



KATHERINE A. KLAUSMEIER
County Executive

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

April 15, 2025

Jennifer Busse, Esquire – jbusse@rosenbergmartin.com
Adam Baker, Esquire – abaker@rosenbergmartin.com
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, 21st Floor
Baltimore, MD 21201

RE: MOTION FOR RECONSIDERATION

Case No. 2024-0161-SPHXA

Property: 9200 9206 Liberty Road

Dear Counsel:

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

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

Sincerely,

A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive style with a large, stylized "M" and "E".

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm
c: -See Next Page-

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Watson	jejonesjr@comcast.net

IN RE: PETITIONS FOR SPECIAL HEARING,	*	BEFORE THE
SPECIAL EXCEPTION & VARIANCE		
9200 and 9206 Liberty Road	*	OFFICE OF
2 nd Election District		
4 th Council District	*	ADMINISTRATIVE HEARINGS
FAS, LLC		
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2024-0161-SPHXA
* * * * *	* *	

ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by People’s Counsel on April 1, 2025, on the March 17, 2025 Opinion and Order issued in the above-captioned case. On April 10, 2025, Petitioner filed a Response to that Motion.

In the Motion, People’s Counsel takes issue with the finding that the crematory or crematorium use proposed is a type of ‘funeral establishment’ and as such, would be permitted by Special Exception as a principal use in both the RO and DR 5.5. In support of that position, People’s Counsel looks to the definition of ‘funeral home’ from the most recent edition of Webster’s Third New International Dictionary of the English Language Unabridged which reads as follows:

funeral home or funeral parlor

: an establishment with facilities for the preparation of the dead for burial or **cremation**, for the viewing of the body, and for funerals

By its unambiguous language, that definition unequivocally supports the finding that a crematorium is a type of funeral establishment. The County Council, by specifically instructing that all undefined words have the meanings in Webster’s Third New International Dictionary, has

authorized the Office of Administrative Hearing (“OAH”) to interpret the Baltimore County Zoning Regulations (“BCZR”) uses and to make that finding. As importantly, People’s Counsel reliance on the Zoning Commissioner’s Policy Manual (“ZCPM”) directive - that a crematorium as a principal use can be sought through a Special Hearing – only lends further support for OAH’s authority to interpret the BCZR and make a finding of principal use. Indeed, in this Case, the Petitioner did file a Petition for Special Hearing to ‘amend the prior approval granted in Case No. 2002-0174-XA, to permit the expansion of an existing and previously approved funeral establishment to include a crematorium,’ along with a catch-all general request for Special Hearing relief, as the OAH shall direct. Lastly, as to People’s Counsel’s argument that funeral establishments cannot be located on adjoining properties, BCZR has no such prohibition (unlike the prohibition of two (2) Assisted Living Facilities (“ALF”) located within 1,000 ft of one another; See BCZR, §432A.1.A.3).

Nonetheless, the Motion will be granted, but for a different reason. In the Response to Motion for Reconsideration, Petitioner asserts (for the first time), that 9200 and 9206 Liberty Rd. will be merged for zoning purposes as part of the development process. While there was evidence that parking lots crossed the Property lines, and that Petitioner was using 9206 Liberty Rd. as office space in support of the use at 9200 Liberty Rd., it was not made clear (until now) that the lots would be consolidated into a single property.

Borrowing the language from MD Rule 2-534, and in the interests of judicial economy considering the potential for a *de novo* appeal, after entry of judgment, a decision can be altered, to amend the findings or the statement of reasons for a decision. As a result, I find that the crematorium use will be an accessory use to the existing funeral home conditioned upon the merger or consolidation of 9200 and 9206 Liberty Rd. in the development process. Toward that end, the

Motion for Reconsideration will be granted, and the Opinion and Order will be amended to grant the Special Hearing relief and the Special Exception relief as set forth herein.

