FELIX ABESON	jack.watson@wmar.com	WMAR-2 NEWS
Jim Loughran Kelly Loughran	5641 Gunpowder rd White Marsh Md 21162	

MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION

(1)

INFORMATIONAL MEETING FOR: EVANS FUNERAL CHAPEL & CREMATION SERVICES – WHITE MARSH, P.A.

DATE AND TIME:
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NAME PLEASE PRINT	E-MAIL or POSTAL ADDRESS PLEASE PRINT	ORGANIZATION PLEASE PRINT
Deborah Pedrazzani	JackKing@theJackKing.com 11552 Autumn Terrace Dr.	
Josh Sines	JsJs24241@Gmail.com 625 stumpf rd 21220	please send when we receive (interested in stack test data)
Lisa Polyak	[redacted]	LISA.POLYAK@GMAIL.COM
Catherine Allen	5615 Carrington Dr. White Marsh MD 21162	
Rodney L. Walker	5634 ALLENDER RD WHITE MARSH 21162	
Susan McCullough	5614 ALLENDER RD	

MARYLAND DEPARTMENT OF THE ENVIRONMENT
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INFORMATIONAL MEETING FOR: EVANS FUNERAL CHAPEL & CREMATION SERVICES – WHITE MARSH, P.A.

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NAME PLEASE PRINT	E-MAIL or POSTAL ADDRESS PLEASE PRINT	ORGANIZATION PLEASE PRINT
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Lyssa Murphy	lyssamurphy91@gmail.com	
Denise Lavay		
Jaheem Thomas		
G. Terry		
Madison		

13

Name	Email Address
1. SUSAN McCullough	1. princess99_2006 @yahoo.com
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MARty Farmer	~~Mart~~ Marty @ Marty Farmer team. com
Evita Foster	eofoster81@gmail.com
Geoff Stiendy	↳ agenda please send because we ran out
Kathy Farlow	hoa1 @ honeygoridge.com
Camille Smith	cesmith47@gmail.com

	A	B	C
1	Info Meeting Attendees	Address	Email
2			
3	David Marks	Councilman	
4	Joanne and Mark Clabaugh	5611 Harvey Court, White Marsh MD 21162	jocatwoman@gmail.com
5	Maureen and Patriuck Minot	5045 Glenside Manor Dr Perry Hall, MD 21128	mminot87@gmail.com
6	Charles Wallis		wally--gph@gmail.com ??
7	Tim Lawrence		leevwenhock77@yahoo.com
8	Melissa Schifflett		melissa@strollguilford.com
9	Kristy and Steve Szymanowski		kristyskemp@gmail.com
10	Milton Lynn		miltonlynn1@gmail.com
11	Joan Garrity		joangarrity@gmail.com
12	Massimo Minotella		mminotella1@comcast.net
13	Stephanie Minotella		stephaniemin@comcast.net
14	Mark Hauf		markhauf@comcast.net
15	Maria and Andrew Kowalevicz	5514 Madge Court White Marsh 21162	
16	Alexia Furantos		alexiafurantos@aol.com
17	Jim Kenney	5701 Ra???Rd. ???	
18	Donna L. Palmer	5602 Honeygo Ridge Court White Marsh 21162	
19	Bob and Kathy Farlow	5610 Honeygo Ridge Court White Marsh 21162	hoa1@honeygoridge.com
20	Mary Rawllings		mr2cats@gmail.com
21	Tony Forno		tonyzsi@yahoo.com
22	Joe and Sue Carlozo		joe@carlozo.com
23	Caroline Kuhlman O'Neill		carolinekuhlman@gmail.com
24	Kyle and Kate Wagner		kew9909@yahoo.com
25	Andrew Farantos		andrew.farrantos@gmail.com
26	Pete Hajewski	5643 Gunpowder Road	repetedt@aol.com
27	Greg and Amy Smith	7511 Days Woods Court Kingsville 21087	gsmit114@gmail.com
28	Greg and Vicki Yuhrs	10841 Pfeffers Road Kingsville 21087	
29	Evita Foster	5625 Harvey Court White Marsh 21162	efoster81@gmail.com
30	Martin Farmer	5622 Allender Road White Marsh 21162	marty@martyfarmerteam.com
31	W. Malloy		nathanmalloyesq@gmail.com
32	S. Selway		susanselway@comcast.net
33	D. Ward	Perry Hall	jennonmward@verizon.net

	A	B	C
34	William Gerst	White Marsh	bguerst@bhs-world.com
35	Jim Allen		Allen9426@yahoo.com
36	Andy Dudek Jr.		adudekjr@live.com
37	Jean Augustyniak		quiet_nites4me@yahoo.com
38	John D	rep for Del. Nawrocki	
39	Beth Ann Evans		flanery.beth@yahoo.com
40	Chris Wilson		lsuchris@comcast.net
41	Heather Patti	hp2970@yahoo.com	wmcca.info@gmail.com
42	Robert Franklin		c.frank0175@gmail.com
43	Mike and Michelle Bendler	5507 Maudes Way 21102	
44	Carole Wiseman	36 Strabanz Court 21234	
45	Ms. Gerst	1120 N. Loreley Beach road White marsh 21162	begooshie@verizon.net
46	Patrick Taylor	for Olszewski office	ptaylor@baltimorecountymd.gov
47	Rebecca Eberwein		roxygen989@gmail.com
48	Tom Lee		roxygen989@gmail.com
49	Jack Watson and Felix Abeson		jack.watson@wmar.com
50	Jim and Kelly Loughran	5641 Gunpowder Road White Marsh 21162	
51	Deborah Pedrazzani	11552 Autumn Terrain Drive	jackking@thejacking.com
52	Josh Sines	825 Stumfs Road 21220	jsjs2424@gmail.com
53	Lisa Polyniak		lisa.polyniak@gmail.com
54	Catherine Allen	5615 Carrington Drive White Marsh 21162	
55	Rodney L. Walker	5634 Allender Road White Marsh 21162	
56	Susan McCullough	5614 New Forge Road White Marsh 21162	princess99_21061@yahoo.com
57	Carol Harter	11613 Philadelphia Road	cblueeyes33@hotmail.com
58	Lyssa Murphy		lyssamurphy91@yahoo.com
59	Denise Lavay		
60	Jaheem Thomas		
61	G. Kelly		
62	C Patterson		
63	Geoff St		
64	Camille Smith		crsmith97@gmail.com

Review of Documents Pertaining to 11543 Philadelphia Road

By Bruce Doak in September 2023

The following items were reviewed concerning a proposed funeral home and crematorium.

Existing Conditions Plan

* I did not see any inaccuracies when comparing it to the information provided on "My Neighborhood". All zone lines were in the correct place and labeled correctly.
* The only reference to cremation services is in the title block.
* The locations and topo were provided by a good surveying firm that I use also.

County Development Plan

* I reviewed the plan and there is no mention in the notes of cremation services or anything shown that would depict that use. The only reference to it is in the title block.

Zoning Case 2022-0051-SPHXA Exhibits

Zoning Plan (Proposed Conditions Plan)
* The plan seems to be consistent with the County Development Plan.
* No where in the drawing does it show any depiction or labeling of items needed for a crematorium (stack, etc.)
* There are no notes on the plan that mention or address cremation services
* The only reference to cremation services is in the title block

Floor Plans
* One room in the basement is labeled "crematory 398 sf". A stack is shown as a part of the incinerator and also in the first floor mechanical room.

Elevation Renderings/ Exterior Views
* None of the (5) views show a stack that protrudes from the roof of the building. On other funeral / crematorium projects that I have worked on, the stack extends many feet above the roof line.

Zoning Regulations

* There are no definitions for Funeral Home or Crematorium
* The BR zone allows a funeral establishment as a matter or right. In the BL zone, a special exception is required.
* In Case 2022-0051-SPHXA, a special exception was granted, along with a number of variances. A special request for a crematorium would not have been required. A crematorium would be an ancillary use of a funeral establishment.

Proximity to Existing Buildings

Based on the location of the proposed stack on the floor plan, I have scaled the distance from it to the adjoining buildings. The closest distance is approximately 200 feet. This is shown on a sketch I have provided.

In summary, I do not see anything that reflects misrepresentations other than what is stated above.
I do believe that the engineers preparing the plans, the architect and the attorney in the zoning case hid the fact that a crematorium was being proposed the most they could without covering it up. Examples of this are as follows:

* There was no reference to testimony on the use of a crematorium in the zoning hearing per the opinion. With a special exception, testimony should have been given concerning the required conditions for approval of Section 502.1 BCZR.
* There is nothing shown on the elevation renderings that reflects a stack that would be needed for a crematorium.
* The Development Plan does not show or mention the location or use of a crematorium.

Our Firm

Bruce E. Doak Consulting, LLC is a land use consulting and surveying firm serving Baltimore City and the surrounding counties in Maryland. The firm provides consulting and surveying services to property owners, attorneys, realtors, design professionals, builders and management firms. The firm has 42 years of experience.

Our Services

Bruce E. Doak Consulting, LLC offers...

- Professional consultation
- Feasibility Studies for appraisals and the potential use of property and improvements
- Zoning services (residential and commercial)
- Placement of property into environmental or preservation easements / trusts.
- Expert testimony in hearings and court cases
- Subdivision or Consolidation of property (residential and commercial)
- Perc testing
- Land Surveying (Licensed Land Surveyor)
- Development oversite
- ADA compliance

Baltimore County 2024 Comprehensive Zoning Map Process

Agency Comments by Issue

01/10/2024

Application Information

Tracking Number: CZMP24-00227 **Petitioner:** County Council

Issue Number: 5-063 **Location:** 11543 Philadelphia Road

Zoning Information

Existing Zoning & Acres		Requested Zoning & Acres		Final Staff Recommendations	Planning Board Recommendations	County Council Decision
BL	0.65	DR 3.5	0.13			
BR	0.5	BR	0.5			
DR 3.5	0.13	BL	0.65			
	1.28		**1.28**			

Justification

Councilman Marks has worked to balance the needs of private property owners with the rights of residents and other stakeholders to a community that is free from congestion, as green as possible, and has adequate schools and other infrastructure. While growth helps expand our tax base, there are costs that must be borne by Baltimore County's taxpayers. Councilman Marks is raising this issue so the County Council can determine the appropriate level of development here and throughout this region of Baltimore County. Councilman Marks looks forward to a productive dialogue with residents and stakeholders throughout the Comprehensive Zoning Map Process.

Agency Comments

Disclaimer: Total acreage may not equal calculated acreage due to rounding.

Department of Planning
105 W. Chesapeake Avenue, Suite 101
Towson, MD, 21204
410-887-3211

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2023, Legislative Day No. 8

Bill No. 25-23

Mr. David Marks, Councilman

By the County Council, April 3, 2023

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations – Funeral Establishments and Crematories

FOR the purpose of requiring a crematory located within a funeral establishment in certain residential and business zones to be a certain distance from a residential property and generally relating to funeral establishments and crematories.

BY repealing and re-enacting, with amendments

Sections 1B01.1.C.9 and 230.3, "Funeral Establishment" listed alphabetically
Baltimore County Zoning Regulations, as amended

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

ARTICLE 1B – DENSITY RESIDENTIAL (D.R.) ZONES

Section 1B01 – Regulations with Respect to D.R. Zones in General

§ 1B01.1. General use regulations in D.R. Zones.

C. Uses permitted by special exception. The following uses, only, are permitted by special exception in all D.R. Zones, subject to the restrictions hereinafter prescribed:

9. Funeral establishments, EXCEPT THAT ANY FUNERAL ESTABLISHMENT WITH A CREMATORY CONSTRUCTED AFTER THE EFFECTIVE DATE OF BILL 25-23 MAY NOT BE LOCATED WITHIN 500 FEET OF ANY RESIDENTIAL PROPERTY.

ARTICLE 2 – ELEVATOR-APARTMENT RESIDENCE ZONES, RESIDENTIAL-OFFICE ZONES, OFFICE ZONES, BUSINESS ZONES, MANUFACTURING ZONES AND DISTRICTS

Section 230 – Business, Local Zone Use Regulations

§ 230.3. Special exception uses.

The following uses when permitted as special exceptions:

Funeral establishment, except that any funeral establishment which was a legal use immediately prior to this provision's taking effect and which has since remained

continuously in operation is a conforming use, permitted as of right; as such, it may be expanded or otherwise changed in the same manner as any other use permitted as of right. Such funeral establishments shall be a permitted use without the necessity of obtaining a special exception, provided said site was either owned or leased for a term in excess of 15 years by a funeral director who is duly registered as such in accordance with state law, prior to April 9, 1970 and provided said ownership or lease is either as an individual person or in the name of a corporation, the majority of the common stock of which is owned by said registered funeral director or together with a spouse as joint owners, or joint lessees, or as tenants in common or joint lessees by virtue of a partnership or joint venture with one or more other duly registered funeral directors; and provided further said registered funeral director files with the Zoning Commissioner of Baltimore County no later than December 31, 1970 satisfactory evidence of ownership or leasehold interest as outlined above. A FUNERAL ESTABLISHMENT WITH A CREMATORY CONSTRUCTED AFTER THE EFFECTIVE DATE OF BILL 25-23 MAY NOT BE LOCATED WITHIN 500 FEET OF ANY RESIDENTIAL PROPERTY.

SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by the affirmative vote of five members of the County Council, shall take effect 14 days from the date of enactment.

Department of Legislative Services

Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1374 (Delegates Embry and Boyce)
Environment and Transportation

Environment - Crematory - Setback Requirements and Permits

This emergency bill prohibits a person from locating a new crematory within 1,000 feet of (1) an assisted living or nursing facility; (2) a property that primarily serves children, including a child care center, a family child care home, a preschool facility, or a public or nonpublic elementary or secondary school; or (3) a residential property. The Maryland Department of the Environment (MDE) may not issue a permit to a crematory that violates this prohibition. MDE must adopt regulations to implement the bill.

Fiscal Summary

State Effect: Special fund revenues for MDE decrease minimally beginning in FY 2024 due to a reduction in permit fees collected from crematories, as discussed below. MDE can implement the bill and adopt necessary regulations with existing budgeted resources.

Local Effect: The bill does not have a direct, material effect on local government finances. However, the bill does have an operational effect on local governments, as discussed below.

Small Business Effect: Meaningful.

Analysis

Bill Summary: A "crematory" is defined as a building, portion of a building, or structure that has the necessary appliances and facilities for cremation. A "residential property" means a building, structure, or portion of a building or structure that is designed principally and is intended for human habitation.

Current Law: In Maryland, cremation is regulated either by the Office of Cemetery Oversight (OCO) within the Maryland Department of Labor or the State Board of Morticians and Funeral Directors within the Maryland Department of Health, based on ownership of the crematory. Specifically, OCO and the board each regulate facilities in which their registrants/permit holders or licensees hold majority ownership. Independent (or free-standing) crematories are subject to the jurisdiction of OCO.

Crematories are also subject to MDE regulatory authority. To operate any crematory in the State, the owner must procure separate air quality permits from MDE to construct and operate the facility.

An air quality permit to construct is a one-time permit that is required prior to construction of a crematory and/or installation of equipment therein. An air quality permit to construct does not have a specified expiration date; however, the permit is no longer valid if MDE determines as follows: (1) substantial construction has not commenced within 18 months of the date on which the permit was issued; (2) construction has been substantially discontinued for a period of 18 months after construction commenced; or (3) the source for which the permit was issued has not been completed within a reasonable period after the issuance of the permit. For crematories, MDE imposes an application fee of $1,500 for an air quality permit to construct.

A State permit to operate a crematory is subject to a five-year limitation and conditioned on compliance with specified MDE regulations. MDE requires that a complete application for an initial permit to operate be submitted no later than 60 days before a crematory is to commence operating. A complete application for the renewal of a permit to operate must be submitted at least 60 days before the permit is set to expire. If a timely application for a renewal has been submitted, the current permit to operate remains in effect until MDE makes a final decision to issue or deny the new permit. Pursuant to MDE regulations, the holder of an air quality permit to operate a crematory must pay an annual fee consisting of a base fee of $500 and, if applicable, an additional emissions-based fee for each ton of regulated emissions. (MDE advises that most crematories pay between $500 and $600 total.)

Air quality permit fees collected by MDE are deposited into the Maryland Clean Air Fund.

State Revenues: Special fund revenues to the Maryland Clean Air Fund decrease minimally beginning in fiscal 2024 due to a reduction in permit fees collected from crematories. According to MDE, there are approximately 49 crematories currently operating in Maryland. MDE advises that all 49 crematories are located within 1,000 feet of an assisted living or nursing facility, a property that primary serves children, or a residential property. MDE estimates that the Air Quality Permits Program processes an average of eight crematory permits to construct each year that would likely be prohibited

under the bill. Given that the application fee for a crematory permit to construct is $1,500, special fund revenues decrease by an estimated $12,000 annually; due to the bill's emergency status, special fund revenues also decrease minimally in fiscal 2024.

MDE further advises that crematories pay an average of $500 per year for permits to operate. With fewer crematories being built in the State as a result of the bill, special fund revenues from fees for permits to operate that would otherwise be collected from those crematories also decrease. Any such decrease is expected to be minimal; if eight fewer crematories are paying the fee each year, special fund revenues decrease by an estimated $4,000 annually.

The bill prohibits MDE from issuing a permit to a crematory that *is located in violation of the bill's prohibition*. MDE advises that it is unclear if the bill prohibits *existing* crematories from obtaining permits to operate to add new cremation units or replace damaged or worn-out units – or even from renewing their existing operating permits – if they are located within 1,000 feet of one of the specified facilities or properties. If the bill is intended to apply to *existing* facilities, MDE advises that all existing crematories would eventually be forced to cease operations because they would not be permitted to replace existing cremation units as needed – and potentially to even renew their existing operating permits. Accordingly, to the extent existing facilities are affected, special fund revenues from fees for permits to operate that MDE would otherwise collect decrease further.

Local Fiscal Effect: The Maryland Municipal League and the Maryland Association of Counties each advise that the bill preempts local zoning authority. The bill's restrictions on building new crematories within 1,000 feet of a residential property or other specified facilities may result in a *de facto* ban on any new crematories in at least some jurisdictions. Even so, any direct impact on local government finances is anticipated to be minimal.

Small Business Effect: Small businesses, such as funeral home operators, planning to build new crematories in Baltimore City or other densely populated jurisdictions in the State are likely to abandon those plans due to the bill's siting requirements for new crematories. Moreover, it may prove difficult, even in less populated counties, for small businesses to find available sites where new crematories may be constructed.

To the extent that the bill significantly impedes the construction of new crematories in the State, existing small businesses that operate crematories benefit from facing fewer new competitors and may be incentivized to expand their operational capacity and/or raise prices – assuming the bill does not prevent them from being able to obtain the necessary permits to do so. To the extent the bill prohibits existing crematories from continuing to operate in the future, funeral homes and cemeteries will likely need to outsource cremation to facilities in other states.

In addition, other small businesses that operate in close proximity to a site where a new crematory would have been built, in the absence of the bill, avoid potential negative effects, such as poorer air quality.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Association of Counties; Maryland Municipal League; Maryland State Department of Education; Maryland Department of the Environment; Maryland Department of Health; Maryland Department of Labor; Baltimore City Public Schools; Baltimore County Public Schools; Montgomery County Public Schools; Department of Legislative Services

Fiscal Note History: First Reader - March 4, 2024
rh/lgc

Analysis by: Ralph W. Kettell

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

JOHN A. OLSZEWSKI, JR.
County Executive

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

May 16, 2022

Lawrence E. Schmidt, Esq. – lschmidt@sgs-law.com
Smith, Gildea & Schmidt
600 Washington Ave, Suite 200
Towson, MD 21204-1301

RE: Petitions for Special Hearing. Special Exception and Variance
Case No. 2022-0051-SPHXA
Property: 11543 Philadelphia Road

Dear Mr. Schmidt:

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: Charles Evans – infor@evansfuneralchapel.com
David McMillion – dmcmillion@ceiengineering.com
Utka Akbulut – uakbulut@mca.design
Judy Carroll – jcarroll@ceiengineering.com
John Hahn – jhahn@mca.design
Merrill A. Messick – mmessick@mca.design
Anna Littleton – alittleton@mca.design
Claire Fishman – cfishman@ceiengineering.com
William Shade – lschmidt@sgs-law.com
Audrey Perkins – perkinsaudrey648@gmail.com

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION & VARIANCE	*	BEFORE THE
(11543 Philadelphia Road)	*	OFFICE OF
10th Election District	*	ADMINISTRATIVE HEARINGS
6th Council District		
19A Newport Drive, LLC	*	FOR BALTIMORE COUNTY
Legal Owner		
	*	
Petitioner		**Case No. 2022-0051-SPHXA**

* * * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of 19A Newport Drive, LLC, legal owner ("Petitioner"). The Special Hearing request is as follows:

1. A waiver pursuant to the Baltimore County Zoning Regulations ("BCZR") § 500.7; Parts 123 and 125 of the Baltimore County Building Code ("BCBC"); and Sections §§ 32-4-107 (a), 32-4-414, 32-8-201, et seq. and § 32-8-301, et seq. of the Baltimore County Code ("BCC") to permit a portion of the parking lot in a riverine floodplain; and

2. A request for a business parking in a residential zone, as provided in BCZR § 409.8.B;

3. A modified parking plan pursuant to BCZR § 409.12.B, and

4. For such other further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

The Petition for Special Exception seeks the following:

1. A funeral establishment pursuant to Baltimore County Zoning Regulations ("BCZR") § 230.3.;

2. For such other and further relief as may be deemed necessary by the ALJ.

A Petition for a Variance was filed:

1. From Baltimore County Zoning Regulations ("BCZR") § 409.8.A.4: To permit a distance to street line for a parking space in a surface parking facility for a nonresidential use of 9.83 ft. in lieu of the permitted 10 ft.;

2. BCZR § 409.8.A.1 (and the Landscape Manual): To permit design, screening and landscaping from a side property line to the driveway of 5.5 ft. in lieu of the permitted 10 ft.;

3. BCZR § 303.2: To permit a front yard depth of 65.5 ft. in lieu of the 90.2 ft. average depth of the front yards of the immediately adjoining lots;

4. BCZR § 409.6: To permit 52 off-street parking spaces in lieu of the 53 minimum required parking spaces;

5. BCZR § 1B01.1.B.e: To permit a parking lot with a Residential Transition Area ("RTA") buffer and setback of 15.58 ft. in lieu of the required 50 ft. buffer and 75 ft. setback, and

6. For such other and further relief as may be deemed necessary by the ALJ.

Due to the ongoing COVID-19 restrictions 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 Environmental Protection and Sustainability ("DEPS"), Bureau of Development Plans Review ("DPR") and the Department of Public Works and Transportation ("DPW&T"), and the Department of Planning. The agencies did not object to the relief, subject to proposed conditions, which will be incorporated into the Order.

Charles Evans appeared on behalf of the Petitioner. Lawrence Schmidt, Esquire of Smith, Gildea and Schmidt represented the Petitioner. Judith Carroll, P.E., the engineer who prepared

and sealed the Site Plan also attended, as did David McMillion of her firm. The Site Plan was admitted as Petitioner's Exhibit 1. One member of the community attended for informational purposes.

Mr. Schmidt gave an overview of the requested relief, explaining that the site is approximately 1.3 acres and it split-zoned BL, BR, and DR 3.5. It is currently a vacant lot located on Philadelphia Road (Rte. 7) in the Honeygo Area. There is a veterinary office on one side and a vacant lot owned by Asplundh Construction Co. on the other. There is a mobile home park across the street. He explained that the proposed funeral establishment is permitted by right in the BR zone by virtue of the fact that the BR zone incorporates the BM zone's permitted uses via BCZR 236.1.A. He further explained that the BL zone permits this use by Special Exception, which is why that relief has been requested. Mr. Schmidt further explained that the front setback calculations and variance are based on the setback of the veterinary office next door. He noted that Rt. 7 is a state highway and that Petitioner's engineers have been working with the State Highway Administration ("SHA") to obtain their approval, which will entail widening the road along the frontage of this parcel. He then explained that the residences to the rear of the site generate the Residential Transition Area regulations; however, the nearest residences is 142 ft. away from this tract's boundary. He urged that the RTA variance relief is therefore within the spirit and intent of the BCZR, since the RTA would not even be generated if that dwelling was an additional 8 ft. distant.

Ms. Carroll then discussed the unique features of the site, including its dimensions and topography. She also explained that there is a riverine floodplain running through a portion of the rear of the site. However, the stream that generates this floodplain is carried *under* the site by a storm sewer pipe that was installed some time ago. She further explained that the residential

developer who developed the adjacent neighborhood to the rear of the site was required to perform a full flood study to the county in order to obtain approval for that development, and that she has submitted that study to DPW&T. She stated that she does not yet know whether they will accept this study for this project or if the Petitioner will be required to perform another floodplain study, but if that is the case they are prepared to do so. She explained that the flood plain is approximately 34 acres and that approximately one acre of the proposed parking lot would be within the floodplain.

Mr. Evans then provided a "day in the life" of the proposed funeral home's operations. He explained that there will be from two to five employees there most days, depending on what type of services are taking places. Most of their services and viewings are at 10 and 11 a.m. in the morning and then from 5 to 9 p.m. in the evening. He further explained that this will be a satellite location and that his main funeral business is in Parkville. There will be a crematory at this location but there will be no embalming of other body preparation. He identified Petitioner's Exhibit 4 as the floor plans and architectural renderings for the proposed funeral home, which depict an attractive modern two story structure of quality materials. In response to questions from the community member he explained that the crematory is regulated by the State of Maryland and must also comply with the stringent regulations of the federal Environmental Protection Agency.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1, 11 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances

showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

The record evidence establishes that the impacts of this proposed funeral establishment at this location will have no greater impacts than are inherent in the use. Further, a significant portion of the site is zoned BR, which allows this use by right. Further, I find that the requirements of BCZR § 502.1 are satisfied. The site is located on a state highway which provides ample capacity to accommodate this business, especially with the widening that SHA is requiring. I further find that it will not overcrowd the land or interfere with adequate provisions for parks, schools, sewer, water or transportation. This two story structure will have no impacts on light or air, and the use is not inconsistent with the zoning classifications. With regard to the impacts on the environment, I find that if the DPW&T approves a floodplain study for this site then those impacts will have been addressed. In sum, I find that the Special Exception is within the spirit and intent of the BCZR and, subject to resolution of the floodplain issue, will not harm the public health, safety or welfare.

VARIANCES

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).

As described above, the site is unique in a zoning sense. It is unique dimensions as compared with the adjoining parcels and has a fairly steep grade from the front to the rear of the site. In addition, there is a floodplain along the rear portion of the site which impacts site planning. The Petitioner would suffer practical difficulty and hardship if the variance relief is denied because

they would be unable to construct the proposed building and parking lot. Again, I find that the variances are within the spirit and intent of the BCZR and will not harm the public health, safety or welfare.

SPECIAL HEARING

Section 500.7 of the BCZR allows a property owner or any "interested person" to request an interpretation of the 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).

In the instant case, the Petitioner asks for two separate forms of relief. First, that they be allowed to have commercial parking in a residential zone under BCZR § 409.8.B, or in the alternative, for a modified parking plan under BCZR § 409.12. Second, for a waiver of the floodplain regulations in order that they can construct a portion of the required parking in a riverine floodplain. As to the parking relief, I find that with the conditions set forth below, that it can be granted within the spirit and intent of the BCZR and that it will not harm the public health, safety, or welfare.

Next, with regard to the requested floodplain waiver, I find that I am without sufficient evidence to grant this relief, if such relief can ever be granted. The ZAC Comments of the DPW&T note that there is a riverine floodplain on a portion of the property and that "a riverine flood study based on ultimate land use conditions . . . must be submitted and 'Accepted for Filing.'" Petitioner's engineer explained that they have submitted a flood plain study but DPW&T has not yet approved it, and that Petitioner may, in fact, be required to perform and

submit a new study. Further, the file does not contain a "request of a department director" for a waiver, as required by BCC § 32-4-107 (a)(1). If the DPW&T ultimately approves a flood study submitted by the Petitioner, and its Director requests the grant of a waiver then I believe the proper procedure would be for Petitioner to file another Petitioner for Special Hearing to request approval of that waiver request. In sum, as discussed at the hearing, the floodplain waiver issue is not a zoning issue, it is a development issue, and given the unresolved status of the floodplain study, it is not ripe for resolution at this time.

THEREFORE, IT IS ORDERED this **16th** day of **May 2022**, by this Administrative Law Judge, that the Petition for Special Hearing as follows: (1) A waiver pursuant to the Baltimore County Zoning Regulations ("BCZR") § 500.7; Parts 123 and 125 of the Baltimore County Building Code ("BCBC"); and §§ 32-4-107 (a), 32-4-414, 32-8-201, et seq. and § 32-8-301, et seq. of the Baltimore County Code ("BCC") to permit a portion of the parking lot in a riverine floodplain; is hereby **DENIED, WITHOUT PREJUDICE.**

IT IS FURTHER ORDERED that (1) A request for business parking in a residential zone, as provided in BCZR § 409.8.B.; and (2) A modified parking plan pursuant to BCZR § 409.12.B., are hereby **GRANTED.**

IT IS FURTHER ORDERED, that the Petition for Special Exception filed for a funeral establishment pursuant to Baltimore County Zoning Regulations ("BCZR") § 230.3, is hereby **GRANTED**.

IT IS FURTHER ORDERED, that the Petition for Variance:

1. From Baltimore County Zoning Regulations ("BCZR") § 409.8.A.4: To permit a distance to street line for a parking space in a surface parking facility for a nonresidential use of 9.83 ft. in lieu of the permitted 10 ft.;

2. BCZR § 409.8.A.1 (and the Landscape Manual): To permit design, screening and landscaping from a side property line to the driveway of 5.5 ft. in lieu of the permitted 10 ft.;

3. BCZR § 303.2: To permit a front yard depth of 65.5 ft. in lieu of the 90.2 ft. average depth of the front yards of the immediately adjoining lots;

4. BCZR § 409.6: To permit 52 off-street parking spaces in lieu of the 53 minimum required parking spaces, and

5. BCZR §1B01.1.B.e: To permit a parking lot with a Residential Transition Area (" RTA") buffer and setback of 15.58 ft. in lieu of the required 50 ft. buffer and 75 ft. setback, are all hereby **GRANTED.**

The relief granted herein shall be subject to the following:

- 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.

- Petitioners must comply with the DEPS, DPR and DPW&T ZAC comments, copies of which are attached hereto and made a part thereof.

- Other than Petitioner's company vehicles, only passenger cars (other than buses) may use the parking facilities.

- Petitioner shall submit for approval a landscape and lighting plan that complies with the Baltimore County Landscape Manual.

- After 9:30 p.m. only security lighting will be permitted.

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
APR 0 4 2022
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: April 4, 2022

SUBJECT: DEPS Comment for Zoning Item # 2022-0051-SPHXA
Address: 11543 Philadelphia Road
(19A Newport Drive, LLC Property)

Zoning Advisory Committee Meeting of **March 14, 2022**

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

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

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

Additional Comments:

1. **The site plan shows an existing Forest Buffer Easement (FBE) on the property. Environmental Impact Review found no evidence there is an existing FBE on the property.**

   Reviewer: Gris Batchelder

2. **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.**

   Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: March 24, 2022

FROM: Vishnu Desai, Supervisor for VKD 04/15/22
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 14, 2022
Item No. 2022-0051-SPHXA

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

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

If the contributing Drainage Area is 30 acres or greater, an ultimate condition Flood Plain Sturdy is required

* * * * *

VKD: cen
cc: file

Lajuanda Whitaker

From:	Terry Curtis
Sent:	Friday, March 11, 2022 10:02 AM
To:	PAI Zoning Advisory Committee
Cc:	Peoples Counsel
Subject:	ZAC Agenda Case #2022-0051-SPHXA, Philadelphia Road #11543

Good morning,

During my review of the ZAC Agenda for the distribution meeting of March 7, 2022, I reviewed an Special Hearing for case number 2022-0051-SPHXA for 11543 Philadelphia Road.

The Department of Public Works and Transportation (DPWT) Bureau of Engineering and Construction offers the following comments:

1.) A riverine flood plain meets the qualifications of a Baltimore County regulated flood plain that flows overland with the existing stream on the property. Based on Baltimore County Code 32-4-414, development in a riverine flood plain is prohibited. A riverine flood study based on ultimate land use conditions according to the Department of Permits, Approvals and Inspections Bureau of Development Plans Review Policy Manual and Department of Public Works and Transportation Design Manual must be submitted and "Accepted for Filing" by the Department of Permits, Approvals and Inspections Bureau of Development Plans Review before the approval of the Administrative Variance for the addition. In addition, Plate DF-1 located in the DPWT Design Manual must be observed.

If you have any questions please feel free to contact me anytime.

Terry Curtis, Jr.
Engineer III
Department of Public Works and Transportation
111 West Chesapeake Avenue
Room 205
Towson, Maryland 21204
410-887-3117
tcurtis@baltimorecountymd.gov

Exceptional Customer Service
Safe and Efficient Operations
Reliable Infrastructure

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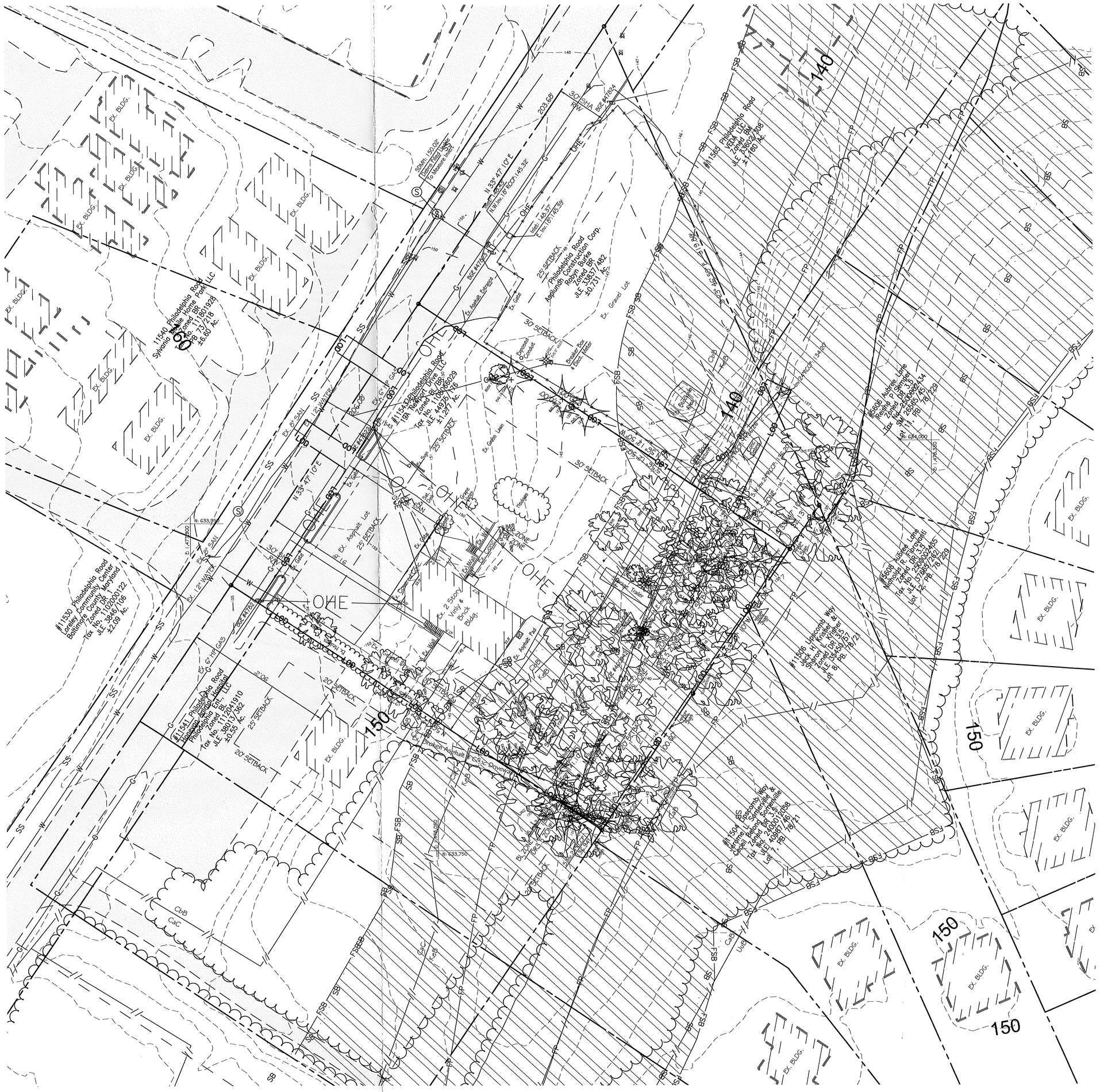


EXISTING CONDITIONS PLAN

SCALE: 1"=30'

30 15 0 30 60
GRAPHIC SCALE IN FEET

PAI NO. 11-1191
LIMITED EXEMPTION NO. 22024LN
TRACKING NO. LIM-2022-00013
DRC NO. 111621D

09/01/2021 4:11:18 PM C:\Users\jkurbatsky\Documents\22045.01 Evans White Marsh Fac Redesign_v2jkurbatsky.rvt

PROPERTY INFORMATION:

OWNER: CHARLIE F. EVANS, JR.
8800 HARFORD ROAD, PARKVILLE, MD 21234
PROPERTY ADDRESS: 11543 PHILADELPHIA ROAD
WHITE MARSH, MARYLAND 21162
PHONE NUMBER: 410-665-9444
SITE AREA: 1.277 AC. (55,641.6 SF)
BUILDING AREA:
EXISTING: 4,216 SF
MAP: 0073
GRID: 0002
PARCEL: 0237
ELECTION DISTRICT: 11
COUNCILMANIC DISTRICT: 6
ACCOUNT: 1108066029
DEED REFERENCE: 44975/00176
ZONING: BUSINESS LOCAL (BL), BUSINESS ROADSIDE (BR) & DENSITY RESIDENTIAL (DR3.5)
ZONING HISTORY: CASE NO. R-1960-5048; PETITION TO RE-CLASSIFY ZONING FROM R-6 TO BL GRANTED ON AUGUST 10, 1960
PERMITS ON FILE: B985139
DRC NUMBER: 1116210, DIST. 11C6 (TRACKING NUMBER DRC-2021-00155)
"PROJECT WAS TABLED TO THE OFFICE OF ZONING REVIEW"
RETURNED TO DRC AS "OLD BUSINESS" ON 5/31/2022 AND WAS GRANTED LIMITED EXEMPTION (b)(8)
WATERSHED: LOWER GUNPOWDER FALLS
UTILITIES: PUBLIC WATER/SEWER AND THERE ARE NO WELLS/SEPTIC SYSTEMS ON SITE.

NATURAL ENVIRONMENT INFORMATION:

1. SLOPES GREATER THAN 25% ARE NOT LOCATED ON SITE.
2. FLOODPLAINS ARE LOCATED ON SITE.
3. STREAMS ARE NOT LOCATED ON SITE. STREAMS ARE ADJACENT TO PROPERTY.
4. 100-FOOT STREAM BUFFERS ARE LOCATED ON SITE.
5. 100-FOOT FOREST BUFFERS ARE LOCATED ON SITE.

HISTORIC INFORMATION:

11543 PHILADELPHIA ROAD IS NOT LISTED IN THE MIHP DATABASE. THERE ARE TWO PROPERTIES NEAR 11543 PHILADELPHIA ROAD LISTED IN THE MIHP DATABASE. THE PROPERTIES ARE:

MIHP NO. BA-131: LORELEY SCHOOL (NOW LORELEY COMMUNITY CENTER UNDER PARKS & REC), 11501 PHILADELPHIA ROAD. FALLS WITHIN 200 FEET OF THE 11543 PHILADELPHIA ROAD SITE. LOCATED WEST OF OUR SITE.

MIHP NO. BA-357: ASBURY METHODIST CHURCH, 11646 PHILADELPHIA ROAD. DOES NOT FALL WITHIN 200 FEET OF THE 11543 PHILADELPHIA ROAD SITE. LOCATED SOUTHEAST OF OUR SITE.

THE PROPOSED BUILDING AND SITE DEVELOPMENT AT THE 11543 PHILADELPHIA ROAD ARE NOT BELIEVED TO SIGNIFICANTLY IMPACT VIEWS OF THE NEARBY LORELEY COMMUNITY CENTER (BA-131).

GENERAL NOTES:

1. THE EXISTING TOPOGRAPHY IS BASED ON MA, INC. SURVEY DRAWING DATED JUNE 2021. THE TOPOGRAPHIC SURVEY IS BASED ON THE MARYLAND STATE COORDINATE SYSTEM, NAD 1983/2011.
2. ELEVATIONS REFER TO NAVD 1988.
3. THE FOLLOWING BALTIMORE COUNTY SURVEY CONTROL MONUMENTS WERE USED AS A CHECK:

NAME	NORTH	EAST	ELEV
BALTO. CO. STA. #363	633,822.984	1,477,892.676	156.59'
BALTO. CO. STA. #ETL4	634,601.534	1,478,106.379	136.79'

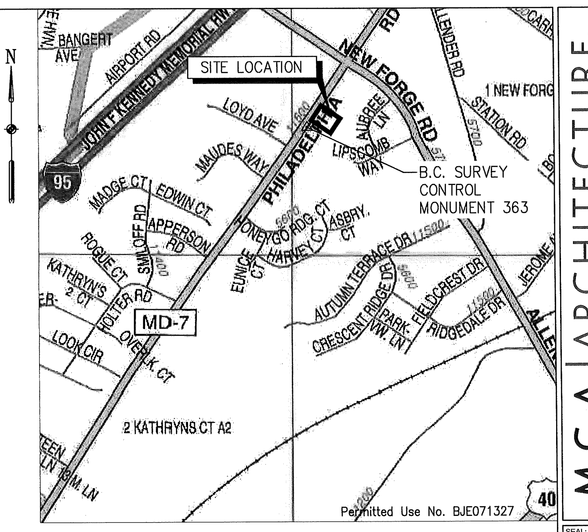
4. EXISTING UNDERGROUND UTILITIES DESIGNATED ON THE PLANS ARE BASED ON CURRENTLY AVAILABLE INFORMATION AND ARE SHOWN FOR REFERENCE ONLY. THE OWNER AND ENGINEER DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF SAID INFORMATION BEYOND THE DESIGNATION INDICATED. THE QUALITY LEVEL DESIGNATED IS IN ACCORDANCE WITH ASCE 'STANDARD GUIDELINE FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA' (CI/ASCE 38-02). THE CONTRACTOR SHALL MAKE HIMSELF FAMILIAR WITH THOSE STANDARDS PRIOR TO ANY RELIANCE ON THE INFORMATION SHOWN ON THESE PLANS. PRIOR TO ANY EXCAVATION, IN THE ABSENCE OF QUALITY LEVEL A OR B DESIGNATION, THE CONTRACTOR SHALL VERIFY, TO HIS OWN SATISFACTION, THE EXISTENCE, DEPTH, SIZE, MATERIAL, AND LOCATION OF ALL UNDERGROUND UTILITIES, AND DETERMINE WHETHER THOSE UTILITIES ARE LIVE. ANY EARTHWORK IN LOCATIONS WHERE UTILITIES ARE POSSIBLE SHALL BE DONE WITH EXTREME CAUTION. THE GIVING OF INFORMATION ON THE PLANS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATION TO SUPPORT AND PROTECT ALL DESIGNATED OR UNDESIGNATED EXISTING UTILITIES AND APPURTENANCES. SHOULD ANY EXISTING UTILITY BE DAMAGED BY THE CONTRACTOR, THE CONTRACTOR SHALL REPAIR THE DAMAGE CAUSED TO THE UTILITY OWNER'S SATISFACTION, AT THE CONTRACTOR'S EXPENSE. ALL UTILITIES SHOWN ON THIS DRAWING ARE EITHER LEVEL C OR D.

LEGEND

- EXISTING PROPERTY LINE
- EXISTING RIGHT-OF-WAY
- EXISTING EASEMENT
- EXISTING SETBACK
- EXISTING BUILDING
- 130 EXISTING MAJOR CONTOUR
- 131 EXISTING MINOR CONTOUR
- EXISTING CURB
- EXISTING CURB & GUTTER
- EXISTING ROADWAY
- EXISTING PAVEMENT
- EXISTING ASPHALT PAVING
- EXISTING CONCRETE PAVING
- EXISTING GRAVEL
- EXISTING FENCELINE
- EXISTING BOLLARD
- EXISTING SIGN
- EXISTING ELECTRIC HANDBOX
- EXISTING ELECTRIC MANHOLE
- OHE EXISTING OVERHEAD ELECTRIC
- UGE EXISTING UNDERGROUND ELECTRIC
- COND EXISTING UNDERGROUND CONDUIT
- UGE EXISTING DUCTBANK
- CATV EXISTING CABLE TELEVISION
- G EXISTING GAS LINE
- GV EXISTING GAS VALVE
- SS EXISTING SANITARY LINE
- EXISTING SANITARY MANHOLE
- EXISTING STORMDRAIN LINE
- EXISTING STORMDRAIN INLET
- EXISTING STORMDRAIN MANHOLE
- EXISTING STORMDRAIN CLEANOUT
- UGT EXISTING TELEPHONE
- EXISTING TELEPHONE MANHOLE
- EXISTING TELEPHONE PEDESTAL
- EXISTING UTILITY POLE
- EXISTING LIGHT POLE
- W EXISTING WATER LINE
- WM EXISTING WATER METER
- WV EXISTING WATER VALVE
- EXISTING WATER MANHOLE
- EXISTING FIRE HYDRANT
- EXISTING STREAM/WATERBODY
- SB EXISTING STREAM BUFFER
- FP EXISTING FLOODPLAIN
- CbB, CaC EXISTING SOILS
- EXISTING TREELINE
- EXISTING DECIDUOUS TREE
- EXISTING EVERGREEN TREE
- EXISTING SHRUB
- FSB EXISTING FOREST BUFFER
- LOD LIMIT OF DISTURBANCE
- B-14 SOIL BORING
- EXISTING DOWNSPOUT
- EXISTING FOREST EASEMENT

I, Charles F. Evans, Jr., certify under oath that there are no delinquent accounts for any other development with respect to any of the following: the applicant, a person with a financial interest in the proposed development, or a person who will perform contractual service on behalf of the proposed development.

Signature — Date 08/05/2022



VICINITY MAP
SCALE: 1"=1000'

RECEIVED
SEP 02 2022
DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

MCA | ARCHITECTURE
Marshall Craft Associates, Inc.
2031 Clipper Park Road, Suite 105
Baltimore, Maryland 21211
410.532.3131 | www.mca.design

MEP ENGINEERING
ALBAN ENGINEERING INC.
303 International Circle, Suite 450
Hunt Bailey, MD 21030
410.842.6411

CIVIL ENGINEERING
CARROLL ENGINEERING, INC.
215 Schilling Circle Suite 102
Hunt Valley, MD 21031
410.785.7423

LANDSCAPE ARCHITECTURE
CARROLL ENGINEERING, INC.
215 Schilling Circle Suite 102
Hunt Valley, MD 21031
410.785.7423

STRUCTURAL ENGINEERING
CARROLL ENGINEERING, INC.
215 Schilling Circle Suite 102
Hunt Valley, MD 21031
410.785.7423

GEOTECHNICAL ENGINEERING
SCHNABEL ENGINEERING
1504 Woodlawn Drive
Baltimore, MD 21207
410.944.8170

SEAL

NOT FOR CONSTRUCTION

STATE OF MARYLAND — JUDITH A. CARLSON — 21448 — PROFESSIONAL ENGINEER

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE No.: 14446 EXP. DATE: 5-25-23

EVANS FUNERAL CHAPEL AND CREMATION SERVICES

LIMITED EXEMPTION DEVELOPMENT PLAN
EVANS FUNERAL CHAPEL WHITE MARSH FACILITY

11543 PHILADELPHIA ROAD
WHITE MARSH, MARYLAND 21162
BALTIMORE COUNTY

KEY PLAN:

REVISIONS:

NO.	DATE:	COMMENTS:

MCA JOB NO.	PROJ.MANAGER:	SHEET BY:
20044	DWM	DWM / CMF

SHEET SET AND SHEET ISSUE DATE: County Development Plan 08/05/2022

SHEET NAME:
EXISTING CONDITIONS PLAN
PRE-CONCEPT

SHEET NO.
C-100

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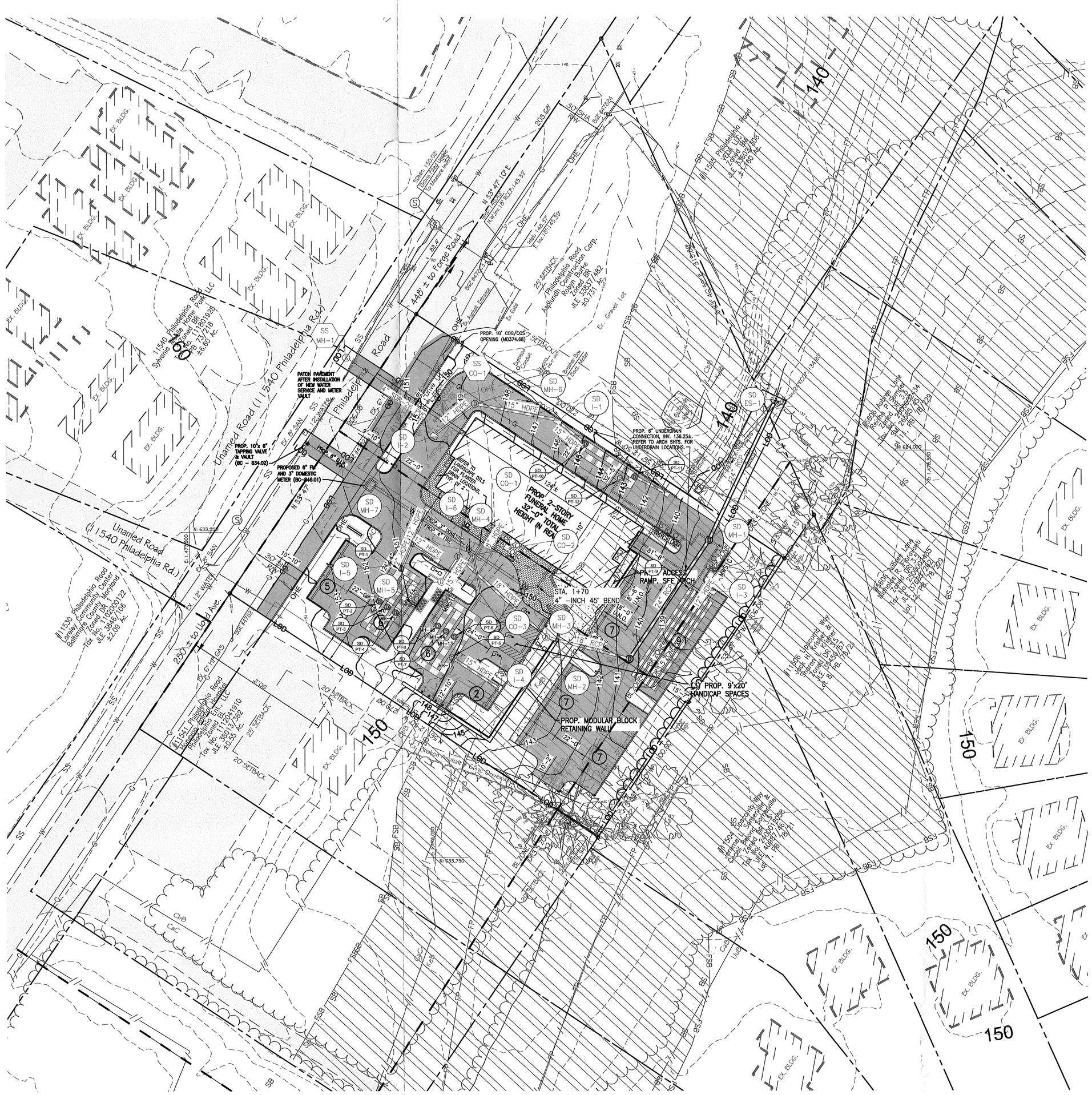

N
Unamed Road (1540 Philadelphia Rd.)
Philadelphia Road
11540 Philadelphia Road
Sylvania Woods Shopping Center, LLC
Tax Parcel No. 0801018918
Liber: 12718
Folio: 00035
35.60 Ac.
11543 Philadelphia Road
Philadelphia Road Church
Tax Parcel No. 0801019910
Liber: 39015
Folio: 00304
4.55± Ac.
11540 Philadelphia Road
Lorelei Community Center
Baltimore County, Maryland
Tax Parcel No. 0801019122
Liber: 38610
Folio: 00106
32.89 Ac.
11530 Philadelphia Road
Lorelei Community Center
Baltimore County, Maryland
Tax Parcel No. 0801018928
Liber: 12718
Folio: 00106
32.89 Ac.
11541 Philadelphia Road
Philadelphia Road Church
Tax Parcel No. 0801019910
Liber: 39015
Folio: 00304
4.55± Ac.
PROP. 10' COS/COS-1 OPENING (662374.68)
PATCH PAVEMENT AFTER INSTALLATION OF NEW WATER SERVICE AND METER VAULT
PROP. 10'L 6'W TAPPING VALVE & VAULT (INC - 634.02)
PROPOSED 6" I.W. AND 3" DOMESTIC METER (INC-644.01)
PROP. 2-STORY FUNERAL HOME 32'-0" TOTAL HEIGHT IN REAR
PROP. ACCESS RAMP, SEE ARCH.
STA. 1+70
11.25° INCH 45° BEND
PROP. MODULAR BLOCK RETAINING WALL
(5) PROP. 9'x20' HANDICAP SPACES
PROP. 4" UNDERDRAIN CONNECTION, INV. 136.25±; REFER TO ARCH SHTS. FOR UNDERDRAIN LOCATIONS
PROP. 6" UNDERDRAIN CONNECTION, INV. 135.75±; REFER TO ARCH SHTS. FOR UNDERDRAIN LOCATIONS
Unamed Road (1540 Philadelphia Rd.)
449'± to Forge Road
280'± to I-95 Ramp
Philadelphia Road
Philadelphia Road
Philadelphia Road

Review of Documents Pertaining to 11543 Philadelphia Road

By Bruce Doak in September 2023

The following items were reviewed concerning a proposed funeral home and crematorium.

Existing Conditions Plan

* I did not see any inaccuracies when comparing it to the information provided on "My Neighborhood". All zone lines were in the correct place and labeled correctly.
* The only reference to cremation services is in the title block.
* The locations and topo were provided by a good surveying firm that I use also.