THEREFORE, IT IS ORDERED this 15th day of **April, 2025**, by this Administrative Law Judge that, for the reasons set forth herein, People's Counsel's Motion for Reconsideration be, and it is hereby **GRANTED**; and

IT IS FURTHER ORDERED that, the Petition for Special Exception pursuant to BCZR, §1B01.1.C.9 (DR 5.5) and from BCZR, §204.3.B.1 (RO) to permit a crematorium as a funeral establishment as an accessory use at 9206 Liberty Rd., be, and it is hereby **GRANTED**, and;

IT IS FURTHER ORDERED that, pursuant to BCZR, §502.3, the Special Exception is valid for a period of five (5) years from the date of this Order, and;

IT IS FURTHER ORDERED that the Petition for Special Hearing filed from BCZR §500.7 to amend the prior approval granted in Case No. 2002-0174-XA to permit the expansion of an existing and previously approved funeral establishment at 9200 Liberty Rd. to include a crematorium be, and it is hereby **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance pursuant to BCZR §1B01.1.B.1.c(2) to permit a Residential Transition Area ("RTA") vegetative buffer and parking setback of 12-15 ft. on the western side yard, and 11 ft on the north eastern rear yard, in lieu of the otherwise required 50 ft for the vegetative buffer and 75 ft for the parking lot setback be, and they are each hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at 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, Petitioner would be required to return the subject property to its original condition.

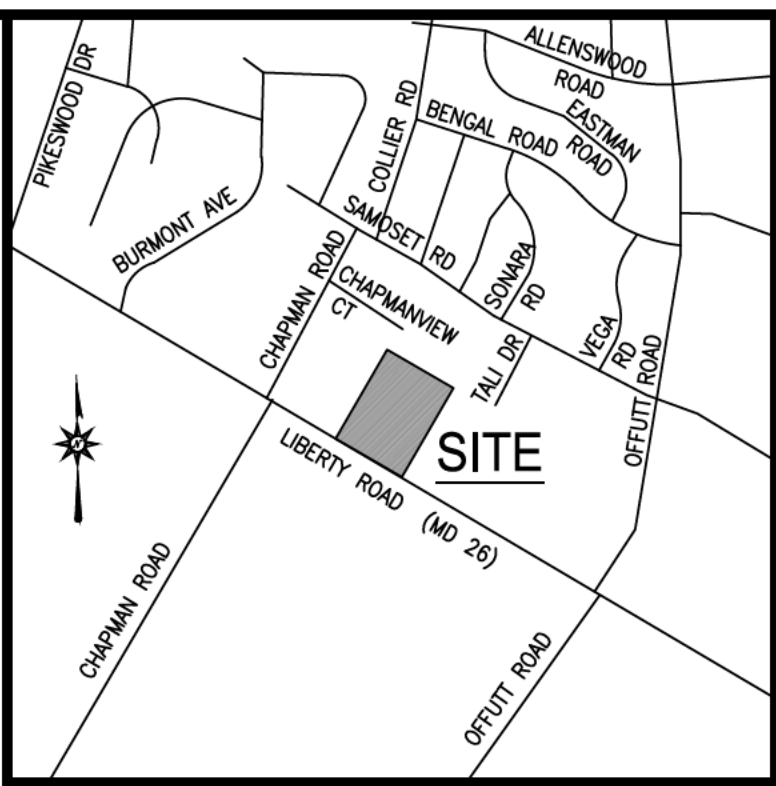
2. The Site Plan (Pet. Ex. 1), a copy of which is attached hereto, is incorporated herein.
3. In regard to 9200 Liberty Rd. funeral home property, all of the Conditions set forth in the Opinion and Order of the Board of Appeals dated January 31, 2003 remain applicable to the funeral home use with the exception of Condition #6 regarding a security gate at the entrance to the funeral home property, which Condition will be eliminated.
4. In regard to 9206 Liberty Rd. crematorium property, all of the Conditions set forth in the Opinion and Order of the Board of Appeals dated January 31, 2003 remain applicable to the crematorium use with the exception of Condition #6 regarding the installation of a security gate at the entrance to the crematorium property, which Condition will be required.
5. Petitioner must comply with the DPR ZAC comment, a copy of which is attached hereto and made a part hereof.
6. As part of the development process, 9200 and 9206 Liberty Rd shall be merged and/or consolidated into a single property for zoning purposes.