County Development Plan

* I reviewed the plan and there is no mention in the notes of cremation services or anything shown that would depict that use. The only reference to it is in the title block.

Zoning Case 2022-0051-SPHXA Exhibits

Zoning Plan (Proposed Conditions Plan)
* The plan seems to be consistent with the County Development Plan.
* No where in the drawing does it show any depiction or labeling of items needed for a crematorium (stack, etc.)
* There are no notes on the plan that mention or address cremation services
* The only reference to cremation services is in the title block

Floor Plans
* One room in the basement is labeled "crematory 398 sf". A stack is shown as a part of the incinerator and also in the first floor mechanical room.

Elevation Renderings/ Exterior Views
* None of the (5) views show a stack that protrudes from the roof of the building. On other funeral / crematorium projects that I have worked on, the stack extends many feet above the roof line.

Zoning Regulations

* There are no definitions for Funeral Home or Crematorium
* The BR zone allows a funeral establishment as a matter or right. In the BL zone, a special exception is required.
* In Case 2022-0051-SPHXA, a special exception was granted, along with a number of variances. A special request for a crematorium would not have been required. A crematorium would be an ancillary use of a funeral establishment.

Proximity to Existing Buildings

Based on the location of the proposed stack on the floor plan, I have scaled the distance from it to the adjoining buildings. The closest distance is approximately 200 feet. This is shown on a sketch I have provided.

In summary, I do not see anything that reflects misrepresentations other than what is stated above.
I do believe that the engineers preparing the plans, the architect and the attorney in the zoning case hid the fact that a crematorium was being proposed the most they could without covering it up. Examples of this are as follows:

* There was no reference to testimony on the use of a crematorium in the zoning hearing per the opinion. With a special exception, testimony should have been given concerning the required conditions for approval of Section 502.1 BCZR.
* There is nothing shown on the elevation renderings that reflects a stack that would be needed for a crematorium.
* The Development Plan does not show or mention the location or use of a crematorium.

MARYLAND DEPARTMENT OF THE ENVIRONMENT

AIR AND RADIATION ADMINISTRATION
APPLICATION FOR A PERMIT TO CONSTRUCT

DOCKET #05-23

COMPANY: Evans Funeral Chapel

LOCATION: Evans Funeral Chapel & Cremation Services - White Marsh, P.A.
11543 Philadelphia Road
White Marsh, Maryland 21162

APPLICATION: One (1) human crematory.

ITEM	DESCRIPTION
1	Notice of Application and Informational Meeting
2	Environmental Justice (EJ) Information - EJ Fact Sheet and MDE Score and Screening Report
3	Permit to Construct Application – Forms 5, 5A, 5EP, 5T, modeling results, emissions calculations, process flow diagram, vendor specifications, and plot plan.
4	Zoning Approval

MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION

NOTICE OF APPLICATION AND INFORMATIONAL MEETING

The Maryland Department of the Environment, Air and Radiation Administration (ARA) received a permit-to-construct application from Evans Funeral Chapel on February 21, 2023, for the installation of one (1) human crematory. The proposed installation will be located at Evans Funeral Chapel & Cremation Services - White Marsh, P.A., 11543 Philadelphia Road, White Marsh, Maryland 21162.

In accordance with HB 1200/Ch. 588 of 2022, the applicant provided an environmental justice (EJ) Score for the census tract in which the project is located using the Maryland EJ mapping tool. The EJ Score, expressed as a statewide percentile, was shown to be 41 which the Department has verified. This score considers three demographic indicators – minority population above 50%, poverty rate above 25% and limited English proficiency above 15%.

Copies of the application, the EJ mapping tool screening report (which includes the score), and other supporting documents are available for public inspection on the Department's website at https://mde.maryland.gov/programs/Permits/AirManagementPermits/Pages/index.aspx (click on Docket Number 05-23). Any applicant-provided information regarding a description of the environmental and socioeconomic indicators contributing to that EJ score can also be found at the listed website. Such information has not yet been reviewed by the Department. A review of the submitted information will be conducted when the Department undertakes its technical review of all documents included in the application.

Pursuant to the Environment Article, Section 1-603, Annotated Code of Maryland, an Informational Meeting has been scheduled so that citizens can discuss the application and the permit review process with the applicant and the Department.

An Informational Meeting will be held on Tuesday, April 25, 2023, at 6:00pm at the White Marsh Volunteer Fire Company, 10331 Philadelphia Road, White Marsh, Maryland 21162.

The Department will provide an interpreter for deaf and hearing impaired persons provided that a request is made for such service at least ten (10) days prior to the meeting.

Further information may be obtained by calling Ms. Shannon Heafey at 410-537-4433.

Christopher R. Hoagland, Director
Air and Radiation Administration

Maryland Department of the Environment

The Applicant's Guide to Environmental Justice and Permitting

What You Need to Know

This fact sheet is designed to provide guidance to applicants on incorporating environmental justice screening requirements pursuant to House Bill 1200, effective October 1, 2022.

What is Environmental Justice?

The concept behind the term environmental justice (EJ) is that regardless of race, color, national origin, or income, all Maryland residents and communities should have an equal opportunity to enjoy an enhanced quality of life. How to assess whether equal protection is being applied is the challenge.

Communities surrounded by a disproportionate number of polluting facilities puts residents at a higher risk for health problems from environmental exposures. It is important that residents who may be adversely affected by a proposed source be aware of the current environmental issues in their community in order to have meaningful involvement in the permitting process. Resources may be available from government and private entities to ensure that community health is not negatively impacted by a new source located in the community.

Extensive research has documented that health disparities exist between demographic groups in the United States, such as differences in mortality and morbidity associated with factors that include race/ethnicity, income, and educational attainment. House Bill 1200 adds to MDE's work incorporating diversity, equity and inclusion into our mission to help overburdened and underserved communities with environmental issues.

What is House Bill 1200 and what does it require?

Effective October 1, 2022, House Bill 1200 requires a person applying for a permit from the Department under §1-601 of the Environment Article of the Annotated Code of Maryland or any permit requiring public notice and participation to include in the application an EJ Score for the census tract where the applicant is seeking the permit; requiring the Department, on receiving a certain permit application to review the EJ Score; and requiring notices to include information related to EJ Scores and generally relating to environmental permits and environmental justice screenings.

What is a "Maryland EJ Tool"?

The term "Maryland EJ Tool" means a publicly available state mapping tool that allows users to: (1) explore layers of environmental justice concern; (2) determine an overall EJ score for census tracts in the state; and (3) view additional context layers relevant to an area.

Maryland Department of the Environment

The Applicant's Guide to Environmental Justice and Permitting

What You Need to Know

What is an "EJ Score"?

The term "EJ Score" means an overall evaluation of an area's environment and environmental justice indicators, as defined by MDE in regulation, including: (1) pollution burden exposure; (2) pollution burden environmental effects; (3) sensitive populations; and (4) socioeconomic factors.

The Maryland EJ Screening Tool uses three demographic indicators – minority population above 50%, poverty rate above 25% and percent of the population having limited English proficiency above 15% - to calculate a score that can be used as an indicator of susceptibility to environmental exposure. It is that score, linked to the census tract where the project is to be located, that needs to be reported to MDE as part of your permit application.

What does the application require?

The link for the Maryland EJ Tool is located on the Department's website, www.mde.maryland.gov, under Quick Links as EJ Screening Tool. At the top right, please click the first button for the MDE Screening Report. Input the address of the proposed installation in the address bar. Click on the Report button. Once the report has been generated select the print icon.

The applicant needs to include the MDE Screening Report with the EJ Score from the Maryland EJ Tool as part of the permit application upon submission. An application will not be considered complete without the report.

The applicant is encouraged to provide the Department with a discussion about the environmental exposures in the community. This will provide pertinent information about how the applicant should proceed with engaging with the community. Residents of a community with a high indicator score and a high degree of environmental exposure should be afforded broader opportunities to participate in the permit process and understand the impacts a project seeking permit approval may have on them.

Questions

For air quality permits, please call 410-537-3230.
For water permits, please call 410-537-4145.
For land permits pertaining to Solid Waste, please call 410-537-3098.
For land permits pertaining to Oil Control, please call 410-537-3483.
For land permits pertaining to Animal Feeding Operations, please call 410-537-4423.
For land permits pertaining to Biosolids, please call 410-537-3403.

MDE EJ Screening Report

Area of Interest (AOI) Information

Apr 6 2023 13:06:16 Eastern Daylight Time

Summary

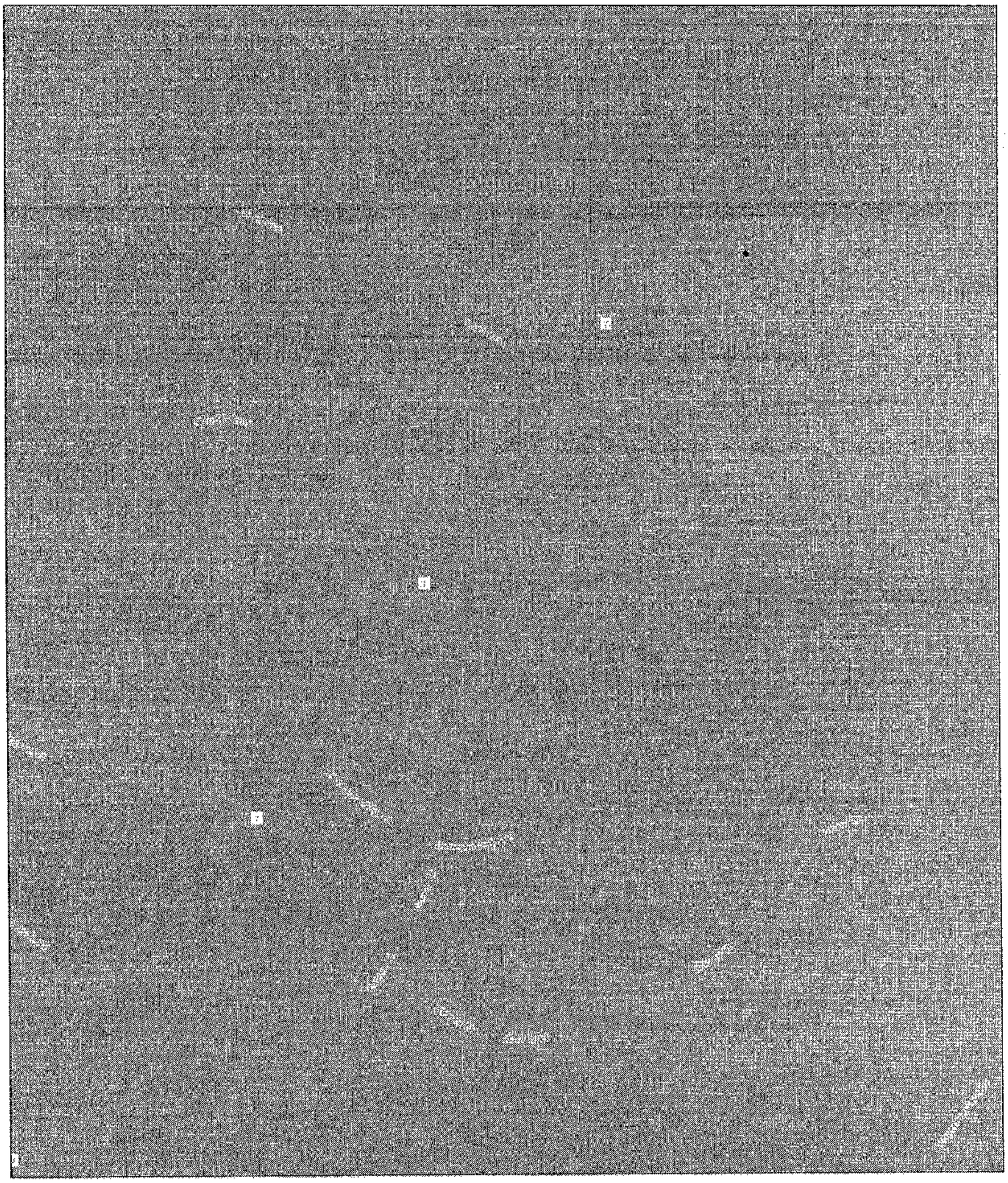
Name	Count	Area(ft²)	Length(ft)
EJ Scores as a Percent Distribution (Quantile Representation)	1	N/A	N/A
Active High Air Emission Facilities	0	N/A	N/A
LRP Facilities	0	N/A	N/A
Maryland Dam Locations	0	N/A	N/A
Maryland Pond Locations	0	N/A	N/A
Wastewater Discharge Facilities	0	N/A	N/A
Historic Mine Locations	0	N/A	N/A
Significant Wastewater Treatment Plants	0	N/A	N/A
Point Source Discharges	0	N/A	N/A
All Permitted Solid Waste Acceptance Facilities	0	N/A	N/A
Municipal Solid Waste Acceptance Facilities	0	N/A	N/A

EJ Scores as a Percent Distribution (Quantile Representation)

#	Geographic Area Name	Percent Minority	Percent Poverty	Percent_Limited_English_Proficiency	SocioScore Percent Tract O
1	Census Tract 4113.02, Baltimore County, Maryland	34.30	16.21	0.80	17.10

#	Socio Percentile (All MD)	Socio Percentile (All MD) %	Area(ft²)
1	40.96	40.964%	N/A

© MDE



Point Source Discharges
- Mine
- Associated
- Coal Mine
- Combined Sewer Overflow
- Cooling Water
- Dewatering Non-Construction
- Disposal
- Groundwater Discharge
- Groundwater Remediation Chemical
- Hydrostatic Testing
- Marina
- Mineral Mine
- Municipal Landfill
- No Exposure Certification
- Power Plant
- Process Waste Water
- Processing & Transfer Station
- Publically Owned Treatment Waste Water
- Rubble Landfill
- Seafood Processing

1:2,257

0 0.02 0.04 0.08 mi

0 0.03 0.06 0.12 km

MD iMAP, MDE, MDE, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, LMA, MDE

MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Blvd ▪ Baltimore, Maryland 21230
(410) 537-3230 ▪1-800-633-6101 ▪ www.mde.state.md.us

Air and Radiation Management Administration ▪ Air Quality Permits Program

APPLICATION FOR PROCESSING/MANUFACTURING EQUIPMENT

Permit to Construct ☒ Registration Update ☐ Initial Registration ☐

1A. Owner of Equipment/Company Name
CHARLES F. EVANS, JR / EVANS FUNERAL CHAPEL

Mailing Address
8800 HARFORD ROAD
Street Address

BALTIMORE | MD | 21234
City | State | Zip

Telephone Number
(410) 665-9444

Signature

CHARLES F. EVANS, JR. PRES
Print Name and Title

2/20/24
Date

DO NOT WRITE IN THIS BLOCK
2. REGISTRATION NUMBER
County No. (1-2) | Premises No. (3-6)
Registration Class (7) | Equipment No. (8-11)
Data Year (12-13) | Application Date

1B. Equipment Location and Telephone Number (if different from above)
11543 PHILADELPHIA ROAD
Street Number and Street Name

WHITE MARSH, | MD | 21162 | (410) 665-9444
City/Town | State | Zip | Telephone Number

EVANS FUNERAL CHAPEL & CREMATION SERVICES - WHITE MARSH, P.A.
Premises Name (if different from above)

3. Status (A= New, B= Modification to Existing Equipment, C= Existing Equipment)

Status	New Construction Begun (MM/YY)	New Construction Completed (MM/YY)	Existing Initial Operation (MM/YY)
A	T B D	T B D	
15	16-19	20-23	20-23

4. Describe this Equipment: Make, Model, Features, Manufacturer (include Maximum Hourly Input Rate, etc.)
Matthews Environmental Solutions; PPII Plus (3.0 MMBTU/hr) / Multi-Chamber cremation unit (Unit #1)

5. Workmen's Compensation Coverage E16 4734470 00 (Binder/Policy Number) 4-1-24 (Expiration Date)
Company EMPLOYERS PREFERRED INS. Co.
NOTE: Before a Permit to Construct may be issued by the Department, the applicant must provide the Department with proof of worker's compensation coverage as required under Section 1-202 of the Worker's Compensation Act.

6A. Number of Pieces of Identical Equipment Units to be Registered/Permitted at this Time 1

6B. Number of Stack/Emission Points Associated with this Equipment 1

7. Person Installing this Equipment (if different from Number 1 on Page 1)

Name BARRY BURCZYK Title MID-ATLANTIC SALES REP.

Company MATTHEWS ENVIRONMENTAL SOLUTIONS

Mailing Address/Street 2045 SPRINT BLVD.

City/Town APOPKA State FL. Telephone (813) 360-9109

8. Major Activity, Product or Service of Company at this Location

CREMATION OF HUMAN REMAINS

9. Control Devices Associated with this Equipment

None [X] 24-0

Simple/Multiple Cyclone	Spray/Adsorb Tower	Venturi Scrubber	Carbon Adsorber	Electrostatic Precipitator	Baghouse	Thermal/Catalytic Afterburner	Dry Scrubber
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
24-1	24-2	24-3	24-4	24-5	24-6	24-7	24-8

Other [ ] 24-9 Describe

10. Annual Fuel Consumption for this Equipment

OIL-1000 GALLONS	SULFUR %	GRADE	NATURAL GAS-1000 FT^3	LP GAS-100 GALLONS	GRADE
			1 1 2 3 2		
26-31	32-33	34	35-41	42-45	

COAL- TONS	SULFUR %	ASH%	WOOD-TONS	MOISTURE %
46-52	53-55	56-58	59-63	64-65

OTHER FUELS [ ] 66-1 (Specify Type) ANNUAL AMOUNT CONSUMED (Specify Units of Measure)

OTHER FUEL [ ] 66-2 (Specify Type) ANNUAL AMOUNT CONSUMED (Specify Units of Measure)

1= Coke 2= COG 3=BFG 4=Other

11. Operating Schedule (for this Equipment)

Continuous Operation	Batch Process	Hours per Batch	Batch per Week	Hours per Day	Days Per Week	Days per Year
X				1 2	6	3 1 2
67-1	67-2	68-69		70-71	72	73-75

Seasonal Variation in Operation:

No Variation	Winter Percent	Spring Percent	Summer Percent	Fall Percent	(Total Seasons= 100%)
X					
76	77-78	79-80	81-82	83-84	

12. Equivalent Stack Innformation- is Exhaust through Doors, Windows, etc. Only? (Y/N) N (85)

If not, then	Height Avove Ground (FT)	Inside Diameter at Top (in)	Exit Temperature (°F)	Exit Velocity (FT/SEC)
	37	20	1100	20
	86-88	89-91	92-95	96-98

NOTE:
Attach a block diagram of process/process line, indicating new equipment as reported on this form and all existing equipment, including control devices and emission points.

13. Input Materials (for this equipment only)
Is any of this data to be considered confidential? N (Y or N)

NAME	CAS NO. (IF APPLICABLE)	INPUT RATE PER HOUR	UNITS	PER YEAR	UNITS
1. HUMAN REMAINS		175	lbs/hr		
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
TOTAL					

14. Output Materials (for this equipment)
Process/Product Stream

NAME	CAS NO. (IF APPLICABLE)	OUTPUT RATE PER HOUR	UNITS	PER YEAR	UNITS
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
TOTAL					

15. Waste Streams - Solid and Liquid

NAME	CAS NO. (IF APPLICABLE)	OUTPUT RATE PER HOUR	UNITS	PER YEAR	UNITS
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
TOTAL					

16. Total Stack Emissions (for this equipment only) in Pounds Per Operating Day

Particulate Matter	Oxides of Sulfur	Oxides of Nitrogen
4.90	2.28	3.74
99-104	105-110	111-116

Carbon Monoxide	Volatile Organic Compounds	PM-10
3.09	0.31	4.90
177-122	123-128	129-134

17. Total Fugitive Emissions (for this equipment only) in Pounds Per Operating Day

Particulate Matter	Oxides of Sulfur	Oxides of Nitrogen
135-139	140-144	145-149

Carbon Monoxide	Volatile Organic Compounds	PM-10
150-154	155-159	160-164

Method Used to Determine Emissions **(1= Estimate 2= Emission Factor 3= Stack Test 4= Other)**

TSP	SOX	NOX	CO	VOC	PM10
2	2	2	2	2	2
165	166	167	168	169	170

AIR AND RADIATION MANAGEMENT ADMINISTRATION USE ONLY

18. Date Rec'd. Local _____ **Date Rec'd. State** _____ **Return to Local Jurisdiction** **Date**_____ **By**_____

Reviewed by Local Jurisdiction Date_____ By_____ **Reviewed by State** Date_____ By_____

19. Inventory Date **Month/Year** (171-174) **Equipment Code** (175-177) **SCC Code** (178-185)

20. Annual Operating Rate (186-192) **Maximum Design Hourly Rate** (193-199) **Permit to Operate Month** (200-201) **Transaction Date (MM/DD/YR)** (202-207)

Staff Code (208-210) **VOC Code** (211 212) **SIP Code** (213 214) **Regulation Code** (215-218) **Confidentiality** (219)

Point Description (220-238) **Action** (239) A: Add C: Change

Form Number: 5
Rev. 9/27/2002
TTY Users 1-800-735-2258

Recycled Paper

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1800 Washington Blvd ● Baltimore, Maryland 21230
(410) 537-3230 ● 1-800-633-6101 ● www.mde.state.md.us
Air and Radiation Management Administration ● Air Quality Permits Program

SUMMARY OF DEMONSTRATIONS FOR MEETING THE AMBIENT IMPACT REQUIREMENT (26.11.15.05) AND THE T-BACT REQUIREMENT (26.11.15.06)

DO NOT WRITE IN THIS SPACE

Company Name EVANS FUNERAL CHAPEL & CREMATION SERVICE, WHITE MARSH, P.A

1. Summary of T-BACT Demonstration: List all emission reduction options considered in determining T-BACT starting with the option that reduces emissions the most. Supporting documentation **must** be attached.

Emission Reduction Option	% Emission Reduction	COSTS Capital	COSTS Annual Operating
1. > 1 Second retention time in Secondary Chamber @ 1600F	Unknown		
2. Temperature Monitor and Recorder	Unknown	3,000	100
3. No Burning of PVC plastic bags	Unknown		
4.			
5.			

2. Identify the emission reduction option selected as T-BACT and briefly explain why this is the best selection. Supporting documentation **must** be attached.

3. List screening levels and highest estimated off-site concentrations (ug/m^3) resulting from **premises-wide allowable emissions** (1) of each Toxic Air Pollutant that is covered by the regulations and discharged fromthe installation or source applying for the permit. See the General Instructions for more detail. Supporting documentation **must** be attached.

SEE DISPERSION MODEL ATTACHED

	Toxic Air Pollutant	CAS Number	SCREENING LEVEL(S) 1-HR	8-HR	Annual	OFF-SITE CONCENTRATIONS 1-HR	8-HR	Annual
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								

☐ If unable to use a Screening Analysis, check the box and attach the Second Tier Analysis or Special Permit request to this form.

(1) **Premises** is defined as: "all the installations or other sources that are located on contiguous or adjacent properties and that are under the control of one person or under common control of a group of persons" (COMAR 26.11.15.01B(12)).

Allowable Emissions are defined as: "the maximum emissions a source or installation is capable of discharging after consideration of any physical or operational limitations required by this subtitle or by enforceable conditions included in an applicable air quality permit to construct, permit to operate, secretarial order, plan for compliance, consent agreement, or court order" (COMAR 26.11.15.01B(2)).

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FORM 5EP: Emission Point Data

Complete one (1) Form 5EP for EACH emission point (stack or fugitive emissions) related to the proposed installation.

Applicant Name: EVANS FUNERAL CHAPEL & CREMATION SERVICES - WHITE MARSH, P.A.

1. Emission Point Identification Name/Number

List the applicant assigned name/number for this emission point and use this value on the attached required plot plan:
Unit 01 (Power Pak II Plus, IE43-PPII Plus)

2. Emission Point Description

Describe the emission point including all associated equipment and control devices:
Matthews Environmental Solutions - Nat Gas Fired Multiple Chamber cremation unit. No Add On Control Device

3. Emissions Schedule for the Emission Point

Continuous or Intermittent (C/I)?	I	**Seasonal Variation** Check box if none: ☒ Otherwise estimate seasonal variation:	
Minutes per hour:	60	Winter Percent	
Hours per day:	12	Spring Percent	
Days per week:	6	Summer Percent	
Weeks per year:	52	Fall Percent	

4. Emission Point Information

Height above ground (ft):	37	Length and width dimensions at top of rectangular stack (ft):	Length:	Width:	
Height above structures (ft):	5				
Exit temperature (°F):	1100	Inside diameter at top of round stack (ft):		1.67	
Exit velocity (ft/min):	1200	Distance from emission point to nearest property line (ft):		36.67 ft	
Exhaust gas volumetric flow rate (acfm):	2100	Building dimensions if emission point is located on building (ft)	Height 32	Length 124	Width 51.08

5. Control Devices Associated with the Emission Point

Identify each control device associated with the emission point and indicate the number of devices. ***A Form 6 is also required for each control device***. If none check none:

- ☒ None
- ☐ Baghouse No. ____
- ☐ Cyclone No. ____
- ☐ Elec. Precipitator (ESP) No. ____
- ☐ Dust Suppression System No. ____
- ☐ Venturi Scrubber No. ____
- ☐ Spray Tower/Packed Bed No. ____
- ☐ Carbon Adsorber No. ____
  - ☐ Cartridge/Canister
  - ☐ Regenerative
- ☐ Thermal Oxidizer No. ____
  - ☐ Regenerative
- ☐ Catalytic Oxidizer No. ____
- ☐ Nitrogen Oxides Reduction No. ____
  - ☐ Selective ☐ Non-Selective
  - ☐ Catalytic ☐ Non-Catalytic
- ☐ Other No. ____
  Specify:

FORM 5EP: Emission Point Data

6. Estimated Emissions from the Emission Point

Criteria Pollutants	At Design Capacity (lb/hr)	At Projected Operations		
		(lb/hr)	(lb/day)	(ton/yr)
Particulate Matter (filterable as PM10)	0.4086	0.4086	4.9	0.7649
Particulate Matter (filterable as PM2.5)	0.4086	0.4086	4.9	0.7649
Particulate Matter (condensables)	0.4086	0.4086	4.9	0.7649
Volatile Organic Compounds (VOC)	0.0261	0.0261	0.313	0.0489
Oxides of Sulfur (SOx)	0.190	0.190	2.28	0.3554
Oxides of Nitrogen (NOx)	0.3115	0.3115	3.74	0.5831
Carbon Monoxide (CO)	0.258	0.258	3.09	0.4832
Lead (Pb)				

Greenhouse Gases (GHG)	At Design Capacity (lb/hr)	At Projected Operations		
		(lb/hr)	(lb/day)	(ton/yr)
Carbon Dioxide (CO_2)				
Methane (CH_4)				
Nitrous Oxide (N_2O)				
Hydrofluorocarbons (HFCs)				
Perfluorocarbons (PFCs)				
Sulfur Hexafluoride (SF6)				
Total GHG (as CO_2e)				

List individual federal Hazardous Air Pollutants (HAP) below:	At Design Capacity (lb/hr)	At Projected Operations		
		(lb/hr)	(lb/day)	(ton/yr)

(Attach additional sheets as necessary.)

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FORM 5T: Toxic Air Pollutant (TAP) Emissions Summary and Compliance Demonstration

Applicant Name: EVANS FUNERAL CHAPEL - WHITE MARSH **SEE TOXYTOOL RESULTS ATTACHED**

Step 1: Quantify premises-wide emissions of Toxic Air Pollutants (TAP) from new and existing installations in accordance with COMAR 26.11.15.04. Attach supporting documentation as necessary.

Toxic Air Pollutant (TAP)	CAS Number	Class I or Class II?	Screening Levels (µg/m^3)			Estimated Premises Wide Emissions of TAP			
						Actual Total Existing TAP Emissions	Projected TAP Emissions from Proposed Installation	Premises Wide Total TAP Emissions	
			1-hour	8-hour	Annual	(lb/hr)	(lb/hr)	(lb/hr)	(lb/yr)
ex. ethanol	*64175*	*II*	*18843*	*3769*	*N/A*	*0.60*	*0.15*	*0.75*	*1500*
ex. benzene	*71432*	*I*	*80*	*16*	*0.13*	*0.5*	*0.75*	*1.00*	*400*

(attach additional sheets as necessary.)

Note: Screening levels can be obtained from the Department's website (http://www.mde.maryland.gov) or by calling the Department.

Step 2: Determine which TAPs are exempt from further review. A TAP that meets either of the following Class I or Class II small quantity emitter exemptions is exempt from further TAP compliance demonstration requirements under Step 3 and Step 4.

Class II TAP Small Quantity Emitter Exemption Requirements (COMAR 26.11.15.03B(3)(a))
A Class II TAP is exempt from Step 3 and Step 4 if the Class II TAP meets the following requirements: Premises wide emissions of the TAP shall not exceed 0.5 pounds per hour, and any applicable 1-hour or 8-hour screening level for the TAP must be greater than 200 µg/m^3.

Class I TAP Small Quantity Emitter Exemption Requirements (COMAR 26.11.15.03B(3)(b))
A Class I TAP is exempt from Step 3 and Step 4 if the Class I TAP meets the following requirements: Premises wide emissions of the TAP shall not exceed 0.5 pounds per hour and 350 pounds per year, any applicable 1-hour or 8-hour screening level for the TAP must be greater than 200 µg/m^3, and any applicable annual screening level for the TAP must be greater than 1 µg/m^3.

If a TAP meets either the Class I or Class II TAP Small Quantity Emitter Exemption Requirements, no further review under Step 3 and Step 4 are required for that specific TAP.

FORM 5T: Toxic Air Pollutant (TAP) Emissions Summary and Compliance Demonstration

Step 3: Best Available Control Technology for Toxics Requirement (T-BACT, COMAR 26.11.15.05)
In the following table, list all TAP emission reduction options considered when determining T-BACT for the proposed installation. The options should be listed in order beginning with the most effective control strategy to the least effective strategy. Attach supporting documentation as necessary.

Target Pollutants	Emission Control Option	% Emission Reduction	Costs		T-BACT Option Selected? (yes/no)
			Capital	Annual Operating	
ex. ethanol and benzene	*Thermal Oxidizer*	*99*	*$50,000*	*$100,000*	*no*
ex. ethanol and benzene	*Low VOC materials*	*80*	*0*	*$100.000*	*yes*

(attach additional sheets as necessary)

Step 4: Demonstrating Compliance with the Ambient Impact Requirement (COMAR 26.11.15.06)
Each TAP not exempt in Step 2 must be individually evaluated to determine that the emissions of the TAP will not adversely impact public health. The evaluation consists of a series of increasingly non-conservative (and increasingly rigorous) tests. Once a TAP passes a test in the evaluation, no further analysis is required for that TAP. "Demonstrating Compliance with the Ambient Impact Requirement under the Toxic Air Pollutant (TAP) Regulations (COMAR 26.11.15.06)" provides guidance on conducting the evaluation. Summarize your results in the following table. Attach supporting documentation as necessary.

Toxic Air Pollutant (TAP)	CAS Number	Screening Levels ($\mu g/m^3$)			Premises Wide Total TAP Emissions		Allowable Emissions Rate (AER) per COMAR 26.11.16.02A		Off-site Concentrations per Screening Analysis ($\mu g/m^3$)			Compliance Method Used?
		1-hour	8-hour	Annual	(lb/hr)	(lb/yr)	(lb/hr)	(lb/yr)	1-hour	8-hour	Annual	AER or Screen
ex. ethanol	*64175*	*18843*	*3769*	*N/A*	*0.75*	*1500*	*0.89*	*N/A*	*N/A*	*N/A*	*N/A*	*AER*
ex. benzene	*71432*	*80*	*16*	*0.13*	*1.00*	*400*	*0.04*	*36.52*	*1.5*	*1.05*	*0.12*	*Screen*

(attach additional sheets as necessary)

If compliance with the ambient impact requirement cannot be met using the allowable emissions rate method or the screening analysis method, refined dispersion modeling techniques may be required. Please consult with the Department's Air Quality Permit Program prior to conducting dispersion modeling methods to demonstrate compliance.

```
   05/11/22

   16:27:31
 ***  SCREEN3 MODEL RUN  ***
 *** VERSION DATED 13043 ***

 Evans FH (White Marsch)


 SIMPLE TERRAIN INPUTS:
    SOURCE TYPE              =         POINT
    EMISSION RATE (G/S)      =      0.126000
    STACK HEIGHT (M)         =       11.2800
    STK INSIDE DIAM (M)      =        0.5080
    STK EXIT VELOCITY (M/S)=         6.0960
    STK GAS EXIT TEMP (K)    =      866.0000
    AMBIENT AIR TEMP (K)     =      293.0000
    RECEPTOR HEIGHT (M)      =        0.0000
    URBAN/RURAL OPTION       =         URBAN
    BUILDING HEIGHT (M)      =        9.7500
    MIN HORIZ BLDG DIM (M) =         15.5700
    MAX HORIZ BLDG DIM (M) =         37.8000

 THE REGULATORY (DEFAULT) MIXING HEIGHT OPTION WAS SELECTED.
 THE REGULATORY (DEFAULT) ANEMOMETER HEIGHT OF 10.0 METERS WAS
ENTERED.


 BUOY. FLUX =     2.552 M**4/S**3;  MOM. FLUX =     0.811
M**4/S**2.

 *** FULL METEOROLOGY ***

 **********************************
 *** SCREEN AUTOMATED DISTANCES ***
 **********************************

 *** TERRAIN HEIGHT OF     0. M ABOVE STACK BASE USED FOR
```

FOLLOWING DISTANCES ***

DIST (M)	CONC (UG/M**3)	STAB	U10M (M/S)	USTK (M/S)	MIX HT (M)	PLUME HT (M)	SIGMA Y (M)	SIGMA Z (M)	DWASH
11.	0.000	0	0.0	0.0	0.0	0.00	0.00	0.00	NA
100.	36.18	6	4.0	4.1	10000.0	13.54	10.79	10.12	SS
200.	17.94	4	1.5	1.5	480.0	28.43	30.79	27.20	SS
300.	15.31	6	1.5	1.6	10000.0	28.81	31.18	20.91	SS
400.	15.24	6	1.0	1.0	10000.0	34.01	40.85	25.46	SS
500.	13.55	6	1.0	1.0	10000.0	34.01	50.21	30.39	SS
600.	11.63	6	1.0	1.0	10000.0	34.01	59.27	34.96	SS
700.	9.949	6	1.0	1.0	10000.0	34.01	68.06	39.24	SS
800.	8.570	6	1.0	1.0	10000.0	34.01	76.59	43.27	SS
900.	7.455	6	1.0	1.0	10000.0	34.01	84.89	47.09	SS
1000.	6.553	6	1.0	1.0	10000.0	34.01	92.97	50.71	SS

MAXIMUM 1-HR CONCENTRATION AT OR BEYOND 11. M:

30.	77.68	6	3.0	3.1	10000.0	11.89	3.39	5.72	SS

DWASH= MEANS NO CALC MADE (CONC = 0.0)
DWASH=NO MEANS NO BUILDING DOWNWASH USED
DWASH=HS MEANS HUBER-SNYDER DOWNWASH USED
DWASH=SS MEANS SCHULMAN-SCIRE DOWNWASH USED

DWASH=NA MEANS DOWNWASH NOT APPLICABLE, X<3*LB

```
*********************************************
*  SUMMARY OF TERRAIN HEIGHTS ENTERED FOR   *
*    SIMPLE ELEVATED TERRAIN PROCEDURE      *
*********************************************
```

TERRAIN HT (M)	DISTANCE RANGE (M) MINIMUM	MAXIMUM
0.	11.	1000.

```
*****************************************
     *** REGULATORY (Default) ***
    PERFORMING CAVITY CALCULATIONS
  WITH ORIGINAL SCREEN CAVITY MODEL
          (BRODE, 1988)
*****************************************
```

*** CAVITY CALCULATION - 1 ***			*** CAVITY CALCULATION - 2 ***		
CONC (UG/M**3)	=	75.92	CONC (UG/M**3)	=	0.000
CRIT WS @10M (M/S)	=	5.86	CRIT WS @10M (M/S)	=	99.99
CRIT WS @ HS (M/S)	=	6.00	CRIT WS @ HS (M/S)	=	99.99
DILUTION WS (M/S)	=	3.00	DILUTION WS (M/S)	=	99.99
CAVITY HT (M)	=	11.71	CAVITY HT (M)	=	9.85
CAVITY LENGTH (M)	=	30.81	CAVITY LENGTH (M)	=	19.47
ALONGWIND DIM (M)	=	15.57	ALONGWIND DIM (M)	=	37.80

CAVITY CONC NOT CALCULATED FOR CRIT WS > 20.0 M/S. CONC SET = 0.0

```
**************************************
      END OF CAVITY CALCULATIONS
**************************************
```

```
      **************************************
      *** SUMMARY OF SCREEN MODEL RESULTS ***
      **************************************
```

CALCULATION PROCEDURE	MAX CONC (UG/M**3)	DIST TO MAX (M)	TERRAIN HT (M)	
SIMPLE TERRAIN	77.68	30.	0.	
BLDG. CAVITY-1	75.92	31.	--	(DIST = CAVITY LENGTH)
BLDG. CAVITY-2	0.000	19.	--	(DIST = CAVITY LENGTH)

```
*****************************************************
** REMEMBER TO INCLUDE BACKGROUND CONCENTRATIONS **
*****************************************************
```

Evans Funeral Home (White Marsch) Facility Name
Evans Funeral Home Your Name
11-May-22 Date

HUMAN (number)	Animal (lbs)		Equivalent
1		Cremations per Hour	1.0
4		Cremations per 8-hour	4.0
3000		Cremations per year	3000.0

77.68 Screen3 maximum concentration (1 lb/hr emission rate)
Toxytool 2015

CAS	POLLUTANT	Emission Factor (EPA FIRE) (Pounds)	Emission Factor (as number) (Pounds)	MDE Screening Level 1-HOUR (ug/m3)	MDE Screening Level 8-HOUR (ug/m3)	MDE Screening Level Annual (ug/m3)	Screen3 Concentration 1-hour (ug/m3)	Screen3 Concentration 8-hour (ug/m3)	Screen3 Concentration Annual (ug/m3)	Screen3 Concentration as % of MDE Screening Level 1-hour	Screen3 Concentration as % of MDE Screening Level 8-hour	Screen3 Concentration as % of MDE Screening Level Annual
83329	Acenaphthene	1.11E-07	1.11E-07		2.03E+01	8.00E-02	8.62E-06	3.02E-06	2.36E-07		0.00	0.00
208968	Acenaphthylene	1.22E-07	1.22E-07		2.46E+01		9.48E-06	3.32E-06	2.60E-07		0.00	
120127	Anthracene	3.24E-07	3.24E-07		2.00E+01		2.52E-05	8.81E-06	6.90E-07		0.00	
7440360	Antimony	< 3.020E-5	3.02E-05		5.00E+00		2.35E-03	8.21E-04	6.43E-05		0.02	
7440382	Arsenic	< 3.000E-5	3.00E-05		1.00E-01	2.00E-04	2.33E-03	8.16E-04	6.38E-05		0.82	31.92
7440393	Barium	2.40E-05	2.40E-05		5.00E+00		1.86E-03	6.53E-04	5.11E-05		0.01	
56553	Benzo (a) anthracene	< 9.760E-9	9.76E-09				7.58E-07	2.65E-07	2.08E-08			
50328	Benzo (a) pyrene	< 2.910E-8	2.91E-08				2.26E-06	7.91E-07	6.19E-08			
205992	Benzo (b) fluoranthene	< 1.590E-8	1.59E-08				1.24E-06	4.32E-07	3.38E-08			
191242	Benzo (g,h,i) perylene	< 2.910E-8	2.91E-08		2.00E+01		2.26E-06	7.91E-07	6.19E-08		0.00	
207089	Benzo (k) fluoranthene	< 1.420E-8	1.42E-08				1.10E-06	3.86E-07	3.02E-08			
7440417	Beryllium	1.37E-06	1.37E-06		5.00E-04	4.00E-04	1.06E-04	3.72E-05	2.92E-06		7.45	0.73
7440439	Cadmium	1.11E-05	1.11E-05		2.00E-02	6.00E-04	8.62E-04	3.02E-04	2.36E-05		1.51	3.94
7440473	Chromium	2.99E-05	2.99E-05		5.00E+00		2.32E-03	8.13E-04	6.36E-05		0.02	
18540299	Chromium (VI)	1.35E-05	1.35E-05		1.00E-01	8.00E-05	1.05E-03	3.67E-04	2.87E-05		0.37	35.91
218019	Chrysene	< 5.400E-8	5.40E-08				4.19E-06	1.47E-06	1.15E-07			
7440484	Cobalt	< 1.750E-6	1.75E-06		2.00E-01		1.36E-04	4.76E-05	3.72E-06		0.02	
7440508	Copper	2.74E-05	2.74E-05		2.00E+00		2.13E-03	7.45E-04	5.83E-05		0.04	
53703	Dibenzo(a,h) anthracene	< 1.270E-8	1.27E-08				9.87E-07	3.45E-07	2.70E-08			
206440	Fluoranthene	2.05E-07	2.05E-07		8.20E+01		1.59E-05	5.57E-06	4.36E-07		0.00	
86737	Fluorene	4.17E-07	4.17E-07		2.00E+01		3.24E-05	1.13E-05	8.87E-07		0.00	
7647010	Hydrogen chloride	7.20E-02	7.20E-02	2.98E+01	1.65E+02	7.00E-01	5.59E+00	1.96E+00	1.53E-01	18.75	1.18	21.89
7664393	Hydrogen fluoride	6.55E-04	6.55E-04	1.64E+01	4.09E+00		5.09E-02	1.78E-02	1.39E-03	0.31	0.44	
193395	Indeno(1,2,3-cd)pyrene	< 1.540E-8	1.54E-08				1.20E-06	4.19E-07	3.28E-08			
7439921	Lead	6.62E-05	6.62E-05		5.00E-01		5.14E-03	1.80E-03	1.41E-04		0.36	
7439976	Mercury	3.29E-03	3.29E-03	3.00E-01	1.00E-01		2.56E-01	8.94E-02	7.00E-03	85.19	89.45	
7439987	Molybdenum	< 1.670E-5	1.67E-05		5.00E+00		1.30E-03	4.54E-04	3.55E-05		0.01	
7440020	Nickel	3.82E-05	3.82E-05		1.00E+00		2.97E-03	1.04E-03	8.13E-05		0.10	
85018	Phenanthrene	2.29E-06	2.29E-06		9.80E+00		1.78E-04	6.23E-05	4.87E-06		0.00	
129000	Pyrene	1.62E-07	1.62E-07		2.00E+01		1.26E-05	4.40E-06	3.45E-07		0.00	
7782492	Selenium	< 4.360E-5	4.36E-05		2.00E+00		3.39E-03	1.19E-03	9.28E-05		0.06	
7440224	Silver	7.30E-06	7.30E-06		1.00E-01		5.67E-04	1.98E-04	1.55E-05		0.20	
7440280	Thallium	< 8.520E-5	8.52E-05		2.00E-01		6.62E-03	2.32E-03	1.81E-04		1.16	
7440622	Vanadium	5.79E-05	5.79E-05		5.00E-01		4.50E-03	1.57E-03	1.23E-04		0.31	
7440666	Zinc	3.53E-04	3.53E-04	1.00E+03	5.00E+02		2.74E-02	9.60E-03	7.51E-04	0.00	0.00	
	PM, filterable	8.50E-02	8.50E-02				6.60E+00	2.31E+00	1.81E-01			
	Polycyclic aromatic hydrocarbons (PAH)	3.76E-06	3.76E-06				2.92E-04	1.02E-04	8.00E-06			
1746016	Total Dioxins & Furans - TEQ balanced		1.41E-09		8.20E-04	3.00E-08	1.09E-07	3.83E-08	2.99E-09		0.00	9.98

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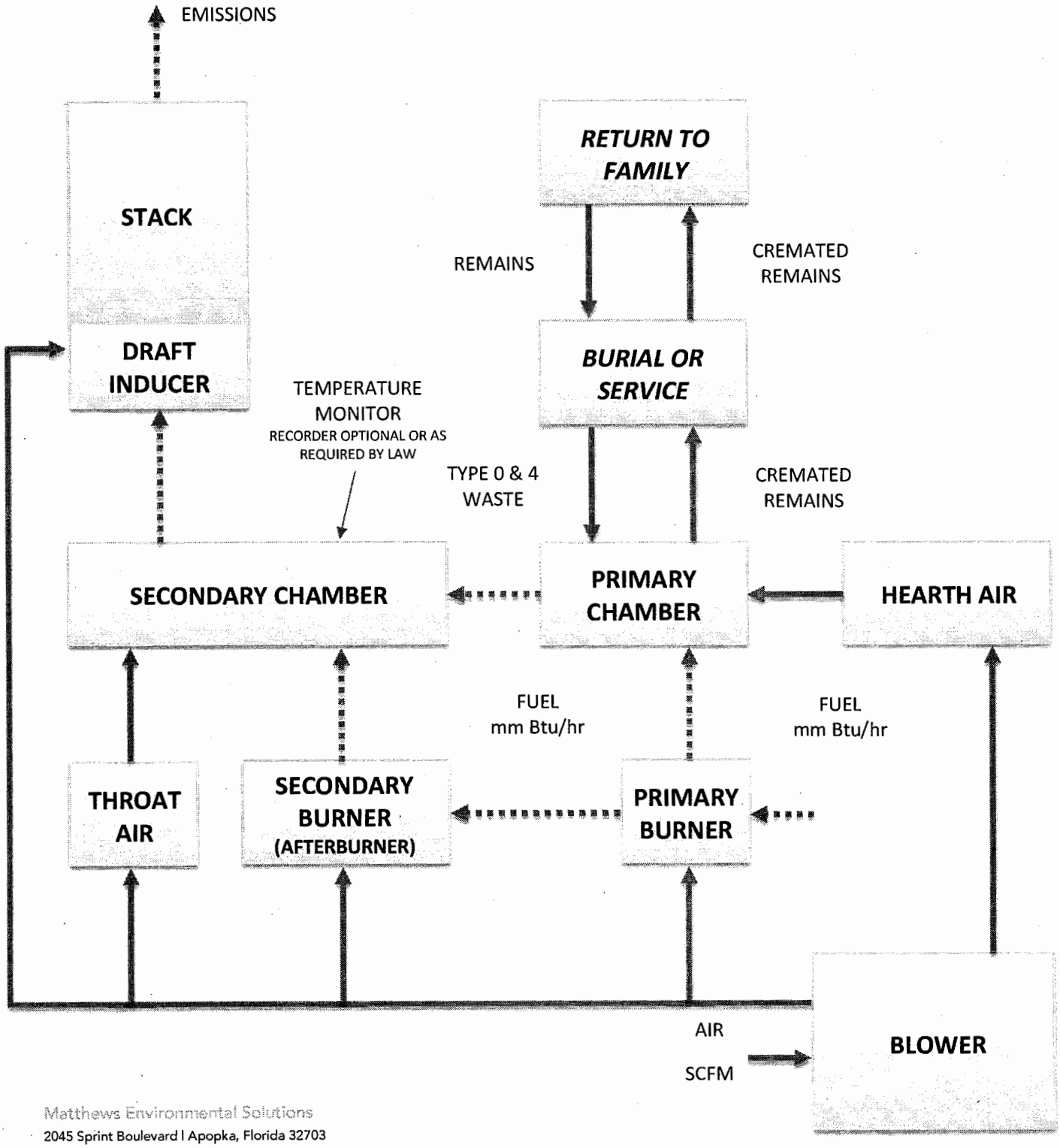
Cremator Process Flow Diagram



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Matthews INTERNATIONAL
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SPECIFICATIONS- Model Power-Pak II Plus

1. Equipment Type	Model Power-Pak II Plus
A. Model No.	IE43-PPII Plus
B. Underwriters Laboratories Listing and File No.	87E8; MH14647
2. Dimensions	
A. Footprint	12' – 9 ½ " x 5' - 9" (3.9 m x 1.8 m)
B. Maximum Length	14' – 10 ½ " (4.53 m)
C. Maximum Width	6' -10" (2.08 m)
D. Maximum Height	9' (2.74 m)
E. Chamber Loading Opening	30 ¾ " H x 43 ½ " W (781 mm x 1105 mm)
3. Weight	28,000 lbs. (12,700 kg)
4. Utility/Air Requirements	
A. Gross Gas Input, Natural or LP Gas	3,000,000 BTU/hr. (3,165,168 kJ/h)
Running Gas Pressure, LP or Natural Gas	11 inches (279.4 mm) water column or greater
B. Electrical Supply	230 volt, 3Ø or 1Ø, 50/60 hz (others available)
C. Air Supply	2,500 cfm (70.8 standard m^3/min)
5. Incineration Capacity	175 lbs./hr. (79 kg/h)
6. Typical Loading Capacity of Waste Types	750 lbs. (340.2 kg)
7. Construction and Safety Standards	Incineration Institute of America, Underwriters Laboratories, Canadian Standards Association
8. Steel Structure Construction	
A. Frame	2" (51 mm) square tubing
B. Front/Rear Plates	3/8" (9.5 mm) plate
C. Floor Plates	3/16" (5 mm) plate
D. Outer Side Casing	12 gauge (3 mm) plate
E. Inner Side Casing	12 gauge (3 mm) plate
9. Stack Construction	
A. Inner Wall	4 1/2" (110 mm) insulating firebrick or castable
B. Outer Wall	12 gauge (3 mm) sheet, Stainless Steel, welded seams (unlined stack available)
10. Draft Nozzle Construction	Schedule 40 Stainless Steel pipe with welded connections
11. Main Chamber Door Construction	
A. Steel Shell	3/16" (5 mm) steel, welded with reinforcement
B. Outer Refractory	1" (25 mm) insulating block
C. Inner Refractory	4½" (110 mm) insulating firebrick

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SPECIFICATIONS- Model Power-Pak II Plus

12. Primary Chamber Wall Construction
    - A. Outer Casing Wall ..... 12 gauge (3 mm) sheet
    - B. Inner Frame/Air Compartment ..... 2" (51 mm) air compartment
    - C. Inner Casing Wall ..... 12 gauge (3 mm) sheet
    - D. Outer Refractory Wall ..... 5" (127 mm) insulating block
    - E. Inner Refractory Wall ..... 4½" (114 mm) firebrick

13. Secondary Chamber Wall Construction
    - A. Outer Casing Wall ..... 12 gauge (3 mm) sheet
    - B. Inner Frame/Air Compartment ..... 2" (51 mm) air compartment
    - C. Inner Casing Wall ..... 12 gauge (3 mm) sheet
    - D. Outer Refractory Wall ..... 6" (152 mm) insulating block
    - E. Inner Refractory Wall ..... 4½" (114 mm) firebrick

14. Refractory Temperature Ratings
    - A. Standard Firebrick ..... 3,100° F. (1704° C)
    - B. Insulating Firebrick ..... 2,600° F. (1427° C)
    - C. Castable Refractory (Hearth) ..... 2,550° F. (1399° C)
    - D. Castable Refractory ..... 3,100° F. (1704° C)
    - E. Insulating Block ..... 1,900° F. (1038° C)
    - F. Bonding Mortar ..... 3,200° F. (1760° C)

15. Chamber Volumes (not including external flues, stacks or chimneys)
    - A. Primary Chamber ..... 70 cubic feet (2.12 m^3)
    - B. Secondary Chamber ..... 96 cubic feet (2.72 m^3)

16. Emission Control Features
    - A. Secondary Chamber with Afterburner ..... Included
    - B. Opacity Monitor and Controller with Visual and Audible Alarms ..... Included
    - C. Auxiliary Air Control System ..... Included
    - D. Microprocessor Temperature Control System .... Included

17. Operating Temperatures
    - A. Primary Chamber ..... 32° F. - 1,800° F. (0° C - 982° C)
    - B. Secondary Chamber ..... 1,400° F. - 1,800° F. (760°C - 982°C) (as required by Env. agency)

18. Secondary Chamber Retention Time ..... > 1 second

19. Ash Removal ..... Door functions as a heat shield. Sweep out beneath front door into hopper that fills collection pan.

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SPECIFICATIONS- Model Power-Pak II Plus

20. Safety Interlocks
    - A. High Gas Pressure ..... Optional
    - B. Low Gas Pressure ..... Optional
    - C. Blower Air Pressure ..... Included
    - D. Door Position ..... Included
    - E. Opacity ..... Included
    - F. Motor Starter Function ..... Included
    - G. Chamber Temperature ..... Included
    - H. Motor Overload ..... Included
    - I. Flame Quality ..... Included
    - J. Burner Safe Start ..... Included
    - K. Cremation Burner/Door Interlock ..... Available upon Env. Agency requirements

21. Burner Description ..... The nozzle mix burners used on this cremation equipment are industrial quality and designed for incinerator use.

22. Ultraviolet Flame Detection ..... Ultraviolet flame detection has proven to be the most reliable means of flame safety. The system is completely sealed in a quartz capsule to eliminate problems, caused by moisture and dust created in the cremation process, which effect flame rod detectors.

23. Operating Panel indicators
    - A. Safe Run ..... Included
    - B. Door Closed ..... Included
    - C. Pollution Alarm ..... Included
    - D. Afterburner On (Secondary Burner) ..... Included
    - E. Cremation Burner On ..... Included
    - F. Low Fire Cremation Burner On ..... Included
    - G. Afterburner (Secondary Burner) Reset ..... Included
    - H. Cremation Burner Reset ..... Included
    - I. Hearth Air ..... Included
    - J. Throat Air Off ..... Included

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SPECIFICATIONS- Model Power-Pak II Plus

24. Automatic Timer Functions
    - A. Master Cycle ..... Included
    - B. Afterburner (Secondary Burner) ..... Included
    - C. Cremation Burner ..... Included
    - D. Low Fire Cremation Burner ..... Included
    - E. Hearth Air ..... Included
    - F. Throat Air ..... Included
    - G. Pollution Monitoring ..... Included
    - H. Afterburner (Secondary Burner) Prepurge ..... Included
    - I. Cremation Burner Prepurge ..... Included
    - J. Cool Down ..... Included

25. Exterior Finish
    - A. Primer ..... 2 coats rust inhibiting
    - B. Finish ..... 2 coats textured finish

26. Start-Up and Training ..... Startup of cremation equipment and training of operators to properly operate and maintain the equipment is performed on-site under actual operating conditions. Included is a comprehensive owner's manual, with details on the equipment, its components and proper operation.

27. Environmental Submittals ..... Complete technical portion of state environmental permits. Engineering calculations, technical data, existing stack test results and equipment blueprints provided.

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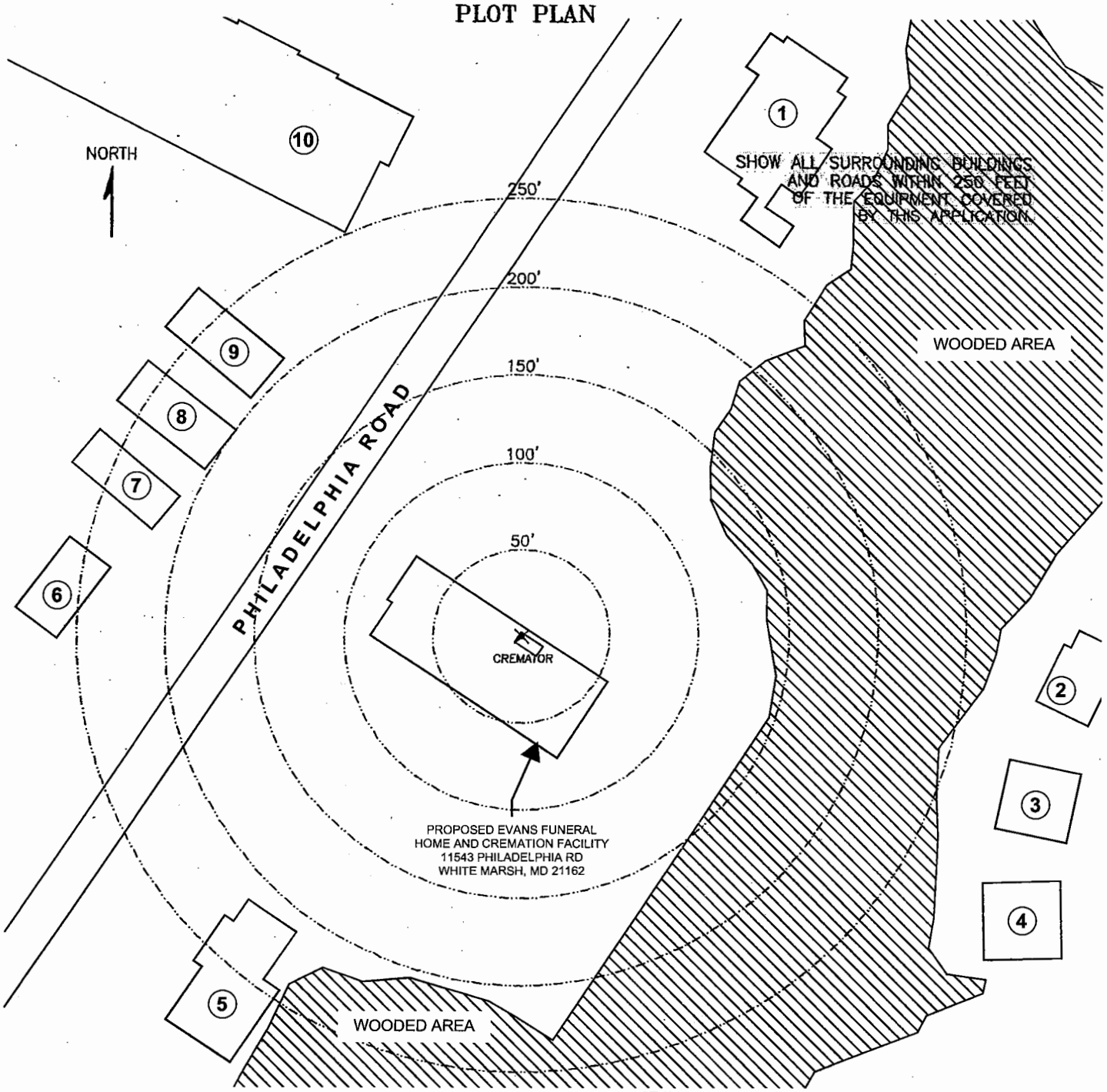
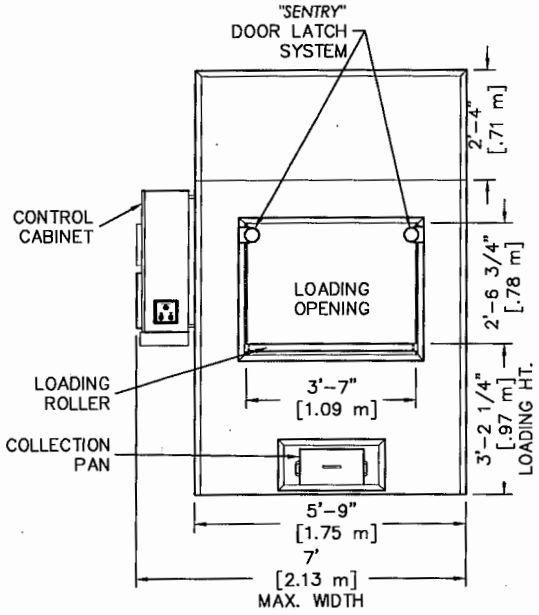
PLOT PLAN



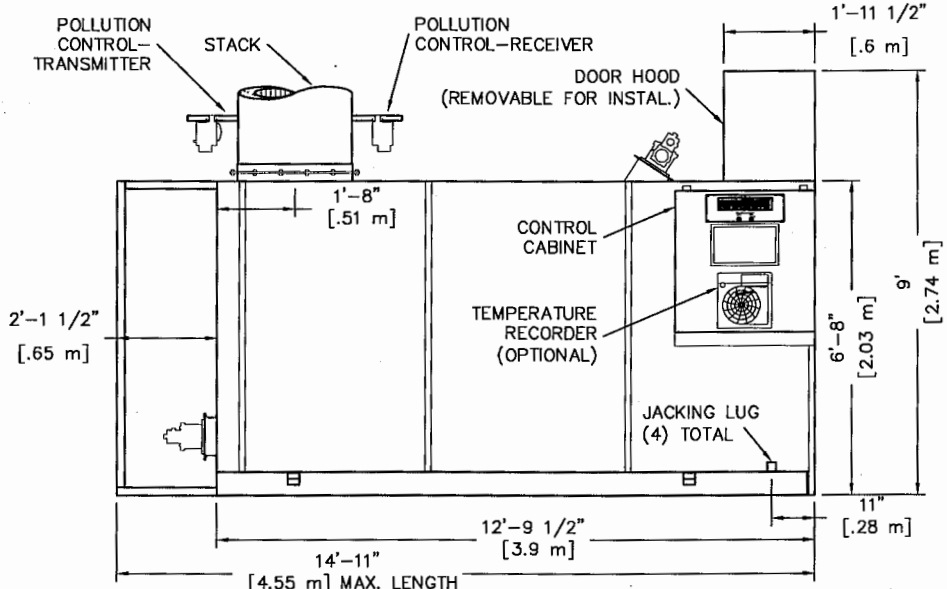
STRUCTURE	DESCRIPTION
(1)	COMMERCIAL TENANT BUILDING
(2)	SINGLE FAMILY HOME
(3)	SINGLE FAMILY HOME
(4)	SINGLE FAMILY HOME
(5)	ANIMAL HOSPITAL
(6)	SINGLE FAMILY HOME
(7)	SINGLE FAMILY HOME
(8)	SINGLE FAMILY HOME
(9)	SINGLE FAMILY HOME
(10)	SHOPPING CENTER

INSTRUCTIONS

1. INDICATE LOCATION AND TYPE OF BUILDING BY THE USE OF SMALL NUMBERED CIRCLES WITH THE DESCRIPTION BELOW.
2. SHOW ROADS AS LINES REPRESENTING THE ROAD EDGES. INDICATE STREET NAMES AND HIGHWAY NUMBERS.
3. SHOW WOODED OR CLEARED AREA BY APPROXIMATE BOUNDARY LINES AND THE WORDS "WOODS," "CLEARED," "CORNFIELD," ETC.



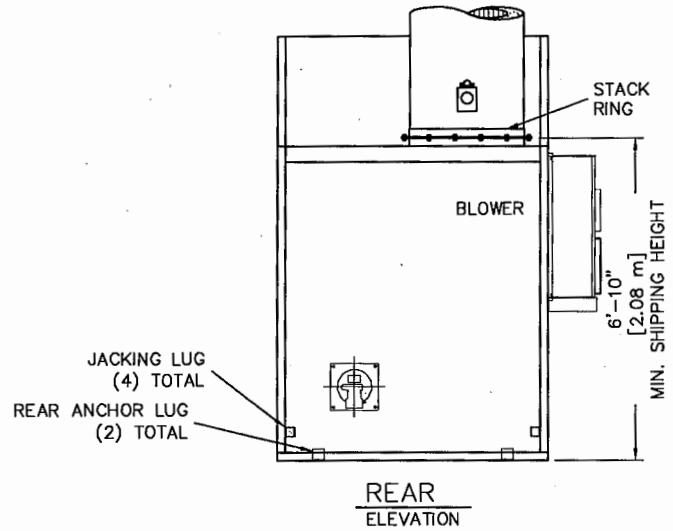
FRONT
ELEVATION



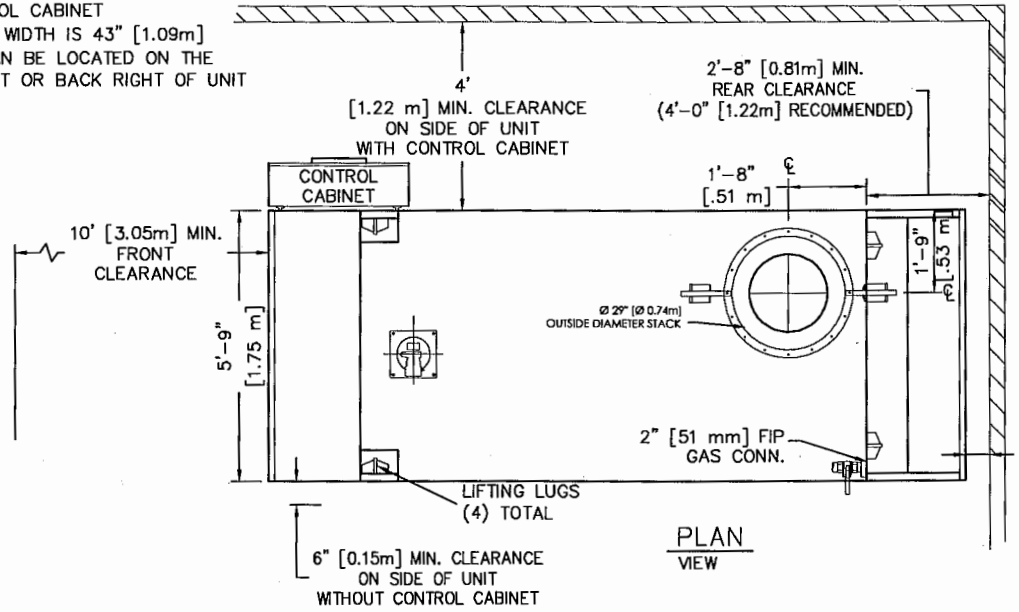
LEFT SIDE
ELEVATION

NOTES:

1) CONTROL CABINET CAN BE MOUNTED ON THE LEFT OR RIGHT SIDE, OR REMOTELY
2) MAIN ELECTRICAL CONNECTION LOCATED IN CONTROL CABINET
3) CHAMBER WIDTH IS 43" [1.09m]
4) STACK CAN BE LOCATED ON THE BACK LEFT OR BACK RIGHT OF UNIT



REAR
ELEVATION



PLAN
VIEW

Q:\ENG\MCD NEW SYSTEM\OPERATIONS\PPII+\SHOP\PPII+_09-003-004.DWG

Matthews
ENVIRONMENTAL SOLUTIONS
2045 Sprint Boulevard
Apopka, Florida 32703
USA

POWER-PAK II PLUS

PLAN & ELEVATIONS INCL: CLEARANCES, REQUIREMENTS & RECOMMENDATIONS

DRAWN BY:	JG	DATE:	02.26.2015	REVISION:		
APPROVED BY:	–	DATE:	–	1	07.21.2017	REMOVE MAIN ELEC FROM TOP OF UNIT
SCALE:	1/4" = 1'-0"	SHEET:	OF:	2	09.20.2017	CHANGED MIN. FRONT CLEAR. TO 10'
DWG FILE:						
DWG NUMBER:		$(GETVAR,??)				

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CREMATOR CLEARANCES

	RECOMMENDED		MINIMUM	
TOP: (2)	2 FEET	[610 mm]	6 INCHES	[152 mm]
CABINET SIDE:	4 FEET	[1.22 m]	4 FEET	[1.22 m]
OTHER SIDE:	2 FEET	[610 mm]	6 INCHES	[152 mm]
FRONT:	10+ FEET	[3.05+ m]	10 FEET	[3.05 m]
REAR:	4 FEET	[1.22 m]	32 INCHES	[812 mm]
STACK:	6 INCHES	[152 mm]	6 INCHES	[152 mm]

1. FOR CLEARANCES OTHER THAN THOSE SHOWN, OR FOR SPECIAL REQUIREMENTS, CONSULT YOUR MES REP.
2. FROM HIGHEST POINT ON UNIT.
3. CONTROL CABINET MOUNTS ON UNIT'S LEFT OR RIGHT SIDES, OR REMOTELY. (SEE PLAN VIEW, SHEET 1).
4. REAR OF UNIT REFERS TO THE "BACK PLATE", RATHER THAN THE BACK OF THE *"WHISPER SHIELD"*. (SEE PLAN VIEW, SHEET 1).

CREMATOR REQUIREMENTS

FUEL: A PRESSURE REGULATOR ADJUSTABLE TO 11" [279 mm] W.C. FOR NATURAL GAS AND LP GAS.

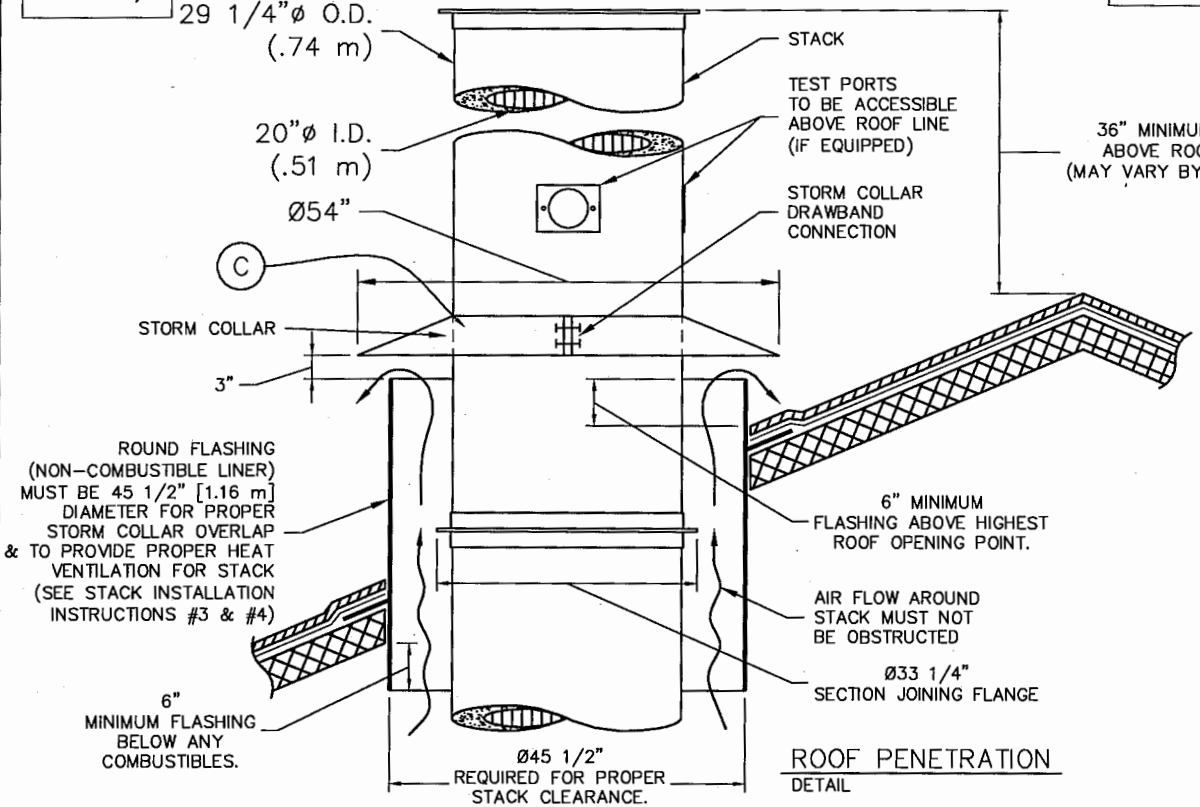
CAPACITY: 3.0 MILLION BTU/HR [3.1 MILLION KILOJOULES/HR].

ELECTRICAL: 230 VOLT, 3ø, (40A BREAKER) AND 115v (10A BREAKER), OR 230 VOLT, 1ø, (70A BREAKER) AND 115v (10A BREAKER) 50/60 HERTZ

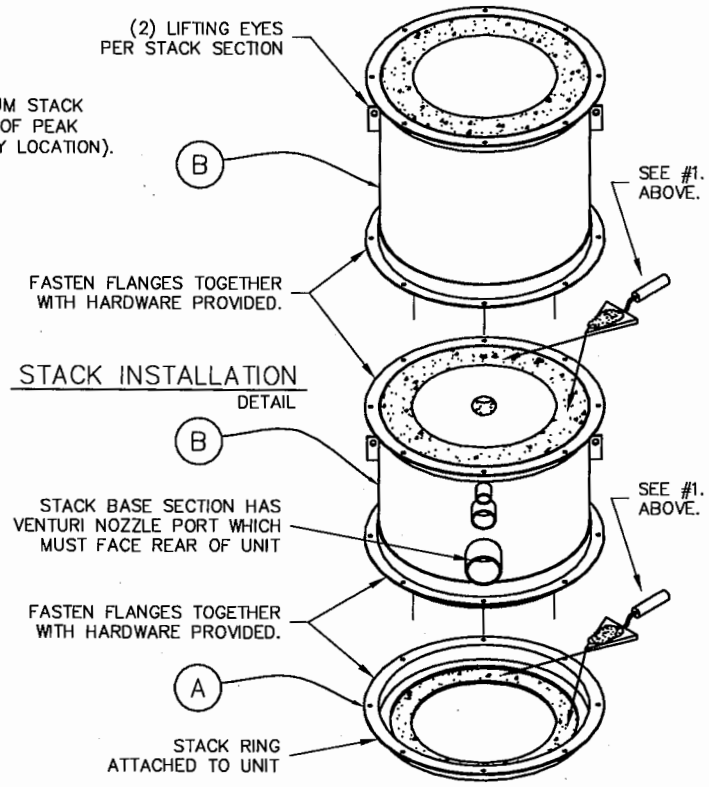
AIR: LOUVER NEAR THE REAR OF THE UNIT CAPABLE OF PASSING 2,500 CU FT/MIN [70.8 CU M/MIN] OF FREE AIR (36" X 36") [914 mm X 914 mm].

STACK INSTALLATION INSTRUCTIONS

1. APPLY A 1/2" THICK MORTAR JOINT TO EXPOSED REFRACTORY SURFACE IN STACK RING. LOWER THE BASE STACK SECTION (B) ONTO STACK RING (A) AND FASTEN WITH HARDWARE PROVIDED (NO MORE THAN (2) STACK SECTIONS SHALL BE LIFTED TOGETHER). REPEAT PROCESS FOR REMAINING STACK SECTIONS. IF SECTIONS OF VARYING LENGTHS ARE SUPPLIED, ASSEMBLE AS TO AVOID FLANGES & LIFTING EYES INTERFERING WITH RAIN COLLAR LOCATION.
2. INSTALL STORM COLLAR ON STACK, 3" [76 mm] ABOVE NON-COMBUSTIBLE LINER (FLASHING), ALLOWING FOR PROPER VENTILATION (SEE DETAIL).
3. APPLY A 1/4" [6 mm] BEAD OF HIGH-TEMPERATURE SILICON SEALANT (PROVIDED BY MES) TO THE JOINT BETWEEN THE STORM COLLAR (C) AND THE STACK (B).
4. STORM COLLAR IS FURNISHED BY MES. THE NON-COMBUSTIBLE LINER (FLASHING) TO BE PROVIDED BY THE OTHERS.
5. IF FIFTY PERCENT OF THE STACK LENGTH IS ABOVE THE ROOF, GUY WIRES MAY BE REQUIRED. CONSULT WITH YOUR MES REP.
6. RAIN CAP NOT REQUIRED.



ROOF PENETRATION
DETAIL



STACK INSTALLATION
DETAIL

Matthews
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USA

POWER-PAK II PLUS

STACK DETAILS, CLEARANCES & INSTALLATION INSTRUCTIONS. REFRACTORY STACK DETAIL

DRAWN BY:	JG	DATE:	03.14.2014	REVISION:	
APPROVED BY:	–	DATE:	–	1	09.20.2017 CHANGED MIN. FRONT CLEAR. TO 10'
SCALE:	1/2" = 1'-0"	SHEET:	OF:		
DWG FILE:					
DWG NUMBER:		$(GETVAR,??)			

Q:\ENG\MCD NEW SYSTEM\OPERATIONS\PPII+\SHOP\PPII+_09-006.DWG

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Calculation Of Emissions

Estimated Emission Calculation

Matthews Environmental Solutions
(previously Matthews Cremation Division)
Crematory Incinerator Model IE43-PPII Plus

Total Incenerator Burn Capacity 175 lb/hr of remains (type 4) and associated containers (type 0)
Flue gas flow rate = 1175 dscfm 12 Hours/Day X 6 Days/Week X 52 Weeks/Year
(100 % Excess Air) = 3744 Hours/Year

Total Emission Rate = Incinerator Burn Rate X Emission Factor

Sulfer Dioxide (SO_2)

$$\frac{175 \text{ lb/hr} \times 2.17 \text{ lb/ton} \times 1 \text{ ton}}{2000 \text{ lbs}} = 0.190 \text{ lb/hr} = 0.355446 \text{ TPY}$$

$$\frac{0.189875 \text{ lb/hr} \times 4.54E+05 \text{ mg/lb} \times 1 \text{ ppmv}}{1175 \text{ dscfm} \times 60 \text{ min/hr} \times 0.0283 \text{ m}^3/\text{f}^3 \times 2.61 \text{ mg/m}^3} = 16.55 \text{ ppmv}$$

Nitrogen Oxide (NOx - as Nitrogen Dioxide)

$$\frac{175 \text{ lb/hr} \times 3.56 \text{ lb/ton} \times 1 \text{ ton}}{2000 \text{ lbs}} = 0.3115 \text{ lb/hr} = 0.583128 \text{ TPY}$$

$$\frac{0.3115 \text{ lb/hr} \times 4.54E+05 \text{ mg/lb} \times 1 \text{ ppmv}}{1175 \text{ dscfm} \times 60 \text{ min/hr} \times 0.028 \text{ m}^3/\text{f}^3 \times 1.88 \text{ mg/m}^3} = 38.11 \text{ ppmv}$$

Particulates (PM & PM_{10})

$$\frac{175 \text{ lb/hr} \times 4.67 \text{ lb/ton} \times 1 \text{ ton}}{2000 \text{ lbs}} = 0.408625 \text{ lb/hr} = 0.764946 \text{ TPY}$$

$$\frac{0.408625 \text{ lb/hr} \times 7.00E+03 \text{ gr/lb}}{1175 \text{ dscfm} \times 60 \text{ min/hr}} = 0.04 \text{ gr/dscf}$$

Carbon Monoxide (CO)

$$\frac{175 \text{ lb/hr} \times 2.95 \text{ lb/ton} \times 1 \text{ ton}}{2000 \text{ lbs}} = 0.258125 \text{ lb/hr} = 0.48321 \text{ TPY}$$

$$\frac{0.258125 \text{ lb/hr} \times 4.54E+05 \text{ mg/lb} \times 1 \text{ ppmv}}{1175 \text{ dscfm} \times 60 \text{ min/hr} \times 0.028 \text{ m}^3/\text{f}^3 \times 1.14 \text{ mg/m}^3} = 52.08 \text{ ppmv}$$

Hydrocarbons (TOC/VOC - methane)

$$\frac{175 \text{ lb/hr} \times 2.99E-01 \text{ lb/ton} \times 1 \text{ ton}}{2000 \text{ lbs}} = 0.026163 \text{ lb/hr} = 0.048976 \text{ TPY}$$

$$\frac{0.0261625 \text{ lb/hr} \times 4.54E+05 \text{ mg/lb} \times 1 \text{ ppmv}}{1175 \text{ dscfm} \times 60 \text{ min/hr} \times 0.0283 \text{ m}^3/\text{f}^3 \times 0.65 \text{ mg/m}^3} = 9.16 \text{ ppmv}$$

Notes:
1. Incinerator Emissions based on EPA emissions from Table 2.3-1 and 2.3-2 of AP-42 (5th Edition)
2. All conversion factors from AP-42 Appendix A.

THIS DOCUMENT CONTAINS CONFIDENTIAL AND PROPRIETARY INFORMATION OF MATTHEWS ENVIRONMENTAL SOLUTIONS & MAY NOT BE DISCLOSED TO THIRD PARTIES WITHOUT THE WRITTEN CONSENT OF MATTHEWS. UNLESS OTHERWISE SPECIFIED IN WRITING, MATTHEWS ENVIRONMENTAL SOLUTIONS IS THE OWNER OF THIS DOCUMENT AND THE INFORMATION CONTAINED HEREIN.

CREMATOR MASS BALANCE

Matthews Environmental Solutions

PPII Plus

THESE CALCULATIONS HAVE BEEN PREPARED TO EVALUATE THE COMBUSTION PROCESS IN THIS UNIT.

THE INCINERATOR INSTITUTE OF AMERICA HAS PUBLISHED THE FOLLOWING SPECIFICATIONS COVERING AVERAGE WASTES.

WASTE TYPE	TYPE 0	TYPE 4
BTU PER POUND	8500	1000
POUND ASH PER POUND WASTE	0.05	0.05
POUND MOISTURE PER POUND WASTE	0.1	0.85
POUND COMBUSTIBLES PER POUND WASTE	0.85	0.1
HOURLY CONSUMPTION OF WASTE (LBS)	10	165

1. MASS OF PRODUCTS OF COMBUSTION FROM CONTAINER

A. COMBUSTION AIR

$$\frac{8500 \text{ BTU/LB}}{100 \text{ BTU/CF OF AIR*}} \times 0.075 \text{ LB/CF OF AIR} = 6.38 \text{ LB/LB BURNED}$$

B. COMBUSTIBLES AND WATER VAPOR FROM CHART ABOVE = 0.95 LB/LB BURNED

C. TOTAL FLUE PRODUCT MASS PER LB BURNED = 7.33 LB/LB BURNED

2. MASS OF PRODUCTS OF COMBUSTION FROM BODY

A. COMBUSTION AIR

$$\frac{1000 \text{ BTU/LB}}{100 \text{ BTU/CF OF AIR*}} \times 0.075 \text{ LB/CF OF AIR} = 0.75 \text{ LB/LB BURNED}$$

B. COMBUSTIBLES AND WATER VAPOR FROM CHART ABOVE = 0.95 LB/LB BURNED

C. TOTAL FLUE PRODUCT MASS PER LB BURNED = 1.70 LB/LB BURNED

SPECIFICATIONS	
PRIMARY BURNER FUEL CONSUMPTION (MMBTU/HR)	1
SECONDARY BURNER FUEL CONSUMPTION (MMBTU/HR)	1.2
ADDITIONAL SECONDARY AIR SUPPLIED (CFM)	200
SEC. CHAMBER OPERATING TEMPERATURE (°F)	**1600**
SECONDARY CHAMBER VOLUME (CU. FT)	96
SEC. CHAMB. CROSS-SECTIONAL AREA (SQ. FT)	2.76
FLAME PORT AREA (SQ. FT)	2.95
MIXING BAFFLES AREA (SQ. FT)	1.36

*AIR AT STANDARD CONDITIONS

3. TOTAL FLUE PRODUCTS

A. MAXIMUM PRIMARY BURNER GAS USAGE

1000000 BTU/HR x 4.8E-05 LBS/BTU = 48 LBS/HR

B. COMBUSTION AIR FOR PRIMARY BURNER

$$\frac{1000000 \text{ BTU/HR}}{100 \text{ BTU/CF AIR}} \times \frac{1}{\text{Burner}} \times 0.075 \text{ LB/CF AIR} = 750 \text{ LBS/HR}$$

C. MAXIMUM SECONDARY BURNER GAS USAGE

1200000 BTU/HR x 4.8E-05 LBS/BTU = 58 LBS/HOUR

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D. COMBUSTION AIR FOR SECONDARY BURNER

$$\frac{1200000 \text{ BTU/HR}}{100 \text{ BTU/CF AIR}} \times 1 \text{ Burner} \times 0.075 \text{ LB/CF AIR} = 900 \text{ LBS/HOUR}$$

E. PRODUCTS FROM TYPE 0 WASTE (CONTAINER)

7.33 LBS/LB BURNED x 10 LB/HR BURN RATE = 73 LBS/HOUR

F. PRODUCTS FROM TYPE 4 WASTE (TISSUE)

1.70 LBS/LB WASTE x 165 LB/HR BURN RATE = 281 LBS/HOUR

G. ADDITIONAL SECONDARY CHAMBER COMBUSTION AIR (THROAT AIR)

12000 CF/HR* x 0.075 LB/CF AIR = 900 LBS/HOUR

H. TOTAL FLUE PRODUCTS = 3009 LBS/HOUR

2. VELOCITY AND TIME CALCULATIONS

A. SCFM CALCULATION (PRODUCTS ASSUMED TO HAVE DENSITY CLOSE TO AIR)

$$3009 \text{ LBS/HR} \times \frac{13.35 \text{ STD. CU. FT/LB}}{60 \text{ MIN/HR}} = 670 \text{ SCFM}$$

B. TOTAL PRODUCTS ACFM @ 1600 °F

$$\frac{2060 \text{ °RANKINE}}{530 \text{ °RANKINE}} \times 669.6 \text{ CFM} = 2603 \text{ ACFM}$$

C. RETENTION TIME

$$\frac{96 \text{ CU. FT}}{2603 \text{ ACFM}} \times \frac{60 \text{ SECONDS}}{1 \text{ MINUTE}} = \mathbf{2.21\ SECONDS}$$

THIS DOCUMENT CONTAINS CONFIDENTIAL AND PROPRIETARY INFORMATION OF MATTHEWS ENVIRONMENTAL SOLUTIONS & MAY NOT BE DISCLOSED TO THIRD PARTIES WITHOUT THE WRITTEN CONSENT OF MATTHEWS. UNLESS OTHERWISE SPECIFIED IN WRITING, MATTHEWS ENVIRONMENTAL SOLUTIONS IS THE OWNER OF THIS DOCUMENT AND THE INFORMATION CONTAINED HEREIN

JOHN A. OLSZEWSKI, JR.
County Executive

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

May 16, 2022

Lawrence E. Schmidt, Esq. – lschmidt@sgs-law.com
Smith, Gildea & Schmidt
600 Washington Ave, Suite 200
Towson, MD 21204-1301

RE: Petitions for Special Hearing. Special Exception and Variance
Case No. 2022-0051-SPHXA
Property: 11543 Philadelphia Road

Dear Mr. Schmidt:

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: Charles Evans – infor@evansfuneralchapel.com
David McMillion – dmcmillion@ceiengineering.com
Utka Akbulut – uakbulut@mca.design
Judy Carroll – jcarroll@ceiengineering.com
John Hahn – jhahn@mca.design
Merrill A. Messick – mmessick@mca.design
Anna Littleton – alittleton@mca.design
Claire Fishman – cfishman@ceiengineering.com
William Shade – lschmidt@sgs-law.com
Audrey Perkins – perkinsaudrey648@gmail.com

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION & VARIANCE	*	BEFORE THE
(11543 Philadelphia Road)	*	OFFICE OF
10th Election District	*	ADMINISTRATIVE HEARINGS
6th Council District		
19A Newport Drive, LLC	*	FOR BALTIMORE COUNTY
Legal Owner		
	*	
Petitioner		**Case No. 2022-0051-SPHXA**

* * * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of 19A Newport Drive, LLC, legal owner ("Petitioner"). The Special Hearing request is as follows:

1. A waiver pursuant to the Baltimore County Zoning Regulations ("BCZR") § 500.7; Parts 123 and 125 of the Baltimore County Building Code ("BCBC"); and Sections §§ 32-4-107 (a), 32-4-414, 32-8-201, et seq. and § 32-8-301, et seq. of the Baltimore County Code ("BCC") to permit a portion of the parking lot in a riverine floodplain; and

2. A request for a business parking in a residential zone, as provided in BCZR § 409.8.B;

3. A modified parking plan pursuant to BCZR § 409.12.B, and

4. For such other further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

The Petition for Special Exception seeks the following:

1. A funeral establishment pursuant to Baltimore County Zoning Regulations ("BCZR") § 230.3.;

2. For such other and further relief as may be deemed necessary by the ALJ.

A Petition for a Variance was filed:

1. From Baltimore County Zoning Regulations ("BCZR") § 409.8.A.4: To permit a distance to street line for a parking space in a surface parking facility for a nonresidential use of 9.83 ft. in lieu of the permitted 10 ft.;

2. BCZR § 409.8.A.1 (and the Landscape Manual): To permit design, screening and landscaping from a side property line to the driveway of 5.5 ft. in lieu of the permitted 10 ft.;

3. BCZR § 303.2: To permit a front yard depth of 65.5 ft. in lieu of the 90.2 ft. average depth of the front yards of the immediately adjoining lots;

4. BCZR § 409.6: To permit 52 off-street parking spaces in lieu of the 53 minimum required parking spaces;

5. BCZR § 1B01.1.B.e: To permit a parking lot with a Residential Transition Area ("RTA") buffer and setback of 15.58 ft. in lieu of the required 50 ft. buffer and 75 ft. setback, and

6. For such other and further relief as may be deemed necessary by the ALJ.

Due to the ongoing COVID-19 restrictions 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 Environmental Protection and Sustainability ("DEPS"), Bureau of Development Plans Review ("DPR") and the Department of Public Works and Transportation ("DPW&T"), and the Department of Planning. The agencies did not object to the relief, subject to proposed conditions, which will be incorporated into the Order.

Charles Evans appeared on behalf of the Petitioner. Lawrence Schmidt, Esquire of Smith, Gildea and Schmidt represented the Petitioner. Judith Carroll, P.E., the engineer who prepared

and sealed the Site Plan also attended, as did David McMillion of her firm. The Site Plan was admitted as Petitioner's Exhibit 1. One member of the community attended for informational purposes.

Mr. Schmidt gave an overview of the requested relief, explaining that the site is approximately 1.3 acres and it split-zoned BL, BR, and DR 3.5. It is currently a vacant lot located on Philadelphia Road (Rte. 7) in the Honeygo Area. There is a veterinary office on one side and a vacant lot owned by Asplundh Construction Co. on the other. There is a mobile home park across the street. He explained that the proposed funeral establishment is permitted by right in the BR zone by virtue of the fact that the BR zone incorporates the BM zone's permitted uses via BCZR 236.1.A. He further explained that the BL zone permits this use by Special Exception, which is why that relief has been requested. Mr. Schmidt further explained that the front setback calculations and variance are based on the setback of the veterinary office next door. He noted that Rt. 7 is a state highway and that Petitioner's engineers have been working with the State Highway Administration ("SHA") to obtain their approval, which will entail widening the road along the frontage of this parcel. He then explained that the residences to the rear of the site generate the Residential Transition Area regulations; however, the nearest residences is 142 ft. away from this tract's boundary. He urged that the RTA variance relief is therefore within the spirit and intent of the BCZR, since the RTA would not even be generated if that dwelling was an additional 8 ft. distant.

Ms. Carroll then discussed the unique features of the site, including its dimensions and topography. She also explained that there is a riverine floodplain running through a portion of the rear of the site. However, the stream that generates this floodplain is carried *under* the site by a storm sewer pipe that was installed some time ago. She further explained that the residential

developer who developed the adjacent neighborhood to the rear of the site was required to perform a full flood study to the county in order to obtain approval for that development, and that she has submitted that study to DPW&T. She stated that she does not yet know whether they will accept this study for this project or if the Petitioner will be required to perform another floodplain study, but if that is the case they are prepared to do so. She explained that the flood plain is approximately 34 acres and that approximately one acre of the proposed parking lot would be within the floodplain.

Mr. Evans then provided a "day in the life" of the proposed funeral home's operations. He explained that there will be from two to five employees there most days, depending on what type of services are taking places. Most of their services and viewings are at 10 and 11 a.m. in the morning and then from 5 to 9 p.m. in the evening. He further explained that this will be a satellite location and that his main funeral business is in Parkville. There will be a crematory at this location but there will be no embalming of other body preparation. He identified Petitioner's Exhibit 4 as the floor plans and architectural renderings for the proposed funeral home, which depict an attractive modern two story structure of quality materials. In response to questions from the community member he explained that the crematory is regulated by the State of Maryland and must also comply with the stringent regulations of the federal Environmental Protection Agency.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1, 11 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances

showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

The record evidence establishes that the impacts of this proposed funeral establishment at this location will have no greater impacts than are inherent in the use. Further, a significant portion of the site is zoned BR, which allows this use by right. Further, I find that the requirements of BCZR § 502.1 are satisfied. The site is located on a state highway which provides ample capacity to accommodate this business, especially with the widening that SHA is requiring. I further find that it will not overcrowd the land or interfere with adequate provisions for parks, schools, sewer, water or transportation. This two story structure will have no impacts on light or air, and the use is not inconsistent with the zoning classifications. With regard to the impacts on the environment, I find that if the DPW&T approves a floodplain study for this site then those impacts will have been addressed. In sum, I find that the Special Exception is within the spirit and intent of the BCZR and, subject to resolution of the floodplain issue, will not harm the public health, safety or welfare.

VARIANCES

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).

As described above, the site is unique in a zoning sense. It is unique dimensions as compared with the adjoining parcels and has a fairly steep grade from the front to the rear of the site. In addition, there is a floodplain along the rear portion of the site which impacts site planning. The Petitioner would suffer practical difficulty and hardship if the variance relief is denied because

they would be unable to construct the proposed building and parking lot. Again, I find that the variances are within the spirit and intent of the BCZR and will not harm the public health, safety or welfare.

SPECIAL HEARING

Section 500.7 of the BCZR allows a property owner or any "interested person" to request an interpretation of the 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).

In the instant case, the Petitioner asks for two separate forms of relief. First, that they be allowed to have commercial parking in a residential zone under BCZR § 409.8.B, or in the alternative, for a modified parking plan under BCZR § 409.12. Second, for a waiver of the floodplain regulations in order that they can construct a portion of the required parking in a riverine floodplain. As to the parking relief, I find that with the conditions set forth below, that it can be granted within the spirit and intent of the BCZR and that it will not harm the public health, safety, or welfare.

Next, with regard to the requested floodplain waiver, I find that I am without sufficient evidence to grant this relief, if such relief can ever be granted. The ZAC Comments of the DPW&T note that there is a riverine floodplain on a portion of the property and that "a riverine flood study based on ultimate land use conditions . . . must be submitted and 'Accepted for Filing.'" Petitioner's engineer explained that they have submitted a flood plain study but DPW&T has not yet approved it, and that Petitioner may, in fact, be required to perform and

submit a new study. Further, the file does not contain a "request of a department director" for a waiver, as required by BCC § 32-4-107 (a)(1). If the DPW&T ultimately approves a flood study submitted by the Petitioner, and its Director requests the grant of a waiver then I believe the proper procedure would be for Petitioner to file another Petitioner for Special Hearing to request approval of that waiver request. In sum, as discussed at the hearing, the floodplain waiver issue is not a zoning issue, it is a development issue, and given the unresolved status of the floodplain study, it is not ripe for resolution at this time.

THEREFORE, IT IS ORDERED this **16th** day of **May 2022**, by this Administrative Law Judge, that the Petition for Special Hearing as follows: (1) A waiver pursuant to the Baltimore County Zoning Regulations ("BCZR") § 500.7; Parts 123 and 125 of the Baltimore County Building Code ("BCBC"); and §§ 32-4-107 (a), 32-4-414, 32-8-201, et seq. and § 32-8-301, et seq. of the Baltimore County Code ("BCC") to permit a portion of the parking lot in a riverine floodplain; is hereby **DENIED, WITHOUT PREJUDICE.**

IT IS FURTHER ORDERED that (1) A request for business parking in a residential zone, as provided in BCZR § 409.8.B.; and (2) A modified parking plan pursuant to BCZR § 409.12.B., are hereby **GRANTED.**

IT IS FURTHER ORDERED, that the Petition for Special Exception filed for a funeral establishment pursuant to Baltimore County Zoning Regulations ("BCZR") § 230.3, is hereby **GRANTED**.

IT IS FURTHER ORDERED, that the Petition for Variance:

1. From Baltimore County Zoning Regulations ("BCZR") § 409.8.A.4: To permit a distance to street line for a parking space in a surface parking facility for a nonresidential use of 9.83 ft. in lieu of the permitted 10 ft.;

2. BCZR § 409.8.A.1 (and the Landscape Manual): To permit design, screening and landscaping from a side property line to the driveway of 5.5 ft. in lieu of the permitted 10 ft.;

3. BCZR § 303.2: To permit a front yard depth of 65.5 ft. in lieu of the 90.2 ft. average depth of the front yards of the immediately adjoining lots;

4. BCZR § 409.6: To permit 52 off-street parking spaces in lieu of the 53 minimum required parking spaces, and

5. BCZR §1B01.1.B.e: To permit a parking lot with a Residential Transition Area (" RTA") buffer and setback of 15.58 ft. in lieu of the required 50 ft. buffer and 75 ft. setback, are all hereby **GRANTED.**

The relief granted herein shall be subject to the following:

- 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.

- Petitioners must comply with the DEPS, DPR and DPW&T ZAC comments, copies of which are attached hereto and made a part thereof.

- Other than Petitioner's company vehicles, only passenger cars (other than buses) may use the parking facilities.

- Petitioner shall submit for approval a landscape and lighting plan that complies with the Baltimore County Landscape Manual.

- After 9:30 p.m. only security lighting will be permitted.

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
APR 0 4 2022
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: April 4, 2022

SUBJECT: DEPS Comment for Zoning Item # 2022-0051-SPHXA
Address: 11543 Philadelphia Road
(19A Newport Drive, LLC Property)

Zoning Advisory Committee Meeting of **March 14, 2022**

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

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

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

Additional Comments:

1. **The site plan shows an existing Forest Buffer Easement (FBE) on the property. Environmental Impact Review found no evidence there is an existing FBE on the property.**

   Reviewer: Gris Batchelder

2. **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.**

   Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: March 24, 2022

FROM: Vishnu Desai, Supervisor for VKD 04/15/22
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 14, 2022
Item No. 2022-0051-SPHXA

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

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

If the contributing Drainage Area is 30 acres or greater, an ultimate condition Flood Plain Sturdy is required

* * * * *

VKD: cen
cc: file

Lajuanda Whitaker

From:	Terry Curtis
Sent:	Friday, March 11, 2022 10:02 AM
To:	PAI Zoning Advisory Committee
Cc:	Peoples Counsel
Subject:	ZAC Agenda Case #2022-0051-SPHXA, Philadelphia Road #11543

Good morning,

During my review of the ZAC Agenda for the distribution meeting of March 7, 2022, I reviewed an Special Hearing for case number 2022-0051-SPHXA for 11543 Philadelphia Road.

The Department of Public Works and Transportation (DPWT) Bureau of Engineering and Construction offers the following comments:

1.) A riverine flood plain meets the qualifications of a Baltimore County regulated flood plain that flows overland with the existing stream on the property. Based on Baltimore County Code 32-4-414, development in a riverine flood plain is prohibited. A riverine flood study based on ultimate land use conditions according to the Department of Permits, Approvals and Inspections Bureau of Development Plans Review Policy Manual and Department of Public Works and Transportation Design Manual must be submitted and "Accepted for Filing" by the Department of Permits, Approvals and Inspections Bureau of Development Plans Review before the approval of the Administrative Variance for the addition. In addition, Plate DF-1 located in the DPWT Design Manual must be observed.

If you have any questions please feel free to contact me anytime.

Terry Curtis, Jr.
Engineer III
Department of Public Works and Transportation
111 West Chesapeake Avenue
Room 205
Towson, Maryland 21204
410-887-3117
tcurtis@baltimorecountymd.gov

Exceptional Customer Service
Safe and Efficient Operations
Reliable Infrastructure

From: Information WMCCA
To: Administrative Hearings
Subject: EXHIBIT 2P(1)
Date: Thursday, May 9, 2024 3:50:02 PM

CAUTION: This message from wmcca.info@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.

---------- Forwarded message ---------
From: **Information WMCCA** <wmcca.info@gmail.com>
Date: Sun, May 5, 2024, 1:55 PM
Subject: Please print email
To: <LSUChris@comcast.net>

---------- Forwarded message ---------
From: **Information WMCCA** <wmcca.info@gmail.com>
Date: Fri, Apr 19, 2024, 11:39 AM
Subject: Re: Case No: 2022-0051 SPXHA
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>

Thank you. I just wanted to be clear that you were acknowledging receipt of the 11/20/23 email rather than the April 2024 email.

On Fri, Apr 19, 2024, 11:22 AM Administrative Hearings <administrativehearings@baltimorecountymd.gov> wrote:

> Ms. Patti,
>
> In your April 17, 2024 email, you forwarded a copy of your emails dated of November 19 and 20, 2023. Our email of earlier today confirmed our receipt.
>
> ---
>
> **From:** Information WMCCA <wmcca.info@gmail.com>
> **Sent:** Friday, April 19, 2024 10:02 AM
> **To:** Administrative Hearings <administrativehearings@baltimorecountymd.gov>
> **Subject:** Re: Case No: 2022-0051 SPXHA
>
> **CAUTION:** This message from wmcca.info@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 allow me to elaborate - I just need to confirm that the original email from Nov 2023 was received. I didn't receive an error message stating there was a problem with delivery, so I presume it was received but am trying to confirm that.

Thank you

On Fri, Apr 19, 2024, 9:42 AM Administrative Hearings <administrativehearings@baltimorecountymd.gov> wrote:

> Ms. Patti,
>
> OAH is in receipt of your email below dated April 17, 2024 requesting a 'disposition' on the contents of the email.
>
> Please be advised that OAH can not issue a 'disposition' on the email and can not provide your community association with legal advice.
>
> ---
>
> **From:** Information WMCCA <wmcca.info@gmail.com>
> **Sent:** Wednesday, April 17, 2024 9:47 PM
> **To:** Administrative Hearings <administrativehearings@baltimorecountymd.gov>
> **Subject:** Fwd: Case No: 2022-0051 SPXHA
>
> **CAUTION:** This message from wmcca.info@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,
>
> Please see forwarded email below, which was sent to your office on November 20, 2023. May you please provide me with the disposition of this email? Was it forwarded to Judge Murphy as requested?

Thank you,

Heather Patti

President

White Marsh Cowenton Community Association

---------- Forwarded message ---------
From: **Information WMCCA** <wmcca.info@gmail.com>
Date: Mon, Nov 20, 2023, 2:55 PM
Subject: Fwd: Case No: 2022-0051 SPXHA
To: <administrativehearings@baltimorecountymd.gov>

Please kindly forward to ALJ Maureen Murphy for review. I was unaware that Judge Mayhew had recently retired.

---------- Forwarded message ---------
From: **Information WMCCA** <wmcca.info@gmail.com>
Date: Sun, Nov 19, 2023, 4:07 PM
Subject: Case No: 2022-0051 SPXHA
To: <pmayhew@baltimorecountymd.gov>

Your Honorable Judge Mayhew,

I know this is very unorthodox but I felt compelled to contact you regarding the above referenced decision made in May 2022 which involved The Evans Funeral Chapel, represented by attorney Lawrence Schmidt.

In May 2021 property at 11543 Philadelphia Rd was purchased by Newport LLC, aka Evans Funeral Chapel. In January 2022, a sign was posted on the property which said, “Evans Funeral Chapel & Cremation Services COMING SOON!”

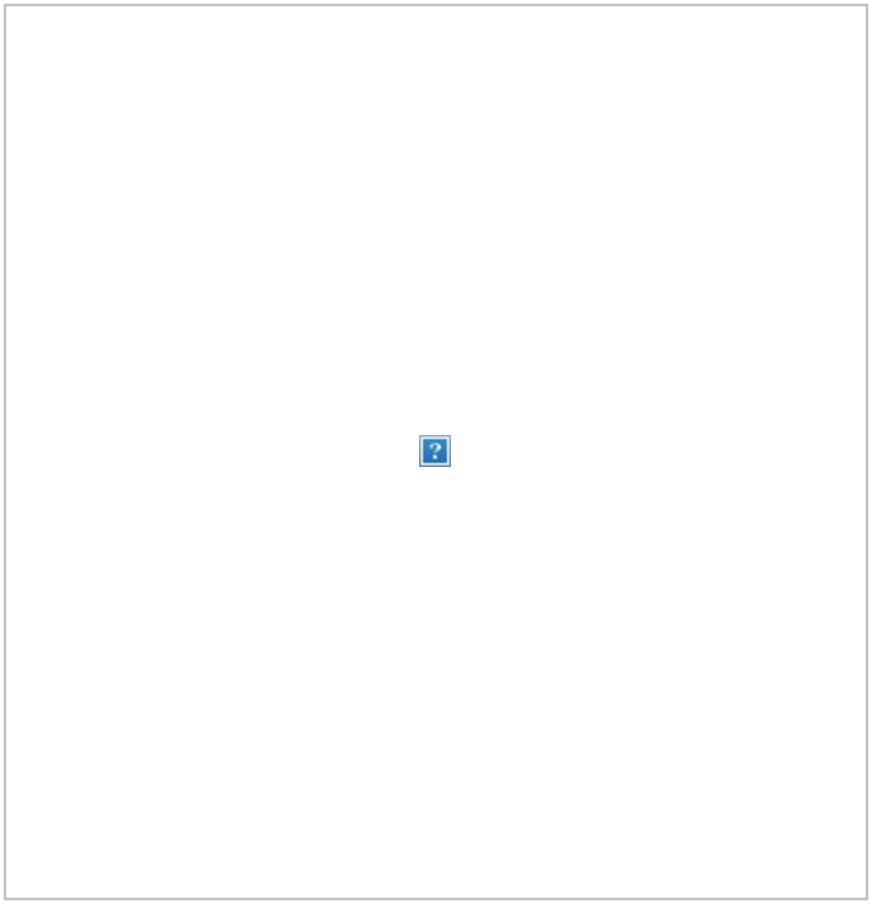
I immediately began receiving phone calls and inquiries from many concerned residents asking if cremations would be performed on this property? There was a LOT of concern. Not being sure of what to do and not wanting to rely on hearsay for answers, I went “straight to the horse's mouth,” meaning that I called the Evans Funeral Chapel’s Parkville

location directly. This was sometime in February 2022 and spoke with Charlie Evans himself. I introduced myself, explained the community's concerns and asked him if cremations would be performed at the 11543 Philadelphia Road location. Mr. Evans was pleasant and cordial as he explained to me that NO. there would not be any cremations performed at their new White Marsh location, although they would be offering cremation services. He explained that the actual cremations would be performed off-site. I thanked him for his time and we ended the call on good terms.

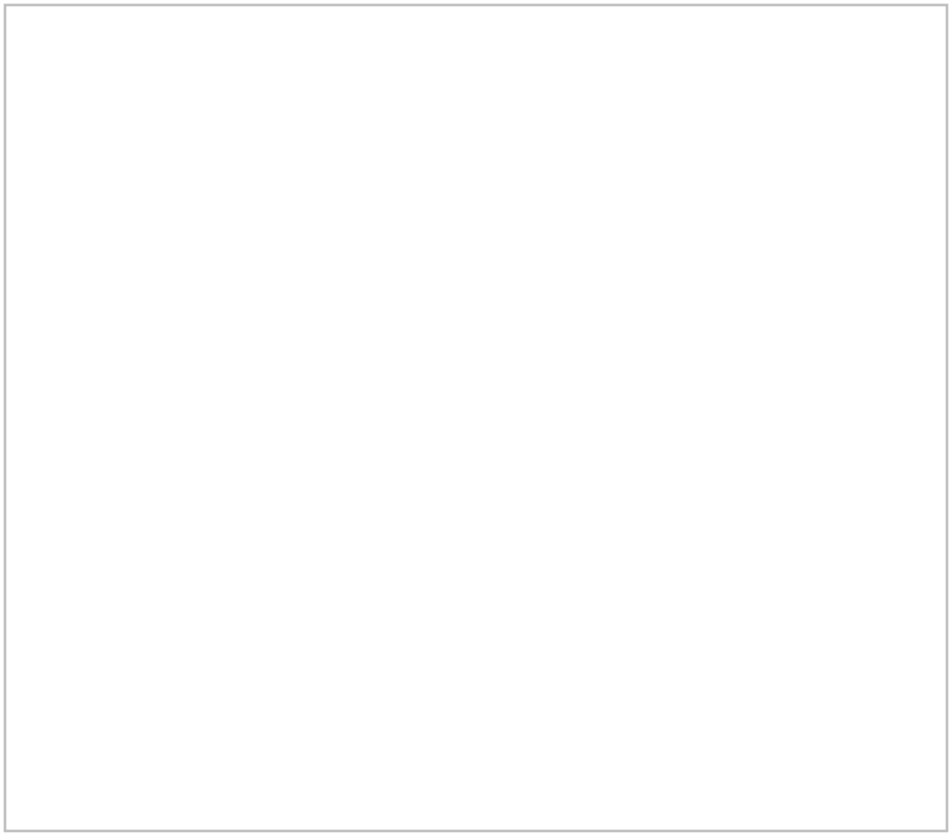
After doing some research online, I contacted MDE's Department of Air & Radiation to see if any permits had been filed for a crematory by Evans Funeral Chapel in Baltimore County. I was told no but that a permit to construct an additional crematory for their Harford County location had been filed recently. After explaining what Mr. Evans had told me, it was explained that the usual procedure was for cremations to be done at a separate site and then sent back to a funeral establishment for the service. Feeling satisfied that I'd received accurate information, I reported this to the community in late February to abate their concerns.