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



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM/dlm



VICINITY MAP

1. OWNER: PARCEL 55
FAS LLC
6236 GILSTON PARK ROAD
BALTIMORE, MD 21228-2840
PARCEL 56
FAS LLC
634 N. GILMOR STREET
BALTIMORE, MD 21217-2101

- 

 7 Deneison Street
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 Phone: 410-560-1502, info@richardsonengineering.net
rick@richardsonengineering.net

BALTIMORE COUNTY MARYLAND
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY: BDK	CHECKED BY: PCR	SCALE: 1" = 30'
	DATE: 10/16/24	JOB NO.: 23098	SHEET NO.: 1 OF 1

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16597, EXPIRATION DATE: 08-15-2025



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: November 16, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0161-A

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

DPR: No comment.

DPW-T: No exception taken.

Landscaping: If Special Hearing and / or Special Exception and / or Zoning Relief is granted a Landscape Plan is required per the Baltimore County Landscape Manual and a Lighting Plan is also required.

Recreations & Parks: No comment LOS & No Greenways affected.



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DEREK J. BAUMGARDNER
Administrative Law Judge

March 17, 2025

Jennifer Busse, Esquire – jbusse@rosenbergmartin.com
Adam Baker, Esquire – abaker@rosenbergmartin.com
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, 21st Floor
Baltimore, MD 21201

RE: Petitions for Special Hearing, Special Exception & Variance
Case No. 2024-0161-SPHXA
Property: 9200 9206 Liberty Road

Dear Counsel:

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

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

Sincerely,


MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm

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IN RE: PETITIONS FOR SPECIAL HEARING,	*	BEFORE THE
SPECIAL EXCEPTION & VARIANCE		
9200 and 9206 Liberty Road	*	OFFICE OF
2 nd Election District		
4 th Council District	*	ADMINISTRATIVE HEARINGS
FAS, LLC		
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2024-0161-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of revised Petitions for Special Exception, Special Hearing and Variance filed on behalf of the legal owner, FAS, LLC (“Petitioner”) for the properties known as 9200 Liberty Rd., Randallstown (the “9200 Liberty”) and 9206 Liberty Rd., Randallstown (the “9206 Liberty”). A Petition for a Special Hearing was filed pursuant to Baltimore County Zoning Regulations (“BCZR”), §500.7 to amend the prior approval granted in Case No. 2002-0174-XA, to permit the expansion of an existing and previously approved funeral establishment to include a crematorium. A Petition for Special Exception was also filed in the alternative, to permit a funeral establishment and accessory crematorium in accordance with BCZR, §1B01.1.C.9. A Petition for Variance was filed seeking relief from BCZR, §1B01.1.B.1.c and BCZR, §1B01.1.B.1.e (2), (3) and (5) to permit a parking lot with a Residential Transition Area (“RTA”) Buffer and RTA setback of 11 ft., in lieu of the otherwise required 50 ft. and 75 ft., respectively.

An in-person hearing was held on February 26, 2025 which was also attended virtually via Webex platform. The Petitions were properly advertised and posted. Brandon Wylie, CEO of FAS, LLC, appeared at the hearing along with Patrick Richardson PE of Richardson Engineering, a professional engineer, who prepared and sealed a site plan (the “Site Plan”). (Pet. Ex. 1). Jennifer

Busse, Esquire and Adam Baker, Esquire of Rosenberg, Martin and Greenburg represented the Petitioner. There were many supporters of the Petitioner who attended the in-person hearing. There were also many Protestants and interested citizens in attendance virtually, some of whom testified.

A Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP") which agency opposed the requested relief due to opposition to the proposed use. The Department of Environmental Protection and Sustainability ("DEPS") and Development Plans Review ("DPR")/Department of Public Works and Transportation ("DPWT") also provided ZAC comments but did not oppose the requested relief.