Being aware of the upcoming Zoning Hearing for a Special Exception, we decided that a Funeral Establishment would be a much better option for this property than other uses permitted by right - retail sales, personal services, restaurant, bank, office, tavern, food store, medical clinic. Funeral homes typically keep their properties clean and well lit, and end their hours before 10 pm. They are not loud and do not attract problems; we were looking forward to having this new business in the community. After reviewing the development plans we decided that we did not need to attend the hearing in May 2022 for Zoning Special Exception, since we were not opposed to having a funeral establishment at 11543 Philadelphia Road. It is important to note that there is no mention of a crematory in the development plans.

I have enclosed pictures of the signs from The Evans Funeral Chapel's Parkville location, 8800 Harford Road, as well as the proposed White Marsh location, 11543 Philadelphia Road. As you can see, the signs are almost identical and contain the same wording, "EVANS Funeral Chapel & Cremation Services." It is important again to note that the Parkville location does not have a crematory on-site, but "offers" cremation services. There is nothing out of the ordinary to indicate that a crematory would be a possibility at the White Marsh location.



11543 Philadelphia Road, White Marsh



8800 Harford Road, Parkville

Sometime in March 2023 I received a phone call from a concerned and agitated community member who told me that The Evans Funeral Chapel was building a crematory at 11543 Philadelphia Road. I explained that I had spoken directly with the owner and that no cremations were to take place at this location according to his own words. However, I decided to follow up again with MDE's Department of Air & Radiation Permits to see if any new applications had been received from Evans. I was informed that MDE had recently received an application from Evans Funeral home to construct a crematory at 11543 Philadelphia Road; in fact the application was dated February 21, 2023.

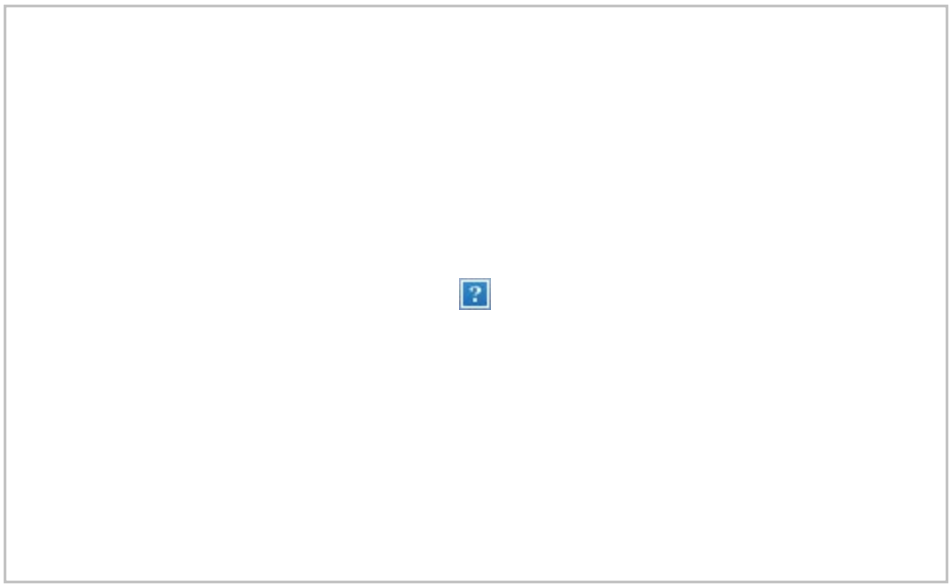
Of course, as you are well aware – March 2023 is well beyond the statute of limitations to file an appeal for the Zoning Special Exception decision made in May 2022. The community had no recourse. MDE held a Community Input Meeting in May 2023, where it was revealed that one of the prerequisites for filing the application to construct a crematory is having proper zoning for a funeral establishment. By the way, this meeting was held at the White Marsh Volunteer Fire Department and was standing room only. Everyone in attendance except for the Evans' representatives were opposed to having a crematory built in their neighborhood.

(Since this time we have been actively opposing the construction of a crematory within a residential area in every way possible.)

According to G&L Mapping systems measurements, there are (35) residences and (6) businesses within 215 ft of the proposed crematory site. One of these businesses is a daycare facility, another is a bakery, another is a restaurant with an outdoor eating section, and then there is a mobile home park (Sylvania Mobile Home Park) located directly across the street from the proposed crematory site. This mobile home park has been located at this site since the early 1960's and is mostly inhabited by the elderly and disabled, who have multiple medical conditions; There are some scattered young families. I counted (14) mobile home units within 500 ft of the proposed crematory. The remainder of the 30+ residential homes are located in recently built housing developments with a median price of $550K, which are almost exclusively inhabited by families with small children.

All of these small local businesses and residences are located off of Philadelphia Road, a small 2-lane rural state road. The proposed crematory site is less than a mile from the Big Gunpowder River. When I read the testimony provided by Mr. Schmidt, counsel for Evans Funeral Chapel, I couldn't believe none of this was mentioned. Additionally, I wondered how we, as a community, missed the notice for a development plan? I was able to find out per the DRC website that this was waived since the plan involved less than three parcels.

Here is a glimpse of the neighborhood:



The building to the right of the Honeygo Animal Hospital (brown roof) at 11543 Philadelphia Road has been razed and is the proposed site of the Evans Funeral Chapel. You can see that Philadelphia Road/Rt 7 is a 2-lane rural state road surrounded by scattered local businesses and residential homes. The property in question is within one mile of the URDL (The Gunpowder River), so it's still a fairly rural area.

You may ask – Why am I bringing all of this information to YOUR attention? I know that essentially nothing can be done in this case, but we as a community feel that not only Evans Funeral Chapel but their attorney, Mr. Schmidt misrepresented themselves in your courtroom, or at the very least weren't completely forthcoming. I wanted to show you, in the event you weren't already aware, the type of representation Mr. Schmidt offers to his clients and what he is willing to omit in a courtroom.

I've attached the findings of a licensed land surveyor who reviewed the development plans, and I think you will be interested in these.

Kind regards,

Heather Patti, RN

Resident and Community Leader

White Marsh, Baltimore County

10916 Philadelphia Road

White Marsh, MD 21162

CONNECT WITH BALTIMORE COUNTY

www.baltimorecountymd.gov

MB-15 Crematoriums

Reference Section 500 of the BCZR

A crematorium is not listed in the Baltimore County Zoning Regulations as allowed by right or by special exception in any zone but is permitted as accessory or related to a principal use of a funeral establishment, cemetery, or hospital and does not require a hearing. A special hearing would be required to determine if the crematorium would be permitted as the principal use.

See cases:

- 2018-122-SPH 200 E. Padonia Rd. To approve a human crematorium as an accessory use to a cemetery.
- 2015-0189-SHA 10108 Harford Rd. To approve a pet crematorium as an accessory use to a pet funeral establishment. Granted
- 2014-176-SPH 200 E. Padonia Rd. To approve a pet crematorium as an accessory use to a cemetery.
- 1990-0156-SPHA 1050 York Rd. To approve a crematorium as an accessory use to a funeral establishment under zoning policy. Granted.
- 1971-0243-X: 301 and 299 Frederick Rd. To permit a funeral establishment with a cremation to be used in conjunction. Granted.

MB-16 EV Charging Stations

The growing demand of electric vehicles (EV) has raised the demand of EV charging spaces. EV charging spaces are within parking lots of office buildings, commercial buildings, retail outlets, convenience stores, restaurants, and manufacturing operations. Charging spaces, if meeting the minimum parking requirements as set forth in Section 419, BCZR will count as provided parking to meet the amount of parking required for the particular use for where they are located.

Charging spaces as accessory parking for a business or commercial use or for a principal use parking lot will not be considered a service station.

EV charging is also accessory to a residential use.

MB-17 Firearm Sales within the Business Zones

Firearm Sales are permitted within the Business Zones only as ancillary to a permitted use allowed by right or special exception. Those uses include a pawnshop (special exception in the BM and BR Zones), department store, sporting goods store, second-hand store, or a combination of permitted uses. Firearm sales (gun store) are not permitted as a principal use within the business zones. A Special Hearing may be required to determine that a proposed firearm business is not a principal use. Any

From: Information WMCCA
To: Administrative Hearings
Subject: Fwd: EXHIBIT 4
Date: Thursday, May 9, 2024 3:51:40 PM

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Date: Thu, May 9, 2024, 3:00 PM
Subject: EXHIBIT 4
To: Information WMCCA <wmcca.info@gmail.com>

---------- Forwarded message ---------
From: **Information WMCCA** <wmcca.info@gmail.com>
Date: Sun, May 5, 2024, 1:42 PM
Subject: Please print this email
To: <LSUChris@comcast.net>

---------- Forwarded message ---------
From: **Shannon Heafey -MDE-** <shannon.heafey@maryland.gov>
Date: Thu, May 2, 2024, 2:07 PM
Subject: Re: Evans Permit to Construct Application
To: Information WMCCA <wmcca.info@gmail.com>

Hi Heather,

I believe you may be referring to exceptions to the no visible emissions rules, and the regulation states:

In Baltimore County, no visible emissions, other than steam, are allowed except under the following conditions outlined in COMAR 26.11.06.02A(2).

(2) The visible emissions standards in §C of this regulation do not apply to emissions during start-up and process modifications or adjustments, or occasional cleaning of control equipment, if:

(a) The visible emissions are not greater than 40 percent opacity; and

(b) The visible emissions do not occur for more than 6 consecutive minutes in any 60 minute period.

Hope this helps you, and may i ask what "other hearings" you referenced? That would be very helpful to me.

Thanks,
Shannon

Shannon Heafey Public Participation Coordinator
Air Quality Permits Program, Air and Radiation Administration
Maryland Department of the Environment
1800 Washington Boulevard, Baltimore, Maryland 21230
shannon.heafey@maryland.gov
410-537-4433

On Thu, May 2, 2024 at 10:26 AM Information WMCCA <wmcca.info@gmail.com> wrote:

Hi Shannon,

Thank you for the update! Quick question - if a hearing is being planned does that mean a tentative decision has been made?

I'm glad to hear that you're checking with Compliance for the answer to my other question. I hope to hear back from you soon.

Have a great day,

Heather

On Thu, May 2, 2024, 10:04 AM Shannon Heafey -MDE- <shannon.heafey@maryland.gov> wrote:

Good Morning Heather!

Thank you for checking in. We should be scheduling the hearing soon, I'm waiting for more info on it. I'm not sure about delays, there are a lot of permit applications being reviewed/processed with limited staff.

I'm going to ask our Compliance program to address the black smoke questions you have, and get back to you asap. The only smoke I'm familiar with is for start-up/shut-down etc. for very large sources, like manufacturing operations. I'll let you know what they tell me.

Shannon

Shannon Heafey Public Participation Coordinator
Air Quality Permits Program, Air and Radiation Administration
Maryland Department of the Environment
1800 Washington Boulevard, Baltimore, Maryland 21230
shannon.heafey@maryland.gov
410-537-4433

On Wed, May 1, 2024 at 8:01 PM Information WMCCA <wmcca.info@gmail.com> wrote:

Hello Shannon,

I hope this email finds you well. It's that time again, and I need to check in with you on the status of the Evans/Newport LLC application. Has there been any progress? If so, may you please advise? If not, may you please indicate the rationale for the delay?

Also, I need to clarify something - I've heard it said at various hearings that MDE permits black smoke from the crematory stack for up to 6 minutes without any violation noted. 1) Is this correct? 2) If this is the case, may you please provide me with supporting evidence? (a statute or regulation) I've been unable to corroborate what I've heard.

As always, thank you for your continued assistance.

Heather

Heather Patti
President
White Marsh Cowenton Community Association

LOCAL NEWS

Neighbors concerned about black smoke from crematory

Smoke, ash coming from crematory.

By: Hannah Buehler

Posted at 6:08 PM, Sep 10, 2020

TOWN OF TONAWANDA, N.Y. (WKBW) — Clouds of thick—black smoke could be seen billowing into the air along Sheridan drive in the Town of

CLOSE

From: Information WMCCA
To: Administrative Hearings
Subject: EXHIBIT 4B
Date: Thursday, May 9, 2024 3:53:37 PM

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https://secure-web.cisco.com/1IATz37s3dr5oX04RGWaa9bvAcVUEt3V7dP93WQVzXXKwclh4gwl6vBJa7a8ZX2a2afm_Z3zHLKXFV-_tVW6jTcui6WMGTulKWDbqyj997j4LcYXxRTDjRv-m_SgwCJSUOg7KBSyVq7nLixja7HSFcOAchBQJrdTMzdZrcsEozdT13M93cmrxmgEuEM-IYOWswf4JiT0nfp1kcFOfhR73dL0Sk21a4KNWPzQRWY0X_r7u64lZeJHIlXfn7rH6-j6XbIei7zwK2x4dxrFBKjA-eXD03KWMbpHMaWLvgOzlWrqdJXARp6VHvRQQK0zuqE7dTfga591VqaC1L3N6uePTuJ8uS2-hijhl8k0aQ_DrGIMxYNQ8MeINe9EenYB1zXyWUTJO5-Dg-ZKIV6Hi1v1AvZrwX2H8IW1PNEfXxyK8kf8bvsLQYVgXZcFjMt00vGSrQ-TpUtmp41Dg6A3gLB5iJg/https%3A%2F%2Fwww.wbfo.org%2Flocal%2F2021-05-07%2Fstate-bill-looks-to-move-amigone-crematory-out-of-residential-neighborhood

From: Information WMCCA
To: Administrative Hearings
Subject: EXHIBIT 4C
Date: Thursday, May 9, 2024 3:54:06 PM

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https://www.mlive.com/public-interest/2023/06/michigan-crematorium-fined-180k-over-chronic-smoke-and-odors.html

EXPERT WITNESS

Environmental Specialist

Lisa Polyak

UNAVAILABLE

Lisa M. Polyak
Email: Lisa.Polyak@gmail.com

PROFESSIONAL EXPERIENCE

* April 2017 – Present

Defense Centers for Public Health – Aberdeen
Defense Health Agency – Public Health
8300 Ricketts Point Road
Aberdeen Proving Ground, MD 21010-5403

Environmental Engineer, Environmental Health Sciences and Engineering (EHSE) Directorate. Represents EHSE to external medical and public health entities to foster technology transfer and consistency of practice in the DoD and Army Public Health Enterprise; facilitates Director priorities to internal stakeholders and cultivate awareness of emerging environmental and climate-related issues affecting the health and readiness of military populations. Manages the suite of Environmental Health metrics for the DoD annual population health report (Health of the Force). Metrics include environmental hazards, interventions and exposure outcomes for air quality, water quality, waste management, vector-borne disease, heat risk and allergic rhinitis. Serves as instructor and subject matter expert on military air quality issues to the Uniformed Services University of the Health Sciences and the Army Public Health Course. Founding member of the DCPH-A Diversity, Equity, and Inclusion Advisory Council.

* Mar 1993 – April 2017

U.S. Army Public Health Center
5158 Blackhawk Road
Aberdeen Proving Ground, MD 21010-5403

Section Chief, Air Quality Surveillance Program. Supervised engineers and scientists providing air quality compliance services and environmental health assessments for the Army and DoD. Performed administrative and personnel functions for subordinates (Federal civilian, military and contractors) including performance rating, training plan implementation, budget and contract management. Provided technical advice, policy development and human health evaluations for the Army Surgeon General and military installations world-wide. Projects included: ambient air sampling; state and federal air permit applications; regulatory compliance audits; air pollutant emission inventories; greenhouse gas inventories; air program management plans; ozone depleting chemical management plans; Risk Management Plans; regulatory applicability analysis for federal regulations including NSR/PSD, Title V Operating Permits, NSPS, NESHAPS; review and comment on proposed state and federal air regulations; National Environmental Policy Act and General Conformity reviews; EPCRA Tier II and Toxic Release Inventory reports; health risk assessments; and Clean Air Act training. Served as instructor and subject matter expert on military air quality issues to the Uniformed Services University of the Health Sciences, U.S. Military Academy, Army Logistics Management College, Navy Civil Engineering Corps Officer School and Air Force Institute of Technology, and the U.S. Army Environmental Command.

* Oct 1990-Mar 1993

U.S. Army Environmental Hygiene Agency
Ambient Air Quality Program
Aberdeen Proving Ground, MD 21010-5422

Senior Environmental Engineer. Served as senior project officer for air quality studies, environmental compliance and health impact assessment for Army and DoD military installations worldwide. Trained junior project officers to perform air quality compliance services. Conducted 18-month ambient air study in the Marshall Islands (monitoring for NOx, SO2, CO and particulate matter generated by DoD activities). Designed chemical agent perimeter monitoring network for Army chemical agent incineration sites. Led multi-media environmental compliance audits of military installations (team included military, legal and environmental media specialists). Served as air quality media specialist for environmental compliance audit teams. Served as Technical Director of Army Air Emission Inventory Program 1991-1993.

*Nov 1989-Oct 1990

Baltimore Gas & Electric Company
Environmental Programs Unit
Baltimore, MD 21227

Environmental Engineer. Responsible for air quality compliance program for gas and electric utility (generation included

coal, gas, oil and nuclear plants). Prepared State and PSD air quality permits for powerplants. Obtained grants from Maryland Department of Natural Resources to perform air quality studies. Reviewed and prepared suggested language for Federal and State legislation affecting utilities. Worked extensively with Utility Air Regulatory Group, BGE lobbyists and Congressional staff on proposed language to Title IV (Acid Rain) of Clean Air Act Amendments of 1990. Negotiated NOVs with Maryland Dept of Environment (MDE). Served as Maryland Chamber of Commerce representative to MDE Air Quality Control Advisory Council.

*Nov 1989-Aug 1986 U.S. Army Environmental Hygiene Agency
Ambient Air Quality Program (AAQP)
Aberdeen Proving Ground, MD 21010-5422

Chemical Engineer. Served as junior project officer for air pollution abatement, environmental compliance and health impact assessment for Army installations. Performed numerous environmental compliance audits and emission inventories. Conducted landfill gas sampling studies at military landfills in California. Performed dispersion modeling to site ambient air monitoring equipment at various Army locations. Performed ambient air quality study for NAAQS pollutants in Vicenza, Italy

ACADEMIC

Master of Health Science, Occupational and Environmental Hygiene, Johns Hopkins Bloomberg School of Public Health, Baltimore, MD; 2010
Risk Sciences and Public Policy Certificate, Johns Hopkins Bloomberg School of Public Health, Baltimore, MD; 2009
Master of Science in Engineering, Chemical Engineering; Johns Hopkins University, Baltimore MD; 1987
Bachelor of Science, Chemistry (Cum Laude), Mathematics Minor; Trinity University, Washington DC; 1983

PUBLICATIONS

* **Technical Guidance Documents**

Polyak LM, Technical Support Document to Facilitate Federal Employee Compliance with Vehicle Emission Inspection and Maintenance Requirements, May 2014
Webber LL, Polyak LM, Technical Guide for Compliance with the General Conformity Rule (revised), February 2013
Dempsey JA, Tushek SEJ, Polyak LM, Technical Guide for Preparing a Record of Nonapplicability for the General Conformity Rule, November 2003
Polyak LM, Title V Permit Assistance Guide for Army Installations, July 1994
Polyak LM, Grow JS, Jones BD, Wood JD, Air Pollution Emission Inventory Protocol for Army Installations and Activities, Updated May 1994
Elliot MG, Polyak LM, A Department of Defense Commanding Officer's Guide for Compliance with the Clean Air Act Amendments of 1990, September 1992
Polyak LM, Summary of the Clean Air Act Amendments of 1990: Titles I, II, III, V, VI and VII, 1991

***Technical Papers**

Datta S, Rule AM, Mihalic JN, Chillrud SN, Bostick BC, Ramos-Bonilla JP, Han I Polyak LM, Geyh AS, Breysse PN, Use of XAS to Speciate Manganese in Airborne Particulate Matter. Environmental Science and Technology, 2012, 46 (6), pp 3101–3109.
Han I, Mihalic JN, Ramos-Bonilla JP, Rule AM, Polyak LM, Peng RD, Geyh AS, Breysse PN, Assessment of heterogeneity of metal composition of fine particulate matter collected from eight U.S. counties using principal component analysis. Journal of Air and Waste Management & Association. 2012, 62(7), pp 773-782.
Rule AM, Geyh AS, Ramos-Bonilla JP, Mihalic JN, Margulies JD, Polyak LM, Kesavan J, Breysse PN, Design and Characterization of a Sequential Cyclone System for the Collection of Bulk Particulate Matter, Journal of Environmental Monitoring, October 2010
Polyak LM, Rule AM, Kesavan, JS, Geyh AS, Mihalic JN, Han I, Ramos-Bonilla JP, Breysse PN, Side by Side Comparison of Two Ultrafine Particle Counters Measuring Ambient Particulate Matter, presented at International Society of Exposure Science

Conference, November 2009
Johnson HL, Polyak LM, Historical Analysis of Army Air Quality Enforcement Actions, presented at National Defense Industrial Association, Joint Services Environmental Management Conference, May 2007
Polyak LM, Dunn RM, Hiera KJ, Air Pollutant Emission Calculations for Army Mobile Sources and Non-Road Engines, presented at National Defense Industrial Association, Joint Services Environmental Management Conference, May 2007
Polyak LM, Johnson HL, Health Effects of Particulate Matter, presented at the Force Health Protection Conference, August 2005
Polyak LM, Johnson HL, Health Implications of Air Pollution Exposure, presented at the Navy Environmental Health Conference, February 2005
Polyak LM, Air Quality Issues in Maryland, presented at The Bryn Mawr School, May 2004
Johnson HL, Polyak LM, Environmental and Health Impacts of Air Pollution: Ozone presented at the Force Health Protection Conference, August 2003
Tallapragada ST, Polyak LM, Summers, D., Evaluation of Hazardous Air Pollutants in the Army, presented at the DOD-U.S. EPA Region III Colloquium, October 2003
Johnson HL, Polyak LM, Trend Analysis of Army Air Quality Issues, presented at the National Defense Industrial Assn Environmental and Energy Symposium, April 2003
Polyak LM, Air Quality Compliance Issues for Health Care Providers, presented at the Health Facility Planning Agency Workshop, October 2001
Polyak LM, Alden SA, Riffe TB, Military Services Convert from JP-4 to JP-8: A Pollution Prevention Story, presented at the Air and Waste Management Association's 91st Annual Meeting, June 1998
Polyak LM, Robinson DL, Alden SA, Hopp PL, Ruff TE, Jenness AB, Preferred Emission Factor Techniques for Army Emission Inventories, presented at the Air and Waste Management Association's 90th Annual Meeting, June 1997
Polyak LM, Webber LL, Department of the Army and Clean Air Act Requirements: A Time of Change, presented at the 21st Annual American Defense Preparedness Association Environmental Symposium, April 1995

* **Professional Recognition**
Department of the Army, Superior Civilian Service Award, 2015
The Daily Record – Influential Marylanders Award for Civic Leadership, March 2013
National Association of Social Workers, Maryland Chapter – Public Citizen of the Year, March 2013
James Baldwin Civil Rights Medal for lifetime commitment to civil and human rights, 2011
U.S. Department of Justice Pride – James R. Douglass Award for contributions to the LGBT community, June 2006
Women's Law Center of Maryland –Rosalyn B. Bell Award for Outstanding Work in Family Law, October 2005
Federal Women's Program, Supervisor of the Year, 1997
Joseph Lovell Award, 1995 *(for outstanding scientific/technical contributions to the Army)*
Department of the Army, Commander's Award for Civilian Service, 1994
Department of the Army, Achievement Medal for Civilian Service, 1993

***Professional Affiliations**
Department of Defense Services Steering Committee for Clean Air Act Implementation, 1991-2015
Aberdeen Proving Ground, Air Quality Subcommittee to the Environmental Quality Control Committee, 1993-2000
Maryland Department of the Environment, Air Quality Control Advisory Council, 1990
Utility Air Regulatory Group, Participating Member 1989-90

* **Invitations to Speak/Guest Lecture**
Veterans Affairs/Department of Defense Women's Mental Health Mini-Residency, 2023, 2024
Uniformed Services University of the Health Sciences, Department of Preventive Medicine and Biometrics, Bethesda, MD, 2012-2020.
University of Maryland, School of Social Work, Baltimore Maryland, 2021
Johns Hopkins Bloomberg School of Public Health, Department of Health Behavior and Society, Baltimore, MD, 2013.
Air Force Institute of Technology, Wright Patterson Air Force Base, OH, ENV 531 Air Quality Management, 1994-2016
Civil Engineering School Officer Corps, Port Hueneme, CA, Air Quality Management, 2002
United States Military Academy, Westpoint, NY, EV389H Meteorology & Air Pollution, 1995

MARYLAND DEPARTMENT OF THE ENVIRONMENT

AIR AND RADIATION ADMINISTRATION
APPLICATION FOR A PERMIT TO CONSTRUCT

DOCKET #05-23

COMPANY: Evans Funeral Chapel

LOCATION: Evans Funeral Chapel & Cremation Services - White Marsh, P.A.
11543 Philadelphia Road
White Marsh, Maryland 21162

APPLICATION: One (1) human crematory.

ITEM	DESCRIPTION
1	Notice of Application and Informational Meeting
2	Environmental Justice (EJ) Information - EJ Fact Sheet and MDE Score and Screening Report
3	Permit to Construct Application – Forms 5, 5A, 5EP, 5T, modeling results, emissions calculations, process flow diagram, vendor specifications, and plot plan.
4	Zoning Approval

MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION

NOTICE OF APPLICATION AND INFORMATIONAL MEETING

The Maryland Department of the Environment, Air and Radiation Administration (ARA) received a permit-to-construct application from Evans Funeral Chapel on February 21, 2023, for the installation of one (1) human crematory. The proposed installation will be located at Evans Funeral Chapel & Cremation Services - White Marsh, P.A., 11543 Philadelphia Road, White Marsh, Maryland 21162.

In accordance with HB 1200/Ch. 588 of 2022, the applicant provided an environmental justice (EJ) Score for the census tract in which the project is located using the Maryland EJ mapping tool. The EJ Score, expressed as a statewide percentile, was shown to be 41 which the Department has verified. This score considers three demographic indicators – minority population above 50%, poverty rate above 25% and limited English proficiency above 15%.

Copies of the application, the EJ mapping tool screening report (which includes the score), and other supporting documents are available for public inspection on the Department's website at https://mde.maryland.gov/programs/Permits/AirManagementPermits/Pages/index.aspx (click on Docket Number 05-23). Any applicant-provided information regarding a description of the environmental and socioeconomic indicators contributing to that EJ score can also be found at the listed website. Such information has not yet been reviewed by the Department. A review of the submitted information will be conducted when the Department undertakes its technical review of all documents included in the application.

Pursuant to the Environment Article, Section 1-603, Annotated Code of Maryland, an Informational Meeting has been scheduled so that citizens can discuss the application and the permit review process with the applicant and the Department.

An Informational Meeting will be held on Wednesday, May 24, 2023, at 6:00 pm at the White Marsh Volunteer Fire Company, 10331 Philadelphia Road, White Marsh, Maryland 21162.

The Department will provide an interpreter for deaf and hearing impaired persons provided that a request is made for such service at least ten (10) days prior to the meeting.

Further information may be obtained by calling Ms. Shannon Heafey at 410-537-4433.

Christopher R. Hoagland, Director
Air and Radiation Administration

Maryland Department of the Environment

The Applicant's Guide to Environmental Justice and Permitting

What You Need to Know

This fact sheet is designed to provide guidance to applicants on incorporating environmental justice screening requirements pursuant to House Bill 1200, effective October 1, 2022.

What is Environmental Justice?

The concept behind the term environmental justice (EJ) is that regardless of race, color, national origin, or income, all Maryland residents and communities should have an equal opportunity to enjoy an enhanced quality of life. How to assess whether equal protection is being applied is the challenge.

Communities surrounded by a disproportionate number of polluting facilities puts residents at a higher risk for health problems from environmental exposures. It is important that residents who may be adversely affected by a proposed source be aware of the current environmental issues in their community in order to have meaningful involvement in the permitting process. Resources may be available from government and private entities to ensure that community health is not negatively impacted by a new source located in the community.

Extensive research has documented that health disparities exist between demographic groups in the United States, such as differences in mortality and morbidity associated with factors that include race/ethnicity, income, and educational attainment. House Bill 1200 adds to MDE's work incorporating diversity, equity and inclusion into our mission to help overburdened and underserved communities with environmental issues.

What is House Bill 1200 and what does it require?

Effective October 1, 2022, House Bill 1200 requires a person applying for a permit from the Department under §1-601 of the Environment Article of the Annotated Code of Maryland or any permit requiring public notice and participation to include in the application an EJ Score for the census tract where the applicant is seeking the permit; requiring the Department, on receiving a certain permit application to review the EJ Score; and requiring notices to include information related to EJ Scores and generally relating to environmental permits and environmental justice screenings.

What is a "Maryland EJ Tool"?

The term "Maryland EJ Tool" means a publicly available state mapping tool that allows users to: (1) explore layers of environmental justice concern; (2) determine an overall EJ score for census tracts in the state; and (3) view additional context layers relevant to an area.

Maryland Department of the Environment

The Applicant's Guide to Environmental Justice and Permitting

What You Need to Know

What is an "EJ Score"?

The term "EJ Score" means an overall evaluation of an area's environment and environmental justice indicators, as defined by MDE in regulation, including: (1) pollution burden exposure; (2) pollution burden environmental effects; (3) sensitive populations; and (4) socioeconomic factors.

The Maryland EJ Screening Tool uses three demographic indicators – minority population above 50%, poverty rate above 25% and percent of the population having limited English proficiency above 15% - to calculate a score that can be used as an indicator of susceptibility to environmental exposure. It is that score, linked to the census tract where the project is to be located, that needs to be reported to MDE as part of your permit application.

What does the application require?

The link for the Maryland EJ Tool is located on the Department's website, www.mde.maryland.gov, under Quick Links as EJ Screening Tool. At the top right, please click the first button for the MDE Screening Report. Input the address of the proposed installation in the address bar. Click on the Report button. Once the report has been generated select the print icon.

The applicant needs to include the MDE Screening Report with the EJ Score from the Maryland EJ Tool as part of the permit application upon submission. An application will not be considered complete without the report.

The applicant is encouraged to provide the Department with a discussion about the environmental exposures in the community. This will provide pertinent information about how the applicant should proceed with engaging with the community. Residents of a community with a high indicator score and a high degree of environmental exposure should be afforded broader opportunities to participate in the permit process and understand the impacts a project seeking permit approval may have on them.

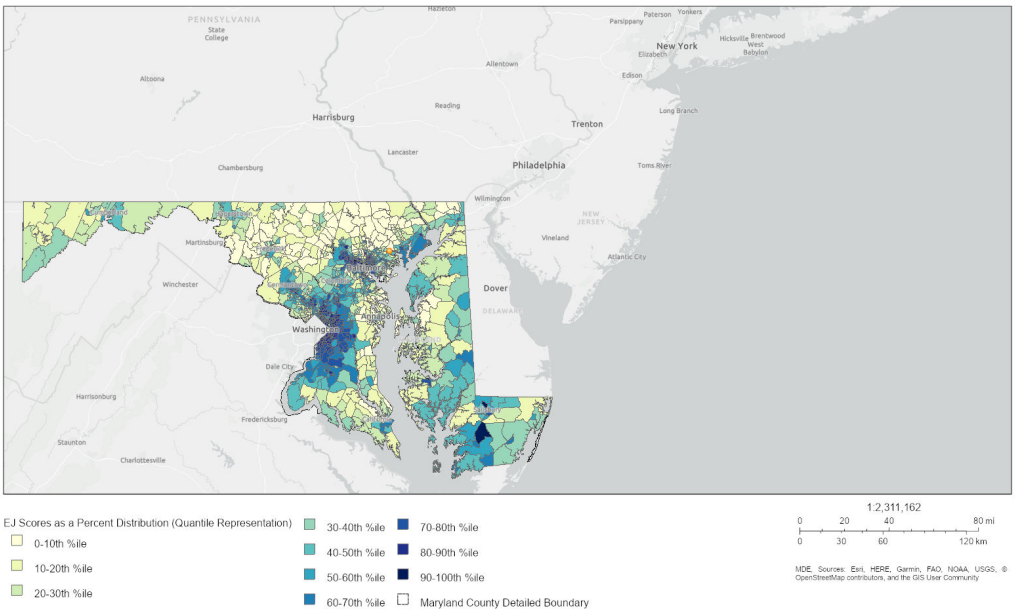
Questions

For air quality permits, please call 410-537-3230.
For water permits, please call 410-537-4145.
For land permits pertaining to Solid Waste, please call 410-537-3098.
For land permits pertaining to Oil Control, please call 410-537-3483.
For land permits pertaining to Animal Feeding Operations, please call 410-537-4423.
For land permits pertaining to Biosolids, please call 410-537-3403.

MDE EJ Screening Report

Area of Interest (AOI) Information

May 8 2023 15:54:08 Eastern Daylight Time



Summary

Name	Count	Area(ft²)	Length(ft)
EJ Scores as a Percent Distribution (Quantile Representation)	1	N/A	N/A
Active High Air Emission Facilities	0	N/A	N/A
LRP Facilities	0	N/A	N/A
Maryland Dam Locations	0	N/A	N/A
Maryland Pond Locations	0	N/A	N/A
Wastewater Discharge Facilities	0	N/A	N/A
Historic Mine Locations	0	N/A	N/A
Significant Wastewater Treatment Plants	0	N/A	N/A
Point Source Discharges	0	N/A	N/A
All Permitted Solid Waste Acceptance Facilities	0	N/A	N/A
Municipal Solid Waste Acceptance Facilities	0	N/A	N/A

EJ Scores as a Percent Distribution (Quantile Representation)

#	Geographic Area Name	Percent Minority	Percent Poverty	Percent_Limited_English_Proficiency	SocioScore Percent Tract Only	Socio Percentile (All MD)	Socio Percentile (All MD) %	Area(ft²)
1	Census Tract 4113.02, Baltimore County, Maryland	34.30	16.21	0.80	17.10	40.96	40.964%	N/A

© MDE

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Air and Radiation Management Administration ▪ Air Quality Permits Program

APPLICATION FOR PROCESSING/MANUFACTURING EQUIPMENT

Permit to Construct ☒ Registration Update ☐ Initial Registration ☐

1A. Owner of Equipment/Company Name
CHARLES F. EVANS, JR / EVANS FUNERAL CHAPEL

Mailing Address
8800 HARFORD ROAD
Street Address

BALTIMORE | MD | 21234
City | State | Zip

Telephone Number
(410) 665-9444

Signature

CHARLES F. EVANS, JR. PRES
Print Name and Title

2/20/24
Date

DO NOT WRITE IN THIS BLOCK
2. REGISTRATION NUMBER
County No. (1-2) | Premises No. (3-6)
Registration Class (7) | Equipment No. (8-11)
Data Year (12-13) | Application Date

1B. Equipment Location and Telephone Number (if different from above)
11543 PHILADELPHIA ROAD
Street Number and Street Name

WHITE MARSH, | MD | 21162 | (410) 665-9444
City/Town | State | Zip | Telephone Number

EVANS FUNERAL CHAPEL & CREMATION SERVICES - WHITE MARSH, P.A.
Premises Name (if different from above)

3. Status (A= New, B= Modification to Existing Equipment, C= Existing Equipment)

Status	New Construction Begun (MM/YY)	New Construction Completed (MM/YY)	Existing Initial Operation (MM/YY)
A	T B D	T B D	
15	16-19	20-23	20-23

4. Describe this Equipment: Make, Model, Features, Manufacturer (include Maximum Hourly Input Rate, etc.)
Matthews Environmental Solutions; PPII Plus (3.0 MMBTU/hr) / Multi-Chamber cremation unit (Unit #1)

5. Workmen's Compensation Coverage E16 4734470 00 | 4-1-24
Binder/Policy Number | Expiration Date
Company EMPLOYERS PREFERRED INS. Co.
NOTE: Before a Permit to Construct may be issued by the Department, the applicant must provide the Department with proof of worker's compensation coverage as required under Section 1-202 of the Worker's Compensation Act.

6A. Number of Pieces of Identical Equipment Units to be Registered/Permitted at this Time 1

6B. Number of Stack/Emission Points Associated with this Equipment 1

7. Person Installing this Equipment (if different from Number 1 on Page 1)

Name BARRY BURCZYK Title MID-ATLANTIC SALES REP.

Company MATTHEWS ENVIRONMENTAL SOLUTIONS

Mailing Address/Street 2045 SPRINT BLVD.

City/Town APOPKA State FL. Telephone (813) 360-9109

8. Major Activity, Product or Service of Company at this Location

CREMATION OF HUMAN REMAINS

9. Control Devices Associated with this Equipment

None	Simple/Multiple Cyclone	Spray/Adsorb Tower	Venturi Scrubber	Carbon Adsorber	Electrostatic Precipitator	Baghouse	Thermal/Catalytic Afterburner	Dry Scrubber
X								
24-0	24-1	24-2	24-3	24-4	24-5	24-6	24-7	24-8

Other

Describe 24-9

10. Annual Fuel Consumption for this Equipment

OIL-1000 GALLONS	SULFUR %	GRADE	NATURAL GAS-1000 FT^3	LP GAS-100 GALLONS	GRADE
			1 1 2 3 2		
26-31	32-33	34	35-41	42-45	

COAL-TONS	SULFUR %	ASH%	WOOD-TONS	MOISTURE %
46-52	53-55	56-58	59-63	64-65

OTHER FUELS (Specify Type) 66-1 ANNUAL AMOUNT CONSUMED (Specify Units of Measure)

OTHER FUEL (Specify Type) 66-2 ANNUAL AMOUNT CONSUMED (Specify Units of Measure)

1= Coke 2= COG 3=BFG 4=Other

11. Operating Schedule (for this Equipment)

Continuous Operation	Batch Process	Hours per Batch	Batch per Week	Hours per Day	Days Per Week	Days per Year
X				1 2	6	3 1 2
67-1	67-2	68-69		70-71	72	73-75

Seasonal Variation in Operation:

No Variation	Winter Percent	Spring Percent	Summer Percent	Fall Percent	(Total Seasons= 100%)
X					
76	77-78	79-80	81-82	83-84	

12. Equivalent Stack Innformation- is Exhaust through Doors, Windows, etc. Only? (Y/N) N (85)

If not, then	Height Avove Ground (FT)	Inside Diameter at Top (in)	Exit Temperature (°F)	Exit Velocity (FT/SEC)
	37	20	1100	20
	86-88	89-91	92-95	96-98

NOTE:
Attach a block diagram of process/process line, indicating new equipment as reported on this form and all existing equipment, including control devices and emission points.

13. Input Materials (for this equipment only)
Is any of this data to be considered confidential? N (Y or N)

	NAME	CAS NO. (IF APPLICABLE)	INPUT RATE PER HOUR	UNITS	PER YEAR	UNITS
1.	HUMAN REMAINS		175	lbs/hr		
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
TOTAL						

14. Output Materials (for this equipment)
Process/Product Stream

	NAME	CAS NO. (IF APPLICABLE)	OUTPUT RATE PER HOUR	UNITS	PER YEAR	UNITS
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
TOTAL						

15. Waste Streams- Solid and Liquid

	NAME	CAS NO. (IF APPLICABLE)	OUTPUT RATE PER HOUR	UNITS	PER YEAR	UNITS
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
TOTAL						

16. Total Stack Emissions (for this equipment only) in Pounds Per Operating Day

Particulate Matter	Oxides of Sulfur	Oxides of Nitrogen
4.90	2.28	3.74
99-104	105-110	111-116

Carbon Monoxide	Volatile Organic Compounds	PM-10
3.09	0.31	4.90
177-122	123-128	129-134

17. Total Fugitive Emissions (for this equipment only) in Pounds Per Operating Day

Particulate Matter	Oxides of Sulfur	Oxides of Nitrogen
135-139	140-144	145-149

Carbon Monoxide	Volatile Organic Compounds	PM-10
150-154	155-159	160-164

Method Used to Determine Emissions **(1= Estimate 2= Emission Factor 3= Stack Test 4= Other)**

TSP	SOX	NOX	CO	VOC	PM10
2	2	2	2	2	2
165	166	167	168	169	170

AIR AND RADIATION MANAGEMENT ADMINISTRATION USE ONLY

18. Date Rec'd. Local _____ **Date Rec'd. State** _____ **Return to Local Jurisdiction** Date_____ By_____

Reviewed by Local Jurisdiction Date_____ By_____ **Reviewed by State** Date_____ By_____

19. Inventory Date **Month/Year** (171-174) **Equipment Code** (175-177) **SCC Code** (178-185)

20. Annual Operating Rate (186-192) **Maximum Design Hourly Rate** (193-199) **Permit to Operate Month** (200-201) **Transaction Date (MM/DD/YR)** (202-207)

Staff Code (208-210) **VOC Code** (211 212) **SIP Code** (213 214) **Regulation Code** (215-218) **Confidentiality** (219)

Point Description (220-238) **Action** (239) A: Add C: Change

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Air and Radiation Management Administration ● Air Quality Permits Program

SUMMARY OF DEMONSTRATIONS FOR MEETING THE AMBIENT IMPACT REQUIREMENT (26.11.15.05) AND THE T-BACT REQUIREMENT (26.11.15.06)

DO NOT WRITE IN THIS SPACE

Company Name EVANS FUNERAL CHAPEL & CREMATION SERVICE, WHITE MARSH, P.A

1. Summary of T-BACT Demonstration: List all emission reduction options considered in determining T-BACT starting with the option that reduces emissions the most. Supporting documentation **must** be attached.

Emission Reduction Option	% Emission Reduction	COSTS Capital	COSTS Annual Operating
1. > 1 Second retention time in Secondary Chamber @ 1600F	Unknown		
2. Temperature Monitor and Recorder	Unknown	3,000	100
3. No Burning of PVC plastic bags	Unknown		
4.			
5.			

2. Identify the emission reduction option selected as T-BACT and briefly explain why this is the best selection. Supporting documentation **must** be attached.

3. List screening levels and highest estimated off-site concentrations (ug/m^3) resulting from **premises-wide allowable emissions** (1) of each Toxic Air Pollutant that is covered by the regulations and discharged fromthe installation or source applying for the permit. See the General Instructions for more detail. Supporting documentation **must** be attached.

SEE DISPERSION MODEL ATTACHED

	Toxic Air Pollutant	CAS Number	SCREENING LEVEL(S) 1-HR	SCREENING LEVEL(S) 8-HR	SCREENING LEVEL(S) Annual	OFF-SITE CONCENTRATIONS 1-HR	OFF-SITE CONCENTRATIONS 8-HR	OFF-SITE CONCENTRATIONS Annual
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								

☐ If unable to use a Screening Analysis, check the box and attach the Second Tier Analysis or Special Permit request to this form.

(1) **Premises** is defined as: "all the installations or other sources that are located on contiguous or adjacent properties and that are under the control of one person or under common control of a group of persons" (COMAR 26.11.15.01B(12)).

Allowable Emissions are defined as: "the maximum emissions a source or installation is capable of discharging after consideration of any physical or operational limitations required by this subtitle or by enforceable conditions included in an applicable air quality permit to construct, permit to operate, secretarial order, plan for compliance, consent agreement, or court order" (COMAR 26.11.15.01B(2)).

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FORM 5EP: Emission Point Data

Complete one (1) Form 5EP for EACH emission point (stack or fugitive emissions) related to the proposed installation.

Applicant Name: EVANS FUNERAL CHAPEL & CREMATION SERVICES - WHITE MARSH, P.A.

1. Emission Point Identification Name/Number

List the applicant assigned name/number for this emission point and use this value on the attached required plot plan:

Unit 01 (Power Pak II Plus, IE43-PPII Plus)

2. Emission Point Description

Describe the emission point including all associated equipment and control devices:

Matthews Environmental Solutions - Nat Gas Fired Multiple Chamber cremation unit. No Add On Control Device

3. Emissions Schedule for the Emission Point

Continuous or Intermittent (C/I)?	I	**Seasonal Variation** Check box if none: ☒ Otherwise estimate seasonal variation:	
Minutes per hour:	60	Winter Percent	
Hours per day:	12	Spring Percent	
Days per week:	6	Summer Percent	
Weeks per year:	52	Fall Percent	

4. Emission Point Information

Height above ground (ft):	37	Length and width dimensions at top of rectangular stack (ft):	Length:	Width:	
Height above structures (ft):	5				
Exit temperature (°F):	1100	Inside diameter at top of round stack (ft):		1.67	
Exit velocity (ft/min):	1200	Distance from emission point to nearest property line (ft):		36.67 ft	
Exhaust gas volumetric flow rate (acfm):	2100	Building dimensions if emission point is located on building (ft)	Height 32	Length 124	Width 51.08

5. Control Devices Associated with the Emission Point

Identify each control device associated with the emission point and indicate the number of devices. ***A Form 6 is also required for each control device.*** If none check none:

- ☒ None
- ☐ Baghouse No. ____
- ☐ Cyclone No. ____
- ☐ Elec. Precipitator (ESP) No. ____
- ☐ Dust Suppression System No. ____
- ☐ Venturi Scrubber No. ____
- ☐ Spray Tower/Packed Bed No. ____
- ☐ Carbon Adsorber No. ____
  - ☐ Cartridge/Canister
  - ☐ Regenerative
- ☐ Thermal Oxidizer No. ____
  - ☐ Regenerative
- ☐ Catalytic Oxidizer No. ____
- ☐ Nitrogen Oxides Reduction No. ____
  - ☐ Selective ☐ Non-Selective
  - ☐ Catalytic ☐ Non-Catalytic
- ☐ Other No. ____
  Specify:

FORM 5EP: Emission Point Data

6. Estimated Emissions from the Emission Point

Criteria Pollutants	At Design Capacity (lb/hr)	At Projected Operations		
		(lb/hr)	(lb/day)	(ton/yr)
Particulate Matter (filterable as PM10)	0.4086	0.4086	4.9	0.7649
Particulate Matter (filterable as PM2.5)	0.4086	0.4086	4.9	0.7649
Particulate Matter (condensables)	0.4086	0.4086	4.9	0.7649
Volatile Organic Compounds (VOC)	0.0261	0.0261	0.313	0.0489
Oxides of Sulfur (SOx)	0.190	0.190	2.28	0.3554
Oxides of Nitrogen (NOx)	0.3115	0.3115	3.74	0.5831
Carbon Monoxide (CO)	0.258	0.258	3.09	0.4832
Lead (Pb)				

Greenhouse Gases (GHG)	At Design Capacity (lb/hr)	At Projected Operations		
		(lb/hr)	(lb/day)	(ton/yr)
Carbon Dioxide (CO_2)				
Methane (CH_4)				
Nitrous Oxide (N_2O)				
Hydrofluorocarbons (HFCs)				
Perfluorocarbons (PFCs)				
Sulfur Hexafluoride (SF6)				
Total GHG (as CO_2e)				

List individual federal Hazardous Air Pollutants (HAP) below:	At Design Capacity (lb/hr)	At Projected Operations		
		(lb/hr)	(lb/day)	(ton/yr)

(Attach additional sheets as necessary.)

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FORM 5T: Toxic Air Pollutant (TAP) Emissions Summary and Compliance Demonstration

Applicant Name: EVANS FUNERAL CHAPEL - WHITE MARSH **SEE TOXYTOOL RESULTS ATTACHED**

Step 1: Quantify premises-wide emissions of Toxic Air Pollutants (TAP) from new and existing installations in accordance with COMAR 26.11.15.04. Attach supporting documentation as necessary.

Toxic Air Pollutant (TAP)	CAS Number	Class I or Class II?	Screening Levels (µg/m^3)			Estimated Premises Wide Emissions of TAP			
						Actual Total Existing TAP Emissions	Projected TAP Emissions from Proposed Installation	Premises Wide Total TAP Emissions	
			1-hour	8-hour	Annual	(lb/hr)	(lb/hr)	(lb/hr)	(lb/yr)
ex. ethanol	*64175*	*II*	*18843*	*3769*	*N/A*	*0.60*	*0.15*	*0.75*	*1500*
ex. benzene	*71432*	*I*	*80*	*16*	*0.13*	*0.5*	*0.75*	*1.00*	*400*

(attach additional sheets as necessary.)

Note: Screening levels can be obtained from the Department's website (http://www.mde.maryland.gov) or by calling the Department.

Step 2: Determine which TAPs are exempt from further review. A TAP that meets either of the following Class I or Class II small quantity emitter exemptions is exempt from further TAP compliance demonstration requirements under Step 3 and Step 4.

Class II TAP Small Quantity Emitter Exemption Requirements (COMAR 26.11.15.03B(3)(a))
A Class II TAP is exempt from Step 3 and Step 4 if the Class II TAP meets the following requirements: Premises wide emissions of the TAP shall not exceed 0.5 pounds per hour, and any applicable 1-hour or 8-hour screening level for the TAP must be greater than 200 µg/m^3.

Class I TAP Small Quantity Emitter Exemption Requirements (COMAR 26.11.15.03B(3)(b))
A Class I TAP is exempt from Step 3 and Step 4 if the Class I TAP meets the following requirements: Premises wide emissions of the TAP shall not exceed 0.5 pounds per hour and 350 pounds per year, any applicable 1-hour or 8-hour screening level for the TAP must be greater than 200 µg/m^3, and any applicable annual screening level for the TAP must be greater than 1 µg/m^3.

If a TAP meets either the Class I or Class II TAP Small Quantity Emitter Exemption Requirements, no further review under Step 3 and Step 4 are required for that specific TAP.

FORM 5T: Toxic Air Pollutant (TAP) Emissions Summary and Compliance Demonstration

Step 3: Best Available Control Technology for Toxics Requirement (T-BACT, COMAR 26.11.15.05)
In the following table, list all TAP emission reduction options considered when determining T-BACT for the proposed installation. The options should be listed in order beginning with the most effective control strategy to the least effective strategy. Attach supporting documentation as necessary.

Target Pollutants	Emission Control Option	% Emission Reduction	Costs		T-BACT Option Selected? (yes/no)
			Capital	Annual Operating	
ex. ethanol and benzene	*Thermal Oxidizer*	*99*	*$50,000*	*$100,000*	*no*
ex. ethanol and benzene	*Low VOC materials*	*80*	*0*	*$100.000*	*yes*

(attach additional sheets as necessary)

Step 4: Demonstrating Compliance with the Ambient Impact Requirement (COMAR 26.11.15.06)
Each TAP not exempt in Step 2 must be individually evaluated to determine that the emissions of the TAP will not adversely impact public health. The evaluation consists of a series of increasingly non-conservative (and increasingly rigorous) tests. Once a TAP passes a test in the evaluation, no further analysis is required for that TAP. "Demonstrating Compliance with the Ambient Impact Requirement under the Toxic Air Pollutant (TAP) Regulations (COMAR 26.11.15.06)" provides guidance on conducting the evaluation. Summarize your results in the following table. Attach supporting documentation as necessary.

Toxic Air Pollutant (TAP)	CAS Number	Screening Levels ($\mu g/m^3$)			Premises Wide Total TAP Emissions		Allowable Emissions Rate (AER) per COMAR 26.11.16.02A		Off-site Concentrations per Screening Analysis ($\mu g/m^3$)			Compliance Method Used?
		1-hour	8-hour	Annual	(lb/hr)	(lb/yr)	(lb/hr)	(lb/yr)	1-hour	8-hour	Annual	AER or Screen
ex. ethanol	*64175*	*18843*	*3769*	*N/A*	*0.75*	*1500*	*0.89*	*N/A*	*N/A*	*N/A*	*N/A*	*AER*
ex. benzene	*71432*	*80*	*16*	*0.13*	*1.00*	*400*	*0.04*	*36.52*	*1.5*	*1.05*	*0.12*	*Screen*

(attach additional sheets as necessary)

If compliance with the ambient impact requirement cannot be met using the allowable emissions rate method or the screening analysis method, refined dispersion modeling techniques may be required. Please consult with the Department's Air Quality Permit Program prior to conducting dispersion modeling methods to demonstrate compliance.

05/11/22

16:27:31
*** SCREEN3 MODEL RUN ***
*** VERSION DATED 13043 ***

Evans FH (White Marsch)

SIMPLE TERRAIN INPUTS:

SOURCE TYPE	=	POINT
EMISSION RATE (G/S)	=	0.126000
STACK HEIGHT (M)	=	11.2800
STK INSIDE DIAM (M)	=	0.5080
STK EXIT VELOCITY (M/S)	=	6.0960
STK GAS EXIT TEMP (K)	=	866.0000
AMBIENT AIR TEMP (K)	=	293.0000
RECEPTOR HEIGHT (M)	=	0.0000
URBAN/RURAL OPTION	=	URBAN
BUILDING HEIGHT (M)	=	9.7500
MIN HORIZ BLDG DIM (M)	=	15.5700
MAX HORIZ BLDG DIM (M)	=	37.8000

THE REGULATORY (DEFAULT) MIXING HEIGHT OPTION WAS SELECTED.
THE REGULATORY (DEFAULT) ANEMOMETER HEIGHT OF 10.0 METERS WAS ENTERED.

BUOY. FLUX = 2.552 M**4/S**3; MOM. FLUX = 0.811 M**4/S**2.

*** FULL METEOROLOGY ***

****
*** SCREEN AUTOMATED DISTANCES ***
****

*** TERRAIN HEIGHT OF 0. M ABOVE STACK BASE USED FOR

FOLLOWING DISTANCES ***

DIST (M)	CONC (UG/M**3)	STAB	U10M (M/S)	USTK (M/S)	MIX HT (M)	PLUME HT (M)	SIGMA Y (M)	SIGMA Z (M)	DWASH
11.	0.000	0	0.0	0.0	0.0	0.00	0.00	0.00	NA
100.	36.18	6	4.0	4.1	10000.0	13.54	10.79	10.12	SS
200.	17.94	4	1.5	1.5	480.0	28.43	30.79	27.20	SS
300.	15.31	6	1.5	1.6	10000.0	28.81	31.18	20.91	SS
400.	15.24	6	1.0	1.0	10000.0	34.01	40.85	25.46	SS
500.	13.55	6	1.0	1.0	10000.0	34.01	50.21	30.39	SS
600.	11.63	6	1.0	1.0	10000.0	34.01	59.27	34.96	SS
700.	9.949	6	1.0	1.0	10000.0	34.01	68.06	39.24	SS
800.	8.570	6	1.0	1.0	10000.0	34.01	76.59	43.27	SS
900.	7.455	6	1.0	1.0	10000.0	34.01	84.89	47.09	SS
1000.	6.553	6	1.0	1.0	10000.0	34.01	92.97	50.71	SS

MAXIMUM 1-HR CONCENTRATION AT OR BEYOND 11. M:

30.	77.68	6	3.0	3.1	10000.0	11.89	3.39	5.72	SS

DWASH= MEANS NO CALC MADE (CONC = 0.0)
DWASH=NO MEANS NO BUILDING DOWNWASH USED
DWASH=HS MEANS HUBER-SNYDER DOWNWASH USED
DWASH=SS MEANS SCHULMAN-SCIRE DOWNWASH USED

DWASH=NA MEANS DOWNWASH NOT APPLICABLE, X<3*LB

****
* SUMMARY OF TERRAIN HEIGHTS ENTERED FOR *
* SIMPLE ELEVATED TERRAIN PROCEDURE *
****

TERRAIN HT (M)	DISTANCE RANGE (M) MINIMUM	MAXIMUM
0.	11.	1000.

****
*** REGULATORY (Default) ***
PERFORMING CAVITY CALCULATIONS
WITH ORIGINAL SCREEN CAVITY MODEL
(BRODE, 1988)
****

*** CAVITY CALCULATION - 1 *** *** CAVITY CALCULATION - 2 ***

CONC (UG/M**3)	= 75.92	CONC (UG/M**3)	= 0.000
CRIT WS @10M (M/S)	= 5.86	CRIT WS @10M (M/S)	= 99.99
CRIT WS @ HS (M/S)	= 6.00	CRIT WS @ HS (M/S)	= 99.99
DILUTION WS (M/S)	= 3.00	DILUTION WS (M/S)	= 99.99
CAVITY HT (M)	= 11.71	CAVITY HT (M)	= 9.85
CAVITY LENGTH (M)	= 30.81	CAVITY LENGTH (M)	= 19.47
ALONGWIND DIM (M)	= 15.57	ALONGWIND DIM (M)	= 37.80

CAVITY CONC NOT CALCULATED FOR CRIT WS > 20.0 M/S. CONC SET = 0.0

****
END OF CAVITY CALCULATIONS
****

****
*** SUMMARY OF SCREEN MODEL RESULTS ***
****

CALCULATION PROCEDURE	MAX CONC (UG/M**3)	DIST TO MAX (M)	TERRAIN HT (M)	
SIMPLE TERRAIN	77.68	30.	0.	
BLDG. CAVITY-1	75.92	31.	--	(DIST = CAVITY LENGTH)
BLDG. CAVITY-2	0.000	19.	--	(DIST = CAVITY LENGTH)

****
** REMEMBER TO INCLUDE BACKGROUND CONCENTRATIONS **
****

Evans Funeral Home (White Marsch) Facility Name
Evans Funeral Home Your Name
11-May-22 Date

HUMAN (number)	Animal (lbs)		Equivalent
1		Cremations per Hour	1.0
4		Cremations per 8-hour	4.0
3000		Cremations per year	3000.0

77.68 Screen3 maximum concentration (1 lb/hr emission rate)
Toxytool 2015

CAS	POLLUTANT	Emission Factor (EPA FIRE) (Pounds)	Emission Factor (as number) (Pounds)	MDE Screening Level 1-HOUR (ug/m3)	MDE Screening Level 8-HOUR (ug/m3)	MDE Screening Level Annual (ug/m3)	Screen3 Concentration 1-hour (ug/m3)	Screen3 Concentration 8-hour (ug/m3)	Screen3 Concentration Annual (ug/m3)	Screen3 Concentration as % of MDE Screening Level 1-hour	Screen3 Concentration as % of MDE Screening Level 8-hour	Screen3 Concentration as % of MDE Screening Level Annual
83329	Acenaphthene	1.11E-07	1.11E-07		2.03E+01	8.00E-02	8.62E-06	3.02E-06	2.36E-07		0.00	0.00
208968	Acenaphthylene	1.22E-07	1.22E-07		2.46E+01		9.48E-06	3.32E-06	2.60E-07		0.00	
120127	Anthracene	3.24E-07	3.24E-07		2.00E+01		2.52E-05	8.81E-06	6.90E-07		0.00	
7440360	Antimony	< 3.020E-5	3.02E-05		5.00E+00		2.35E-03	8.21E-04	6.43E-05		0.02	
7440382	Arsenic	< 3.000E-5	3.00E-05		1.00E-01	2.00E-04	2.33E-03	8.16E-04	6.38E-05		0.82	31.92
7440393	Barium	2.40E-05	2.40E-05		5.00E+00		1.86E-03	6.53E-04	5.11E-05		0.01	
56553	Benzo (a) anthracene	< 9.760E-9	9.76E-09				7.58E-07	2.65E-07	2.08E-08			
50328	Benzo (a) pyrene	< 2.910E-8	2.91E-08				2.26E-06	7.91E-07	6.19E-08			
205992	Benzo (b) fluoranthene	< 1.590E-8	1.59E-08				1.24E-06	4.32E-07	3.38E-08			
191242	Benzo (g,h,i) perylene	< 2.910E-8	2.91E-08		2.00E+01		2.26E-06	7.91E-07	6.19E-08		0.00	
207089	Benzo (k) fluoranthene	< 1.420E-8	1.42E-08				1.10E-06	3.86E-07	3.02E-08			
7440417	Beryllium	1.37E-06	1.37E-06		5.00E-04	4.00E-04	1.06E-04	3.72E-05	2.92E-06		7.45	0.73
7440439	Cadmium	1.11E-05	1.11E-05		2.00E-02	6.00E-04	8.62E-04	3.02E-04	2.36E-05		1.51	3.94
7440473	Chromium	2.99E-05	2.99E-05		5.00E+00		2.32E-03	8.13E-04	6.36E-05		0.02	
18540299	Chromium (VI)	1.35E-05	1.35E-05		1.00E-01	8.00E-05	1.05E-03	3.67E-04	2.87E-05		0.37	35.91
218019	Chrysene	< 5.400E-8	5.40E-08				4.19E-06	1.47E-06	1.15E-07			
7440484	Cobalt	< 1.750E-6	1.75E-06		2.00E-01		1.36E-04	4.76E-05	3.72E-06		0.02	
7440508	Copper	2.74E-05	2.74E-05		2.00E+00		2.13E-03	7.45E-04	5.83E-05		0.04	
53703	Dibenzo(a,h) anthracene	< 1.270E-8	1.27E-08				9.87E-07	3.45E-07	2.70E-08			
206440	Fluoranthene	2.05E-07	2.05E-07		8.20E+01		1.59E-05	5.57E-06	4.36E-07		0.00	
86737	Fluorene	4.17E-07	4.17E-07		2.00E+01		3.24E-05	1.13E-05	8.87E-07		0.00	
7647010	Hydrogen chloride	7.20E-02	7.20E-02	2.98E+01	1.65E+02	7.00E-01	5.59E+00	1.96E+00	1.53E-01	18.75	1.18	21.89
7664393	Hydrogen fluoride	6.55E-04	6.55E-04	1.64E+01	4.09E+00		5.09E-02	1.78E-02	1.39E-03	0.31	0.44	
193395	Indeno(1,2,3-cd)pyrene	< 1.540E-8	1.54E-08				1.20E-06	4.19E-07	3.28E-08			
7439921	Lead	6.62E-05	6.62E-05		5.00E-01		5.14E-03	1.80E-03	1.41E-04		0.36	
7439976	Mercury	3.29E-03	3.29E-03	3.00E-01	1.00E-01		2.56E-01	8.94E-02	7.00E-03	85.19	89.45	
7439987	Molybdenum	< 1.670E-5	1.67E-05		5.00E+00		1.30E-03	4.54E-04	3.55E-05		0.01	
7440020	Nickel	3.82E-05	3.82E-05		1.00E+00		2.97E-03	1.04E-03	8.13E-05		0.10	
85018	Phenanthrene	2.29E-06	2.29E-06		9.80E+00		1.78E-04	6.23E-05	4.87E-06		0.00	
129000	Pyrene	1.62E-07	1.62E-07		2.00E+01		1.26E-05	4.40E-06	3.45E-07		0.00	
7782492	Selenium	< 4.360E-5	4.36E-05		2.00E+00		3.39E-03	1.19E-03	9.28E-05		0.06	
7440224	Silver	7.30E-06	7.30E-06		1.00E-01		5.67E-04	1.98E-04	1.55E-05		0.20	
7440280	Thallium	< 8.520E-5	8.52E-05		2.00E-01		6.62E-03	2.32E-03	1.81E-04		1.16	
7440622	Vanadium	5.79E-05	5.79E-05		5.00E-01		4.50E-03	1.57E-03	1.23E-04		0.31	
7440666	Zinc	3.53E-04	3.53E-04	1.00E+03	5.00E+02		2.74E-02	9.60E-03	7.51E-04	0.00	0.00	
	PM, filterable	8.50E-02	8.50E-02				6.60E+00	2.31E+00	1.81E-01			
	Polycyclic aromatic hydrocarbons (PAH)	3.76E-06	3.76E-06				2.92E-04	1.02E-04	8.00E-06			
1746016	Total Dioxins & Furans - TEQ balanced		1.41E-09		8.20E-04	3.00E-08	1.09E-07	3.83E-08	2.99E-09		0.00	9.98

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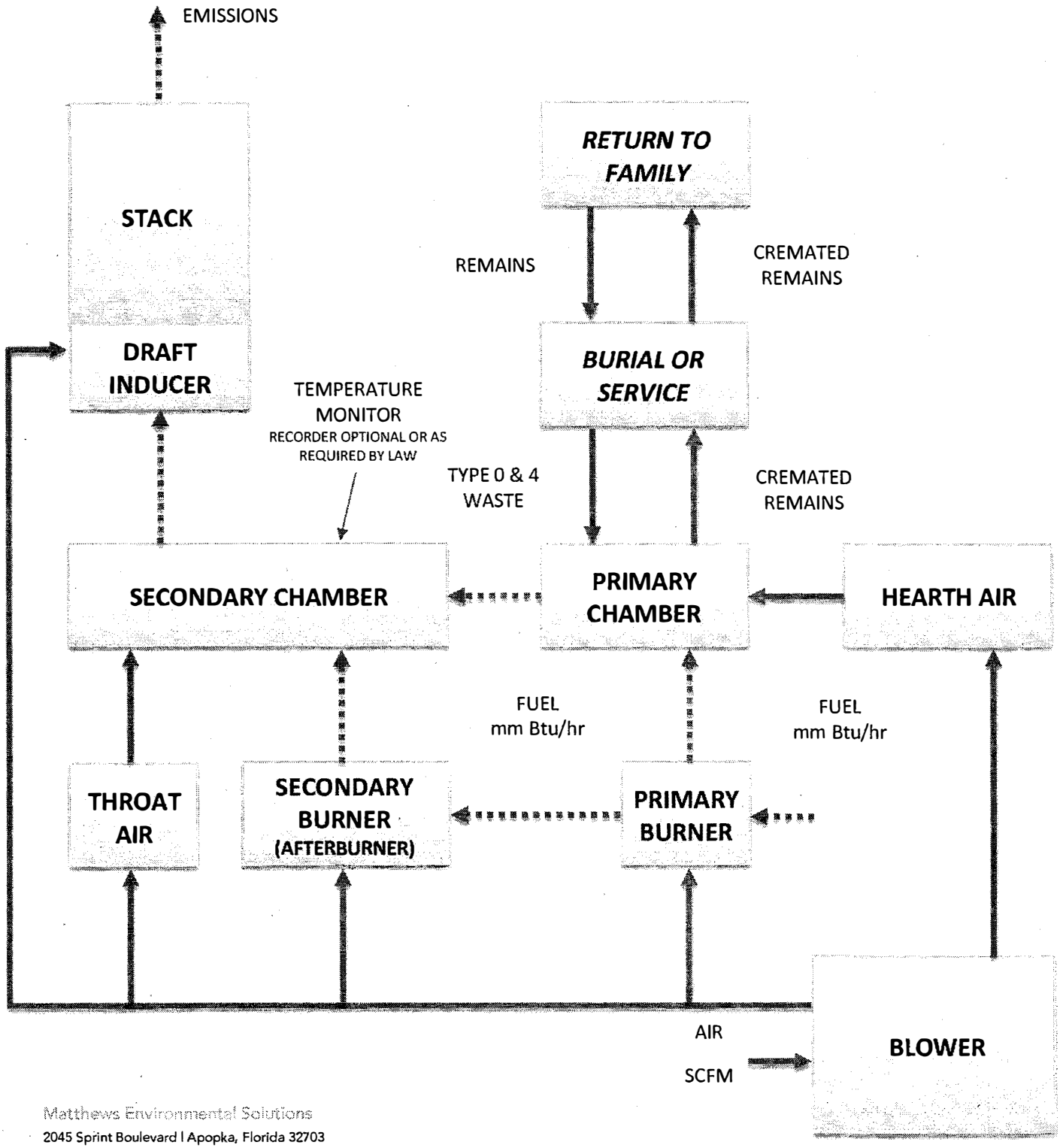
Cremator Process Flow Diagram



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SPECIFICATIONS- Model Power-Pak II Plus

1. Equipment Type	Model Power-Pak II Plus
A. Model No.	IE43-PPII Plus
B. Underwriters Laboratories Listing and File No.	87E8; MH14647
2. Dimensions	
A. Footprint	12' – 9 ½ " x 5' - 9" (3.9 m x 1.8 m)
B. Maximum Length	14' – 10 ½ " (4.53 m)
C. Maximum Width	6' -10" (2.08 m)
D. Maximum Height	9' (2.74 m)
E. Chamber Loading Opening	30 ¾ " H x 43 ½ " W (781 mm x 1105 mm)
3. Weight	28,000 lbs. (12,700 kg)
4. Utility/Air Requirements	
A. Gross Gas Input, Natural or LP Gas	3,000,000 BTU/hr. (3,165,168 kJ/h)
Running Gas Pressure, LP or Natural Gas	11 inches (279.4 mm) water column or greater
B. Electrical Supply	230 volt, 3Ø or 1Ø, 50/60 hz (others available)
C. Air Supply	2,500 cfm (70.8 standard m^3/min)
5. Incineration Capacity	175 lbs./hr. (79 kg/h)
6. Typical Loading Capacity of Waste Types	750 lbs. (340.2 kg)
7. Construction and Safety Standards	Incineration Institute of America, Underwriters Laboratories, Canadian Standards Association
8. Steel Structure Construction	
A. Frame	2" (51 mm) square tubing
B. Front/Rear Plates	3/8" (9.5 mm) plate
C. Floor Plates	3/16" (5 mm) plate
D. Outer Side Casing	12 gauge (3 mm) plate
E. Inner Side Casing	12 gauge (3 mm) plate
9. Stack Construction	
A. Inner Wall	4 1/2" (110 mm) insulating firebrick or castable
B. Outer Wall	12 gauge (3 mm) sheet, Stainless Steel, welded seams (unlined stack available)
10. Draft Nozzle Construction	Schedule 40 Stainless Steel pipe with welded connections
11. Main Chamber Door Construction	
A. Steel Shell	3/16" (5 mm) steel, welded with reinforcement
B. Outer Refractory	1" (25 mm) insulating block
C. Inner Refractory	4½" (110 mm) insulating firebrick

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SPECIFICATIONS- Model Power-Pak II Plus

12.	Primary Chamber Wall Construction	
	A. Outer Casing Wall	12 gauge (3 mm) sheet
	B. Inner Frame/Air Compartment	2" (51 mm) air compartment
	C. Inner Casing Wall	12 gauge (3 mm) sheet
	D. Outer Refractory Wall	5" (127 mm) insulating block
	E. Inner Refractory Wall	4½" (114 mm) firebrick
13.	Secondary Chamber Wall Construction	
	A. Outer Casing Wall	12 gauge (3 mm) sheet
	B. Inner Frame/Air Compartment	2" (51 mm) air compartment
	C. Inner Casing Wall	12 gauge (3 mm) sheet
	D. Outer Refractory Wall	6" (152 mm) insulating block
	E. Inner Refractory Wall	4½" (114 mm) firebrick
14.	Refractory Temperature Ratings	
	A. Standard Firebrick	3,100° F. (1704° C)
	B. Insulating Firebrick	2,600° F. (1427° C)
	C. Castable Refractory (Hearth)	2,550° F. (1399° C)
	D. Castable Refractory	3,100° F. (1704° C)
	E. Insulating Block	1,900° F. (1038° C)
	F. Bonding Mortar	3,200° F. (1760° C)
15.	Chamber Volumes (not including external flues, stacks or chimneys)	
	A. Primary Chamber	70 cubic feet (2.12 m^3)
	B. Secondary Chamber	96 cubic feet (2.72 m^3)
16.	Emission Control Features	
	A. Secondary Chamber with Afterburner	Included
	B. Opacity Monitor and Controller with Visual and Audible Alarms	Included
	C. Auxiliary Air Control System	Included
	D. Microprocessor Temperature Control System	Included
17.	Operating Temperatures	
	A. Primary Chamber	32° F. - 1,800° F. (0° C - 982° C)
	B. Secondary Chamber	1,400° F. - 1,800° F. (760°C - 982°C) (as required by Env. agency)
18.	Secondary Chamber Retention Time	> 1 second
19.	Ash Removal	Door functions as a heat shield. Sweep out beneath front door into hopper that fills collection pan.

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SPECIFICATIONS- Model Power-Pak II Plus

20. Safety Interlocks
    - A. High Gas Pressure ..... Optional
    - B. Low Gas Pressure ..... Optional
    - C. Blower Air Pressure ..... Included
    - D. Door Position ..... Included
    - E. Opacity ..... Included
    - F. Motor Starter Function ..... Included
    - G. Chamber Temperature ..... Included
    - H. Motor Overload ..... Included
    - I. Flame Quality ..... Included
    - J. Burner Safe Start ..... Included
    - K. Cremation Burner/Door Interlock ..... Available upon Env. Agency requirements

21. Burner Description ..... The nozzle mix burners used on this cremation equipment are industrial quality and designed for incinerator use.

22. Ultraviolet Flame Detection ..... Ultraviolet flame detection has proven to be the most reliable means of flame safety. The system is completely sealed in a quartz capsule to eliminate problems, caused by moisture and dust created in the cremation process, which effect flame rod detectors.

23. Operating Panel indicators
    - A. Safe Run ..... Included
    - B. Door Closed ..... Included
    - C. Pollution Alarm ..... Included
    - D. Afterburner On (Secondary Burner) ..... Included
    - E. Cremation Burner On ..... Included
    - F. Low Fire Cremation Burner On ..... Included
    - G. Afterburner (Secondary Burner) Reset ..... Included
    - H. Cremation Burner Reset ..... Included
    - I. Hearth Air ..... Included
    - J. Throat Air Off ..... Included

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SPECIFICATIONS- Model Power-Pak II Plus

24. Automatic Timer Functions
    - A. Master Cycle ..... Included
    - B. Afterburner (Secondary Burner) ..... Included
    - C. Cremation Burner ..... Included
    - D. Low Fire Cremation Burner ..... Included
    - E. Hearth Air ..... Included
    - F. Throat Air ..... Included
    - G. Pollution Monitoring ..... Included
    - H. Afterburner (Secondary Burner) Prepurge ..... Included
    - I. Cremation Burner Prepurge ..... Included
    - J. Cool Down ..... Included

25. Exterior Finish
    - A. Primer ..... 2 coats rust inhibiting
    - B. Finish ..... 2 coats textured finish

26. Start-Up and Training ..... Startup of cremation equipment and training of operators to properly operate and maintain the equipment is performed on-site under actual operating conditions. Included is a comprehensive owner's manual, with details on the equipment, its components and proper operation.

27. Environmental Submittals ..... Complete technical portion of state environmental permits. Engineering calculations, technical data, existing stack test results and equipment blueprints provided.

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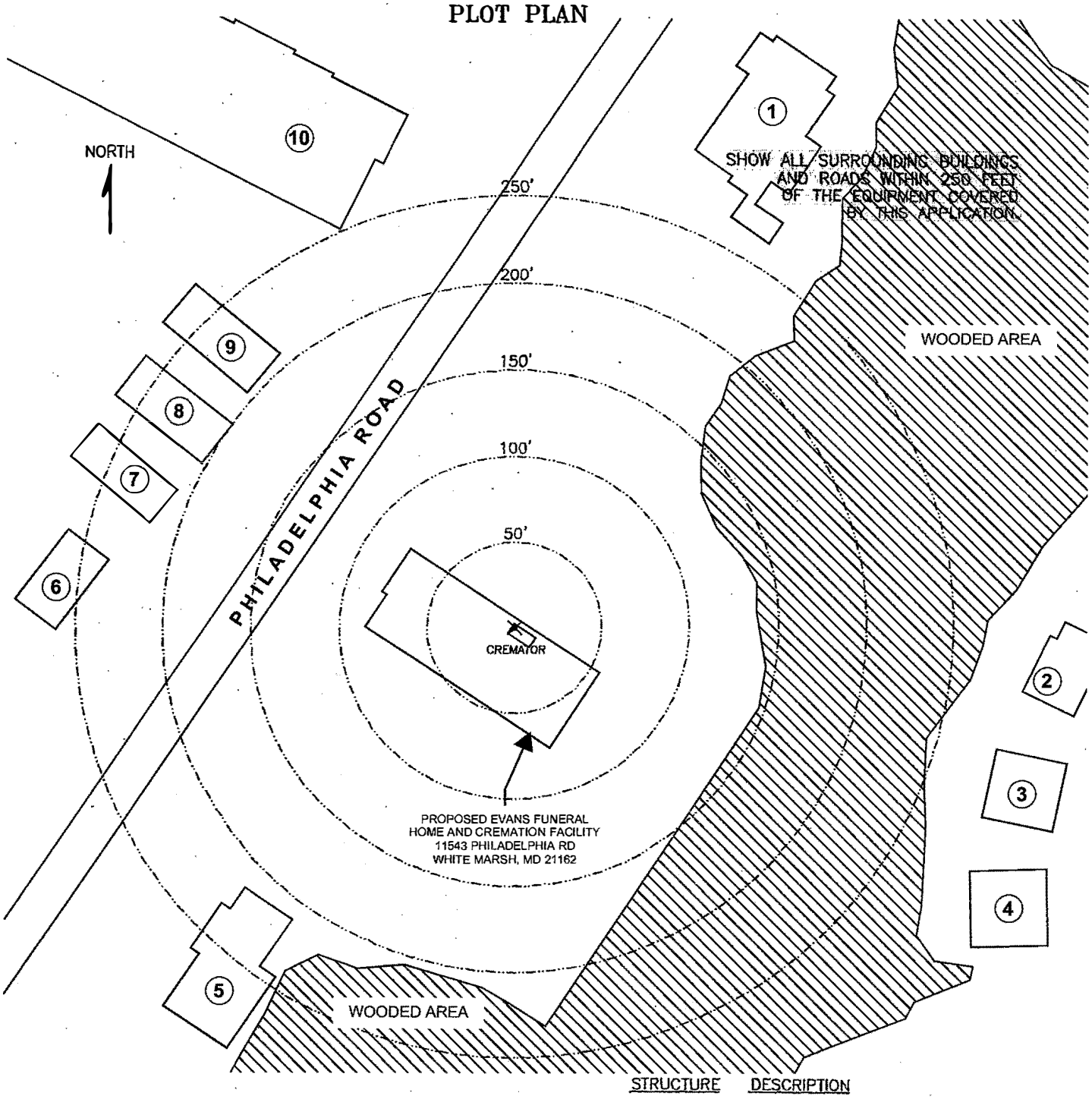
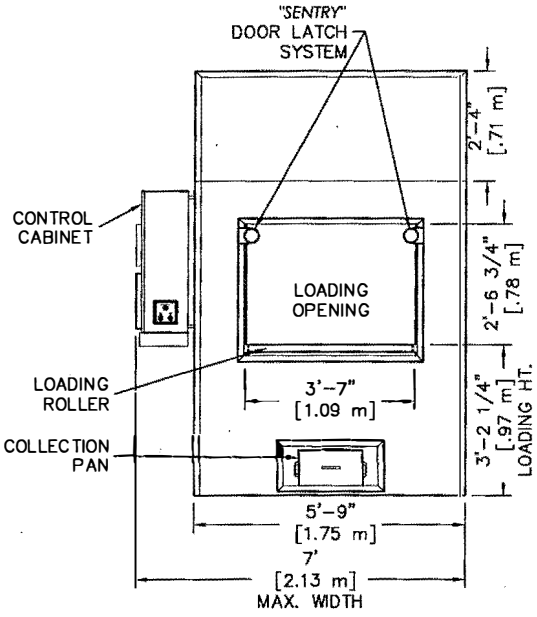
PLOT PLAN



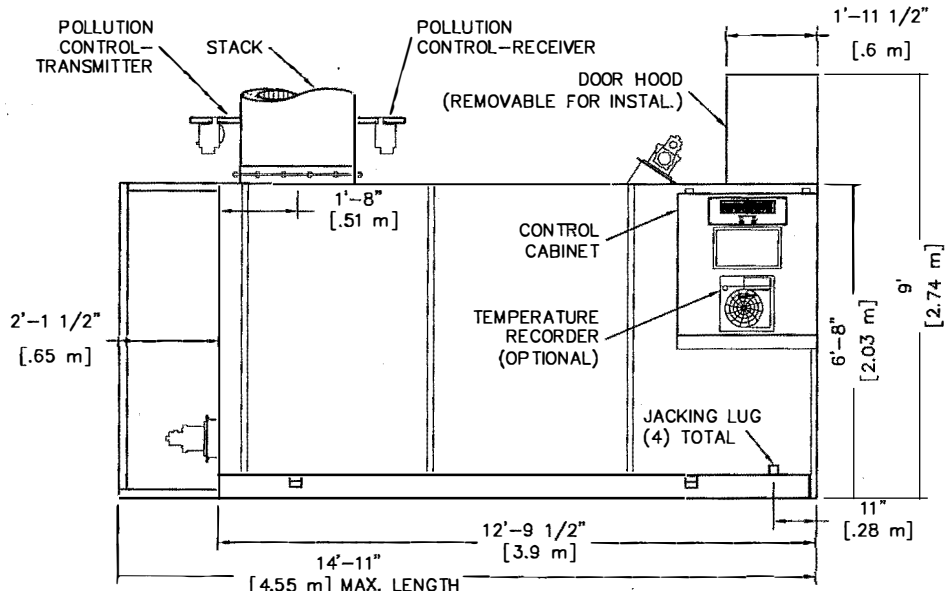
STRUCTURE	DESCRIPTION
(1)	COMMERCIAL TENANT BUILDING
(2)	SINGLE FAMILY HOME
(3)	SINGLE FAMILY HOME
(4)	SINGLE FAMILY HOME
(5)	ANIMAL HOSPITAL
(6)	SINGLE FAMILY HOME
(7)	SINGLE FAMILY HOME
(8)	SINGLE FAMILY HOME
(9)	SINGLE FAMILY HOME
(10)	SHOPPING CENTER

INSTRUCTIONS

1. INDICATE LOCATION AND TYPE OF BUILDING BY THE USE OF SMALL NUMBERED CIRCLES WITH THE DESCRIPTION BELOW.
2. SHOW ROADS AS LINES REPRESENTING THE ROAD EDGES. INDICATE STREET NAMES AND HIGHWAY NUMBERS.
3. SHOW WOODED OR CLEARED AREA BY APPROXIMATE BOUNDARY LINES AND THE WORDS "WOODS," "CLEARED," "CORNFIELD," ETC.



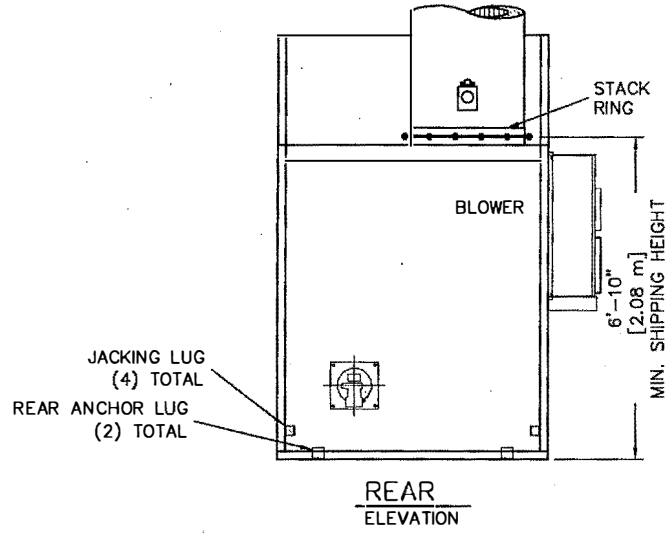
FRONT
ELEVATION



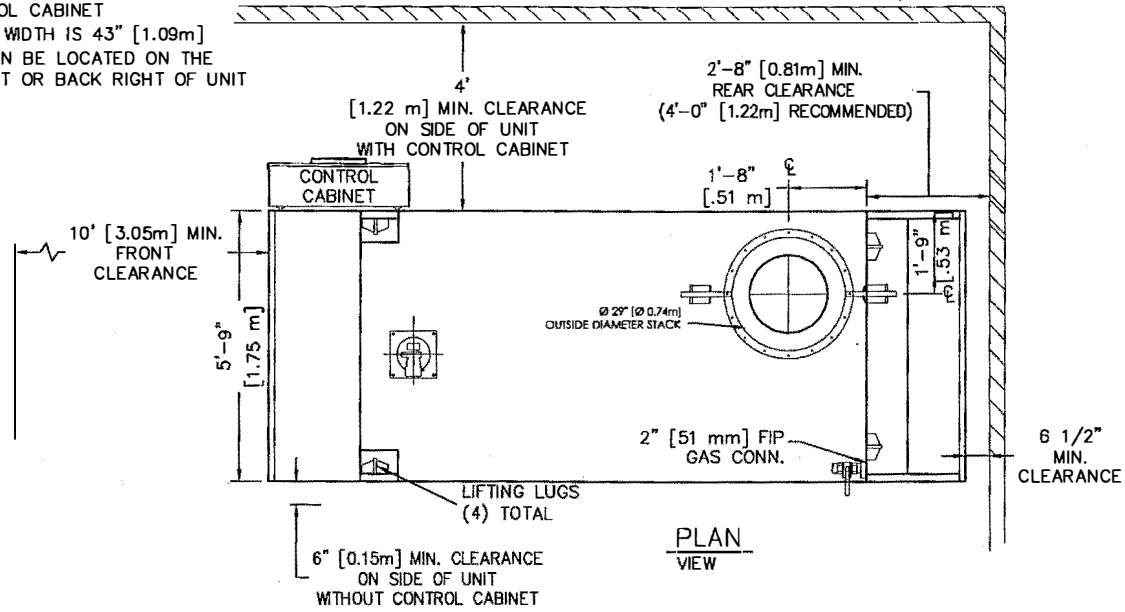
LEFT SIDE
ELEVATION

NOTES:

1) CONTROL CABINET CAN BE MOUNTED ON THE LEFT OR RIGHT SIDE, OR REMOTELY
2) MAIN ELECTRICAL CONNECTION LOCATED IN CONTROL CABINET
3) CHAMBER WIDTH IS 43" [1.09m]
4) STACK CAN BE LOCATED ON THE BACK LEFT OR BACK RIGHT OF UNIT



REAR
ELEVATION



PLAN
VIEW

Matthews
ENVIRONMENTAL SOLUTIONS
2045 Sprint Boulevard
Apopka, Florida 32703
USA

POWER-PAK II PLUS

PLAN & ELEVATIONS INCL: CLEARANCES, REQUIREMENTS & RECOMMENDATIONS

DRAWN BY: JG	DATE: 02.26.2015	REVISION:	
APPROVED BY: -	DATE: -	1	07.21.2017 REMOVE MAIN ELEC FROM TOP OF UNIT
SCALE: 1/4" = 1'-0"	SHEET: OF:	2	09.20.2017 CHANGED MIN. FRONT CLEAR. TO 10'
DWG FILE:			
DWG NUMBER: $(GETVAR,??)			

Q:\ENG\MCD NEW SYSTEM\OPERATIONS\PPII+\SHOP\PPII+_09-003-004.DWG

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CREMATOR CLEARANCES

	RECOMMENDED		MINIMUM	
TOP: (2)	2 FEET	[610 mm]	6 INCHES	[152 mm]
CABINET SIDE:	4 FEET	[1.22 m]	4 FEET	[1.22 m]
OTHER SIDE:	2 FEET	[610 mm]	6 INCHES	[152 mm]
FRONT:	10+ FEET	[3.05+ m]	10 FEET	[3.05 m]
REAR:	4 FEET	[1.22 m]	32 INCHES	[812 mm]
STACK:	6 INCHES	[152 mm]	6 INCHES	[152 mm]

1. FOR CLEARANCES OTHER THAN THOSE SHOWN, OR FOR SPECIAL REQUIREMENTS, CONSULT YOUR MES REP.
2. FROM HIGHEST POINT ON UNIT.
3. CONTROL CABINET MOUNTS ON UNIT'S LEFT OR RIGHT SIDES, OR REMOTELY. (SEE PLAN VIEW, SHEET 1).
4. REAR OF UNIT REFERS TO THE "BACK PLATE", RATHER THAN THE BACK OF THE *"WHISPER SHIELD"*. (SEE PLAN VIEW, SHEET 1).

CREMATOR REQUIREMENTS

FUEL: A PRESSURE REGULATOR ADJUSTABLE TO 11" [279 mm] W.C. FOR NATURAL GAS AND LP GAS.

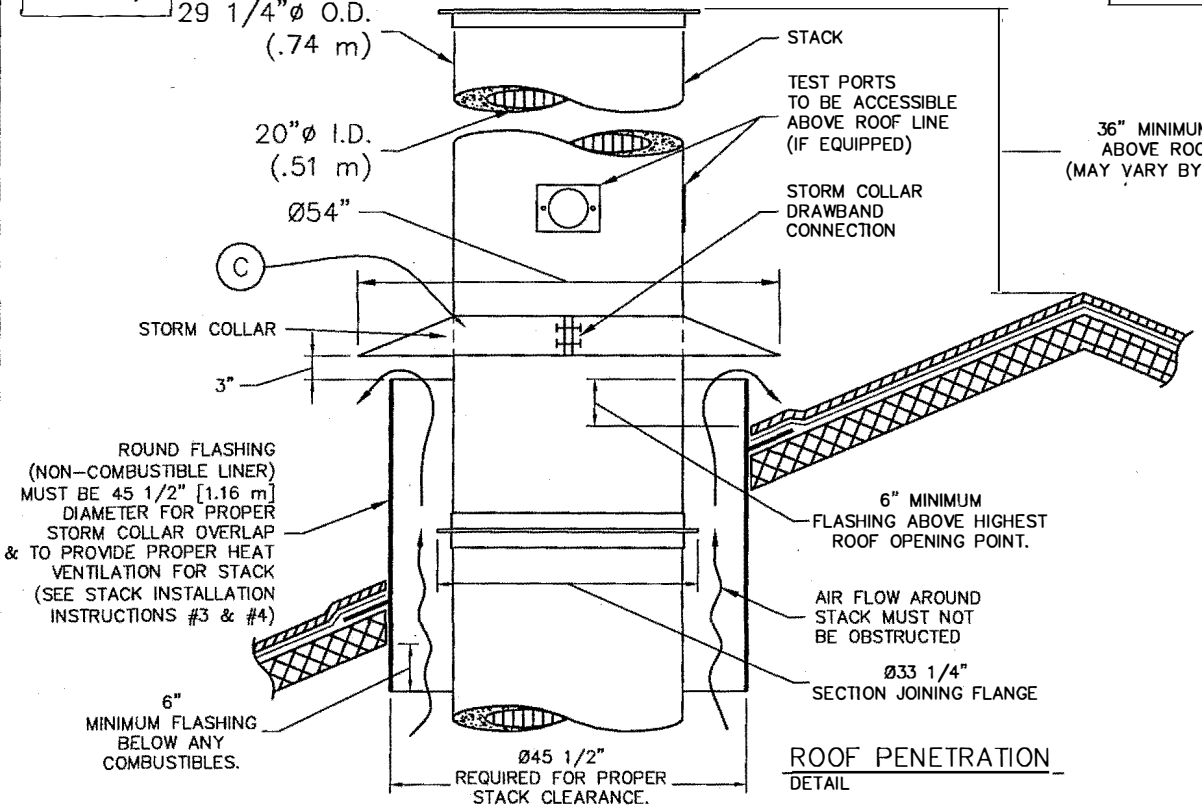
CAPACITY: 3.0 MILLION BTU/HR [3.1 MILLION KILOJOULES/HR].

ELECTRICAL: 230 VOLT, 3ø, (40A BREAKER) AND 115v (10A BREAKER), OR 230 VOLT, 1ø, (70A BREAKER) AND 115v (10A BREAKER) 50/60 HERTZ

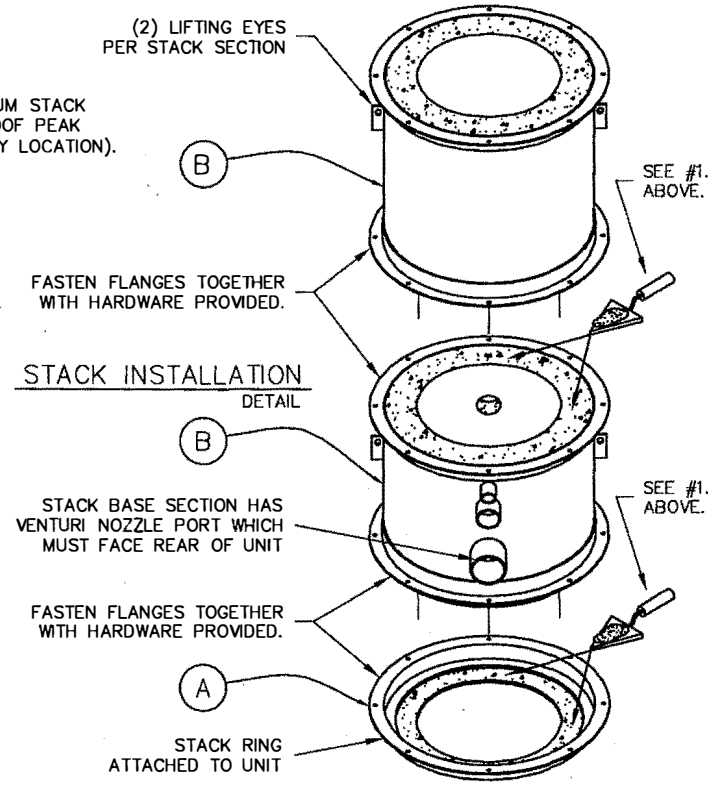
AIR: LOUVER NEAR THE REAR OF THE UNIT CAPABLE OF PASSING 2,500 CU FT/MIN [70.8 CU M/MIN] OF FREE AIR (36" X 36") [914 mm X 914 mm].

STACK INSTALLATION INSTRUCTIONS

1. APPLY A 1/2" THICK MORTAR JOINT TO EXPOSED REFRACTORY SURFACE IN STACK RING. LOWER THE BASE STACK SECTION (B) ONTO STACK RING (A) AND FASTEN WITH HARDWARE PROVIDED (NO MORE THAN (2) STACK SECTIONS SHALL BE LIFTED TOGETHER). REPEAT PROCESS FOR REMAINING STACK SECTIONS. IF SECTIONS OF VARYING LENGTHS ARE SUPPLIED, ASSEMBLE AS TO AVOID FLANGES & LIFTING EYES INTERFERING WITH RAIN COLLAR LOCATION.
2. INSTALL STORM COLLAR ON STACK, 3" [76 mm] ABOVE NON-COMBUSTIBLE LINER (FLASHING), ALLOWING FOR PROPER VENTILATION (SEE DETAIL).
3. APPLY A 1/4" [6 mm] BEAD OF HIGH-TEMPERATURE SILICON SEALANT (PROVIDED BY MES) TO THE JOINT BETWEEN THE STORM COLLAR (C) AND THE STACK (B).
4. STORM COLLAR IS FURNISHED BY MES. THE NON-COMBUSTIBLE LINER (FLASHING) TO BE PROVIDED BY THE OTHERS.
5. IF FIFTY PERCENT OF THE STACK LENGTH IS ABOVE THE ROOF, GUY WIRES MAY BE REQUIRED. CONSULT WITH YOUR MES REP.
6. RAIN CAP NOT REQUIRED.



ROOF PENETRATION
DETAIL



STACK INSTALLATION
DETAIL

Matthews
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2045 Sprint Boulevard
Apopka, Florida 32703
USA

POWER-PAK II PLUS

STACK DETAILS, CLEARANCES & INSTALLATION INSTRUCTIONS. REFRACTORY STACK DETAIL

DRAWN BY:	JG	DATE: 03.14.2014	REVISION:		
APPROVED BY:	–	DATE: –	1	09.20.2017	CHANGED MIN. FRONT CLEAR. TO 10'
SCALE:	1/2" = 1'-0"	SHEET: OF:			
DWG FILE:					
DWG NUMBER:		$(GETVAR,??)			

C:\ENG\MCD NEW SYSTEM\OPERATIONS\PPII+\SHOP\PPII+_09-006.DWG

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Calculation Of Emissions

Estimated Emission Calculation

Matthews Environmental Solutions
(previously Matthews Cremation Division)
Crematory Incinerator Model IE43-PPII Plus

Total Incenerator Burn Capacity 175 lb/hr of remains (type 4) and associated containers (type 0)
Flue gas flow rate = 1175 dscfm 12 Hours/Day X 6 Days/Week X 52 Weeks/Year
(100 % Excess Air) = 3744 Hours/Year

Total Emission Rate = Incinerator Burn Rate X Emission Factor

Sulfer Dioxide (SO_2)

$$\frac{175 \text{ lb/hr} \times 2.17 \text{ lb/ton} \times \frac{1 \text{ ton}}{2000 \text{ lbs}}}{} = 0.190 \text{ lb/hr} = 0.355446 \text{ TPY}$$

$$\frac{0.189875 \text{ lb/hr} \times 4.54E+05 \text{ mg/lb} \times 1 \text{ ppmv}}{1175 \text{ dscfm} \times 60 \text{ min/hr} \times 0.0283 \text{ m}^3/\text{f}^3 \times 2.61 \text{ mg/m}^3} = 16.55 \text{ ppmv}$$

Nitrogen Oxide (NOx - as Nitrogen Dioxide)

$$\frac{175 \text{ lb/hr} \times 3.56 \text{ lb/ton} \times \frac{1 \text{ ton}}{2000 \text{ lbs}}}{} = 0.3115 \text{ lb/hr} = 0.583128 \text{ TPY}$$

$$\frac{0.3115 \text{ lb/hr} \times 4.54E+05 \text{ mg/lb} \times 1 \text{ ppmv}}{1175 \text{ dscfm} \times 60 \text{ min/hr} \times 0.028 \text{ m}^3/\text{f}^3 \times 1.88 \text{ mg/m}^3} = 38.11 \text{ ppmv}$$

Particulates (PM & PM_{10})

$$\frac{175 \text{ lb/hr} \times 4.67 \text{ lb/ton} \times \frac{1 \text{ ton}}{2000 \text{ lbs}}}{} = 0.408625 \text{ lb/hr} = 0.764946 \text{ TPY}$$

$$\frac{0.408625 \text{ lb/hr} \times 7.00E+03 \text{ gr/lb}}{1175 \text{ dscfm} \times 60 \text{ min/hr}} = 0.04 \text{ gr/dscf}$$

Carbon Monoxide (CO)

$$\frac{175 \text{ lb/hr} \times 2.95 \text{ lb/ton} \times \frac{1 \text{ ton}}{2000 \text{ lbs}}}{} = 0.258125 \text{ lb/hr} = 0.48321 \text{ TPY}$$

$$\frac{0.258125 \text{ lb/hr} \times 4.54E+05 \text{ mg/lb} \times 1 \text{ ppmv}}{1175 \text{ dscfm} \times 60 \text{ min/hr} \times 0.028 \text{ m}^3/\text{f}^3 \times 1.14 \text{ mg/m}^3} = 52.08 \text{ ppmv}$$

Hydrocarbons (TOC/VOC - methane)

$$\frac{175 \text{ lb/hr} \times 2.99E-01 \text{ lb/ton} \times \frac{1 \text{ ton}}{2000 \text{ lbs}}}{} = 0.026163 \text{ lb/hr} = 0.048976 \text{ TPY}$$

$$\frac{0.0261625 \text{ lb/hr} \times 4.54E+05 \text{ mg/lb} \times 1 \text{ ppmv}}{1175 \text{ dscfm} \times 60 \text{ min/hr} \times 0.0283 \text{ m}^3/\text{f}^3 \times 0.65 \text{ mg/m}^3} = 9.16 \text{ ppmv}$$

Notes:
1. Incinerator Emissions based on EPA emissions from Table 2.3-1 and 2.3-2 of AP-42 (5th Edition)
2. All conversion factors from AP-42 Appendix A.

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CREMATOR MASS BALANCE

Matthews Environmental Solutions

PPII Plus

THESE CALCULATIONS HAVE BEEN PREPARED TO EVALUATE THE COMBUSTION PROCESS IN THIS UNIT.

THE INCINERATOR INSTITUTE OF AMERICA HAS PUBLISHED THE FOLLOWING SPECIFICATIONS COVERING AVERAGE WASTES.

WASTE TYPE	TYPE 0	TYPE 4
BTU PER POUND	8500	1000
POUND ASH PER POUND WASTE	0.05	0.05
POUND MOISTURE PER POUND WASTE	0.1	0.85
POUND COMBUSTIBLES PER POUND WASTE	0.85	0.1
HOURLY CONSUMPTION OF WASTE (LBS)	10	165

1. MASS OF PRODUCTS OF COMBUSTION FROM CONTAINER

A. COMBUSTION AIR

$$\frac{8500 \text{ BTU/LB}}{100 \text{ BTU/CF OF AIR*}} \times 0.075 \text{ LB/CF OF AIR} = 6.38 \text{ LB/LB BURNED}$$

B. COMBUSTIBLES AND WATER VAPOR FROM CHART ABOVE = 0.95 LB/LB BURNED

C. TOTAL FLUE PRODUCT MASS PER LB BURNED = 7.33 LB/LB BURNED

2. MASS OF PRODUCTS OF COMBUSTION FROM BODY

A. COMBUSTION AIR

$$\frac{1000 \text{ BTU/LB}}{100 \text{ BTU/CF OF AIR*}} \times 0.075 \text{ LB/CF OF AIR} = 0.75 \text{ LB/LB BURNED}$$

B. COMBUSTIBLES AND WATER VAPOR FROM CHART ABOVE = 0.95 LB/LB BURNED

C. TOTAL FLUE PRODUCT MASS PER LB BURNED = 1.70 LB/LB BURNED

SPECIFICATIONS	
PRIMARY BURNER FUEL CONSUMPTION (MMBTU/HR)	1
SECONDARY BURNER FUEL CONSUMPTION (MMBTU/HR)	1.2
ADDITIONAL SECONDARY AIR SUPPLIED (CFM)	200
SEC. CHAMBER OPERATING TEMPERATURE (°F)	**1600**
SECONDARY CHAMBER VOLUME (CU. FT)	96
SEC. CHAMB. CROSS-SECTIONAL AREA (SQ. FT)	2.76
FLAME PORT AREA (SQ. FT)	2.95
MIXING BAFFLES AREA (SQ. FT)	1.36

*AIR AT STANDARD CONDITIONS

3. TOTAL FLUE PRODUCTS

A. MAXIMUM PRIMARY BURNER GAS USAGE

1000000 BTU/HR x 4.8E-05 LBS/BTU = 48 LBS/HR

B. COMBUSTION AIR FOR PRIMARY BURNER

$$\frac{1000000 \text{ BTU/HR}}{100 \text{ BTU/CF AIR}} \times \frac{1}{\text{Burner}} \times 0.075 \text{ LB/CF AIR} = 750 \text{ LBS/HR}$$

C. MAXIMUM SECONDARY BURNER GAS USAGE

1200000 BTU/HR x 4.8E-05 LBS/BTU = 58 LBS/HOUR

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D. COMBUSTION AIR FOR SECONDARY BURNER

$$\frac{1200000 \text{ BTU/HR}}{100 \text{ BTU/CF AIR}} \times \frac{1}{\text{Burner}} \times 0.075 \text{ LB/CF AIR} = 900 \text{ LBS/HOUR}$$

E. PRODUCTS FROM TYPE 0 WASTE (CONTAINER)

7.33 LBS/LB BURNED x 10 LB/HR BURN RATE = 73 LBS/HOUR

F. PRODUCTS FROM TYPE 4 WASTE (TISSUE)

1.70 LBS/LB WASTE x 165 LB/HR BURN RATE = 281 LBS/HOUR

G. ADDITIONAL SECONDARY CHAMBER COMBUSTION AIR (THROAT AIR)

12000 CF/HR* x 0.075 LB/CF AIR = 900 LBS/HOUR

H. TOTAL FLUE PRODUCTS = 3009 LBS/HOUR

2. VELOCITY AND TIME CALCULATIONS

A. SCFM CALCULATION (PRODUCTS ASSUMED TO HAVE DENSITY CLOSE TO AIR)

$$3009 \text{ LBS/HR} \times \frac{13.35 \text{ STD. CU. FT/LB}}{60 \text{ MIN/HR}} = 670 \text{ SCFM}$$

B. TOTAL PRODUCTS ACFM @ 1600 °F

$$\frac{2060 \text{ °RANKINE}}{530 \text{ °RANKINE}} \times 669.6 \text{ CFM} = 2603 \text{ ACFM}$$

C. RETENTION TIME

$$\frac{96 \text{ CU. FT}}{2603 \text{ ACFM}} \times \frac{60 \text{ SECONDS}}{1 \text{ MINUTE}} = \mathbf{2.21 \text{ SECONDS}}$$

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JOHN A. OLSZEWSKI, JR.
County Executive

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

May 16, 2022

Lawrence E. Schmidt, Esq. – lschmidt@sgs-law.com
Smith, Gildea & Schmidt
600 Washington Ave, Suite 200
Towson, MD 21204-1301

RE: Petitions for Special Hearing. Special Exception and Variance
Case No. 2022-0051-SPHXA
Property: 11543 Philadelphia Road

Dear Mr. Schmidt:

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: Charles Evans – infor@evansfuneralchapel.com
David McMillion – dmcmillion@ceiengineering.com
Utka Akbulut – uakbulut@mca.design
Judy Carroll – jcarroll@ceiengineering.com
John Hahn – jhahn@mca.design
Merrill A. Messick – mmessick@mca.design
Anna Littleton – alittleton@mca.design
Claire Fishman – cfishman@ceiengineering.com
William Shade – lschmidt@sgs-law.com
Audrey Perkins – perkinsaudrey648@gmail.com

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION & VARIANCE	*	BEFORE THE
(11543 Philadelphia Road)	*	OFFICE OF
10th Election District	*	ADMINISTRATIVE HEARINGS
6th Council District		
19A Newport Drive, LLC	*	FOR BALTIMORE COUNTY
Legal Owner		
	*	
Petitioner		**Case No. 2022-0051-SPHXA**

* * * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of 19A Newport Drive, LLC, legal owner ("Petitioner"). The Special Hearing request is as follows:

1. A waiver pursuant to the Baltimore County Zoning Regulations ("BCZR") § 500.7; Parts 123 and 125 of the Baltimore County Building Code ("BCBC"); and Sections §§ 32-4-107 (a), 32-4-414, 32-8-201, et seq. and § 32-8-301, et seq. of the Baltimore County Code ("BCC") to permit a portion of the parking lot in a riverine floodplain; and

2. A request for a business parking in a residential zone, as provided in BCZR § 409.8.B;

3. A modified parking plan pursuant to BCZR § 409.12.B, and

4. For such other further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

The Petition for Special Exception seeks the following:

1. A funeral establishment pursuant to Baltimore County Zoning Regulations ("BCZR") § 230.3.;

2. For such other and further relief as may be deemed necessary by the ALJ.

A Petition for a Variance was filed:

1. From Baltimore County Zoning Regulations ("BCZR") § 409.8.A.4: To permit a distance to street line for a parking space in a surface parking facility for a nonresidential use of 9.83 ft. in lieu of the permitted 10 ft.;

2. BCZR § 409.8.A.1 (and the Landscape Manual): To permit design, screening and landscaping from a side property line to the driveway of 5.5 ft. in lieu of the permitted 10 ft.;

3. BCZR § 303.2: To permit a front yard depth of 65.5 ft. in lieu of the 90.2 ft. average depth of the front yards of the immediately adjoining lots;

4. BCZR § 409.6: To permit 52 off-street parking spaces in lieu of the 53 minimum required parking spaces;

5. BCZR § 1B01.1.B.e: To permit a parking lot with a Residential Transition Area ("RTA") buffer and setback of 15.58 ft. in lieu of the required 50 ft. buffer and 75 ft. setback, and

6. For such other and further relief as may be deemed necessary by the ALJ.

Due to the ongoing COVID-19 restrictions 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 Environmental Protection and Sustainability ("DEPS"), Bureau of Development Plans Review ("DPR") and the Department of Public Works and Transportation ("DPW&T"), and the Department of Planning. The agencies did not object to the relief, subject to proposed conditions, which will be incorporated into the Order.

Charles Evans appeared on behalf of the Petitioner. Lawrence Schmidt, Esquire of Smith, Gildea and Schmidt represented the Petitioner. Judith Carroll, P.E., the engineer who prepared

and sealed the Site Plan also attended, as did David McMillion of her firm. The Site Plan was admitted as Petitioner's Exhibit 1. One member of the community attended for informational purposes.

Mr. Schmidt gave an overview of the requested relief, explaining that the site is approximately 1.3 acres and it split-zoned BL, BR, and DR 3.5. It is currently a vacant lot located on Philadelphia Road (Rte. 7) in the Honeygo Area. There is a veterinary office on one side and a vacant lot owned by Asplundh Construction Co. on the other. There is a mobile home park across the street. He explained that the proposed funeral establishment is permitted by right in the BR zone by virtue of the fact that the BR zone incorporates the BM zone's permitted uses via BCZR 236.1.A. He further explained that the BL zone permits this use by Special Exception, which is why that relief has been requested. Mr. Schmidt further explained that the front setback calculations and variance are based on the setback of the veterinary office next door. He noted that Rt. 7 is a state highway and that Petitioner's engineers have been working with the State Highway Administration ("SHA") to obtain their approval, which will entail widening the road along the frontage of this parcel. He then explained that the residences to the rear of the site generate the Residential Transition Area regulations; however, the nearest residences is 142 ft. away from this tract's boundary. He urged that the RTA variance relief is therefore within the spirit and intent of the BCZR, since the RTA would not even be generated if that dwelling was an additional 8 ft. distant.