9206 Liberty, also known as Parcel 55, is a rectangularly-shaped parcel, which is improved with a 2-story, 440 sf building constructed in 1947, along with a detached garage. (Pet. Ex. 1). 9206 Liberty measures 1.21 acres +/- and is split-zoned with the Residential Office (RO) zone in the front yard where the principal building is located, and Density Residential (DR 5.5) zone in the rear yard where the detached garage is located. (Pet. Ex. 3). Access to 9206 Liberty is via a private driveway onto Liberty Rd. Adjoining the eastern side of 9206 Liberty is 9200 Liberty also known as Parcel 56, which is improved with a 1-story, 11,662 sf building where Wylie Funeral Home has operated since 2002. Petitioner owns both properties. Adjoining the western side of the 9206 Liberty are 3 single family homes addressed as 9208, 9208-A, and 9210 Liberty Rd. (Pet. Ex. 3). Petitioner also operates funeral homes at 701 N. Mount St. and at 5657 E. Alameda St. in Baltimore City.

Wylie Funeral Home was approved as a Special Exception in Case No. 2002-174-XA. Because the 9200 Liberty does not currently have a crematorium, Mr. Wylie explained that those services are now performed off-site, usually at McNabb Funeral Home in Catonsville. Mr. Wylie

testified that the cost to perform cremations off-site adds to the overall cost for the customer. The building at 9206 Liberty is currently used as office and/or storage space for the funeral home. Petitioner desires to raze both the existing 9206 Liberty building and garage, and to construct a 1-story, 5,928 sf crematorium as an accessory use to the 9200 Liberty. In doing so, all funeral/internment services would be performed on-site, lowering the cost and eliminating the travel inconvenience to the customer. Because Mr. Wylie has seen an increase in requests for cremations over burials, he believes that he will be providing a needed service for the community.

The adjoining property owners of 9208 (Vonda Cannon) and 9208-A (Beatrice McNeil) as well as the Manager of Turf Doc located at 9140 Liberty Rd., provided letters of support for the proposed Crematorium. (Pet. Ex. 12).

The aerial photographs provided show that the rear of both properties consist of paved parking lots which connect to one another as if in service to both properties. In Case No.: 2002-174-XA, Petitioner provided 99 parking spaces for the funeral home use, when only 90 spaces were required. However, as Mr. Wylie explained, 90 spaces was frequently not enough when funeral services were occurring, and as a result, in 2018, the rear yard of the 9206 Liberty was paved with striped parking spaces. The aerial photographs accurately depict the existing connected parking lots. (Pet. Ex. 3). Street view photographs were also provided showing the same. (Pet. Ex. 2). Rick Richardson, PE, who was accepted as an expert in civil engineering, and in the areas of zoning and land use development, confirmed that the required parking for the 9206 Liberty and the 9200 Liberty is based on a total 8,796 sf of 'public access floor area' for the existing funeral home and proposed crematorium building. (Pet. Ex. 11). As such, the required number of parking spaces under BCZR for both uses is 101 spaces:

10 spaces per 1,000 sf of public access floor area ($8,796 \text{ sf} / 1000 \times 10 = 88 \text{ sp}$);
1 space per 2 employees ($14 \text{ employees} / 2 = 7 \text{ sp}$); and
1 space per business vehicles ($6 \text{ comm vehicles} = 6 \text{ sp}$)

Mr. Richardson confirmed that the Petitioner will provide 256 spaces (248 spaces plus 8 handicap) between both properties. (Pet. Ex. 1).

While adding the needed parking, unfortunately, Petitioner encroached on the RTA 75 ft. parking setback, as well as the 50 ft. landscaped, vegetative buffer which would be required between the proposed crematorium use and the single-family homes on both the western (side yard), and north eastern (rear yard). As a result, Petitioner is seeking a Variance from the RTA setback and RTA buffer of 12-15 ft. on the western side and 11 ft on the north eastern side. Those areas will be landscaped to provide vegetative screening.

Mr. Wylie explained that he regularly hires parking attendants to direct traffic on Liberty Rd. and throughout the parking lot. If a funeral or cremation service draws a lot of people, he requests assistance from the police to direct traffic. Mr. Wylie also requested that Condition No. 6 requiring a gate at the Liberty Rd. entrance to the Funeral Property, be eliminated because police vehicles often park at 9200 Liberty after hours and he is not adverse to the practice continuing.