Ms. Carroll then discussed the unique features of the site, including its dimensions and topography. She also explained that there is a riverine floodplain running through a portion of the rear of the site. However, the stream that generates this floodplain is carried *under* the site by a storm sewer pipe that was installed some time ago. She further explained that the residential

developer who developed the adjacent neighborhood to the rear of the site was required to perform a full flood study to the county in order to obtain approval for that development, and that she has submitted that study to DPW&T. She stated that she does not yet know whether they will accept this study for this project or if the Petitioner will be required to perform another floodplain study, but if that is the case they are prepared to do so. She explained that the flood plain is approximately 34 acres and that approximately one acre of the proposed parking lot would be within the floodplain.

Mr. Evans then provided a "day in the life" of the proposed funeral home's operations. He explained that there will be from two to five employees there most days, depending on what type of services are taking places. Most of their services and viewings are at 10 and 11 a.m. in the morning and then from 5 to 9 p.m. in the evening. He further explained that this will be a satellite location and that his main funeral business is in Parkville. There will be a crematory at this location but there will be no embalming of other body preparation. He identified Petitioner's Exhibit 4 as the floor plans and architectural renderings for the proposed funeral home, which depict an attractive modern two story structure of quality materials. In response to questions from the community member he explained that the crematory is regulated by the State of Maryland and must also comply with the stringent regulations of the federal Environmental Protection Agency.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1, 11 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances

showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

The record evidence establishes that the impacts of this proposed funeral establishment at this location will have no greater impacts than are inherent in the use. Further, a significant portion of the site is zoned BR, which allows this use by right. Further, I find that the requirements of BCZR § 502.1 are satisfied. The site is located on a state highway which provides ample capacity to accommodate this business, especially with the widening that SHA is requiring. I further find that it will not overcrowd the land or interfere with adequate provisions for parks, schools, sewer, water or transportation. This two story structure will have no impacts on light or air, and the use is not inconsistent with the zoning classifications. With regard to the impacts on the environment, I find that if the DPW&T approves a floodplain study for this site then those impacts will have been addressed. In sum, I find that the Special Exception is within the spirit and intent of the BCZR and, subject to resolution of the floodplain issue, will not harm the public health, safety or welfare.

VARIANCES

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).

As described above, the site is unique in a zoning sense. It is unique dimensions as compared with the adjoining parcels and has a fairly steep grade from the front to the rear of the site. In addition, there is a floodplain along the rear portion of the site which impacts site planning. The Petitioner would suffer practical difficulty and hardship if the variance relief is denied because

they would be unable to construct the proposed building and parking lot. Again, I find that the variances are within the spirit and intent of the BCZR and will not harm the public health, safety or welfare.

SPECIAL HEARING

Section 500.7 of the BCZR allows a property owner or any "interested person" to request an interpretation of the 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).

In the instant case, the Petitioner asks for two separate forms of relief. First, that they be allowed to have commercial parking in a residential zone under BCZR § 409.8.B, or in the alternative, for a modified parking plan under BCZR § 409.12. Second, for a waiver of the floodplain regulations in order that they can construct a portion of the required parking in a riverine floodplain. As to the parking relief, I find that with the conditions set forth below, that it can be granted within the spirit and intent of the BCZR and that it will not harm the public health, safety, or welfare.

Next, with regard to the requested floodplain waiver, I find that I am without sufficient evidence to grant this relief, if such relief can ever be granted. The ZAC Comments of the DPW&T note that there is a riverine floodplain on a portion of the property and that "a riverine flood study based on ultimate land use conditions . . . must be submitted and 'Accepted for Filing.'" Petitioner's engineer explained that they have submitted a flood plain study but DPW&T has not yet approved it, and that Petitioner may, in fact, be required to perform and

submit a new study. Further, the file does not contain a "request of a department director" for a waiver, as required by BCC § 32-4-107 (a)(1). If the DPW&T ultimately approves a flood study submitted by the Petitioner, and its Director requests the grant of a waiver then I believe the proper procedure would be for Petitioner to file another Petitioner for Special Hearing to request approval of that waiver request. In sum, as discussed at the hearing, the floodplain waiver issue is not a zoning issue, it is a development issue, and given the unresolved status of the floodplain study, it is not ripe for resolution at this time.

THEREFORE, IT IS ORDERED this **16th** day of **May 2022**, by this Administrative Law Judge, that the Petition for Special Hearing as follows: (1) A waiver pursuant to the Baltimore County Zoning Regulations ("BCZR") § 500.7; Parts 123 and 125 of the Baltimore County Building Code ("BCBC"); and §§ 32-4-107 (a), 32-4-414, 32-8-201, et seq. and § 32-8-301, et seq. of the Baltimore County Code ("BCC") to permit a portion of the parking lot in a riverine floodplain; is hereby **DENIED, WITHOUT PREJUDICE.**

IT IS FURTHER ORDERED that (1) A request for business parking in a residential zone, as provided in BCZR § 409.8.B.; and (2) A modified parking plan pursuant to BCZR § 409.12.B., are hereby **GRANTED.**

IT IS FURTHER ORDERED, that the Petition for Special Exception filed for a funeral establishment pursuant to Baltimore County Zoning Regulations ("BCZR") § 230.3, is hereby **GRANTED.**

IT IS FURTHER ORDERED, that the Petition for Variance:

1. From Baltimore County Zoning Regulations ("BCZR") § 409.8.A.4: To permit a distance to street line for a parking space in a surface parking facility for a nonresidential use of 9.83 ft. in lieu of the permitted 10 ft.;

2. BCZR § 409.8.A.1 (and the Landscape Manual): To permit design, screening and landscaping from a side property line to the driveway of 5.5 ft. in lieu of the permitted 10 ft.;

3. BCZR § 303.2: To permit a front yard depth of 65.5 ft. in lieu of the 90.2 ft. average depth of the front yards of the immediately adjoining lots;

4. BCZR § 409.6: To permit 52 off-street parking spaces in lieu of the 53 minimum required parking spaces, and

5. BCZR §1B01.1.B.e: To permit a parking lot with a Residential Transition Area (" RTA") buffer and setback of 15.58 ft. in lieu of the required 50 ft. buffer and 75 ft. setback, are all hereby **GRANTED.**

The relief granted herein shall be subject to the following:

- 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.

- Petitioners must comply with the DEPS, DPR and DPW&T ZAC comments, copies of which are attached hereto and made a part thereof.

- Other than Petitioner's company vehicles, only passenger cars (other than buses) may use the parking facilities.

- Petitioner shall submit for approval a landscape and lighting plan that complies with the Baltimore County Landscape Manual.

- After 9:30 p.m. only security lighting will be permitted.

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
APR 0 4 2022
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: April 4, 2022

SUBJECT: DEPS Comment for Zoning Item # 2022-0051-SPHXA
Address: 11543 Philadelphia Road
(19A Newport Drive, LLC Property)

Zoning Advisory Committee Meeting of **March 14, 2022**

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

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

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

Additional Comments:

1. **The site plan shows an existing Forest Buffer Easement (FBE) on the property. Environmental Impact Review found no evidence there is an existing FBE on the property.**

   Reviewer: Gris Batchelder

2. **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.**

   Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: March 24, 2022

FROM: Vishnu Desai, Supervisor for VKD 04/15/22
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 14, 2022
Item No. 2022-0051-SPHXA

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

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

If the contributing Drainage Area is 30 acres or greater, an ultimate condition Flood Plain Sturdy is required

* * * * *

VKD: cen
cc: file

Lajuanda Whitaker

From:	Terry Curtis
Sent:	Friday, March 11, 2022 10:02 AM
To:	PAI Zoning Advisory Committee
Cc:	Peoples Counsel
Subject:	ZAC Agenda Case #2022-0051-SPHXA, Philadelphia Road #11543

Good morning,

During my review of the ZAC Agenda for the distribution meeting of March 7, 2022, I reviewed an Special Hearing for case number 2022-0051-SPHXA for 11543 Philadelphia Road.

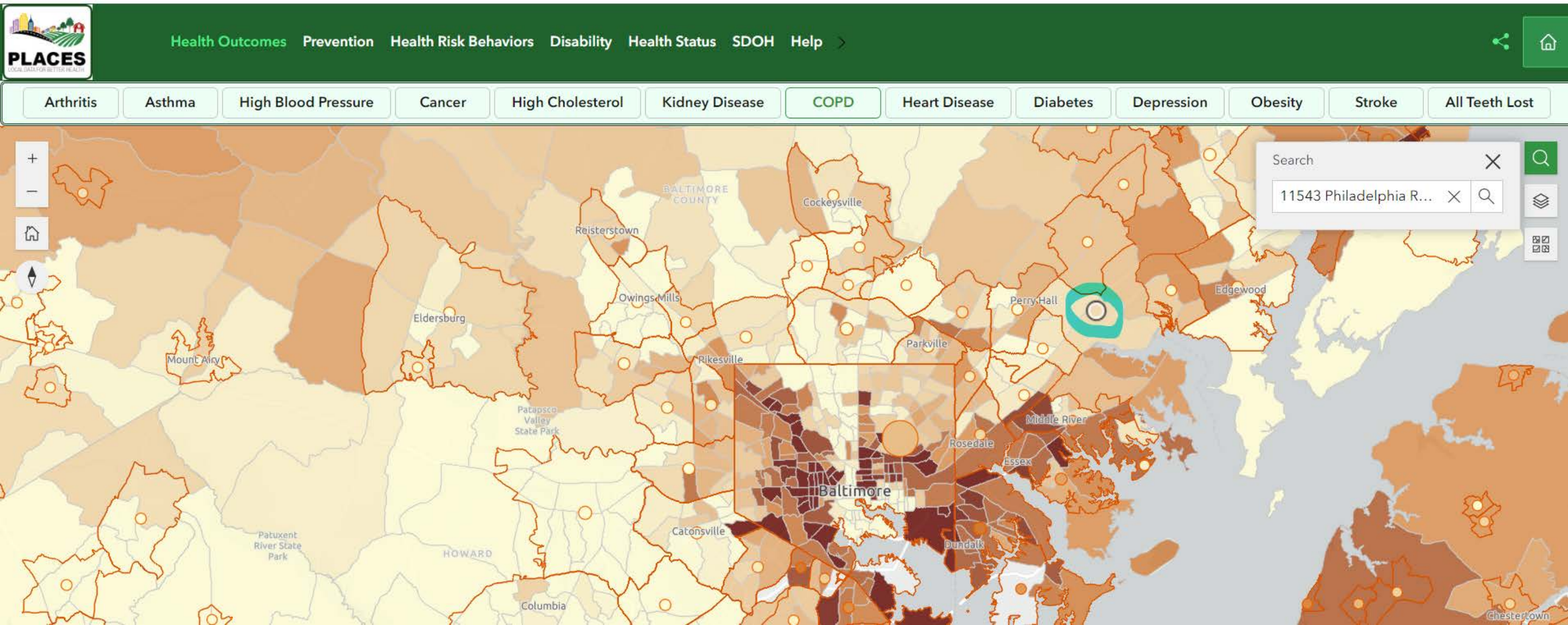
The Department of Public Works and Transportation (DPWT) Bureau of Engineering and Construction offers the following comments:

1.) A riverine flood plain meets the qualifications of a Baltimore County regulated flood plain that flows overland with the existing stream on the property. Based on Baltimore County Code 32-4-414, development in a riverine flood plain is prohibited. A riverine flood study based on ultimate land use conditions according to the Department of Permits, Approvals and Inspections Bureau of Development Plans Review Policy Manual and Department of Public Works and Transportation Design Manual must be submitted and "Accepted for Filing" by the Department of Permits, Approvals and Inspections Bureau of Development Plans Review before the approval of the Administrative Variance for the addition. In addition, Plate DF-1 located in the DPWT Design Manual must be observed.

If you have any questions please feel free to contact me anytime.

Terry Curtis, Jr.
Engineer III
Department of Public Works and Transportation
111 West Chesapeake Avenue
Room 205
Towson, Maryland 21204
410-887-3117
tcurtis@baltimorecountymd.gov

Exceptional Customer Service
Safe and Efficient Operations
Reliable Infrastructure


PLACES
Health Outcomes
Prevention
Health Risk Behaviors
Disability
Health Status
SDOH
Help
Arthritis
Asthma
High Blood Pressure
Cancer
High Cholesterol
Kidney Disease
COPD
Heart Disease
Diabetes
Depression
Obesity
Stroke
All Teeth Lost
Search
11543 Philadelphia R...
BALTIMORE COUNTY
Cockeysville
Reisterstown
Owings Mills
Eldersburg
Mount Airy
Perry Hall
Edgewood
Parkville
Pikesville
Patapsco Valley State Park
Middle River
Rosedale
Essex
Baltimore
Catonsville
Dundalk
Patuxent River State Park
HOWARD
Columbia
Chestertown

TESTIMONY OF LISA M. POLYAK
SCIENCE ADVISOR TO THE YORK ROAD PARTNERSHIP, BALTIMORE, MD
SUPPORTING SB893 - SENATE EDUCATION, ENERGY AND ENVIRONMENT COMMITTEE HEARING
FEBRUARY 27, 2024

Senator Feldman, Senator Kagan, and Members of the Committee,

Thank you for the opportunity to testify. I am an environmental engineer and public health scientist. For the last 35 years I have worked for the Army Medical Command and the Defense Health Agency evaluating environmental health exposures for U.S. Servicemembers stationed in the US and around the world. Today, I am appearing in a private capacity as the Science Advisor to the York Road Partnership in Baltimore.

I urge a favorable vote for SB893.

I want to make 4 points today about why this bill is good science and good policy.

1. Demand for cremation has risen dramatically in the last 20 years due to necessity and cost. The Maryland State Funeral Directors Association report that 52% of Marylanders needing after-death care chose cremation rather than burial. This demand is reflected in the **116 air permits issued for crematory incinerators by the Maryland Department of the Environment** (MDE). According to MDE records, air permit applications for human crematories have doubled in the last 10 years in Maryland.

2. There are no Federal air quality regulations governing the operation of crematory incinerators; and **MDE regulations on crematories have not been updated in over 30 years** (since 1991). Further, having reviewed a majority of the crematory air permits issued by MDE – I can tell you that there are no permit obligations to perform a stack test or to measure stack emissions to identify what kinds of pollutants are emitted, or to determine whether emissions meet the lone crematory emission standard for particulate matter that appears in COMAR.

3. Unlike regular incinerators, **crematory incinerators have no emission controls**, and **no monitors that measure how much pollution comes out of the exhaust stack**. The only optional device that some crematories are equipped with is a smoke detector – like the kind you have in your kitchen – that alarms when smoke in the exhaust stack is too dark or too dense.

4. Opponents of this bill state that cremation poses no health risks – that the stack exhaust only contains carbon dioxide and water vapor. We know that this is not true because the American Medical Association estimates that **10% of Americans have a medical device implanted in their body during their lifetime**. Things like pacemakers, defibrillators, drug dispensers, vascular stents, synthetic joints, prosthetic limbs, cosmetic implants and dental fillings which are not removed before cremation. Opposition testimony to this bill cites a report by the Cremation Association of North America stating,

   "*Additionally there may be pieces of metal in the cremated remains – this metal may come from surgical implants like hip replacements, dental fillings, casket handles, or jewelry that was not removed prior to cremation*".

Crematories are processing much more than just human remains. **Crematory are not designed to incinerate these materials – and because of the lack of pollution control – will just emit the partially burned remnants of these devices in the stack exhaust**.

Because of the lack of updated regulations, the lack of emission control and monitoring, and the increasing presence of medical devices and synthetic materials during cremation – a setback from homes and vulnerable populations is a simple, no cost protection for public health that permits the cremation industry to continue to provide a valuable service.

Maryland
DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

MARYLAND BOARD OF MORTICIANS AND FUNERAL DIRECTORS

4201 PATTERSON AVENUE • BALTIMORE, MD 21215 • (410) 764 - 4792

APPLICATION FOR CREMATORY OPERATOR REGISTRATION

(Requirements per COMAR 10.29.17.04)

Received	Required Documents
☐	Certificate: Certified Crematory Operator course (CANA, ICCFA, or Board approved equivalent)
☐	Certificate: Manufacturer Operator Training **OR** Notarized letter by the Supervising Crematory Operator indicating successful completion of training on the cremator in the crematory of which affiliated

In addition to the application and $300.00 non-refundable application fee (check or money order), the above documents are required for a Registered Crematory Operator permit and must be received THREE (3) weeks in advance of the scheduled Board meeting for consideration.

Maryland
DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

MARYLAND BOARD OF MORTICIANS AND FUNERAL DIRECTORS
4201 PATTERSON AVENUE · BALTIMORE, MD 21215 · (410) 764 – 4792

APPLICATION FOR INITIAL CREMATORY OPERATOR REGISTRATION
(Requirements per COMAR 10.29.17)

Please print clearly. All sections must be completed. The non-refundable initial application fee is $300. Please print clearly. All sections must be completed. Crematory Operator registrations expire September 30th every two years (even year). Please make checks or money orders payable to: Maryland Board of Morticians and Funeral Directors.

NAME: _____

HOME ADDRESS: _____

_____

MAILING ADDRESS: (**Circle one**): HOME WORK

TELEPHONE NUMBER: HOME (____) _____ WORK (____) _____CELL (____) _____

SOCIAL SECURITY NO.: _____BIRTH DATE: _____
(There is a statutory requirement that you disclose your social security number. It will be used for identification purposes only.)

RACE (**Circle all applicable**; for statistical purposes only):
1 – White 2 – African American 3 – American Indian 4 – Asian 5 – Hispanic 6 – Other

EMAIL ADDRESS: _____

EMPLOYER NAME: _____

EMPLOYER ADDRESS: _____

EMPLOYER TELEPHONE NUMBER: (_____)_____

CREMATORY PERMIT NO.: **CR**_____

TYPE OF CREMATOR AND NAME OF MANUFACTURER: _____

SUPERVISING CREMATORY OPERATOR NAME: _____
REGISTRATION NO. **RC:** _____

CHECK '**YES**' OR '**NO**' IN THE BOX NEXT TO EACH QUESTION. ATTACH A DETAILED EXPLANATION FOR EACH QUESTION ANSWERED '**YES**'.

YES	NO		
☐	☐	1)	Has the use of drugs and/or alcohol resulted in an impairment of your ability to practice in your profession?
☐	☐	2)	Has any licensing or disciplinary board in any jurisdiction, or an entity of the Armed services, denied your application for licensure, reinstatement or renewal; taken any action against your license, including but not limited to, reprimand, suspension, revocation, fine or non-judicial punishment?
☐	☐	3)	Have you surrendered or allowed your license to lapse while under investigation by a licensing or disciplinary board in any jurisdiction or an entity of the Armed Services?
☐	☐	4)	Are you currently under investigation or have any complaints or charges been brought against you or are currently pending, in any jurisdiction, by any licensing or disciplinary board or entity of the Armed Services?
☐	☐	5)	Have you ever been convicted, pled guilty, or received probation before judgment of any criminal act or for driving while intoxicated, or for a controlled dangerous substance offense (excluding minor traffic violations)?
☐	☐	6)	Have you been diagnosed with a physical or mental condition which may affect your ability to practice the profession of mortuary science?

Notice for Mailing List

The information collected on this application form is collected for the purposes of the Maryland Board of Morticians and Funeral Directors' functions under Maryland Health Occupations Code Annotated, Title 7. Failure to provide the information may result in denial of your application. You have a right to inspect, amend, and request correction of this information. The Board may permit inspection of this information or make it available to others only as permitted by Federal and State law. Under the Maryland Public Information Act, Maryland State Government Code Annotated §10-617, the Board may provide, for a fee, a list of licensees' names and addresses to professional associations and other entities. You may request in writing that your name be omitted from such lists.

Notice

Maryland and Federal laws require that the Maryland Board of Morticians and Funeral Directors obtain the social security number or federal tax identification number of any person applying for a professional license for the following purposes:

- Administration of the Child Support Enforcement Program (Md. Code Ann., Family Law Article § 10-119.3).
- Identification by the Maryland Department of Assessments and Taxation of new businesses in the State (Md. Code Annotated, Health Occupations § 1-210).
- Comply with federal law which authorizes state governments to use or disclose Social Security numbers in connection with tax matters, including compliance with the payment of taxes (42 U.S.C.A. § 405(c)(2)(C)(i)).

The Board may permit inspection of this information only in accordance with State and federal law.

Applicant, Supervising Crematory Operator, and Employer Signatures

I certify that the above statements, to the best of my knowledge and belief, are true, correct, complete, and made in good faith. I do solemnly swear to perform my duties in compliance with all laws, rules, and regulations of the Maryland State Department of Health, the Maryland Board of Morticians and Funeral Directors, and the State of Maryland.

_____

Applicant Signature **Date**

I certify that I have achieved certification as a crematory operator by the Cremation Association of North America (CANA), International Cemetery, Cremation and Funeral Association (ICCFA), or other equivalent certification recognized jointly by the Board and the Office and have successfully completed the operator training course of the manufacturer of the cremator located in the crematory with which the applicant is affiliated. I certify that I have a minimum of three (3) years' experience on the associated cremator. I solemnly swear to perform my duties in compliance with all laws, rules, and regulations of the Maryland State Department of Health, the Maryland Board of Morticians and Funeral Directors, and the State of Maryland.

_____

Supervising Crematory Operator Signature **Date**

I solemnly swear to perform my duties in compliance with all laws, rules, and regulations of the Maryland State Department of Health, the Maryland Board of Morticians and Funeral Directors, and the State of Maryland.

_____

Employer Signature **Date**

_____

Employer Printed Name **Date**

CANA's Crematory Operations Certification Program

Share (https://www.addthis.com/bookmark.php?v=250&pub=yourmembership) |

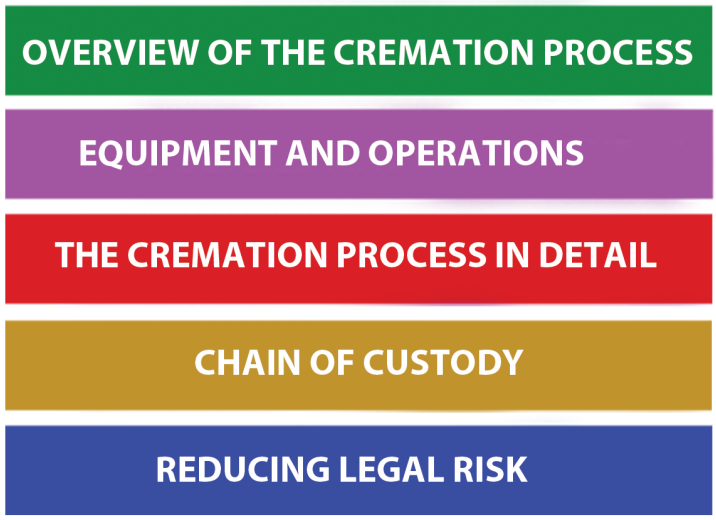
CREMATORY OPERATIONS COURSE CATALOG

CANA offers several crematory operators programs to meet the needs of a variety of businesses and regulations. Click the titles below to learn more about your options for getting CANA Certified.

Crematory Operations Program (COCP)

(https://www.cremationassociation.org/page/CPCO)

Pet Crematory Program



ONLINE AND IN PERSON

CREMATORY OPERATIONS CERTIFICATION PROGRAM™

register for the online COCP

(https://www.cremationassociation.org/store/viewproduct.aspx?id=19932495)

register for an in-person COCP

(https://www.cremationassociation.org/events)

Use the links above to register online.

Or, click here (https://www.cremationassociation.org/resource/resmgr/industry_practitioners_cocp/RegistrationForm_CANA-COCP.pdf) to fill out a registration form to email/mail/fax back to CANA Headquarters with your payment.

THE CANA COCP: THE GOLD STANDARD IN CREMATORY OPERATIONS TRAINING

In this increasingly competitive and litigious environment, possessing qualifications that set you apart from the rest of the industry is critical. The CANA Crematory Operations Certification Program™ (COCP™) is the mark of distinction. It ensures that you and your employees have the most current crematory operations training available in the industry and provides proof to the public of your commitment to safe cremation practices that demonstrate the utmost respect and caring for their loved ones. The content of this course is designed to increase your understanding of crematory operations—both flame and alkaline hydrolysis—and will provide you with a solid overview of best practices.

The CANA Crematory Operations Certification Program™ (CANA COCP™) was the first course designed to provide best practices for crematory operators in the profession. Now, your go-to program for crematory operations includes the latest best practices in alkaline hydrolysis. Many states and provinces have now instituted training requirements for crematory operators and have selected CANA's COCP as their official training program. Additionally, many states and provinces continue to approve alkaline hydrolysis making training in best practices more important than ever.

This training complements on-the-job training and machine-specific training you might receive. While this training will not guarantee you will get a job, it looks great on a resume.

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WHY ATTEND?

You will gain extensive knowledge—technical, scientific, and legal—all of which is proactive prevention for future business problems. The class addresses major topic areas such as an overview of the flame and water cremation process, equipment and operations, the cremation process in detail, chain of custody, reducing legal risk, and environmental issues related to cremation. A detailed manual is also provided for use during class and serves as an important reference tool. Taught by industry experts, this program provides death care professionals of all backgrounds and levels of experience a thorough knowledge of the practices and procedures that will help reduce the risk of litigation.

In 2022, the CANA Crematory Operations Certification Program™ (CANA COCP™) updated to feature best practices in in all forms of cremation, including alkaline hydrolysis. Popular activities such as the Plan Your Day exercise have been newly revised, there is an all–new animation to demonstrate the cremation process, and the COCP Manual has been updated, keeping CANA's curriculum at the cutting edge of crematory operation best practices.

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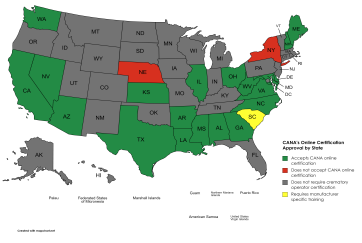
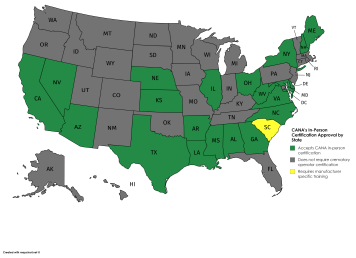
COURSE FORMAT

The course is offered as either an in-person course or as an online course and is designed to meet crematory operations certification requirements and provide best practices for both flame cremation and alkaline hydrolysis facilities. Click here to see which version your state will accept for certification (/resource/resmgr/industry_practitioners_cocp/cocp-cert.png) and/or continuing education (/resource/resmgr/industry_practitioners_cocp/cocp-ceu.png).



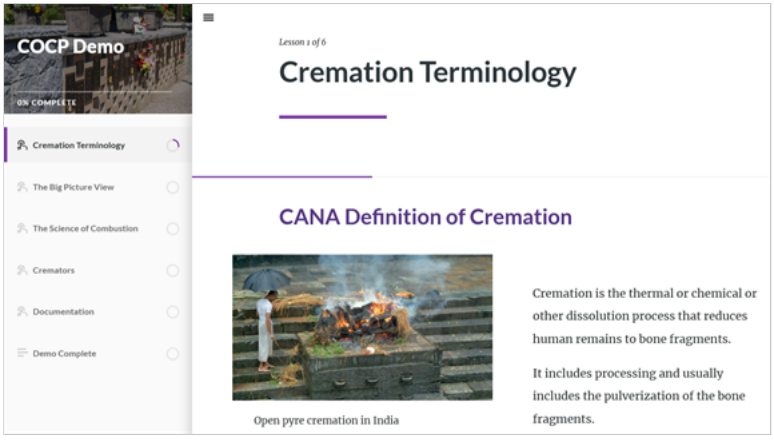
(/resource/resmgr/industry_practitioners_cocp/cocp_ol_cert.png)



(https://www.cremationassociation.org/resource/resmgr/industry_practitioners_cocp/cocpinperson_map.png)

The **in-person course** consists of 6 hours of classroom instruction delivered in one day (check the event calendar (http://www.cremationassociation.org/events) for upcoming courses), 2 hours of online instruction, and a final exam. The online module and the final exam are completed within two weeks of attending the in-person session.

The **online course (https://www.cremationassociation.org/store/viewproduct.aspx?id=19932495)** consists of 8 hours of online instruction and a final exam. The course is self-paced; each time you log off, your last location will be bookmarked so you can resume where you left off the next time you log in. You have 90 days to complete the course once you begin.



(https://rise.articulate.com/share/0A92mbCSm4o275y-TbvSYm7eN4wOade5)

Demo the Online COCP! (https://rise.articulate.com/share/0A92mbCSm4o275y-TbvSYm7eN4wOade5) Try some exercises, get a feel for the format, and get a taste of the curriculum.

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SOFTWARE/HARDWARE REQUIREMENTS FOR TAKING THE ONLINE COURSE

1. Sound capabilities (for listening to videos and narration)

2. Browser

Desktop Browsers: the latest version of Microsoft Edge, Google Chrome, Firefox or Safari
Mobile Browsers: Safari for Apple iOS/iPadOS (latest version), Google Chrome for Apple iOS/iPadOS (latest version), Google Chrome for Android OS 6 or later
Browser Settings: JavaScript must be enabled; font downloads must be enabled
Screen Readers: latest version of JAWS, NVDA, VoiceOver, TalkBack

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FEES (ONLINE AND IN-PERSON)

CANA Member Employees: $495

Nonmembers: $595

Service Members: $195
Active and retired military service members can register by submitting a completed registration form (https://www.cremationassociation.org/resource/resmgr/industry_practitioners_cocp/RegistrationForm_CANA-COCP.pdf) with proof of service – copies of Military ID, DD214, Canadian Armed Forces certificate of service, or related documentation – and payment. Please email the forms to info@cremationassociation.org (mailto:info@cremationassociation.org), and allow at least one (1) business day for processing. Call 312-245-1077 for assistance.

Students: $195 (US students must provide proof of enrollment in an ABFSE-accredited (http://abfse.org/) funeral service or mortuary science program working toward licensure as a funeral director and/or embalmer; non-US students should inquire with CANA before registering)
Register by submitting a completed registration form (https://www.cremationassociation.org/resource/resmgr/industry_practitioners_cocp/RegistrationForm_CANA-COCP.pdf) with proof of enrollment (any school documentation that includes student's name, program, school, and current term) and payment. Please email the forms to info@cremationassociation.org, and allow at least one (1) business day for processing. Call 312-245-1077 for assistance.

WHAT'S INCLUDED?

- The complete CANA Crematory Operations Certification course.
- COCP Manual, provided at check-in for in-person participants or as a download for online participants.
- Crematory Operator Certificate, mailed after successful completion of all course requirements. Certificates are valid for five (5) years. To renew certification, you will need to take the course again.

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WHAT DO I HAVE TO DO TO BECOME CANA CERTIFIED?

In order to receive a Crematory Operator Certificate from CANA, participants of this course are required to:

1. complete all seven (7) course modules, and;
2. receive a score of 80% or better on the final examination.

Whether you take the in-person course or the online version, the certification test will be completed through CANA Education Online. You will have three (3) attempts to receive a passing score. A print copy of the test is provided at the back of the manual for study purposes; however, the questions and choices are randomized when delivered online.

A certificate of completion will be available for printing immediately upon passing the final examination (for purposes of validating continuing education hours). Crematory Operator Certificates are **mailed** at the end of the month in which you pass your examination.

FREQUENTLY ASKED QUESTIONS

When is your next online class? +

Do I need to be a member to get CANA Certified? +

What are the prerequisites for taking this class? +

How long is the crematory operator certificate valid? +

What if I lost my certificate, change my name, change jobs, or move? +

Will I be able to operate a cremator or AH machine after taking this class? +

Will I be able to get a job as a crematory operator/technician after taking this class? +

I want to open my own crematory/AH facility. Should I take this class? +

Do I need this certification? +

What does it mean to have a crematory operations certification? +

What if you're not coming to my area soon? +

What if I work for SCI/Dignity Memorial? +

What if I operate a pet crematory? +

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CURRICULUM

This course presents material in a series of modules. They are as follows:

Module 1: Overview of the Cremation Process +

Module 2: Equipment and Operations +

Module 3: The Cremation Process in Detail +

Module 4: Chain of Custody +

Module 5: Reducing Legal Risk +

Module 6: Tying it all Together +

Module 7: Cremation & the Environment +

Final Exam +

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FACULTY

David M. Daniels
ElGuindy, Meyer & Koegel, APC
Roseville, California
David M. Daniels has over 20 years of trial and transactional experience in cases involving: professional and medical malpractice, complex insurance coverage, class action litigation, labor and employment law, catastrophic injuries, commercial litigation, and hospitality law. He has successfully litigated numerous cases in California's state and federal courts, in addition to handling a multitude of arbitrations and mediations.

Tom Krowl
Cremation Systems (Armil/CFS)
South Holland, IL
Tom has a B.S. degree in Construction Engineering from Syracuse University and the State University of New York. He has spent 38 years working in the Building Materials, Fire Testing, and High Temperature Insulating Materials Industries. The past 10 years have been focused on new cremation equipment technology and installation techniques. His depth of knowledge of construction, environmental impact, and zoning regulations benefit crematory operators at every level.

John Mitchell
IR Environmental
Altamonte Springs, Florida
John Mitchell is currently serving as Vice President of IR Environmental Services LLC. A Florida native, John started his career in the death care industry with Matthews Cremation Division (Matthews Environmental Solutions) in 2001. John held several positions, traveling around the globe serving, repairing, installing. and training operators and owners about cremation equipment and operations. John joined US Cremation Equipment in 2013 becoming Director Service/Repair & Training. John has been involved in new product design and development throughout his years in the industry. Joining Cremation Association of North American (CANA) in 2014 as course instructor for their “Cremation Operations Certification Program” (COCP), John has been involved in training countless operators and owners alike throughout the world. John is also a published author in the American Cemetery & Cremation Magazine.

Larry Stuart, Jr., Past CANA Board Member
Cremation Strategies and Consulting
Tulsa, Oklahoma
Larry is a graduate of Kent State University and is a past member of the Board of Directors of the Cremation Association of North America (CANA) as Supplier Liaison. Through his experience Larry has seen first-hand the negative impact that poor crematory maintenance and improper operating procedures can bring about. Larry has spoken at numerous industry events and has conducted crematory operator training classes across North America with a mission to advance the safety of cremation facilities and their employees and to more positively impact our community and our environment.

Wendy Wiener
WRW Legal, PLLC
Tallahassee, Florida
Wendy Russell Wiener, Esq. is the Managing Member at WRW Legal, PLLC. She practices regulatory deathcare industry and regulatory insurance law, representing entities and individuals who interact with the administrative agencies that regulate all aspects of the deathcare and insurance industries. Ms. Wiener represents clients as counsel in Florida and as a regulatory consultant nationwide. She assists clients in all types of licensing (for individuals and entities) and disciplinary matters, practices before the administrative tribunals, state and federal courts in Florida and interacts with regulators nationwide. Ms. Wiener is a frequent contributor to several national and state deathcare-related publications.

Barbara Kemmis, CANA Executive Director
Wheeling, Illinois
Barbara has over 15 years of experience developing and marketing member benefits, providing leadership in professional associations, fundraising and creating professional development opportunities. Most recently the Directors of Member Services at the American Theological Library Association, Chicago, Illinois, she previously served as Vice President of Library and Nonprofit Services at the Donors Forum, Chicago, Illinois. Barbara has a Master's degree in Library Science from Dominican University, a graduate certificate in nonprofit management from North Park University and a B.A. from Earlham College.

Mimi Korcak, CANA Education Coordinator
Wheeling, Illinois
Mimi Korcak comes to CANA with an arts background in ballet and music. She moved to Chicago and started her second career in the administrative area working with company presidents. Because of her event planning skills, she was recruited to join a medical association to work as an education and meetings coordinator. She has experience setting up live education courses and conventions as well as on-site coordination.

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register for the online COCP (https://www.cremationassociation.org/store/viewproduct.aspx?id=19932495)

register for an in-person COCP (https://www.cremationassociation.org/events)

The COCP is offered several times throughout the year, with new offerings added to the website 2-3 months before they are to be held. Increase your level of professional services and marketability with the CANA crematory operators certification program. Please check our calendar of events (https://www.cremationassociation.org/events) frequently to see where the next offerings are to be held.

IMPLANT RECYCLING (https://www.implantrecycling.com) CANA is grateful to Implant Recycling (https://www.implantrecycling.com) for their generous support of the COCP programs.

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UPCOMING IN-PERSON COURSES

Crematory Operations Certification Program - May 5, 2023 - Wheeling, IL (https://www.cremationassociation.org/events/EventDetails.aspx?id=1702198)
Crematory Operations Certification Program - August 9, 2023 - Washington, DC (https://www.cremationassociation.org/events/EventDetails.aspx?id=1702218)
Crematory Operations Certification Program - Sept. 27, 2023 - Clearwater, FL (https://www.cremationassociation.org/events/EventDetails.aspx?id=1714445)
Crematory Operations Certification Program - October 10, 2023 - Albany, NY (https://www.cremationassociation.org/events/EventDetails.aspx?id=1702231)
Crematory Operations Certification Program - November 3, 2023 - Houston, TX (https://www.cremationassociation.org/events/EventDetails.aspx?id=1702240)

Sign In

Login with Facebook(https://ws.yourmembership.com/Ams/SocialOAuth/facebook?Continue=%2fAms%2fFinalizeLogin%2ffacebook%3fReturnUrl%3dhttps%253a%252f

Login with LinkedIn(https://ws.yourmembership.com/Ams/SocialOAuth/linkedin?Continue=%2fAms%2fFinalizeLogin%2flinkedin%3fReturnUrl%3dhttps%253a%252f%2

OR

Username

Password

Remember Me

SIGN IN

Forgot your password? (/general/email_pass.asp)

Create a Profile (/general/register_start.asp)

Blog

more (/members/blog_view.asp?id=776820)

4/26/2023
Cremation's Modern Musical Influence (/members/blog_view.asp?id=776820&post=488141)

4/12/2023
Manage your Stress, or it will manage you! (/members/blog_view.asp?id=776820&post=487451)

3/22/2023
How The Right Funeral Management System Can Reduce Burnout (/members/blog_view.asp?id=776820&post=486675)

3/8/2023
Why HR and Marketing Need to Talk (/members/blog_view.asp?id=776820&post=485845)

2/15/2023
Is This the Tipping Point for Online Arrangement? (/members/blog_view.asp?id=776820&post=485127)

Calendar

more (/events/event_list.asp)

1/16/2023 » 5/12/2023
CANA Certified Cremation Specialist - 2023 Cohort A (/events/EventDetails.aspx?id=1687489)

5/5/2023
Crematory Operations Certification Program - May 5, 2023 - Wheeling, IL (/events/EventDetails.aspx?id=1702198)

5/16/2023
Talk 3: Peer Support Meeting (/events/EventDetails.aspx?id=1691268)

6/20/2023
Talk 3: Peer Support Meeting (/events/EventDetails.aspx?id=1691269)

7/18/2023
Talk 3: Peer Support Meeting (/events/EventDetails.aspx?id=1691270)

Online Learning

View Available Courses (https://www.cremationassociation.org/store/)
Access Your Courses (https://education.cremationassociation.org)

CONTACT US

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info@cremationassociation.org (mailto:info@cremationassociation.org)
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QUICK LINKS

home (http://www.cremationassociation.org)

about (http://www.cremationassociation.org/AboutCANA)

media (http://www.cremationassociation.org/Media)

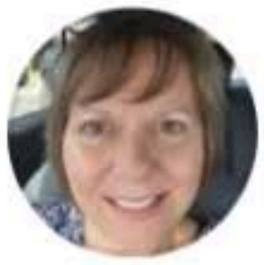
statistics (http://www.cremationassociation.org/IndustryStatistics)

contact us (http://www.cremationassociation.org/general/?type=CONTACT)

CONNECT

(https://www.linkedin.com/groups/Cremation-Association-North-America-4174211/about)

Association Management Software Powered by YourMembership (http://www.yourmembership.com/) :: Legal (/ams/legal-privacy.htm)



Carolyn L. Jones

Hi Everyone I'm Carolyn and I live in this community and I also work for Evans Funeral Home. Evans is a 5th generation family owned business with a wonderful reputation. Just wondering if anyone on this group ever personally reached out to us with your concerns? Would anyone be interested in a meeting? The owner of Evans is making a huge commitment to this community and really wants to connect with you and reassure you of these environmental concerns you may have. We are also willing to set up a meeting in our Forest Hill location where we have a crematory so that you can see our operation and how it functions.

1y Like Reply 5

Technical Information Pertaining to Crematory Incinerators in Maryland
SUPPORT Senate Bill 893

Setback from Homes, Schools is Reasonable for New Crematory Incinerators: Given the significant rise in consumer demand for cremation services, the proliferation of crematory incinerators seeking air permits in Maryland, the lack of updated environmental regulations on crematories at the state and federal level, the absence of requirements to identify or measure emissions generated by crematory incinerators, the increased use of synthetic medical devices in the human body, and the proximity of funeral homes to residential settings – **a setback requirement for crematory incinerators is a low cost, common sense measure to ensure the continued availability of cremation services, while protecting the health of nearby residents and vulnerable populations**.

1. **Crematories are Incinerators**: Maryland Department of the Environment (MDE) defines a crematory as a furnace where human or animal corpses are burned. In the Code of Maryland Regulations (COMAR), crematories are regulated as incinerators in an air quality rule entitled: Control of Incinerators [COMAR 26.11.08]. Particulate matter is the only crematory air pollutant with a specific emission limit in COMAR.

2. **Outdated Regulations**. MDE has not updated air quality regulations pertaining to crematories in over 30 years (last updated in 1991). There are no federal air quality regulations on the operation or control of air pollution emissions produced by crematory incinerators.

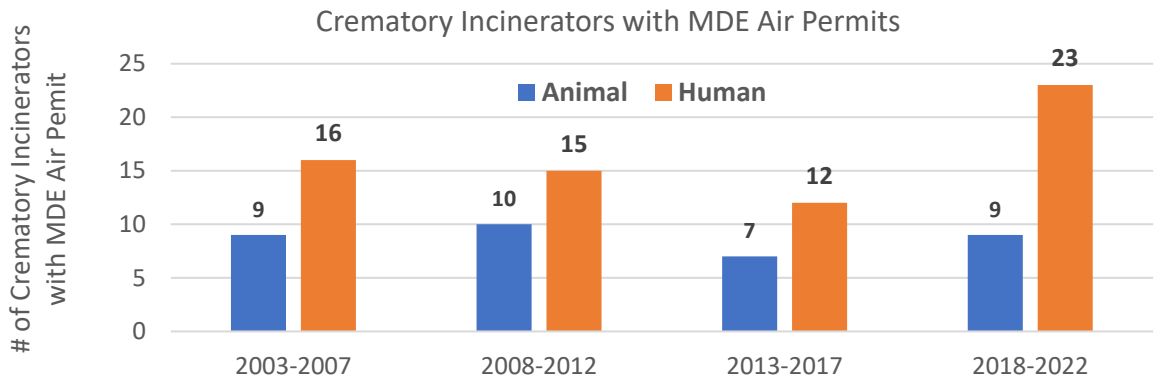
3. **No Pollution Monitors, No Emission Controls**. Unlike other types of incinerators, crematory incinerators have no pollution monitors to track pollution levels or measure whether stack exhaust meets regulatory emission limits. There are also no filters or controls on these units to limit hazardous air pollutants created during combustion.

4. **No Stack Tests or Emission Measurements**. According to air permit applications filed with MDE, crematory owners state that air pollutant emissions produced by crematories include: hydrochloric acid, mercury, heavy metals, dioxins and furans, particulate matter, nitrogen oxides, and volatile organic compounds. However, **MDE does not require stack tests, emission monitors or any other type of measurement to determine whether crematory incinerators are meeting the emission limits specified in COMAR**.

5. **Increased Demand for Cremation**. According to the National Funeral Directors Association (NFDA), the demand for cremation (rather than burial) has doubled in the past 20 years from 30% in 2005 to 60% in 2023. This is due in part to the need created by the COVID-19 pandemic, as well as the lower cost of cremation compared to burial. In Maryland the average cost of full-service burial is $9,069; the average cost of full-service cremation is $6,767; with a new streamlined service known as “direct cremation” available for $2,425.

6. **Clusters of Crematories in Maryland**. As of October 2023, MDE has issued air quality permits to 116 crematory incinerators in Maryland. Two-thirds of these crematories are concentrated in 6 counties: Anne Arundel (17), Prince George’s (15), Baltimore (12), Carroll (12), Harford (10) and Frederick (9). **The number of air permits issued for human crematories in Maryland has doubled in the past 10 years**.

Technical Information Pertaining to Crematory Incinerators in Maryland
SUPPORT Senate Bill 893



7. **Cremation in Neighborhoods**. Historically, many funeral homes have been situated in neighborhood settings as a matter of convenience for the communities they serve, and as a residence for those operating the business. When these businesses seek to co-locate a crematory with their funeral home – they may be placing an incinerator in proximity to the homes, schools and playgrounds that are also part of the neighborhood.

8. **Cremation of Hazardous Materials**. According to the American Medical Association, 1 in 10 Americans will have a medical device implanted in their body during their lifetime. Typically, these devices are not removed prior to cremation and can include: cosmetic implants, pacemakers, defibrillators, drug dispensers, vascular stents, synthetic joints, prosthetic limbs, and dental amalgams. These materials can contain hazardous chemicals, plastics, metals, pharmaceuticals and batteries. None of the existing COMAR rules for crematories contemplated the incineration of imbedded medical devices, and have never been updated to address the emission burden created by these items.

9. **Existing Restrictions**: Due to population health concerns, COMAR restricts the type of incinerators that can be located in the Baltimore metropolitan area (Area III: Baltimore City and Anne Arundel, Baltimore, Carroll, Harford, and Howard Counties), and the Washington DC metropolitan area (Area IV: Montgomery and Prince George's County). However, it does permit crematory incinerators in these jurisdictions.

Hearing Date for Senate Bill 893: February 27, 1:00 PM
Senate Education, Energy and Environment Committee

CALL or EMAIL COMMITTEE CHAIRS TO SUPPORT SENATE BILL 893

Chair: Senator Brian Feldman, 410-841-3169, brian.feldman@senate.state.md.us
Vice Chair: Senator Cheryl Kagan, 410-841-3134, Cheryl.Kagan@senate.state.md.us

RECORDS

BALTIMORE COUNTY FIRE DEPARTMENT RECORDS R/T VOLUME OF CALLS FOR BLACK SMOKE FROM CREMATORY AT FREDERICK RD, CATONSVILLE

11543 Philadelphia Road
Case No. 2024-0076-SPH
Petitioner's Exhibit List

Description	**Exhibit**
ALJ Mayhew Decision - 5/16/22	1
MD Rule 1-104	2
Signed Affidavit of Carl Richards	3
BCZR § 502.3	4
ZAC Comments - 5/7/24	5
Development Plan Review Timeline	6
Forest Buffer Variance Approval Letter - 3/12/24	7
Forest Conservation Variance Approval Letter - 3/12/24	8
Floodplain Waiver Letter for BCC 32-4-414 – 5/31/23	9
DRC Decision 11/20/21	10
DRC Decision 6/1/22	11
~~Photo 2A from Site Photos – Funeral Chapel & Cremation Services Sign~~ NOT OFFERED	~~12~~
Emails with Pete Gutwald – A-D	13
Email to Gene Cauley	14
~~Email from OAH proposing hearing date~~ NOT OFFERED	~~15~~
Emails with Terry Curtis	16
~~Emails with MDE re: air quality permit application~~ NOT OFFERED	~~17~~
Special Hearing Request Receipt	18

JOHN A. OLSZEWSKI, JR.
County Executive

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

May 16, 2022

Lawrence E. Schmidt, Esq. – lschmidt@sgs-law.com
Smith, Gildea & Schmidt
600 Washington Ave, Suite 200
Towson, MD 21204-1301

RE: Petitions for Special Hearing. Special Exception and Variance
Case No. 2022-0051-SPHXA
Property: 11543 Philadelphia Road

Dear Mr. Schmidt:

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: Charles Evans – infor@evansfuneralchapel.com
David McMillion – dmcmillion@ceiengineering.com
Utka Akbulut – uakbulut@mca.design
Judy Carroll – jcarroll@ceiengineering.com
John Hahn – jhahn@mca.design
Merrill A. Messick – mmessick@mca.design
Anna Littleton – alittleton@mca.design
Claire Fishman – cfishman@ceiengineering.com
William Shade – lschmidt@sgs-law.com
Audrey Perkins – perkinsaudrey648@gmail.com

Petitioner's Exhibit 1

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION & VARIANCE	*	BEFORE THE
(11543 Philadelphia Road)	*	OFFICE OF
10th Election District	*	ADMINISTRATIVE HEARINGS
6th Council District		
19A Newport Drive, LLC	*	FOR BALTIMORE COUNTY
Legal Owner		
	*	
Petitioner		**Case No. 2022-0051-SPHXA**

* * * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of 19A Newport Drive, LLC, legal owner ("Petitioner"). The Special Hearing request is as follows:

1. A waiver pursuant to the Baltimore County Zoning Regulations ("BCZR") § 500.7; Parts 123 and 125 of the Baltimore County Building Code ("BCBC"); and Sections §§ 32-4-107 (a), 32-4-414, 32-8-201, et seq. and § 32-8-301, et seq. of the Baltimore County Code ("BCC") to permit a portion of the parking lot in a riverine floodplain; and

2. A request for a business parking in a residential zone, as provided in BCZR § 409.8.B;

3. A modified parking plan pursuant to BCZR § 409.12.B, and

4. For such other further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

The Petition for Special Exception seeks the following:

1. A funeral establishment pursuant to Baltimore County Zoning Regulations ("BCZR") § 230.3.;

2. For such other and further relief as may be deemed necessary by the ALJ.

A Petition for a Variance was filed:

1. From Baltimore County Zoning Regulations ("BCZR") § 409.8.A.4: To permit a distance to street line for a parking space in a surface parking facility for a nonresidential use of 9.83 ft. in lieu of the permitted 10 ft.;

2. BCZR § 409.8.A.1 (and the Landscape Manual): To permit design, screening and landscaping from a side property line to the driveway of 5.5 ft. in lieu of the permitted 10 ft.;

3. BCZR § 303.2: To permit a front yard depth of 65.5 ft. in lieu of the 90.2 ft. average depth of the front yards of the immediately adjoining lots;

4. BCZR § 409.6: To permit 52 off-street parking spaces in lieu of the 53 minimum required parking spaces;

5. BCZR § 1B01.1.B.e: To permit a parking lot with a Residential Transition Area ("RTA") buffer and setback of 15.58 ft. in lieu of the required 50 ft. buffer and 75 ft. setback, and

6. For such other and further relief as may be deemed necessary by the ALJ.

Due to the ongoing COVID-19 restrictions 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 Environmental Protection and Sustainability ("DEPS"), Bureau of Development Plans Review ("DPR") and the Department of Public Works and Transportation ("DPW&T"), and the Department of Planning. The agencies did not object to the relief, subject to proposed conditions, which will be incorporated into the Order.

Charles Evans appeared on behalf of the Petitioner. Lawrence Schmidt, Esquire of Smith, Gildea and Schmidt represented the Petitioner. Judith Carroll, P.E., the engineer who prepared

and sealed the Site Plan also attended, as did David McMillion of her firm. The Site Plan was admitted as Petitioner's Exhibit 1. One member of the community attended for informational purposes.

Mr. Schmidt gave an overview of the requested relief, explaining that the site is approximately 1.3 acres and it split-zoned BL, BR, and DR 3.5. It is currently a vacant lot located on Philadelphia Road (Rte. 7) in the Honeygo Area. There is a veterinary office on one side and a vacant lot owned by Asplundh Construction Co. on the other. There is a mobile home park across the street. He explained that the proposed funeral establishment is permitted by right in the BR zone by virtue of the fact that the BR zone incorporates the BM zone's permitted uses via BCZR 236.1.A. He further explained that the BL zone permits this use by Special Exception, which is why that relief has been requested. Mr. Schmidt further explained that the front setback calculations and variance are based on the setback of the veterinary office next door. He noted that Rt. 7 is a state highway and that Petitioner's engineers have been working with the State Highway Administration ("SHA") to obtain their approval, which will entail widening the road along the frontage of this parcel. He then explained that the residences to the rear of the site generate the Residential Transition Area regulations; however, the nearest residences is 142 ft. away from this tract's boundary. He urged that the RTA variance relief is therefore within the spirit and intent of the BCZR, since the RTA would not even be generated if that dwelling was an additional 8 ft. distant.

Ms. Carroll then discussed the unique features of the site, including its dimensions and topography. She also explained that there is a riverine floodplain running through a portion of the rear of the site. However, the stream that generates this floodplain is carried *under* the site by a storm sewer pipe that was installed some time ago. She further explained that the residential

developer who developed the adjacent neighborhood to the rear of the site was required to perform a full flood study to the county in order to obtain approval for that development, and that she has submitted that study to DPW&T. She stated that she does not yet know whether they will accept this study for this project or if the Petitioner will be required to perform another floodplain study, but if that is the case they are prepared to do so. She explained that the flood plain is approximately 34 acres and that approximately one acre of the proposed parking lot would be within the floodplain.

Mr. Evans then provided a "day in the life" of the proposed funeral home's operations. He explained that there will be from two to five employees there most days, depending on what type of services are taking places. Most of their services and viewings are at 10 and 11 a.m. in the morning and then from 5 to 9 p.m. in the evening. He further explained that this will be a satellite location and that his main funeral business is in Parkville. There will be a crematory at this location but there will be no embalming of other body preparation. He identified Petitioner's Exhibit 4 as the floor plans and architectural renderings for the proposed funeral home, which depict an attractive modern two story structure of quality materials. In response to questions from the community member he explained that the crematory is regulated by the State of Maryland and must also comply with the stringent regulations of the federal Environmental Protection Agency.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1, 11 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances

showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

The record evidence establishes that the impacts of this proposed funeral establishment at this location will have no greater impacts than are inherent in the use. Further, a significant portion of the site is zoned BR, which allows this use by right. Further, I find that the requirements of BCZR § 502.1 are satisfied. The site is located on a state highway which provides ample capacity to accommodate this business, especially with the widening that SHA is requiring. I further find that it will not overcrowd the land or interfere with adequate provisions for parks, schools, sewer, water or transportation. This two story structure will have no impacts on light or air, and the use is not inconsistent with the zoning classifications. With regard to the impacts on the environment, I find that if the DPW&T approves a floodplain study for this site then those impacts will have been addressed. In sum, I find that the Special Exception is within the spirit and intent of the BCZR and, subject to resolution of the floodplain issue, will not harm the public health, safety or welfare.

VARIANCES

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).

As described above, the site is unique in a zoning sense. It is unique dimensions as compared with the adjoining parcels and has a fairly steep grade from the front to the rear of the site. In addition, there is a floodplain along the rear portion of the site which impacts site planning. The Petitioner would suffer practical difficulty and hardship if the variance relief is denied because

they would be unable to construct the proposed building and parking lot. Again, I find that the variances are within the spirit and intent of the BCZR and will not harm the public health, safety or welfare.