In regard to architectural concepts for the proposed crematorium building, Petitioner provided renderings. (Pet. Ex. 5, 6). A floor plan of the interior space was also provided showing a receiving room, a 626.5 ft. crematory, an ID room, a chapel and other offices. (Pet. Ex. 4). Mr. Wylie, who has a crematory operator's certification, testified that there will be one (1) retort in the crematory which is manufactured by Matthew Environmental Solutions called the Power Pak II Plus. (Pet. Ex. 7, 8). After purchasing the retort, Mr. Wylie will receive training to operate it and, upon completion of that training, he will receive a Maryland license to operate it. Mr. Wylie testified that he anticipates doing 4 cremations per week and that the crematorium will be open 6 days per week. He believes that the crematorium will operate as an accessory use to the Funeral Home.

Mr. Wylie also testified about the extent of his community outreach about the proposed crematorium. He provided information on other crematoriums which operate within or near residential areas and businesses. (Pet. Ex. 14). To address environmental concerns, Mark Gibson, PHD, PE, and Senior Project Manager at KCI Technologies, was admitted as an expert in the field of air quality and permitting. (Pet. Ex. 9). Dr. Gibson testified that he applied for an industrial permit with MDE which application required him to calculate the emissions from the retort here. He did so with the use of an emissions input model, the result of which confirmed that the emissions will be below the MDE strict threshold limits. A report of his findings dated February 25, 2025 was admitted. (Pet. Ex. 10). As a result, Dr. Gibson opined that the use of a retort at 9206 Liberty will not adversely affect the public health, safety or general welfare of the area.

Mr. Richardson opined that a Variance from the RTA setback and buffer is warranted and meets all the requirements set forth in BCZR, §1B01.1.B.1.c(2). Given the support of the adjoining property owners of 9208 and 9208-A here, he testified that the reduced, but landscaped 12-15 ft. vegetative buffer and setback on the western side yard, and the 11 ft. setback and buffer in the north eastern rear yard, will not adversely impact those properties or the surrounding residentially community. He further agreed that the proposed crematorium meets the Compatibility factors in BCC, §32-4-402 and specifically he agree that: (1) the arrangement and orientation of the proposed crematorium building and site improvements will be patterned in a similar manner to those in the neighborhood in that the proposed crematorium will replace the existing home in the same location, with its orientation facing Liberty Rd; (2) the proposed crematorium building and parking lot layouts reinforce existing building and streetscape patterns and assure that the placement of buildings and parking lots have no adverse impact on the neighborhood in that the

parking lots are located in the rear yards and are already connected to 9200 Liberty as if there is one (1) campus for both uses; (3) there will be no change to Liberty Rd., or the existing driveway leading to the crematorium building which are connected to the existing neighborhood roads; (4) the open spaces of the proposed crematorium development will reinforce the open space patterns of the neighborhood in form and siting and complement existing open space systems in that the existing home at 9206 Liberty will be replaced by the proposed building in the same position thus providing the same open space in the front yard; (5) There are no locally significant features at 9206 Liberty, no distinctive buildings or vistas which would need to be integrated into the site design; (6) the proposed landscape design will complement the neighborhood's landscape patterns and reinforces its functional qualities as shown in a Landscape Plan to be filed with the County Landscape Architect; (7) all exterior signs, site lighting and accessory structures will support a uniform architectural theme and present a harmonious visual relationship with 9200 Liberty and the surrounding neighborhood; and (8) the scale, proportions, massing, and detailing of the proposed crematorium building will be in proportion to the existing funeral home and those commercial buildings in the neighborhood.

In regard to Special Exception factors, Mr. Richardson opined that the proposed use will meet each of the factors in BCZR, §502.1 and will have no greater impact here than elsewhere in the RO and DR zones. In his opinion, Mr. Richardson believes that the proposed crematorium use will be incidental and subordinate to the principal funeral home use and as such meets the definition for “accessory use and building” in BCZR, §101.1. Specifically, Mr. Richardson testified that the proposed crematorium use will not be detrimental to the health, safety or general welfare of the locality involved because it will provide a needed service to the community next to a property which has already been operating a funeral home. Due to the added parking spaces

and parking attendants during services, Mr. Richardson indicated that the proposed use will not tend to create congestion in roads, streets or alleys therein, or tend to overcrowd land and cause undue concentration of population. Moreover, the crematorium building will meet all building codes and therefore not create a potential hazard from fire, panic or other danger. There will be no interference with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements as 9206 Liberty is not located within a deficient area on the Basic Services Map. The proposed crematorium building will not interfere with adequate light and air because it will be a 1-story building which will not overshadow or block air to 9200 Liberty or to adjoining homes. Mr. Richardson testified that the proposed use is consistent with the purposes of the RO and DR 5.5 zoning classifications and consistent with the spirit and intent of the BCZR as it is part of a funeral home use. Lastly, he opined that the proposed crematorium will not be inconsistent with the impermeable surface and vegetative retention provisions of the BCZR or detrimental to the environmental and natural resources of the site and vicinity, particularly in light of the lack of substantive comment from DEPS.

Protestants Case

There were many Protestants who attended the hearing virtually and were permitted to testify and/or ask any questions of the Petitioner's team. Specifically, Al Barnes, 9829 Clanford Rd. testified that he submitted a written objection as contained in the file. John Sakal 9323 Tollsmere Rd. asked specific questions of Dr. Gibson in regard to the retort and MDE application. Emmanuel Jato, 18 Chapmanview Ct. objected to the proposed crematorium on the basis that he believed it would decrease the value of his property and it would negatively impact air quality. Kim Green 3609 Stoneybrook Rd., a resident of the community for 40 yrs., is opposed

to the use because she feels the area already has too much air pollution. Luke Hasemeier, 9212 Liberty Rd. asked questions.

Nan Sherman, 8825 Liberty Rd. testified that she lives 3-4 miles from 9206 Liberty. Ms. Sherman is also opposed due to her concern about air quality and about potential noise emanating from the retort. While she does not live next to either 9200 or 9206, she felt that the Petitioner should be required to sound-proof the crematory. Nikki Lawson, 3607 Marriottsville Rd., is located 1 mile from 9206 Liberty. While Ms. Lawson also does not live next to either 9200 or 9206, she is opposed to any reduction in the RTA setback and buffer. Ms. Lawson also believes that the crematorium poses a safety concern due to the high temperatures used, and the negative impact of emissions on the area. Pearl Kirby, 3609 Kingspoint Rd., also had concerns involving air quality in that many elderly citizens reside in the community and have COPD and asthma, and she is concerned about long term exposure caused by emissions. Robin Davidson, 9212 Liberty Rd. asked questions about whether there will be an alarm on the crematorium in the event of failure or malfunction. Sheila Lewis, 3909 Buckingham Rd. is opposed to the reduced RTA buffer. She emphasized that the MDE emission standards do not consider the existing air pollutants in the area. Tasha Moore, 3732 Peace Chance Dr., was generally opposed to the proposed use.

Tim Bundy, 3608 Chapman Rd., is also opposed to the use due to air quality concerns. Mr. Bundy feels that the crematorium should be in the city. Zelda Marshall, 3603 Tiplen Rd. is opposed to the proposed use and believes that MDE should have been present in the zoning hearing to answer questions from the community. She feels there should be distance regulations in place to control the number of crematoriums near one another. Linda Dorsey-Walker, 9305 Lyons Wood Dr., which property is located 2 miles from 9206 Liberty, testified that she is a

member of the Church located at 6411 Liberty Rd. Ms. Dorsey-Walker stated that she was in the Maryland State legislature 40 years ago and was involved in the creation of MDE. She mentioned that there is a method of cremation involving water which has no emissions, no vaporized mercury, uses less electricity, and does not require pre-removal of medical hardware or dental fillings. As a result, she argues it more eco-friendly than the incinerator proposed here and does not require MDE annual inspections. Ms. Dorsey-Walker explained that for an incinerator, MDE is required to perform 4 inspections per year to determine whether toxins are being released into the air.