SPECIAL HEARING

Section 500.7 of the BCZR allows a property owner or any "interested person" to request an interpretation of the 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).

In the instant case, the Petitioner asks for two separate forms of relief. First, that they be allowed to have commercial parking in a residential zone under BCZR § 409.8.B, or in the alternative, for a modified parking plan under BCZR § 409.12. Second, for a waiver of the floodplain regulations in order that they can construct a portion of the required parking in a riverine floodplain. As to the parking relief, I find that with the conditions set forth below, that it can be granted within the spirit and intent of the BCZR and that it will not harm the public health, safety, or welfare.

Next, with regard to the requested floodplain waiver, I find that I am without sufficient evidence to grant this relief, if such relief can ever be granted. The ZAC Comments of the DPW&T note that there is a riverine floodplain on a portion of the property and that "a riverine flood study based on ultimate land use conditions . . . must be submitted and 'Accepted for Filing.'" Petitioner's engineer explained that they have submitted a flood plain study but DPW&T has not yet approved it, and that Petitioner may, in fact, be required to perform and

submit a new study. Further, the file does not contain a "request of a department director" for a waiver, as required by BCC § 32-4-107 (a)(1). If the DPW&T ultimately approves a flood study submitted by the Petitioner, and its Director requests the grant of a waiver then I believe the proper procedure would be for Petitioner to file another Petitioner for Special Hearing to request approval of that waiver request. In sum, as discussed at the hearing, the floodplain waiver issue is not a zoning issue, it is a development issue, and given the unresolved status of the floodplain study, it is not ripe for resolution at this time.

THEREFORE, IT IS ORDERED this **16th** day of **May 2022**, by this Administrative Law Judge, that the Petition for Special Hearing as follows: (1) A waiver pursuant to the Baltimore County Zoning Regulations ("BCZR") § 500.7; Parts 123 and 125 of the Baltimore County Building Code ("BCBC"); and §§ 32-4-107 (a), 32-4-414, 32-8-201, et seq. and § 32-8-301, et seq. of the Baltimore County Code ("BCC") to permit a portion of the parking lot in a riverine floodplain; is hereby **DENIED, WITHOUT PREJUDICE.**

IT IS FURTHER ORDERED that (1) A request for business parking in a residential zone, as provided in BCZR § 409.8.B.; and (2) A modified parking plan pursuant to BCZR § 409.12.B., are hereby **GRANTED.**

IT IS FURTHER ORDERED, that the Petition for Special Exception filed for a funeral establishment pursuant to Baltimore County Zoning Regulations ("BCZR") § 230.3, is hereby **GRANTED**.

IT IS FURTHER ORDERED, that the Petition for Variance:

1. From Baltimore County Zoning Regulations ("BCZR") § 409.8.A.4: To permit a distance to street line for a parking space in a surface parking facility for a nonresidential use of 9.83 ft. in lieu of the permitted 10 ft.;

2. BCZR § 409.8.A.1 (and the Landscape Manual): To permit design, screening and landscaping from a side property line to the driveway of 5.5 ft. in lieu of the permitted 10 ft.;

3. BCZR § 303.2: To permit a front yard depth of 65.5 ft. in lieu of the 90.2 ft. average depth of the front yards of the immediately adjoining lots;

4. BCZR § 409.6: To permit 52 off-street parking spaces in lieu of the 53 minimum required parking spaces, and

5. BCZR §1B01.1.B.e: To permit a parking lot with a Residential Transition Area (" RTA") buffer and setback of 15.58 ft. in lieu of the required 50 ft. buffer and 75 ft. setback, are all hereby **GRANTED.**

The relief granted herein shall be subject to the following:

- 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.

- Petitioners must comply with the DEPS, DPR and DPW&T ZAC comments, copies of which are attached hereto and made a part thereof.

- Other than Petitioner's company vehicles, only passenger cars (other than buses) may use the parking facilities.

- Petitioner shall submit for approval a landscape and lighting plan that complies with the Baltimore County Landscape Manual.

- After 9:30 p.m. only security lighting will be permitted.

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
APR 0 4 2022
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: April 4, 2022

SUBJECT: DEPS Comment for Zoning Item # 2022-0051-SPHXA
Address: 11543 Philadelphia Road
(19A Newport Drive, LLC Property)

Zoning Advisory Committee Meeting of **March 14, 2022**

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

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

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

Additional Comments:

1. **The site plan shows an existing Forest Buffer Easement (FBE) on the property. Environmental Impact Review found no evidence there is an existing FBE on the property.**

   Reviewer: Gris Batchelder

2. **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.**

   Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: March 24, 2022

FROM: Vishnu Desai, Supervisor for VKD 04/15/22
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 14, 2022
Item No. 2022-0051-SPHXA

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

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

If the contributing Drainage Area is 30 acres or greater, an ultimate condition Flood Plain Sturdy is required

* * * * *

VKD: cen
cc: file

Lajuanda Whitaker

From:	Terry Curtis
Sent:	Friday, March 11, 2022 10:02 AM
To:	PAI Zoning Advisory Committee
Cc:	Peoples Counsel
Subject:	ZAC Agenda Case #2022-0051-SPHXA, Philadelphia Road #11543

Good morning,

During my review of the ZAC Agenda for the distribution meeting of March 7, 2022, I reviewed an Special Hearing for case number 2022-0051-SPHXA for 11543 Philadelphia Road.

The Department of Public Works and Transportation (DPWT) Bureau of Engineering and Construction offers the following comments:

1.) A riverine flood plain meets the qualifications of a Baltimore County regulated flood plain that flows overland with the existing stream on the property. Based on Baltimore County Code 32-4-414, development in a riverine flood plain is prohibited. A riverine flood study based on ultimate land use conditions according to the Department of Permits, Approvals and Inspections Bureau of Development Plans Review Policy Manual and Department of Public Works and Transportation Design Manual must be submitted and "Accepted for Filing" by the Department of Permits, Approvals and Inspections Bureau of Development Plans Review before the approval of the Administrative Variance for the addition. In addition, Plate DF-1 located in the DPWT Design Manual must be observed.

If you have any questions please feel free to contact me anytime.

Terry Curtis, Jr.
Engineer III
Department of Public Works and Transportation
111 West Chesapeake Avenue
Room 205
Towson, Maryland 21204
410-887-3117
tcurtis@baltimorecountymd.gov

Exceptional Customer Service
Safe and Efficient Operations
Reliable Infrastructure

Md. Rule 1-104

State court rules current through April 15, 2024. Federal court rules current through April 1, 2024.

MD - Maryland State & Federal Court Rules > Maryland Rules > Title 1. General Provisions > Chapter 100. Applicability and Citation

Rule 1-104. Unreported opinions

(a) Opinions of the Appellate Courts of Maryland. —

(1) Not Precedent. — An unreported opinion of the Supreme Court or the Appellate Court is not precedent within the rule of stare decisis.

Cross references. — See Rule 8-605.1 regarding reporting of opinions of the Appellate Court.

(2) Citation. —

(A) Generally. — An unreported opinion of the Supreme Court or the Appellate Court may not be cited as precedent within the rule of stare decisis or, except as provided in subsection (a)(2)(B) of this Rule, as persuasive authority. An unreported opinion of either Court may be cited only (i) when relevant under the doctrine of the law of the case, res judicata, or collateral estoppel, (ii) in a criminal action or related proceeding involving the same defendant, (iii) in a disciplinary action involving the same respondent, or (iv) as persuasive authority as provided in subsection (a)(2)(B) of this Rule.

(B) Persuasive Authority. — Unless designated as a per curiam opinion, an unreported opinion issued on or after July 1, 2023 may be cited for its persuasive value only if no reported authority adequately addresses an issue before the court. The citation shall clearly identify the opinion as unreported and include the case number, term, and date the opinion was filed. An unreported per curiam opinion may not be cited as persuasive authority.

Committee note. — Unreported opinions issued after May 1, 2015 are available on the Judiciary website.

(b) Opinions issued by courts in other jurisdictions. — An unreported or unpublished opinion, order, or other decision issued by a federal court or by a court in a jurisdiction other than Maryland may be cited as persuasive authority if the jurisdiction in which the opinion was issued would permit it to be cited as persuasive authority or as precedent. The citation shall indicate whether the opinion is precedent in the issuing jurisdiction.

Cross references. — See MAS Associates v. Korotki, 465 Md. 457, 479 n.11 (2019) and Gambrill v. Bd. Of Educ. of Dorchester County, 252 Md. App. 342 (2021), rev'd on other grounds, 481 Md. 274 (2022) regarding the persuasive value of unreported or unpublished authority from courts in other jurisdictions.

(c) Attachment. — If a party cites an opinion, order, or decision that is not available in a publicly accessible electronic database, the party shall attach a copy of the cited document to the pleading, brief, or other paper in which the document is cited.

History

Added Nov. 12, 2003, effective Jan. 1, 2004; amended May 8, 2007, effective July 1, 2007; April 21, 2023, effective July 1, 2023.

Petitioner's Exhibit 2

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE (11543 Philadelphia Road) 11th Election 5th Councilmanic District 19A Newport Drive LLC *Legal Owner and Petitioner*	*	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY
	*	Case No. 2022-051-SPHXA and Case No. 2024-0076-SPH

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

DECLARATION OF W. CARL RICHARDS

I, W. Carl Richards, am over the age of eighteen (18) years, a resident of the State of Maryland and am competent to testify as to the matters set forth below.

1. I was employed by the Government of Baltimore County, Maryland from July 1966 until my retirement in November 2020. During that period of time, I was an employee of the Zoning Office of Baltimore County. Initially, my position was as a Zoning Associate, and I later was promoted to Planner III. Ultimately, I was promoted to the position of Zoning Supervisor; a position that I occupied from 1993 until my retirement in November 2020. As Zoning Supervisor, I was responsible for the administration of the Zoning Office and am intimately familiar with the Baltimore County Zoning Regulations ("BCZR") and associated rules and procedures related to the administration of zoning law in Baltimore County. Both during my time of employment with Baltimore County and since my retirement, I have testified before the Office of Administrative Hearings (the ALJ), the County Board of Appeals and the Circuit Court of Baltimore County and have been accepted as an expert witness regarding issues surrounding the interpretation and administration of the Baltimore County Zoning Regulations.

2. Baltimore County permits certain conditional land uses as "special exceptions." The procedure and criteria to apply and obtain special exception approval is generally set forth in Section 502 of the BCZR. Special Exceptions are approved following a hearing and written

Petitioner's Exhibit 3

opinion/order by the Baltimore County Office of Administrative Hearings. Applications for approval are considered by one of the Administrative Law Judges (formerly known as the "Zoning Commissioner for Baltimore County) in that office.

3. Special exception approval granted by the ALJ is valid for a period of two years from the date of final approval (See BCZR § 502.3) If not utilized during that two-year period, then the special exception approval lapses.

4. However, BCZR § 502.3 further provides that the validity of an approved special exception can be extended for up to five years from the date of initial approval. BCZR § 502.3 does not specify how an extension of the special exception shall be obtained. Further, BCZR § 502.3 does not state that another hearing before the ALJ is required, that any public notice (be it by the posting of a sign on the property, an advertisement in a newspaper, the posting of notice on the Baltimore County website, nor by any other method) is required.

5. During my tenure as an employee of the Zoning Office, the routine practice and procedure employed by those seeking special exception extensions was for the recipient/applicant to submit a letter requesting extension to the Zoning Commissioner/ALJ. Upon receipt, the Zoning Commissioner/ALJ would review the request and case file, and in his/her discretion either approve or reject the request. If the extension was approved, the Zoning Commissioner/ALJ would author and execute an "Extension Order", which would then be placed in the case file as evidence that the period of validity of the special exception approval was granted. No public notice of the decision/Extension Order was given.

6. This routine procedure and process was utilized on numerous occasions during my tenure as an employee in the Zoning Office and I am personally familiar with that practice and procedure.

I SOLEMNLY SWEAR under the penalties of perjury that the foregoing statements are true and correct and based upon my personal knowledge.

DATE: 4/30/24

W. Carl Richards

§ 502.3. Time limit for utilization of special exception; extensions.

[Bill Nos. 42-1962; 85-1967; 68-1968; 172-1993]

A special exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void. The Zoning Commissioner or, on appeal, the County Board of Appeals, in connection with the grant of any special exception, shall fix within the aforegoing limits the period of time for its utilization. Any party to the proceedings may, by so specifying, appeal from either the order of the Zoning Commissioner or of the County Board of Appeals as the case may be, solely as to the reasonableness of the period of time allowed or, alternatively, may have such question determined in conjunction with any appeal from the grant or refusal of the application for a special exception. After a final order granting a special exception, the Zoning Commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization of the special exception is not thereby extended for a period of more than five years from the date of the final order granting same.

A special exception which requires any construction for its utilization shall be deemed to have been used within its authorized time if such construction shall have commenced during the authorized period, or any extension thereof, provided said construction is thereafter pursued to completion with reasonable diligence.

Notwithstanding the above provisions, in any case where a special exception in effect on or after January 1, 1957, cannot be utilized within the maximum allowable time because of inadequacy or unavailability of public sewer or water facilities, the Zoning Commissioner shall extend such time for utilization to a date 18 months after such facilities become adequate and available, as evidenced by the ability to obtain a public works agreement permitting exercise of the special exception. A copy of the extension order shall be sent by the Zoning Commissioner to the Director of Public Works and Transportation, who shall give certified or registered mail notice when such public works agreement is obtainable, to the party, and for the property, named in the extension order at the address shown in said order, except that the party named in the extension order, by certified or registered mail notice to the Director of Public Works and Transportation and the Zoning Commissioner, may change the name of the party to receive such notice from the Public Works and Transportation Director, or the address to which said notice is to be sent, or both. The date on which the notice is sent by the Director of Public Works and Transportation to the last party of record within, at the last address furnished, shall be the commencement date for the running of the eighteen-month extension period in which there must be utilization of the special exception.

[33-2021]

Petitioner's Exhibit 4

May 7, 2024

Lawrence E. Schmidt, Esq.
600 Washington Ave. Ste 200
Towson, MD 21204

RE: Case Number: 2024-0076-SPH, 11543 Philadelphia Rd

To Whom It May Concern:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 20, 2024 This letter is not an approval, but only a NOTIFICATION.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. Please see attached comments submitted from these agencies. If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

Jeffrey Perlow

Jeff Perlow
Supervisor
Department of Zoning

AR

CC: Charles Evans

Petitioner's Exhibit 5

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 4/4/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 2024-0076-SPH

INFORMATION:
Property Address: 11543 Philadelphia Road
Petitioner: Charles Evans
Zoning: BL, BR, DR 3.5
Requested Action: Special Hearing

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

Special Hearing -

1. To approve an extension of the Special Exception approval for a period of time not more than five years from the date of the final Order granting the same; and
2. For such other and further relief as may be required by the Administrative Law Judge.

The subject site is an approximately 1.28 acre parcel along Philadelphia Road in the White Marsh area. The site is currently vacant; however, the property owners have been seeking approval for the construction of a funeral establishment on the site since 2021.

Uses surrounding the site vary – along Philadelphia Road, uses are primarily commercial and include an animal hospital, Honeygo Square shopping mall, multiple restaurants, a bakery, and a community center. Immediately across Philadelphia Road from the subject site is a mobile home park. East/behind the subject site is primarily comprised of single family detached residential on DR 3.5 zoned land.

In 2022, the site was the subject of Zoning Case 2022-0051-SPHXA. The request included a Special Hearing, a Special Exception, and multiple Variances. The Special Exception request was to permit a funeral establishment pursuant to Baltimore County Zoning Regulations (BCZR) Section 230.3. The Department of Planning had no objections to any of the requests in the Case and offered comments for consideration related to improving vehicular circulation, considering a sidewalk along Philadelphia Road, and providing adequate landscaping. In a May 16th, 2022 Opinion and Order, Administrative Law Judge Mayhew granted the Special Hearing for business parking in a residential zone and for a modified parking plan; granted the Special Exception for a funeral establishment pursuant to BCZR Section 230.3; and conditionally granted Variances related to parking, landscaping, and front yard depths. The Opinion and Order states that the Petitioner stated there would be a crematory at the location, but that there would be no embalming of other body preparation. In response to a question from a community member, the Petitioner explained that the crematory would be regulated by the State of Maryland and would need to comply with stringent regulations of the federal Environmental Protection Agency. In the Administrative

Law Judge's review of the Special Exception, the Opinion and Order states "the record evidence establishes that the impacts of this proposed funeral establishment at this location will have no greater impacts than are inherent in the use. Further, a significant portion of this site is zoned BR, which allows this use by right."

In September of 2022, the Department of Planning received the 1st review materials for the Evans Funeral Chapel White Marsh Facility Limited Exemption Development Plan (PAI # 11-1191). The Department offered comments related to, but not limited to, correcting notes on the plan, providing a circulation diagram, providing architectural elevations of the funeral home, providing details on signage, and providing lighting and landscaping details. In January of 2023, the Department received the 2nd review materials, in which the applicant had positively addressed Planning's 1st review comments. The Department of Planning recommended approval of the Limited Exemption Development Plan, subject to two conditions: that landscaping along the northern elevation be evergreen to screen the building from the public right-of-way year-round, and that details of any proposed signage be provided at the time of permitting. In January 2024, the Department of Planning received 3rd review materials for the Limited Exemption Development Plan, which included a "Revisions to Site Layout" letter from the engineer. The letter explained that, in order to address County comments and reduce impacts to environmental features and neighboring properties, the site lay out had been revised. Changes included decreasing the building size, which, in turn, reduced required paving, required stormwater management, impacts to the floodplain and neighboring properties, impact to the forest butter, and the overall limit of disturbance for the site. The Department of Planning found the 3rd review materials acceptable and recommended approval as submitted.

The site is currently the subject of a 2024 Comprehensive Zoning Map Process (CZMP) issue, Issue 5-063. The issue was raised by the Baltimore County Council and was raised same-to-same, meaning the existing and requested zoning are the same. The justification for the issue stated, in part, "Councilman Marks is raising this issue so the County Council can determine the appropriate level of development here and throughout this region of Baltimore County. Councilman Marks looks forward to a productive dialogue with residents and stakeholders throughout the Comprehensive Zoning Map Process." At the District 5 Planning Board CZMP Public Hearing, a significant number of nearby residents testified that they were opposed to a crematorium on the property. The Staff Recommendation for Issue 5-063 is for the property to maintain its existing BL, BR, and DR 3.5 zoning. As of the date of these comments, the Planning Board has not offered a recommendation on the issue, and the County Council has not made a final decision on the issue.

The site is within the boundary of the Perry Hall Community Plan, adopted February 22nd, 2011. The plan provides background information on the plan area boundary and offers recommendations related to building strong neighborhoods, improving mobility, improving the environment, and creating a strong sense of place for the area. The plan does not provide guidance specific to the subject site.

The Department of Planning contacted the representative for the petition via telephone on April 2nd, 2024 seeking additional information on the crematorium aspect of the funeral establishment. During the phone call, the representative explained that the crematorium is still part of the Development Plan, as it was during Zoning Case 2022-0051-SPHXA. The representative explained that the Development Plan has run into significant issues related to stormwater management, and that the engineer is currently on the 4th or 5th review with the County in regards to stormwater management; as such, the project has not been able to vest in the two years since the May 2022 Opinion and Order and Special Exception approval. The representative continued that as the two-year mark was approaching, he submitted a letter to the Administrative Law Judge requesting an extension of the Special Exception. The extension was approved, however, People's Council requested the Administrative Law Judge reconsider their decision and require the Special Exception to have a new Hearing. The representative explained that, as of the date of the

phone call, the Administrative Law Judge had not made a decision on the matter, but that the Zoning Case currently at hand was submitted out of an abundance of caution in the event the Administrative Law Judge agreed with People's Council and reversed the extension. The representative concluded the phone call by reiterating information consistent with the 2022 Opinion and Order – that the crematorium needed to be permitted by the State of Maryland, and would need to comply with strict environmental regulations.

While the Department of Planning understands the communities' concerns and acknowledges their opposition to the crematorium aspect of the funeral establishment, the request is in keeping with the 2022 Zoning Case. At that time, the Department had no objections to the Zoning Case or the Limited Exemption Development Plan, which the Department recommended approval of. As such, the Department of Planning has no objections to the requested Special Hearing to approve an extension of the Special Exception approval for a period of time not more than five years from the date of the final Order granting the same.

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: Lawrence E. Schmidt, Esquire
Ainsley Pressl, 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

DATE: March 28, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0076-SPH

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

DPR: In a 500-year riverine floodplain.

DPW-T: The property is located within non-tidal (riverine), Special Flood Hazard Area. Current Baltimore County Code 32-4-414 and 32-8 prohibits development within a non-tidal special flood hazard area. The 2015 Baltimore County Building Code Part 125.1 states "No new Buildings or Additions shall be constructed in any riverine floodplain."

A riverine flood plain that meets the qualifications of a Baltimore County flows overland very close to the property. Based on Baltimore County Code 32-4-414, development in a riverine flood plain is prohibited. A riverine flood study based on ultimate land use conditions according to the Department of Permits, Approvals and Inspections Bureau of Development Plans Review (DPR) Policy Manual and DPWT Design Manual must be submitted and "Accepted for Filing" by DPR before the approval of the Variance for the addition. The proposed addition must also meet DPWT Design Manual Plate DF-1.

Landscaping: 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.

Recreations & Parks: No Greenways affected.

Evans Funeral Chapel

Development Plan Review Timeline

6/14/22: Email from Shawn Frankton with direction to proceed with Development Plan Submission.

6/21/22: Submitted Development Plan, SWM Plan & Report.

7/19/22: Email from Shawn Frankton that redline check prints were available for pickup.

9/1/22: Submitted Development Plan packages containing check, plans, SWM report, original markups and DVD-R of electronic files.

9/6/22: Email from Shawn Frankton confirming receipt of Development Plan submission (comments due 10/24/22 per 10/17/2 email)

9/8/22: Received comments from SHA.

9/12/22: Received comments from Fire Marshal.

9/12/22: Email from Shawn Frankton with SHA approval.

9/15/22: Received 2nd comments from Fire Marshal. In response to the Fire Marshal comments, CEI revised and resubmitted files to Shawn Frankton.

9/15/22: In response to Housing Number comments, CEI revised and resubmitted files to Shawn Frankton.

9/15/22: GWM comments received.

9/21/22: Zoning comments received.

10/3/22: Real Estate comments received.

10/12/22: EPS DC comments received.

10/17/22: SWM comments were picked up.

10/17/22: DRP comments received.

10/18/22: Park & Rec comments received.

12/7/22: EIR comments received.

12/13/22: SWM comments received.

12/21/22: Submitted revised Development Plan packages to Balto. Co.

1/24/23: Email from Shawn Frankton stating that he never received comments from DPR.

1/30/23: Zoning comments received.

2/1/223: DPR comments received.

2/3/23: Real Estate approval received.

Petitioner's Exhibit 6

2/6/23: CEI met with DPR to address floodplain comments.

2/28/23: CEI requested review updates from Shawn Frankton for Rec & Parks and EPS-EIR.

3/1/23: SWM comments picked up.

5/3/23: Submitted revised Development Plan Packages to Balto. Co.

5/24/23: Zoning comments received - Approved.

6/15/23: CEI, Arch and owner met with SWM & EIR to discuss proposed stormdrain outfall on neighboring properties.

7/11/23: Schematic Landscaping Plan approval.

7/13/23: DPR comments picked up.

7/18/23: SWM documents were picked up. Documents were not reviewed, no comments.

7/25/23: CEI requested a 2nd meeting with SWM & DPR to discuss comments about the proposed stormdrain outfall.

7/31/23: CEI met with SWM & DPR to discuss proposed stormdrain outfall on neighboring properties.

9/15/23: DPR approval received.

9/15/23: CEI emailed Shawn Frankton requesting updates on EPS-DC and EPS-EIR reviews. No comments and no approval were received from the 12/21/22 submittal.

9/25/23: Duplicate Fire Marshal comments received. CEI never received a response for the 12/22 submittal to the Fire Marshal.

12/13/23: CEI emailed Shawn Frankton requesting a meeting to discuss the site revisions that were made to address the concerns and comments that came from the Development Plan Review at the County.

1/5/24: Submitted revised Development Plan site package to Balto. Co. Shawn Frankton confirmed receipt on 1/10/24. (responses due 2/7/24)

1/10/24: Per Shawn Frankton's request, CEI uploaded file to "Fileshare" for SHA and the Fire Marshal.

1/17/24: House Numbers and GWM approvals received.

1/23/24: Planning approval.

2/2/24: Zoning approval

2/7/24: Project reassigned to John Krach.

2/7/24: Real Estate comments received.

2/13/24: SHA approval.

2/13/24: Zoning comments received.

2/14/24: EPS-DC & EPS-GWM approvals.

2/16/24: DPR approval.

2/20/24: CEI printed additional Development Plans and delivered to John Krach for EIR.

2/22/24: SWM comments picked up.

3/12/24: EIR comments received.

3/13/24: Rec & Parks approval.

3/18/24: Submitted revised Development Plan & SWM to Balto. Co. (responses due 4/22/24)

3/22/24: Zoning & SHA approvals.

JOHN A. OLSZEWSKI, JR.
County Executive

HORACIO TABLADA, *Director*
Department of Environmental Protection and Sustainability

March 12, 2024

Claire Fishman
Carroll Engineering, Inc.
215 Schilling Circle
Suite 102
Hunt Valley, MD 21031

Re: Evans Funeral Chapel
Forest Buffer Variance
Tracking # 05-24-4063

Dear Claire Fishman:

Baltimore County Department of Environmental Protection and Sustainability (DEPS) received the above referenced request for a variance to the Baltimore County Code, Article 33 Environmental Protection and Sustainability, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law) on January 31, 2024. If granted, the variance would allow the permanent impact of 0.04 acres of forest buffer, the continued maintenance of 0.07 acres of forest buffer for the repair of a storm drain pipe, and the reduction of the principal building setback from 25 feet to 9.5 feet for a proposed funeral home and cremation facility. The property owner proposes to plant eight Maryland native trees within the open areas of the forest buffer to mitigate for the water quality impacts associated with the proposed variance.

There are is a piped stream in the rear of the property that daylights on the two adjacent properties. The stream flows to an unnamed tributary to Gunpowder Falls, a Use-I stream. There is a 100-Year Floodplain associated with this stream that covers 0.3 acres of the property. The forest buffer, which is based on the 25-foot setback from the floodplain and the 75-foot setback from the stream, occupies 0.45 acres of the 1.3 acre site. The majority of the forest buffer is open field with 0.1 acres of forest.

The property owner wants to construct a funeral home and cremation facility and associated parking on the site which is zoned BL (Business Local), BR (Business Roadside), and DR3.5 (Density Residential). The project is a re-development of a property that operated as a tv sales and service business. The property owner considered several design alternatives for the proposed funeral home and cremation facility. These design alternatives were either impractical or resulted in greater impact to the forest buffer. The proposed design alternative will result in only 0.04 acres of impact to the forest buffer due to reductions in parking spaces, vehicular and pedestrian pathways, and the size of the building. This is a significant improvement over the original design which proposed impacts to the majority of the forest buffer. The inability to re-develop an existing commercial site without impacting the forest buffer when efforts have been made to minimize impacts to the forest buffer and the stream onsite is piped represents an

Petitioner's Exhibit 7

unreasonable hardship for the property owner. Consequently, this Department finds that an unreasonable hardship exists in fully meeting the Forest Buffer Law.

The property owner proposes minimizing their impact on water quality by reducing the number of parking spaces, vehicular and pedestrian pathways, and the size of the building. In addition, the property owner will plant eight 1-inch caliper Maryland native trees in the open areas of the forest buffer. These trees will be planted in addition to the 20 trees required to be planted to address the County's Forest Conservation Regulations. All 28 trees will be protected in perpetuity in a Forest Buffer and Forest Conservation Easement. Also, stormwater management will be required onsite. There is no evidence that stormwater management was addressed for the previous commercial use of the property.

Based upon our review and in accordance with Article 33-3-106 and Article 33-3-112(c) of the Baltimore County Code, the variance request is hereby granted with the following conditions:

1. The property owner shall mitigate for the 0.04 acres of permanent impact to the forest buffer by planting eight 1-inch caliper Maryland trees in the open areas of the forest buffer.

2. A Forest Buffer Protection Plan (FBPP) detailing the mitigation must be submitted to Environmental Impact Review for review and approval prior to approval of the grading and sediment control plan.

3. The 0.45-acre forest buffer must be protected with a Forest Buffer Easement (FBE). The FBE must be recorded in the Land Records of Baltimore County prior to any permit approval.

4. An Environmental Agreement and planting security to guarantee survival of the onsite planting for three years must be submitted to Environmental Impact Review prior to any permit approval.

5. The following note must appear on all plans and plats submitted for this project:

   "A variance from the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains (Tracking Number 05-24-4063) was granted by the Baltimore County Department of Environmental Protection and Sustainability to allow the permanent impact of 0.04 acres of forest buffer for the construction of a funeral home and cremation facility on the property. Conditions were placed on this approval to reduce water quality impacts including planting trees in open areas of the forest buffer."

Please have the party responsible for meeting the conditions of this variance sign the statement on the following page and return a signed copy of this letter to this Department. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of this project.

This variance is approved by the Director of the Department of Environmental Protection and Sustainability on 3/12/2024. Any changes to site layout may require submittal of revised plans and a new variance request.

If you have any questions regarding this correspondence, please call Gris Batchelder at (410) 887-3980.

Sincerely,

Horacio Tablada
Director

HT/cgb

cc: Charlie Evans

I/we agree to the above conditions to bring my/our property into compliance with Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains.

Property Owners | Date: MARCH 8 2024 | Printed Names: CHARLES F. EVANS, JR.

JOHN A. OLSZEWSKI, JR.
County Executive

HORACIO TABLADA, *Director*
Department of Environmental Protection and Sustainability

March 12, 2024

Claire Fishman
Carroll Engineering, Inc.
215 Schilling Circle
Suite 102
Hunt Valley, MD 21031

Re: Evans Funeral Chapel
Forest Conservation Variance
Tracking # 05-24-4062

Dear Claire Fishman:

A request for a variance from the Baltimore County Code Article 33, Title 6 Forest Conservation was received by the Department of Environmental Protection and Sustainability (DEPS) on January 31, 2024 in association with a proposed funeral and cremation service on Philadelphia Road in White Marsh. A previous request to remove four specimen trees for the proposed development was received on January 9, 2023 and withdrawn due to a re-design of the proposed building and parking lay-out. The current request would allow the removal of two specimen trees in conjunction with the proposed funeral and cremation service. There are a total of six specimen trees on and adjacent to the property. Four of the six specimen trees are located outside the forest. All of the specimen trees are in fair or better condition. The two specimen trees are proposed for removal to allow for the grading and construction of a funeral building and parking lot for the proposed funeral and cremation service.

The Director of DEPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116(d)(1) of the Code) requires the petitioner show the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of all beneficial use of this property. The 1.3-acre site currently consists of a small parking area, a lawn area, a small area of forest, and a floodplain. There was a building and a storage trailer associated with a previous tv sale and service business onsite that were removed fairly recently. There is a piped stream on the property that daylights on the two adjacent properties. The petitioner is proposing a funeral and cremation service that will include a funeral home building, associated parking, utilities, and a reflection plaza. The proposed development would result in the removal of two of the six specimen trees on and immediately adjacent to the property.

Petitioner's Exhibit 8

Given that the property had a previous commercial business that operated without having to remove any of the existing specimen trees on and adjacent to the property, it is possible that a smaller business could operate on the site without impacting the two specimen trees proposed for removal. Since it is possible to develop the property without impacting the two specimen trees, compliance with the Forest Conservation Law will not deprive the petitioner of all beneficial use of the property. Consequently, we find that this criterion has not been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions of the neighborhood. There are six specimen trees that are scattered throughout and immediately adjacent to the property. The need to remove the specimen trees is a result of their distribution across the property and the space needed to create a funeral home with a sufficient number of parking spaces. These circumstances are unique to this property and not the general conditions in the neighborhood. Therefore, we find the second criterion has been met.

The third criterion (Subsection 33-6-116(d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. The proposed funeral and cremation service will result in the construction of a funeral chapel and cremation services facility, parking areas, and a reflection plaza. The proposed development will replace a former commercial tv sales and service business. The property is zoned BR (Business Roadside), BL (Business Local), and DR 3.5 (Density Residential) and is located in close proximity to other commercial businesses along Philadelphia Road. Therefore, we find that granting the variance will not alter the essential character of the neighborhood; thus, this criterion has been met.

The fourth criterion (Subsection 33-6-116(e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. There are no non-tidal wetlands on the property. A piped stream exists onsite that daylights on the two adjacent properties. The forest buffer consists mostly of lawn and a small area of forest. Minor impacts to the forest buffer associated with grading for the funeral building and a stormwater outfall are proposed. The forest buffer mitigation required for the buffer impacts and the afforestation required for forest conservation compliance will result in the planting of trees in open areas of the forest buffer. In addition, stormwater management is proposed for the development. Stormwater management was not addressed for the previous development. Therefore, we find that granting the variance will not adversely affect water quality and that this criterion has been met.

The fifth criterion (Subsection 33-6-116(e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance that is the result of actions taken by the petitioner. The variance request arises from the distribution of the specimen trees on the property. The specimen trees are scattered throughout the property making it difficult to develop the site without impacting the specimen trees and their critical root zones. Therefore, the petitioner has taken no actions necessitating this variance prior to its request, and this criterion has been met.

The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of DEPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. The property owner originally proposed removing

four of the six specimen trees on and adjacent to the property. The development was re-designed and the number of specimen trees to be removed was reduced from four to two. Mitigation will be provided for removal of the two specimen trees. This project is a re-development of a previous commercial site and none of the existing forest onsite will be impacted. Forest conservation will be addressed onsite with the planting of twenty trees in an open area of forest buffer. Therefore, we find that this variance request is consistent with the spirit and intent of Article 33 of the Baltimore County Code. Therefore, this criterion has been met.

Based on our review, this Department finds that all of the required criteria have been met. Therefore, the requested variance is hereby approved, in accordance with Section 33-6-116 of the Baltimore County Code, with the following conditions:

1. A fee-in-lieu of specimen tree mitigation in the amount of $2,217.40 shall be paid for the two specimen trees proposed for removal that are located outside the forest prior to the issuance of any permits for the proposed development. Checks must be made payable to Baltimore County.

2. The final forest conservation plan must reflect the conditions of this variance.

3. All plans prepared for Evans Funeral Chapel must include the following note:

   "A Forest Conservation Specimen Tree Variance (Tracking Number 05-24-4062) was granted by the Baltimore County Department of Environmental Protection and Sustainability to allow the removal of two specimen trees. Conditions were placed on this approval to mitigate the loss of these trees, including payment of a fee-in-lieu of mitigation. If any specimen tree shown on the plan "to remain" is proposed to be removed, special variance approval or written authorization must first be obtained from the Department of Environmental Protection & Sustainability. "

Please have the party responsible for meeting the conditions of this variance sign the statement on the following page and return a signed copy of this letter to this Department. If there are any questions regarding this correspondence, please contact Mr. Gris Batchelder at (410) 887-3980.

This variance is approved by the Director of the Department of Environmental Protection and Sustainability on 3/12/2024. Any changes to site layout may require submittal of revised plans and a new variance request.

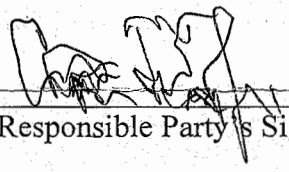
Sincerely,

Horacio Tablada
Director

HT/cgb

cc : Charlie Evans
Daniel Coy, Maryland Department of Natural Resources

I/we agree to the above conditions to bring my/our property into compliance with Baltimore County's Forest Conservation Law.



Responsible Party's Signature

MARCH 18 2024

Date

CHARLES F. EVANS JR.

Responsible Party's Printed Name

JOHN A. OLSZEWSKI, JR.
County Executive

D'ANDREA L. WALKER, *Director*
Department of Public Works and Transportation

May 31, 2023

David McMillion
Carroll Engineering, Inc.
215 Schilling Circle, Suite 102
Hunt Valley, Maryland 21031

Re: Evans Funeral Chapel – PAI No. 11-1191
Request for Determination for Baltimore County Code 32-4-414

Dear Mr. McMillion:

Pursuant to development of the above-referenced property, this office has found that the property is located within a Gunpowder Falls watershed as shown on the Federal Emergency Management Agency's Flood Insurance Rate Map No. 295G, Community Panel No. 2400100295G, dated May 5, 2014. The property as shown on the map is located in Zone X, unshaded flood zone.

This project involves development in the form of a redevelopment of private property which includes a roadway, drainage facility, grading and construction in the 1% annual special flood hazard, 100-year, riverine flood plain. Under The Baltimore County Code Section 32-4-414 (c) it states:

> "(c) *Development in flood plain prohibited*; *exceptions.* The county may not permit development in a riverine flood plain except for:
> (1) The establishment of property subdivision lines; and
> (2) The installation of a pond, culvert, bridge, street, utility, or drainage facility that the county finds is not detrimental to flood plain management programs."

After consideration of the Code above, the Department finds that the redevelopment of private property which includes a roadway, drainage facility, grading and construction for this project in riverine flood plain areas is not detrimental to flood plain management programs, subject to the following conditions:

1. The 1% annual flood plain and freeboard limits are delineated by a flood plain study certified by a Professional Engineer registered in the State of Maryland as being correct and done in accordance with the Baltimore County Department of Public Works Policy adopted August 1, 1991.
2. The flood plain study and request letter indicates no detrimental offsite impacts resulting from the grading and construction project.
3. All Federal, State and Local permits must be obtained.
4. The property must be properly signed to warn visitors to the property that the site is subject to flooding.

Petitioner's Exhibit 9

In conclusion, we determined the redevelopment for Evans Funeral Chapel project located on a tributary in the Gunpowder Falls watershed submission meets the criteria noted above and will not require a Zoning Hearing or waiver from the Administrative Law Judge under Baltimore County Code Section 32-4-107 Title 8 Subtitle 3.

In addition, we have determined the flood protection elevation delineation using one foot is sufficient for this development based on your analysis and field run surveys.

Should you have any questions or need further assistance, please contact Terry W. Curtis, Jr. of the Bureau of Engineering and Construction Office at (410) 887-3117.

Very truly yours,

D'Andrea L. Walker
Director

DLW/TWC/s

CC: Vishnubhai K. Desai, Development Plans Review

JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, *Director*
Department of Permits, Approvals & Inspections

November 20, 2021

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

RE: Evans Funeral Chapel
11543 Philadelphia Road
Tracking Number: DRC-2021-00155
DRC Number: 111621D, Dist. 11C6

Dear Mr. Schmidt,

Pursuant to Article 25A, § 5 (U) of the Annotated Code of Maryland, and as provided in §602 (d) of the Baltimore County Charter, and §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 so designated by their directors to represent their respective departments. The purpose of the DRC is to ensure compliance with §32-4-106 and §32-4-262 of the Baltimore County Code and to make recommendations to the Director of the Department of Permits Approvals and Inspections (PAI).

The DRC met in an open meeting via WebEx on November 16th, 2021 and has determined that your project is tabled to the Office of Zoning Review. Please contact Lloyd T. Moxley or Dawn Chaney at 410-887-3321 if you have any further questions or to have the item placed on the DRC agenda as "old business" when ready.

Sincerely,

FOR: DEV. MGR.

C. Peter Gutwald
Director

CPG: LTM:dc

C: File

Petitioner's Exhibit 10

JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, *Director*
Department of Permits, Approvals & Inspections

June 1, 2022

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

RE: Evans Funeral Chapel
11543 Philadelphia Road
Tracking Number: DRC-2021-00155
DRC Number: 111621D, Dist. 11C6

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Pursuant to Article 25A, § 5 (U) of the Annotated Code of Maryland, and as provided in §602 (d) of the Baltimore County Charter, and §32-1-101, 32-3-401 and 32-3-517 of the Baltimore County Code (BCC), 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 so designated by their directors to represent their respective departments. The purpose of the DRC is to ensure compliance with Section 32-4-106 and Section 32-4-262 of the BCC and to make recommendations to the Director of the Department of Permits Approvals and Inspections (PAI).

The DRC met in an open meeting via WebEx on May 31st, 2022 and has determined that your project meets the requirements of a limited exemption under BCC Section 32-4-106(b)(8). I have reviewed the recommendations carefully and it is this 1st day of June 2022 ordered and decided that the recommendations of the DRC are hereby adopted.

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 BCC, one completed, signed and sealed copy of the **Development Plan Checklist**, and a copy of this letter to this office to the attention of Shawn Frankton.

Petitioner's Exhibit 11

Any permits required for this project will be processed subject to the conditions set forth in this letter along with all plans, securities and/or non-county permits that may be required in accordance with County, State or Federal Regulations. Please be aware that the provisions of BCC §11-4-302 through §11-4-305 establishing a development impact surcharge will apply to this project. It will be the responsibility of the DRC applicants through the review process to confirm the applicability of any surcharge, the amount and any credits applied thereto. The surcharge, if applicable, shall be assessed and collected at the time of building permit application.

Sincerely,

FOR: DEV. MGR.

C. Peter Gutwald

Director

CPG:LTM:dc

C:File

SIGNAL AHEAD
PREPARE TO STOP
WHEN FLASHING
EVANS
Funeral Chapel
& Cremation Services
Coming Soon!
Petitioner's
Exhibit 12

Thomas Leitch

From: Lawrence Schmidt
Sent: Monday, May 6, 2024 1:29 PM
To: Alyssa Moyers; Thomas Leitch
Subject: FW: Evans Funeral Home (11543 Philadelphia Road)
Attachments: ALJ Decision 5.16.2022.PDF; DRC Decision.PDF; ZAC Comments. DPR.EPS.DPWT.PDF

And another.

SGS SMITH GILDEA & SCHMIDT LLC
Lawrence E. Schmidt
PARTNER

Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Baltimore, MD 21204
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From: Lawrence Schmidt
Sent: Friday, December 9, 2022 1:01 PM
To: Peter Gutwald <cpgutwald@baltimorecountymd.gov>
Subject: Evans Funeral Home (11543 Philadelphia Road)

Good afternoon Director Gutwald:

I represent Mr. Charles Evans and the Evans Funeral Home regarding the proposed construction of a funeral home facility at the above property. Presently, the Evans Funerals Home operates several funeral homes in the Baltimore metropolitan area and proposes a small satellite type facility at the above location. I was retained to assist obtaining the various zoning and development approvals required to develop the site. In connection therewith, Evans filed a series of zoning petitions for the subject property; including a Petition for Special Exception for a funeral home, a Variance petition from certain parking, landscape, and setback requirements and a Special Hearing Petition to approve a modified parking plan and also for a flood plain waiver. After a public hearing, all of these requests were granted by Order of ALJ Mayhew (decision attached), with the exception of the flood plane waiver. Mr. Mayhew indicated that he could not approve that request because there had been no "request of a department director' per BCC 32-4-107(a). ALJ Mayhew

Petitioner's Exhibit 13A

reasoned that, pursuant to the County Code, such a request must be submitted to him before he could consider it. Thus, he essentially deferred on that issue until such a request was forthcoming.

In addition to the zoning case, Evans also filed an application to the DRC for a 32-4-106 (b) (8). By your letter of June 1, 2022 (also attached), that request was granted.

When the zoning case was filed, ZAC comments were received by the ALJ from Vishnu Desai and Terry Curtis (among others) These are also attached. These comments stated the standard comment that a flood plain study was required to recommend the waiver.

Subsequent to the hearing, the engineers for this project (Carroll Engineering) determined that a flood plain study had previously been completed for this drainage area and "accepted for filing" by Baltimore County (also attached). The engineers submitted this study to Mr. Curtis and requested that it be utilized in support of the waiver. It is to be noted that the stream that is located in the rear of the subject property is piped at this location and that there has been limited development in the area since the submission of the study. Upon receipt, Mr. Curtis advised that the decision to accept the previously approve study would require the consent of Mr. Desai in your department. Despite repeated attempts to contact Mr. Desai and resolve this issue (including calls and emails from both me and the engineers), we have not received any reply to our inquiries. This lack of response has (obviously) slowed the process and threatens its viability.

Although I am reluctant to ask for your intervention, my client is understandably frustrated that we simply cannot get an answer and move this matter along. Whatever you can do would be appreciated. In view of the limited nature of this development and the existence of the previously approved study, we are requesting that a recommendation be submitted to the ALJ so that a new petition can be filed and the issue thus considered by him.

Thank you. Please let me know if any further information is required.

Larry Schmidt

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
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Thomas Leitch

From: Lawrence Schmidt
Sent: Monday, May 6, 2024 1:31 PM
To: Alyssa Moyers; Thomas Leitch
Subject: FW: Evans Funeral Home (11543 Philadelphia Road)

Another Evans

SGS SMITH GILDEA & SCHMIDT LLC
Lawrence E. Schmidt
PARTNER

Smith, Gildea & Schmidt, LLC
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From: Lawrence Schmidt
Sent: Friday, March 24, 2023 4:26 PM
To: 'Peter Gutwald' <cpgutwald@baltimorecountymd.gov>
Subject: RE: Evans Funeral Home (11543 Philadelphia Road)

Director Gutwald:

Following up on the email train below (and the case history set out therein), the use of the existing flood plain study for the proposed development of the Evans Funeral Home property was approved by Mr. Desai. Thankfully, Evans was not required to prepare and submit another study. The previous study was deemed to be acceptable.

The next step in the process is (per the Code) to obtain a recommendation from a "Department Director" for a flood plain waiver. ALJ Mayhew indicated in his previous written order that he could not even rule on the request until he received such a recommendation.

The engineers have submitted the requisite information to DPR asking for a recommendation to support a flood plane waiver. The actual waiver request is "at this time, we request your approval to use 1-ft of freeboard to locate the

Petitioner's Exhibit 13B

floodplain line on our property and we request a floodplain waiver to reduce the floodplain setback to 10' and to construct parking in the floodplain."

The request was submitted some time ago and the engineers have asked for my assistance to obtain a response from DPR. They have not had their inquiries answered as to this request.

Anything you can do to help move this matter forward is appreciated. Upon receipt of the recommendation, we will file the necessary petition to appear again before ALJ and ask him to grant the waiver.

Thanks and let me know if you have any questions.

Larry Schmidt

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Lawrence E. Schmidt
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---

From: Peter Gutwald <cpgutwald@baltimorecountymd.gov>
Sent: Monday, December 12, 2022 10:03 AM
To: Lawrence Schmidt <lschmidt@sgs-law.com>
Subject: RE: Evans Funeral Home (11543 Philadelphia Road)

Vishnu will call you…there appears to be some questions to the validity since its dated 2004
C. Pete Gutwald, Director
Permits, Approvals and Inspections

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Friday, December 9, 2022 1:01 PM
To: Peter Gutwald <cpgutwald@baltimorecountymd.gov>
Subject: Evans Funeral Home (11543 Philadelphia Road)

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

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Thank you. Please let me know if any further information is required.

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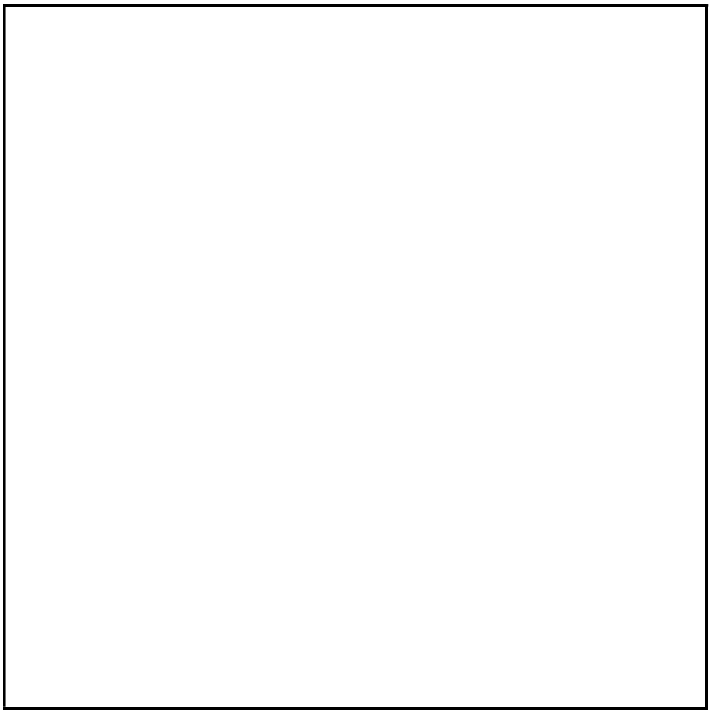

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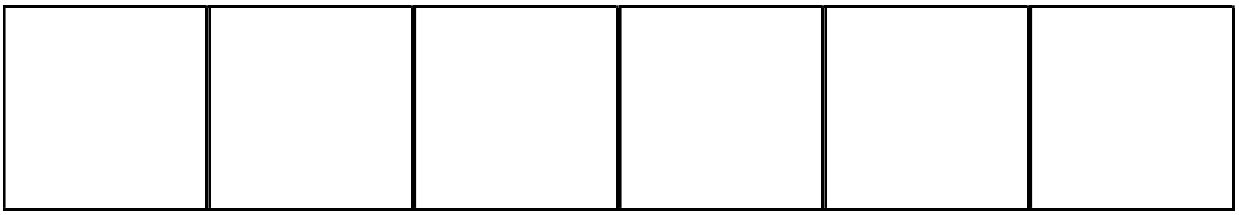

www.baltimorecountymd.gov

Thomas Leitch

From: Lawrence Schmidt
Sent: Monday, May 6, 2024 1:29 PM
To: Alyssa Moyers; Thomas Leitch
Subject: FW: Evans Funeral Home (11543 Philadelphia Road)

And another exhibit

SGS Smith Gildea & Schmidt LLC
Lawrence E. Schmidt
PARTNER

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From: Lawrence Schmidt
Sent: Tuesday, March 28, 2023 10:02 AM
To: Peter Gutwald <cpgutwald@baltimorecountymd.gov>
Cc: Utku Akbulut <UAkbulut@mca.design>; Charlie Evans <charlie@evansfuneralchapel.com>
Subject: Re: Evans Funeral Home (11543 Philadelphia Road)

Thanks Pete

Sent from my iPhone

> On Mar 28, 2023, at 9:20 AM, Peter Gutwald <cpgutwald@baltimorecountymd.gov> wrote:
>
> Got the ball rolling…I think you were copied on the emails
>
> C. Pete Gutwald, Director
> Permits, Approvals and Inspections

Petitioner's Exhibit 13C

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Friday, March 24, 2023 4:26 PM
To: Peter Gutwald <cpgutwald@baltimorecountymd.gov>
Subject: RE: Evans Funeral Home (11543 Philadelphia Road)

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Larry Schmidt

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lschmidt@sgs-law.com | http://secure-web.cisco.com/1mufD4H1JYo4xqGk0XLyht0AnCQmnxNd3HRrsVuFUM-o2av7ibzK-x_k4rXZbiIiLPDrzpcROQcbepL9P6lIsa8LHtm0A1-mEs5TbPRMbohTSj-EqUsfBSXcbh86lgFvKpFhRSMkfXeMEeY0yX97HTx8h-Ci_EYf0_G34VXe4RY6qDMZFpOiPzU1cnWKCeXvLiVuJDmDVFy5knXnQs4scmnx9DWPA4MP4DnWo__GJXwh41W9cf37Q42LjdGTwCRTbDd48fkHf3P42ScGVPTYHdxjYb97azkkDRv5vNyqFe780gtZETRi4Ixfo5ABn4hvbbvKGSV65ckVJNbnNpytm5NF2Nreo33TrdlDAyG9qMybJut6x5w2vAZ88_rPsvuCpP4x56lXSMbMlfQI3iTQRMezExz7DHBx1GGDBqoYUs-zOjlsqNvibYH_1kQ_JDdkpqTOdVNqjHG2UO-_U-nm7-A/http%3A%2F%2Fwww.sgs-law.com

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Thomas Leitch

From: Lawrence Schmidt
Sent: Monday, May 6, 2024 1:28 PM
To: Alyssa Moyers; Thomas Leitch
Subject: FW: Evans Funeral Home Project (Philadelphia Road)

Another email for the Evans exhibits.

SGS Smith Gildea & Schmidt LLC
Lawrence E. Schmidt
PARTNER

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From: Lawrence Schmidt
Sent: Thursday, July 20, 2023 2:15 PM
To: Peter Gutwald <cpgutwald@baltimorecountymd.gov>
Cc: Alyssa Moyers <amoyers@sgs-law.com>
Subject: Evans Funeral Home Project (Philadelphia Road)

Pete: you might recall the above "case that will not die" from prior communications that I have had with you.

Charlie Evans (Evans Funeral Home) and his engineers (Carroll Engineering) are trying to get a "B" development plan approved. I recently lined up a meeting with them and DEPS as storm water management appears to be an issue. I think they made progress with DEPS and the SWM folks there.

Carroll told me that they have been trying to get a meeting with Vishnu or someone in his section and they cannot get any response from him or his people about meeting. I've copied below what Carroll wants to discuss. Can you shake the leaves and get Vishnu (or whoever) to reply and meet. The poor client has been put through the ringer on this one.

Carroll's email:

Petitioner's Exhibit 13D

"We are still trying to tiedown the final location of the stormdrain (SD) pipe and outfall that crosses the Burke and Baltimore properties. In our opinion, the idea brought up at the last meeting to create a sump condition (manhole with a low inflow pipe and high outflow pipe) at the property line to maintain the existing SD does not allow the Stormwater device to function as intended. For this reason, we requested another meeting to see if they County has any other suggestions or options to avoid crossing the two properties. We were told by Charu (& Kritty) that Vishnu holds the ultimate decision/approval on the SD pipe and outfall at the bottom of the property so he needs to be involved the meetings."

Thanks,
Larry Schmidt

SGS SMITH GILDEA & SCHMIDT LLC
Lawrence E. Schmidt
PARTNER

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Thomas Leitch

From: Lawrence Schmidt
Sent: Monday, May 6, 2024 1:26 PM
To: Alyssa Moyers; Thomas Leitch
Subject: FW: Evans Funeral Home (Philadelphia Road)

This email will be another exhibit for Evans.

Lawrence E. Schmidt
PARTNER

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https://nam10.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.sgs-law.com%2F&data=05%7C02%7Ctleitch%40sgs-law.com%7C53efe029e5094157111108dc6df19330%7C1d21aab7834d419aad610d1b4b65317b%7C0%7C0%7C638506131551479441%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=qv6bM6OA06gPqDHEGcluwT1uD0AMyAr0RLpet2YrdTw%3D&reserved=0

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-----Original Message-----
From: Lawrence Schmidt
Sent: Friday, March 17, 2023 11:04 AM
To: ecauley@baltimorecountymd.gov
Cc: Alyssa Moyers <amoyers@sgs-law.com>; Amy L. Grossi <Agrossi@sgs-law.com>
Subject: Evans Funeral Home (Philadelphia Road)

Hi Gene,
I don't know if you recall speaking with me about the above. The property is proposed to be developed with a funeral home. A part of the property is in a flood plain and the owner needed to file a petition with the ALJ for a flood plain waiver. The waiver is to permit a setback of 10 feet and to allow a portion of the parking lot in the flood plain. Judy Carroll and David McMillion of Carroll Engineering are the engineers.
I had spoken with you originally about using an existing flood plain study in lieu of doing a new one and I understand that was eventually approved.

Petitioner's Exhibit 14

Can you advise of the status of the owner's request for a "recommendation" to approve the waiver? We need a recommendation before we can go back to the ALJ.
Thanks.
Larry Schmidt
Smith, Gildea &Schmidt
410 917 7797

Sent from my iPad

Thomas Leitch

From: Jason Vettori
Sent: Tuesday, April 30, 2024 10:17 AM
To: Lawrence Schmidt; Alyssa Moyers; Thomas Leitch
Subject: FW: SCHEDULING OF ZONING Case No. 2024-0076-SPH - 11543 Philadelphia Rd. - 19A Newport Drive, LLC

Below is the email from OAH proposing the hearing date.

SGS SMITH GILDEA & SCHMIDT LLC
Jason T. Vettori
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
jvettori@sgs-law.com | www.sgs-law.com

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From: Alyssa Moyers <amoyers@sgs-law.com>
Sent: Thursday, March 28, 2024 2:45 PM
To: Jason Vettori <jvettori@sgs-law.com>
Subject: Fwd: SCHEDULING OF ZONING Case No. 2024-0076-SPH - 11543 Philadelphia Rd. - 19A Newport Drive, LLC

Sent from my iPhone

Begin forwarded message:

> **From:** Debra Wiley <dwiley@baltimorecountymd.gov>
> **Date:** March 28, 2024 at 2:33:05 PM EDT
> **To:** Lawrence Schmidt <lschmidt@sgs-law.com>
> **Cc:** Alyssa Moyers <amoyers@sgs-law.com>, Donna Mignon <dmignon@baltimorecountymd.gov>
> **Subject: SCHEDULING OF ZONING Case No. 2024-0076-SPH - 11543 Philadelphia Rd. - 19A Newport Drive, LLC**
>
> Good Afternoon,
>
> Our office is reaching out in order to have the above-referenced zoning hearing scheduled.

Petitioner's Exhibit 15

Since you will be required to have the property posted with a Zoning Sign, we need to make sure you have at least 25 days to contact your sign poster, have the sign made, and then posted. In addition, a newspaper advertisement is required. However, Kristen Lewis from the Office of Zoning Review will take care of that portion of the process once your hearing date has been confirmed.

Consequently, we can provide you a hearing date for **Monday, May 13, 2024 at 1:30 PM**. Please reply to this email and confirm your availability for said date asap. We cannot "hold" this date for longer than 48 hours.

The hearing date is being offered without information as to whether the hearing will be contested, whether it will conclude within the time allotted, and/or whether a request for an in-person hearing will conflict with another previously scheduled in-person hearing, each of which may require a postponement of the hearing date. It is incumbent on the Petitioner, the Petitioner's representative and/or the Petitioner's counsel to determine the appropriate length of time needed for the hearing when a date is offered by OAH. Please respond if 3 hours will be sufficient.

If you have anyone that needs to be invited to your hearing, please reply and include their names and email addresses so that we can send a WebEx invitation asap. Please allow at least 48 hours prior to the hearing.

Thanks and have a great and safe day!

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Thomas Leitch

From: Lawrence Schmidt
Sent: Monday, May 6, 2024 1:40 PM
To: Alyssa Moyers; Thomas Leitch
Subject: FW: Evans Funeral flood plain waiver

Another Evans

Lawrence E. Schmidt
PARTNER

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-----Original Message-----
From: Terry Curtis <tcurtis@baltimorecountymd.gov>
Sent: Friday, May 26, 2023 3:09 PM
To: Lawrence Schmidt <lschmidt@sgs-law.com>; Eugene Cauley <ecauley@baltimorecountymd.gov>; Vishnubhai K Desai <vdesai@baltimorecountymd.gov>
Subject: RE: Evans Funeral flood plain waiver

Hi Larry,

Touching base and keeping you informed. My supervisors had a couple of questions with the letter I sent them last week. We met yesterday morning discussed everything. Currently the are on board with all your requests for this project. I have revised my letter for addressing their comments and questions. Hopefully I can get them to sign it soon. Sorry for the delay. I am trying to get it out asap.

I just want to make sure you are a aware we are currently going to approve the requests.

Petitioner's Exhibit 16A

Have a great weekend and again, I am sorry this is taking so long.

Terry

-----Original Message-----
From: Terry Curtis
Sent: Friday, May 19, 2023 2:00 PM
To: Lawrence Schmidt <lschmidt@sgs-law.com>; Eugene Cauley <ecauley@baltimorecountymd.gov>; Vishnubhai K Desai <vdesai@baltimorecountymd.gov>
Subject: RE: Evans Funeral flood plain waiver

Good afternoon Larry,

I wanted to give you an update where I am with everything. I have finished reviewing all the data and have written letters with my recommendation. I will have to review this data and recommendation with my supervisors. After that, I will take the letters, with revisions if required, up for director's signature. I should be able to get them to you early next week.

Have a great weekend

Terry Curtis, Jr.
Engineer III
Department of Public Works and Transportation
111 West Chesapeake Avenue
Room 205
Towson, Maryland 21204
410-887-3117
tcurtis@baltimorecountymd.gov
_____
Exceptional Customer Service
Safe and Efficient Operations
Reliable Infrastructure
_____

-----Original Message-----
From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Tuesday, May 16, 2023 6:14 PM
To: Eugene Cauley <ecauley@baltimorecountymd.gov>
Cc: Terry Curtis <tcurtis@baltimorecountymd.gov>
Subject: Evans Funeral flood plain waiver

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

Hi Gene

Regarding the above, I know that DPWT (Terry Curtis) handles the flood plain waiver recommendation requests, but I understand that Evans' engineers (Carroll Engineering) submitted the request for waiver recommendation to you for forwarding to Terry. Can you advise the status as I want to file the required zoning petition for consideration by the ALJ (who ultimately would grant upon recommendation of a Dept. director)? I copied Terry on this too.

Please let me know.
Thanks
Larry Schmidt

Sent from my iPad
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Thomas Leitch

From: Lawrence Schmidt
Sent: Monday, May 6, 2024 1:41 PM
To: Thomas Leitch
Cc: Alyssa Moyers
Subject: FW: Evans Funeral flood plain waiver
Attachments: Evans Funeral Chapel 32-4-414 determination May 2023.pdf

And another email. Also, the attachment will be an exhibit.

Lawrence E. Schmidt
PARTNER

Smith, Gildea & Schmidt, LLC
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(410) 821-0070 (Office)
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-----Original Message-----
From: Terry Curtis <tcurtis@baltimorecountymd.gov>
Sent: Thursday, June 8, 2023 10:02 AM
To: Lawrence Schmidt <lschmidt@sgs-law.com>
Cc: Alyssa Moyers <amoyers@sgs-law.com>; Eugene Cauley <ecauley@baltimorecountymd.gov>; Vishnubhai K Desai <vdesai@baltimorecountymd.gov>
Subject: RE: Evans Funeral flood plain waiver

Good morning Larry,

I just got this from the Director's Office. I am sorry for the delay, they must be busy up there.

If you have additional questions or need anything else please feel free to contact me anytime.

Petitioner's Exhibit 16B

Have a great day

-----Original Message-----
From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Tuesday, June 6, 2023 2:12 PM
To: Terry Curtis <tcurtis@baltimorecountymd.gov>
Cc: Alyssa Moyers <amoyers@sgs-law.com>
Subject: RE: Evans Funeral flood plain waiver

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Hi Terry: Just checking in to see if there is anything new on this? Thanks.

Larry

Lawrence E. Schmidt
PARTNER

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-----Original Message-----
From: Terry Curtis <tcurtis@baltimorecountymd.gov>
Sent: Friday, May 26, 2023 3:09 PM

To: Lawrence Schmidt <lschmidt@sgs-law.com>; Eugene Cauley <ecauley@baltimorecountymd.gov>; Vishnubhai K Desai <vdesai@baltimorecountymd.gov>
Subject: RE: Evans Funeral flood plain waiver

Hi Larry,

Touching base and keeping you informed. My supervisors had a couple of questions with the letter I sent them last week. We met yesterday morning discussed everything. Currently the are on board with all your requests for this project. I have revised my letter for addressing their comments and questions. Hopefully I can get them to sign it soon. Sorry for the delay. I am trying to get it out asap.

I just want to make sure you are a aware we are currently going to approve the requests.

Have a great weekend and again, I am sorry this is taking so long.

Terry

-----Original Message-----
From: Terry Curtis
Sent: Friday, May 19, 2023 2:00 PM
To: Lawrence Schmidt <lschmidt@sgs-law.com>; Eugene Cauley <ecauley@baltimorecountymd.gov>; Vishnubhai K Desai <vdesai@baltimorecountymd.gov>
Subject: RE: Evans Funeral flood plain waiver

Good afternoon Larry,

I wanted to give you an update where I am with everything. I have finished reviewing all the data and have written letters with my recommendation. I will have to review this data and recommendation with my supervisors. After that, I will take the letters, with revisions if required, up for director's signature. I should be able to get them to you early next week.

Have a great weekend

Terry Curtis, Jr.
Engineer III
Department of Public Works and Transportation
111 West Chesapeake Avenue
Room 205
Towson, Maryland 21204
410-887-3117
tcurtis@baltimorecountymd.gov

_____
Exceptional Customer Service
Safe and Efficient Operations
Reliable Infrastructure
_____

-----Original Message-----

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Tuesday, May 16, 2023 6:14 PM
To: Eugene Cauley <ecauley@baltimorecountymd.gov>
Cc: Terry Curtis <tcurtis@baltimorecountymd.gov>
Subject: Evans Funeral flood plain waiver

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Hi Gene
Regarding the above, I know that DPWT (Terry Curtis) handles the flood plain waiver recommendation requests, but I understand that Evans' engineers (Carroll Engineering) submitted the request for waiver recommendation to you for forwarding to Terry. Can you advise the status as I want to file the required zoning petition for consideration by the ALJ (who ultimately would grant upon recommendation of a Dept. director)? I copied Terry on this too.

Please let me know.
Thanks
Larry Schmidt

Sent from my iPad
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From:	Matthew Hafner -MDE-
To:	Jason Vettori
Cc:	Suna Sariscak -MDE-; Shannon Heafey -MDE-
Subject:	Re: Air Quality Permit Application for Evans Funeral Chapel in White Marsh
Date:	Wednesday, April 3, 2024 8:42:14 PM
Attachments:	image002.png image003.png

Hello Jason,

We are moving forward with the Evans PTC and will let you when we have issued a tentative determination.

Thank you,

Matt

Matt Hafner
Chief, Chemical and Mineral Division
Air Quality Permits Program
Air and Radiation Administration
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230
matthew.hafner@maryland.gov
410-537-3293 (O)
Website | Facebook | Twitter

On Wed, Apr 3, 2024 at 12:14 PM Jason Vettori <jvettori@sgs-law.com> wrote:

> Matt,
>
> Any kind of update?
>
> SGS SMITH GILDEA & SCHMIDT LLC
>
> **Jason T. Vettori**
>
> SMITH, GILDEA & SCHMIDT, LLC
>
> 600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
>
> jvettori@sgs-law.com | www.sgs-law.com
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>
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From: Jason Vettori
Sent: Tuesday, March 5, 2024 1:34 PM
To: 'Matthew Hafner -MDE-' <matthew.hafner@maryland.gov>
Cc: Suna Sariscak -MDE- <suna.sariscak@maryland.gov>; Shannon Heafey -MDE- <shannon.heafey@maryland.gov>
Subject: RE: Air Quality Permit Application for Evans Funeral Chapel in White Marsh

Matt,

Another two months have come and gone since we've corresponded with respect to the review of the Air Quality Permit Application for Evans Funeral Chapel in White Marsh.

In the below email, you indicated that "[t]he technical review does not begin until after the informational meeting has been held and typically takes 2-3 months." An Informational Meeting was held on May 24, 2023, so it's been at least nine (9) months for the technical review. Perhaps if you clarified the "several factors" involved with the Evans application, we could prevent further delay of the completion of your technical review.

SGS SMITH GILDEA & SCHMIDT LLC

Jason T. Vettori

SMITH, GILDEA & SCHMIDT, LLC

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

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

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From: Matthew Hafner -MDE- <matthew.hafner@maryland.gov>
Sent: Tuesday, January 2, 2024 4:15 PM
To: Jason Vettori <jvettori@sgs-law.com>
Cc: Suna Sariscak -MDE- <suna.sariscak@maryland.gov>; Shannon Heafey -MDE- <shannon.heafey@maryland.gov>
Subject: Re: Air Quality Permit Application for Evans Funeral Chapel in White Marsh

Hello Jason,

We will add you to the interested parties list so that you receive all updates regarding this application and tentative determination.

The technical review does not begin until after the informational meeting has been held and typically takes 2-3 months. However, this can vary due to the workload of the permit engineer and the complexity of the project.

Due to several factors involved with the Evans application, the Department is conducting a thorough and complete technical review utilizing the most recent information from verifiable sources, not only from past Maryland crematory permit applications reviews but also from technical resources provided by other states.

Please let me know if you have any further questions.

Matt

Matt Hafner
Chief, Chemical and Mineral Division
Air Quality Permits Program
Air and Radiation Administration

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230
matthew.hafner@maryland.gov
410-537-3293 (O)
Website | Facebook | Twitter

On Fri, Dec 29, 2023 at 10:44 AM Jason Vettori <jvettori@sgs-law.com> wrote:

> Matt,
>
> Thank you for the information. Would you please be so kind as to forward information to me regarding the Department's issuance of its tentative determination to issue a permit and the scheduling of a Public Hearing regarding the draft permit and tentative determination once same is sent to local elected officials and interested parties.
>
> I have a few questions based upon your below message regarding the process. First, how long does the technical review stage of the permitting process typically take to complete? Next, does the technical review stage start after you received the application on February 21, 2023 or after the informational meeting that was held on May 24, 2023? Thanks and Happy New Year!
>
>
>
>
> **Jason T. Vettori**
>
> SMITH, GILDEA & SCHMIDT, LLC
>
> 600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
>
> jvettori@sgs-law.com | www.sgs-law.com
>
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From: Matthew Hafner -MDE- <matthew.hafner@maryland.gov>
Sent: Thursday, December 28, 2023 5:03 PM
To: Jason Vettori <jvettori@sgs-law.com>
Cc: Suna Sariscak -MDE- <suna.sariscak@maryland.gov>; Shannon Heafey -MDE- <shannon.heafey@maryland.gov>
Subject: Re: Air Quality Permit Application for Evans Funeral Chapel in White Marsh

Good evening Jason,

I have attached the docket for this application to this email which includes the full application, the environmental justice screening report, evidence of zoning approval, and the notice of the Informational Meeting. An Informational Meeting was held on May 24, 2023 at the White Marsh Volunteer Fire Company Hall at 10331 Philadelphia Road, White Marsh, MD 21162.

The application is now undergoing the technical review stage of the permitting process. After the technical review, if it is determined that the crematory can meet state regulations, the Department will issue a tentative determination to issue a permit. At that time, there will be a Public Hearing regarding the draft permit and tentative determination. Notice of the Public Hearing will be sent to local elected officials and interested parties, including everyone who provided contact information at the Informational Meeting.

During the Public Hearing, the Department will accept comments on the draft permit and tentative determination and the hearing will be transcribed by a court reporter. There will also be a timeframe in which written comments will be accepted. After the Department reviews all submitted comments, a Response to Comments will be drafted along with a Final Determination regarding the permit.

Please let me know if you have any further questions regarding the application or permitting process.

Thank you,

Matt

Matt Hafner
Chief, Chemical and Mineral Division
Air Quality Permits Program
Air and Radiation Administration
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230
matthew.hafner@maryland.gov
410-537-3293 (O)
Website | Facebook | Twitter

---------- Forwarded message ---------
From: **Jason Vettori** <jvettori@sgs-law.com>
Date: Thu, Dec 28, 2023 at 4:26 PM
Subject: Air Quality Permit Application for Evans Funeral Chapel in White Marsh
To: suna.sariscak@maryland.gov <suna.sariscak@maryland.gov>, shannon.heafey@maryland.gov <shannon.heafey@maryland.gov>
CC: Amy L. Grossi <Agrossi@sgs-law.com>, Alyssa Moyers <amoyers@sgs-law.com>

Ms. Suna Sariscak,

I am reaching out to you as Program Manager for an update regarding the status of the Air and Radiation Administration's review of Evans Funeral Chapel's request for the installation of one human crematory which you received on February 21, 2023. The proposed installation will be located at Evans Funeral Chapel & Cremation Services – White Marsh, P.A., 11543 Philadelphia Road, White Marsh, Maryland 21162. I have reviewed your website at https://mde.maryland.gov/programs/Permits/AirManagementPermits/Pages/index.aspx but was unable to locate any information regarding this Air Quality Permit Application that was submitted over ten (10) months ago. I believe the Air Quality Permit Application submission was assigned Docket No. 05-23, but I could not find any information regarding same on your website. Attached is the information that Baltimore County has received from MDE (Air and Radiation Administration) to date. Thank you in advance for your assistance in providing an update regarding this submission.

Jason T. Vettori

SMITH, GILDEA & SCHMIDT, LLC

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

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

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

No. 229557

Date: 3/20/2024

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				$ 500

Total: $ 500

Rec From: Evans Funeral Chapel

For: Special Hearing Request
11543 Philadelphia Road
Zoning Case # 2024-0076-SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S VALIDATION

Petitioner's Exhibit 18

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

No. 229557

Date: 3/20/2024

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				$500
						Total:		$500

Rec From: Evans Funeral Chapel

For: Special Hearing Request
11543 Philadelphia Road
Zoning Case # 2024-0076-SPH

CASHIER'S VALIDATION

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

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: 2024-0076-SPH

Property Address: 11543 Philadelphia Road

Property Description: Southeast Side of Philadelphia Road, 448 feet Southwest the centerline of New Forge Road

Legal Owners (Petitioners): 19A Newport Drive, LLC

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Charlie Evans

Company/Firm (if applicable): 19A Newport Drive, LLC

Address: 8800 Harford Road

Baltimore, MD 21234

Telephone Number: charlie@evansfuneralchapel.com

Revised 5/20/2014

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map **View GroundRent Redemption** **View GroundRent Registration**

Special Tax Recapture: None

Account Identifier: **District - 11 Account Number -** 1108066029

Owner Information

Owner Name: 19A NEWPORT DRIVE LLC **Use:** COMMERCIAL
Principal Residence: NO

Mailing Address: 8800 HARFORD RD
BALTIMORE MD 21234-

Deed Reference: /44975/ 00176

Location & Structure Information

Premises Address: 11543 PHILADELPHIA RD
WHITE MARSH 21162-

Legal Description: 1.2774 AC
SES PHILADELPHIA RD
433 FT SW NEW FORGE RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0073	0002	0237	10000.04	0000				2022	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			1.2774 AC	06

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

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2022	As of 07/01/2023	As of 07/01/2024
Land:	275,200	275,200		
Improvements	8,700	8,700		
Total:	283,900	283,900	283,900	283,900
Preferential Land:	0	0		

Transfer Information

Seller: BANGERT CHARLES HOWARD	**Date:** 06/23/2021	**Price:** $660,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /44975/ 00176	**Deed2:**
Seller: BANGERT CHARLES HOWARD	**Date:** 06/25/2013	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /33837/ 00489	**Deed2:**
Seller: HOLTER WILLIAM P,SR	**Date:** 11/20/1973	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /05409/ 00570	**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:**

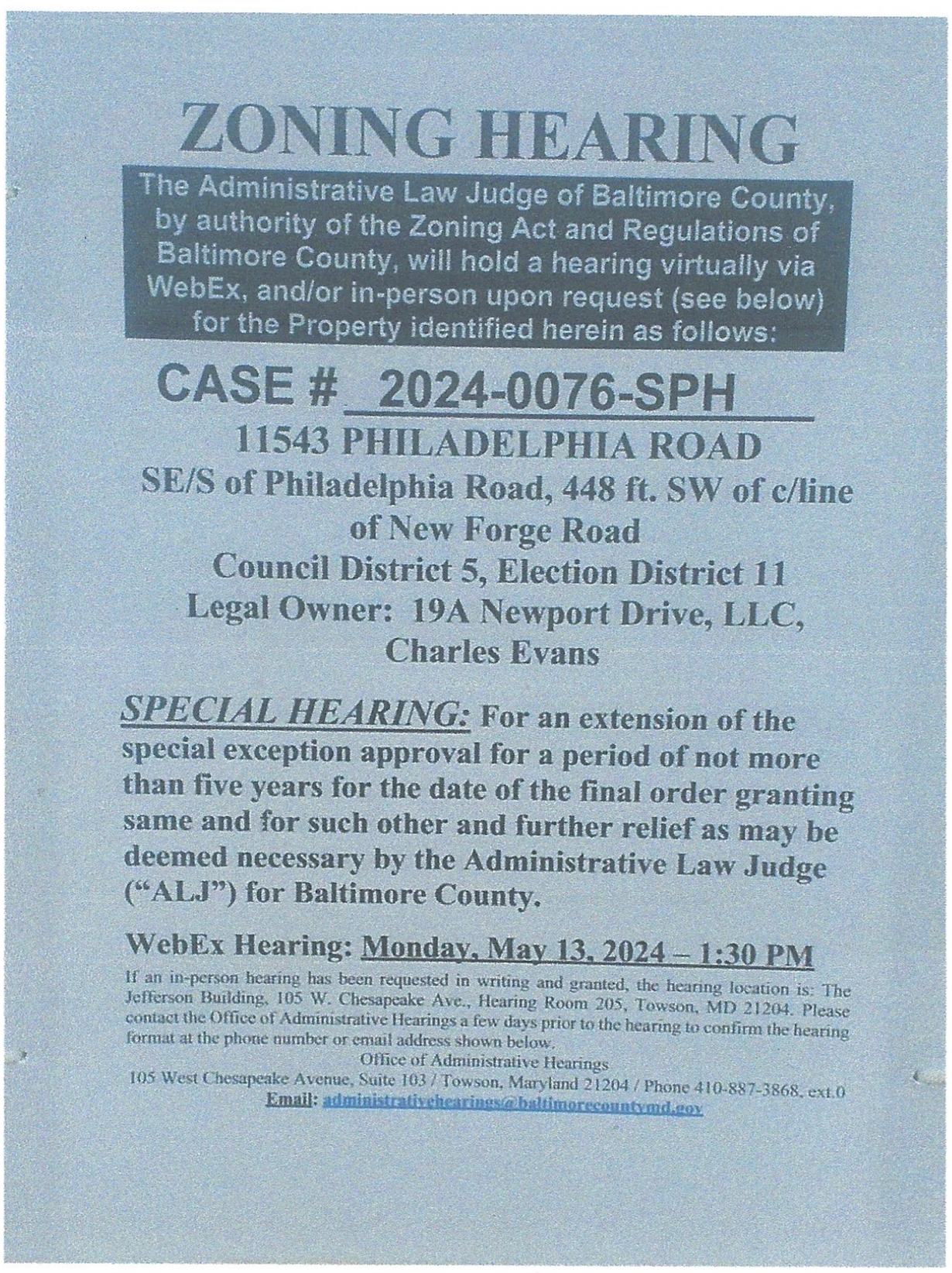
2024-0076-SPH

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS
DATE: 4/21/2024
Case Number: 2024-0076-SPH
Petitioner / Developer: SMITH, GILDEA & SCHMIDT, LLC ~ CHARLES EVANS
Date of Hearing: MAY 13, 2024

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
11543 PHILADELPHIA ROAD

The sign(s) were posted on: APRIL 21, 2024



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: April 8, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0076-SPH
Address: 11543 PHILADELPHIA RD.
Legal Owner: 19A Newport Drive, LLC.
Charles Evans

Zoning Advisory Committee Meeting of April 2, 2024.

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

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

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

Reviewer: Gris Batchelder

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald **DATE:** 4/4/2024
Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 2024-0076-SPH

INFORMATION:
Property Address: 11543 Philadelphia Road
Petitioner: Charles Evans
Zoning: BL, BR, DR 3.5
Requested Action: Special Hearing

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

Special Hearing -

1. To approve an extension of the Special Exception approval for a period of time not more than five years from the date of the final Order granting the same; and
2. For such other and further relief as may be required by the Administrative Law Judge.

The subject site is an approximately 1.28 acre parcel along Philadelphia Road in the White Marsh area. The site is currently vacant; however, the property owners have been seeking approval for the construction of a funeral establishment on the site since 2021.

Uses surrounding the site vary – along Philadelphia Road, uses are primarily commercial and include an animal hospital, Honeygo Square shopping mall, multiple restaurants, a bakery, and a community center. Immediately across Philadelphia Road from the subject site is a mobile home park. East/behind the subject site is primarily comprised of single family detached residential on DR 3.5 zoned land.

In 2022, the site was the subject of Zoning Case 2022-0051-SPHXA. The request included a Special Hearing, a Special Exception, and multiple Variances. The Special Exception request was to permit a funeral establishment pursuant to Baltimore County Zoning Regulations (BCZR) Section 230.3. The Department of Planning had no objections to any of the requests in the Case and offered comments for consideration related to improving vehicular circulation, considering a sidewalk along Philadelphia Road, and providing adequate landscaping. In a May 16th, 2022 Opinion and Order, Administrative Law Judge Mayhew granted the Special Hearing for business parking in a residential zone and for a modified parking plan; granted the Special Exception for a funeral establishment pursuant to BCZR Section 230.3; and conditionally granted Variances related to parking, landscaping, and front yard depths. The Opinion and Order states that the Petitioner stated there would be a crematory at the location, but that there would be no embalming of other body preparation. In response to a question from a community member, the Petitioner explained that the crematory would be regulated by the State of Maryland and would need to comply with stringent regulations of the federal Environmental Protection Agency. In the Administrative

Law Judge's review of the Special Exception, the Opinion and Order states "the record evidence establishes that the impacts of this proposed funeral establishment at this location will have no greater impacts than are inherent in the use. Further, a significant portion of this site is zoned BR, which allows this use by right."

In September of 2022, the Department of Planning received the 1st review materials for the Evans Funeral Chapel White Marsh Facility Limited Exemption Development Plan (PAI # 11-1191). The Department offered comments related to, but not limited to, correcting notes on the plan, providing a circulation diagram, providing architectural elevations of the funeral home, providing details on signage, and providing lighting and landscaping details. In January of 2023, the Department received the 2nd review materials, in which the applicant had positively addressed Planning's 1st review comments. The Department of Planning recommended approval of the Limited Exemption Development Plan, subject to two conditions: that landscaping along the northern elevation be evergreen to screen the building from the public right-of-way year-round, and that details of any proposed signage be provided at the time of permitting. In January 2024, the Department of Planning received 3rd review materials for the Limited Exemption Development Plan, which included a "Revisions to Site Layout" letter from the engineer. The letter explained that, in order to address County comments and reduce impacts to environmental features and neighboring properties, the site lay out had been revised. Changes included decreasing the building size, which, in turn, reduced required paving, required stormwater management, impacts to the floodplain and neighboring properties, impact to the forest butter, and the overall limit of disturbance for the site. The Department of Planning found the 3rd review materials acceptable and recommended approval as submitted.

The site is currently the subject of a 2024 Comprehensive Zoning Map Process (CZMP) issue, Issue 5-063. The issue was raised by the Baltimore County Council and was raised same-to-same, meaning the existing and requested zoning are the same. The justification for the issue stated, in part, "Councilman Marks is raising this issue so the County Council can determine the appropriate level of development here and throughout this region of Baltimore County. Councilman Marks looks forward to a productive dialogue with residents and stakeholders throughout the Comprehensive Zoning Map Process." At the District 5 Planning Board CZMP Public Hearing, a significant number of nearby residents testified that they were opposed to a crematorium on the property. The Staff Recommendation for Issue 5-063 is for the property to maintain its existing BL, BR, and DR 3.5 zoning. As of the date of these comments, the Planning Board has not offered a recommendation on the issue, and the County Council has not made a final decision on the issue.

The site is within the boundary of the Perry Hall Community Plan, adopted February 22nd, 2011. The plan provides background information on the plan area boundary and offers recommendations related to building strong neighborhoods, improving mobility, improving the environment, and creating a strong sense of place for the area. The plan does not provide guidance specific to the subject site.

The Department of Planning contacted the representative for the petition via telephone on April 2nd, 2024 seeking additional information on the crematorium aspect of the funeral establishment. During the phone call, the representative explained that the crematorium is still part of the Development Plan, as it was during Zoning Case 2022-0051-SPHXA. The representative explained that the Development Plan has run into significant issues related to stormwater management, and that the engineer is currently on the 4th or 5th review with the County in regards to stormwater management; as such, the project has not been able to vest in the two years since the May 2022 Opinion and Order and Special Exception approval. The representative continued that as the two-year mark was approaching, he submitted a letter to the Administrative Law Judge requesting an extension of the Special Exception. The extension was approved, however, People's Council requested the Administrative Law Judge reconsider their decision and require the Special Exception to have a new Hearing. The representative explained that, as of the date of the

phone call, the Administrative Law Judge had not made a decision on the matter, but that the Zoning Case currently at hand was submitted out of an abundance of caution in the event the Administrative Law Judge agreed with People's Council and reversed the extension. The representative concluded the phone call by reiterating information consistent with the 2022 Opinion and Order – that the crematorium needed to be permitted by the State of Maryland, and would need to comply with strict environmental regulations.

While the Department of Planning understands the communities' concerns and acknowledges their opposition to the crematorium aspect of the funeral establishment, the request is in keeping with the 2022 Zoning Case. At that time, the Department had no objections to the Zoning Case or the Limited Exemption Development Plan, which the Department recommended approval of. As such, the Department of Planning has no objections to the requested Special Hearing to approve an extension of the Special Exception approval for a period of time not more than five years from the date of the final Order granting the same.

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

Prepared by:

Krystle Patchak

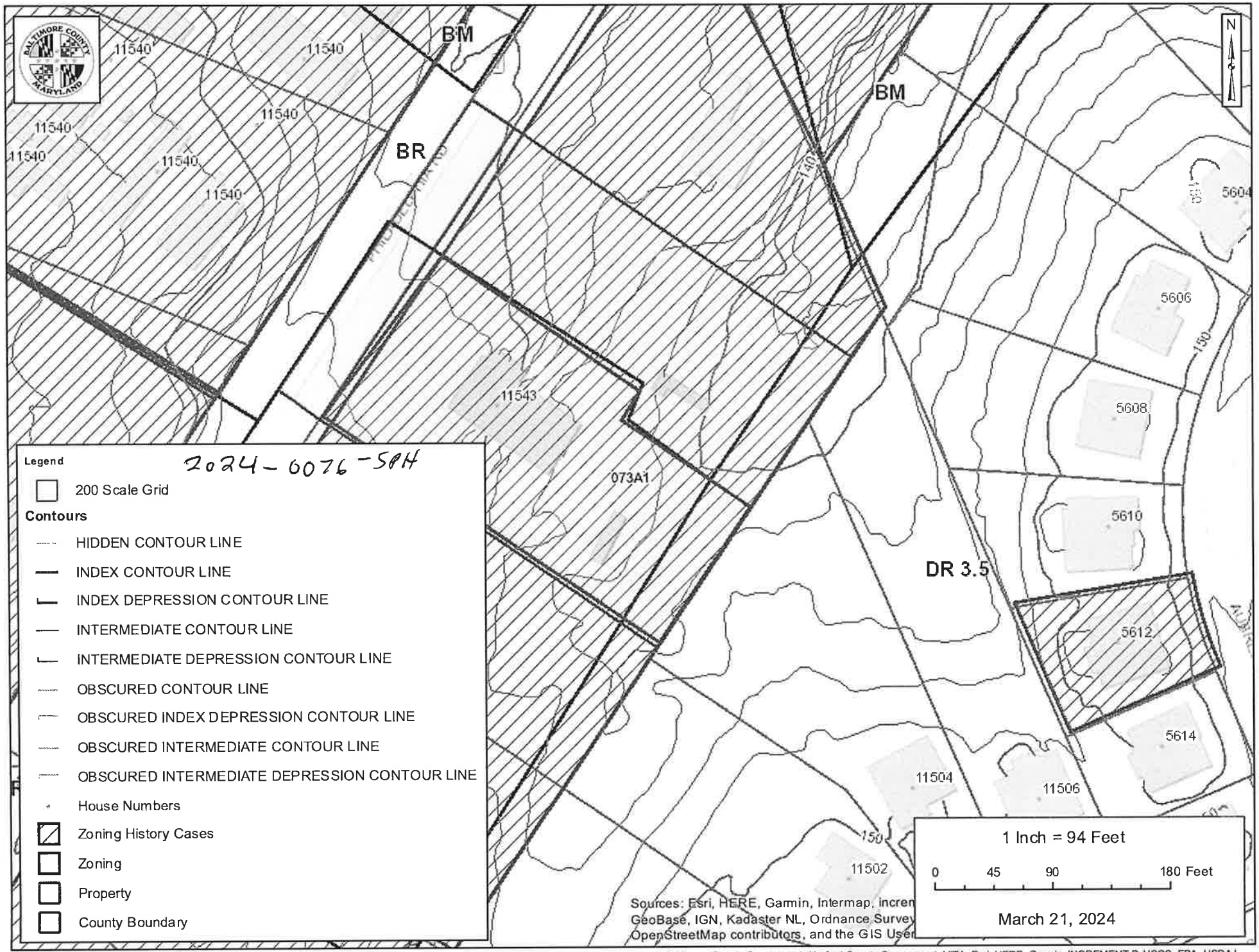
Division Chief:

Jenifer G. Nugent

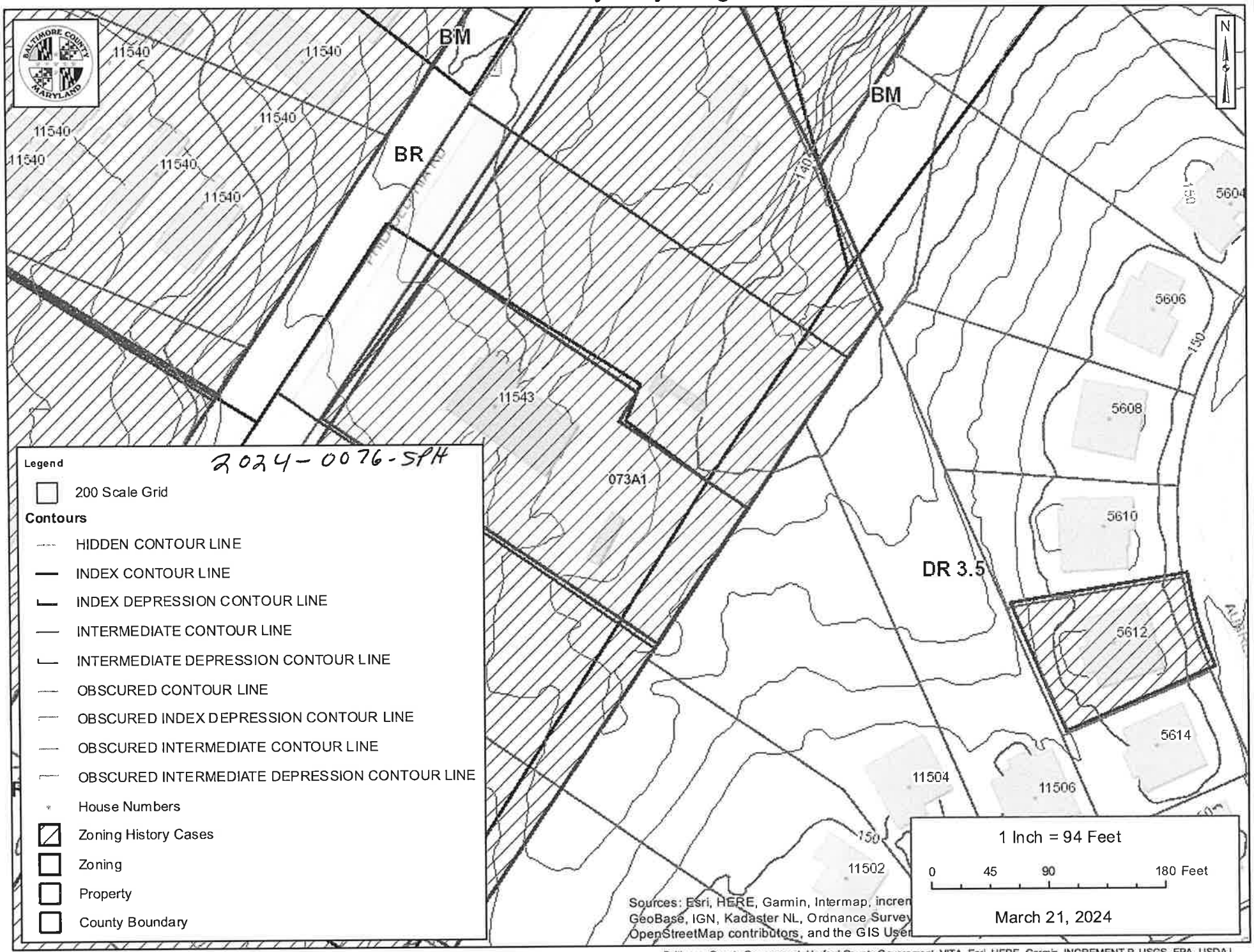
SL/JGN/KP

c: Lawrence E. Schmidt, Esquire
Ainsley Pressl, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

Baltimore County - My Neighborhood



Baltimore County - My Neighborhood



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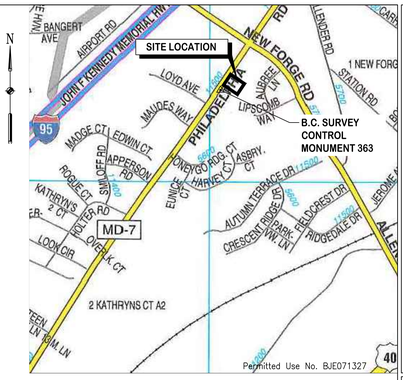
LEGEND

U.N.O.	UNLESS NOTED OTHERWISE
	EXISTING PROPERTY LINE
	EXISTING RIGHT-OF-WAY
	EXISTING EASEMENT
	EXISTING SETBACK
	EXISTING BUILDING
130	EXISTING MAJOR CONTOUR
131	EXISTING MINOR CONTOUR
	EXISTING CURB
	EXISTING ROADWAY
	EXISTING PAVEMENT
	EXISTING ASPHALT PAVING
	EXISTING CONCRETE PAVING
	EXISTING FENCELINE
	EXISTING BOLLARD
	EXISTING SIGN
	EXISTING ELECTRIC HANDBOX
	EXISTING ELECTRIC MANHOLE
OHE	EXISTING OVERHEAD ELECTRIC
UGE	EXISTING UNDERGROUND ELECTRIC
G	EXISTING GAS LINE
GV	EXISTING GAS VALVE
SS	EXISTING SANITARY LINE
	EXISTING SANITARY MANHOLE
SD	EXISTING STORMDRAIN LINE
	EXISTING STORMDRAIN INLET
	EXISTING STORMDRAIN MANHOLE
	EXISTING UTILITY POLE
	EXISTING LIGHT POLE
W	EXISTING WATER LINE
WM	EXISTING WATER METER
WV	EXISTING WATER VALVE
	EXISTING WATER MANHOLE
	EXISTING FIRE HYDRANT
	EXISTING STREAM/WATERBODY
FB	FOREST BUFFER
FP	EXISTING FLOODPLAIN
CcB / KsB	EXISTING SOILS
	EXISTING SCRUB / BRUSH
	EXISTING FOREST LINE
	EXISTING DECIDUOUS TREE
	EXISTING EVERGREEN TREE
	EXISTING SHRUB
SB	EXISTING 75' STREAM BUFFER
B-14	SOIL BORING
	EXISTING DOWNSPOUT
	PROPOSED BUILDING
100	PROPOSED MAJOR CONTOUR
	PROPOSED CURB
	PROPOSED ROADWAY
	PROPOSED SIDEWALK
	PROPOSED CONCRETE WALK
	PROPOSED CONCRETE DRIVE
	PROPOSED ASPHALT PAVING
	PROPOSED SIGN
	PROPOSED WHEEL STOP
HB	PROPOSED ELECTRIC HANDBOX
	PROPOSED ELECTRIC MANHOLE
OHE	PROPOSED OVERHEAD ELECTRIC
UGE	PROPOSED UNDERGROUND ELECTRIC
SS	PROPOSED SANITARY LINE
	PROPOSED SANITARY MANHOLE
	PROPOSED STORMDRAIN LINE
	PROPOSED STORMDRAIN INLET
	PROPOSED STORMDRAIN MANHOLE
UGT	PROPOSED TELEPHONE
	PROPOSED UTILITY POLE
	PROPOSED SITE LIGHTING
W	PROPOSED WATER LINE
WM	PROPOSED WATER METER
WV	PROPOSED WATER VALVE
	PROPOSED WATER MANHOLE
	PROPOSED FIRE HYDRANT
MWS	PROPOSED BIOCLEAN MODULAR WETLANDS SYSTEM (SWM)
	PROPOSED FOREST LINE



VICINITY MAP
SCALE: 1"=1000'

PROPERTY INFORMATION:

OWNER: CHARLIE F. EVANS, JR. (19A NEWPORT DRIVE, LLC)
8800 HARFORD ROAD, PARKVILLE, MD 21234
PROPERTY ADDRESS: 11543 PHILADELPHIA ROAD
WHITE MARSH, MARYLAND 21162
PHONE NUMBER: 410-665-9444
SITE AREA: 1.277 AC. (55,641.6 SF)
BUILDING AREA:
EXISTING TOTAL: 4,216 SF (BL ZONING)
PROPOSED TOTAL: 6,220 SF (1,246 BR ZOING & 4,974 BL ZONING)
PROPOSED PUBLIC TOTAL: 3398 SF
EXISTING USE: BUSINESS, RESTAURANT
PROPOSED USE: BUSINESS, FUNERAL CHAPEL
OPEN SPACE: 0.579 AC. (25236 SF)
MAP: 0073 / GRID: 0002 / PARCEL: 0237 / ELECTION DISTRICT: 11 / COUNCILMANIC DISTRICT: 5
CENSUS TRACT: 4113.02
ACCOUNT: 1108066029
KEY SHEET/POSITION SHEET/CITY PLATS/ZONE: M-NE/40NE39/0-46/2
METROPOLITAN DISTRICT DESIGNATION WATER/SEWER: W-1 & S-1
DEED REFERENCE: 44975/00176
ZONING: BUSINESS LOCAL (BL), BUSINESS ROADSIDE (BR) & DENSITY RESIDENTIAL (DR3.5)
ZONING HISTORY: CASE NO. 2022-0051-SPHXA; PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE GRANTED ON MAY 15, 2022 WITH THE FOLLOWING RESTRICTIONS: PETITIONERS MUST COMPLY WITH DEPS, DPR AND DPW&T, ZAC COMMENTS; OTHER THAN PETITIONER'S COMPANY VEHICLES, ONLY PASSENGER CARS (OTHER THAN BUSES) MAY USE THE PARKING FACILITIES; LANDSCAPING AND LIGHTING PLANS MUST BE APPROVED AND COMPLY WITH BALTIMORE COUNTY LANDSCAPE MANUAL; AFTER 9:30PM ONLY SECURITY LIGHTING WILL BE PERMITTED. CASE NO. R-1960-5048; PETITION TO RE-CLASSIFY ZONING FROM R-6 TO BL GRANTED ON AUGUST 10, 1960
PERMITS ON FILE: B985139
DRC NUMBER: 1116210, DIST. 1106 (TRACKING NUMBER DRC-2021-00155)
LIMITED EXEMPTION UNDER BCC SECTION 32-4-106(b)(8)
WATERSHED: LOWER GUNPOWDER FALLS
UTILITIES: PUBLIC WATER/SEWER AND THERE ARE NO WELLS/SEPTIC SYSTEMS ON SITE.
SHA ANNUAL AVERAGE DAILY TRAFFIC = 11,803
PROPOSED PEAK TRIP TOTALS (2022 THE TRAFFIC GROUP – TRIP GENERATION STUDY):
MORNING PEAK = 3 EVENING PEAK = 13
PARKING CALCULATIONS:
REQUIRED: 3,398 SF PUBLIC @ 10 PER 1,000 = 34 (33.98)
2 ON-SITE EMP. @ 0.5 PER EMP. = 1
1 PER BUSINESS VEHICLE = 0
TOTAL = 35 SPACES
PROVIDED: 36 SPACES
BICYCLE PARKING CALCUALTIONS:
REQUIRED: 35 VEHICULAR SPACES @ 0.04 PER SPACE = 1.40
TOTAL = 2 SPACES
PROVIDED: 2 BICYCLE PARKING SPACES
SETBACKS:
BUSINESS LOCAL (BL): 25' FRONT, 20' SIDE & REAR
BUSINESS ROADSIDE (BR): 25' FRONT, 30' SIDE & REAR
HEIGHT OF STRUCTURE:
MAXIMUM PERMITTED: 35'-0" / PROPOSED: 20'-0" AT REAR (BASEMENT TO ROOF)
FLOOR AREA RATIO (BL MAX. 3.0, BR MAX. 2.0):
MAXIMUM PERMITTED BL: 82,518 SF (BL), 43,932 SF (BR)
GROSS SITE AREA: 27,506 SF (BL), 21,966 SF (BR)
EXISTING: 4,216 SF PROPOSED: 6,220 SF
FLOOR AREA RATIO: 6,220 / 55,642 = 0.112

NATURAL ENVIRONMENT INFORMATION:

1. SLOPES GREATER THAN 25% ARE NOT LOCATED ON SITE.
2. FLOODPLAINS ARE LOCATED ON SITE.
3. STREAMS ARE NOT LOCATED ON SITE. STREAMS ARE ADJACENT TO PROPERTY.
4. 75-FT STREAM BUFFERS ARE LOCATED ON SITE.
5. FOREST BUFFERS ARE LOCATED ON SITE. FOREST BUFFER EASEMENT TO BE RECORDED DURING THIS PROJECT.

HISTORIC INFORMATION:

11543 PHILADELPHIA ROAD IS NOT LISTED IN THE MIHP DATABASE. THERE ARE TWO PROPERTIES NEAR 11543 PHILADEPHIA ROAD LISTED IN THE MIHP DATABASE. THE PROPERTIES ARE:

MIHP NO. BA-131: LORELEY SCHOOL (NOW LORELEY COMMUNITY CENTER UNDER PARKS & REC), 11501 PHILADELPHIA ROAD. FALLS WITHIN 200 FEET OF THE 11543 PHILADELPHIA ROAD SITE. LOCATED WEST OF OUR SITE.
MIHP NO. BA-357: ASBURY METHODIST CHURCH, 11646 PHILADELPHIA ROAD. DOES NOT FALL WITHIN 200 FEET OF THE 11543 PHILADELPHIA ROAD SITE. LOCATED SOUTHEAST OF OUR SITE.

THE PROPOSED BUILDING AND SITE DEVELOPMENT AT THE 11543 PHILADELPHIA ROAD ARE NOT BELIEVED TO SIGNIFICANTLY IMPACT VIEWS OF THE NEARBY LORELEY COMMUNITY CENTER (BA-131).

GENERAL NOTES:

1. THE EXISTING TOPOGRAPHY IS BASED ON MAI, INC. SURVEY DRAWING DATED JUNE 2021. THE TOPOGRAPHIC SURVEY IS BASED ON THE MARYLAND STATE COORDINATE SYSTEM, NAD 1983/2011.
2. ELEVATIONS REFER TO NAVD 1988.
3. THE FOLLOWING BALTIMORE COUNTY SURVEY CONTROL MONUMENTS WERE USED AS A CHECK:

NAME	NORTH	EAST	ELEV
BALTO. CO. STA. #363	633,822.984	1,477,892.676	156.59'
BALTO. CO. STA. #ETL4	634,601.534	1,478,106.379	136.79'

4. EXISTING UNDERGROUND UTILITIES DESIGNATED ON THE PLANS ARE BASED ON CURRENTLY AVAILABLE INFORMATION AND ARE SHOWN FOR REFERENCE ONLY. THE OWNER AND ENGINEER DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF SAID INFORMATION BEYOND THE DESIGNATION INDICATED. THE QUALITY LEVEL DESIGNATED IS IN ACCORDANCE WITH ASCE "STANDARD GUIDELINE FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA" (CI/ASCE 38-02). THE CONTRACTOR SHALL MAKE HIMSELF FAMILIAR WITH THOSE STANDARDS PRIOR TO ANY RELIANCE ON THE INFORMATION SHOWN ON THESE PLANS. PRIOR TO ANY EXCAVATION, IN THE ABSENCE OF QUALITY LEVEL A OR B DESIGNATION, THE CONTRACTOR SHALL VERIFY, TO HIS OWN SATISFACTION, THE EXISTENCE, DEPTH, SIZE, MATERIAL, AND LOCATION OF ALL UNDERGROUND UTILITIES, AND DETERMINE WHETHER THOSE UTILITIES ARE LIVE. ANY EARTHWORK IN LOCATIONS WHERE UTILITIES ARE POSSIBLE SHALL BE DONE WITH EXTREME CAUTION. THE GIVING OF INFORMATION ON THE PLANS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATION TO SUPPORT AND PROTECT ALL DESIGNATED OR UNDESIGNATED EXISTING UTILITIES AND APPURTENANCES. SHOULD ANY EXISTING UTILITY BE DAMAGED BY THE CONTRACTOR, THE CONTRACTOR SHALL REPAIR THE DAMAGE CAUSED TO THE UTILITY OWNER'S SATISFACTION, AT THE CONTRACTOR'S EXPENSE. ALL UTILITIES SHOWN ON THIS DRAWING ARE EITHER LEVEL C OR D.
5. LIVE UNDERGROUND UTILITIES MAY EXIST WITHIN THE WORK AREA. CONTRACTOR SHALL USE EXTREME CAUTION AND SHALL COMPLY WITH APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS.
6. INFORMATION SHOWN ON THIS DRAWING HAS BEEN PROVIDED AS A GUIDE TO ASSIST THE CONTRACTOR IN ESTABLISHING THE LOCATIONS OF PROPOSED CONSTRUCTION WITH RESPECT TO EXISTING SITE IMPROVEMENTS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL CONSTRUCTION SURVEY STAKEOUT REQUIRED AND TO FIELD VERIFY ALL GRADES, ELEVATIONS, DIMENSIONS, ETC. PRIOR TO STARTING CONSTRUCTION.

ZONING NOTES:

1. ALL PROPOSED SIGNS WILL COMPLY WITH SECTION 450 BCZR OR LIST THE REQUIRED RELIEF.
2. ALL LIGHTING WILL COMPLY WITH SECTION 409.8.A.3, BCZR AND, "ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS."
3. PHILADELPHIA ROAD IS A STATE HIGHWAY AND WILL REQUIRE STATE HIGHWAY ADMINISTRATION REVIEW AND APPROVAL.
4. PROPOSED ENTRANCES WILL COMPLY WITH STATE HIGHWAY ADMINISTRATION AND/OR BALTIMORE COUNTY DEVELOPERS ENGINEERING REQUIREMENTS.
5. HANDICAPPED PARKING AND ACCESSIBLE ROUTE(S) WILL COMPLY WITH BALTIMORE COUNTY AND/OR ADA STANDARDS FOR ACCESSIBLE DESIGN.
6. NO COMPACT OR SMALL CAR SPACES ARE PROPOSED.
7. THE SITE IS NOT IN ANY FAILED BASIC SERVICES MAP AREAS.
8. ALL PROPOSED UTILITIES WILL COMPLY WITH CURRENT BALTIMORE COUNTY DESIGN MANUAL STANDARDS.

20 10 0 20 40
GRAPHIC SCALE IN FEET

MARYLAND COORDINATE SYSTEM (MCS)

MCA | ARCHITECTURE
Marshall Craft Associates, Inc.
2031 Clipper Park Road, Suite 105
Baltimore, Maryland 21211
410.532.3131 | www.mca.design

MEP ENGINEERING
ALBAN ENGINEERING INC.
303 International Circle, Suite 450
Hunt Bailey, MD 21030
410.842.6411

CIVIL ENGINERING
CARROLL ENGINEERING, INC.
215 Schilling Circle Suite 102
Hunt Valley, MD 21031
410.785.7423
jcarroll@cieengineering.com

LANDSCAPE ARCHITECTURE
CARROLL ENGINEERING, INC.
215 Schilling Circle Suite 102
Hunt Valley, MD 21031
410.785.7423

STRUCTURAL ENGINEERING
CARROLL ENGINEERING, INC.
215 Schilling Circle Suite 102
Hunt Valley, MD 21031
410.785.7423

GEOTECHNICAL ENGINEERING
SCHNABEL ENGINEERING
1504 Woodlawn Drive
Baltimore, MD 21207
410.944.6170

SEAL

NOT FOR 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 No.: 14446 EXP. DATE: 5-25-25

EVANS FUNERAL CHAPEL AND CREMATION SERVICES

EVANS FUNERAL CHAPEL WHITE MARSH FACILITY

11543 PHILADELPHIA ROAD
WHITE MARSH, MARYLAND 21162
BALTIMORE COUNTY

ELECTION DISTRICT 11 — COUNCILMATIC DISTRICT 5

KEY PLAN:

OWNER/DEVELOPER:
CHARLIE F. EVANS JR.
8800 HARFORD ROAD
PARKVILLE, MD 21234
410-665-9444

REVISIONS:

△	DATE:	COMMENTS:

MCA JOB NO.	PROJ. MANAGER:	SHEET BY:
20045.01	DWM	DWM / CMF

SHEET SET AND SHEET ISSUE DATE:
BID SET 03/15/2024

SHEET NAME:
PLAN TO ACCOMPANY PETITION FOR ZONING HEARING

SHEET NO.
C-200