DECISION

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 Petition for Special Exception was filed in the alternative to the Petition for Special Hearing and at the request of the Office of Zoning Review (“OZR”). The Petition for Special Exception seeks approval of the crematorium as an “accessory” use to 9200 Liberty. However, the proposed Crematorium does not meet the definition of ‘accessory structure’ in BCZR, §101.1 because it is not located on the same lot as the 9200 Liberty:

ACCESSORY USE OR STRUCTURE — A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use.

Given Mr. Wylie's testimony that the requests for cremations has grown over the years, and the need for cremations may ultimately surpass the requests for burials, I find that the funeral home and crematorium would be uses which may operate in combination with one another, but are actually 2 separate principal uses, on 2 separate properties, albeit with shared parking lots. While there is access from the 9200 Liberty entrance into 9206 Liberty parking lot, 9206 Liberty will also continue to have the same separate driveway from Liberty Rd. further supporting the principal use. There appears to be no objection from State Highway Administration about retaining the separate driveway entrance from Liberty Rd. (See File). In this Case, a cremation service can take place at the same time as a funeral service. In Case No.: 97-404-X, the Board of Appeals granted a Special Exception for a columbarium to be erected as an accessory use to a Church. However, it was to be located on the same property as the Church and was therefore 'accessory.'

In the DR zone, a 'funeral establishment' use is expressly permitted by Special Exception. (BCZR, §1B01.1.C.9). Similarly, in the RO zone, all uses permitted by Special Exception in the DR zone are also permitted by Special Exception in the RO zone. (BCZR, §204.3.B.1). However, the terms 'funeral establishment,' 'Crematory,' and 'Crematorium,' are not defined in BCZR,

§101.1. As a result, BCZR, §101.1 directs that all words not defined in the BCZR shall have the meanings set forth in most recent edition of *Webster's Third New International Dictionary of the English Language, Unabridged*. Referring to that source, those terms are defined as follows:

fu·ner·al

adjective \ 'fyün(ə)rəl

- 1:** of, relating to, or constituting a funeral notices in the newspaper
- made the *funeral* arrangements - attended his *funeral* service
2: forming part of, connected with, or used in connection with a funeral or related observances - preached the *funeral* sermon - marched in the *funeral* procession - a grave covered with *funeral* flowers - insurance covered all the *funeral* expenses.

Funeral establishment

The word you've entered isn't in the Unabridged Dictionary.

cre·ma·to·ry

noun \ 'krē-mə- ,tôr-ē

, 'kre-\

inflected form(s): plural-es

1a: a furnace for cremating the bodies of the dead

b: a building containing such a furnace

2: incinerator

Origin of CREMATORY

New Latin *crematorium*, from Latin *crematus* + *-orium-ory*

In viewing those terms together, I find that a crematory or crematorium is a type of 'funeral establishment' and therefore is permitted by Special Exception in both the RO and DR 5.5. I find the Petition for Special Exception for a crematory or crematorium use at 9206 Liberty as a principal use, will not have adverse impacts at the particular location, above and beyond those inherently associated with a type of funeral establishment use.

In regard to the Special Exception factors in BCZR, §502.1, I find Mr. Richardson's testimony to be persuasive in that the proposed crematorium use at 9206 Liberty will not be

detrimental to the health, safety or general welfare of the locality. Because Petitioner has successfully operated the funeral home use at 9200 Liberty for 23 years, the necessary experience is already in place to handle the logistical issues inherent with this use, and in particular, traffic. I find that the proposed use will not tend to create congestion in roads, streets or alleys therein, or tend to overcrowd land and cause undue concentration of population because the Petitioner voluntarily added more than double the amount of required parking spaces, and also hires parking attendants for services when needed to solve the lack of parking. I find that the crematorium building will meet all building codes and therefore not create a potential hazard from fire, panic or other danger. There will be no interference with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements as 9206 Liberty is not located within a deficient area on the Basic Services Map. The proposed crematorium building will not interfere with adequate light or air because it will be a 1-story building which will not overshadow or block air to the single-family homes on western side which will also be separated by a 12-15 ft. landscaped buffer. I further find that the proposed use is consistent with the purposes of the property's zoning classification and consistent with the spirit and intent of the BCZR as it is a type of funeral home permitted by Special Exception which carries with it a presumption of validity. The proposed use will not be inconsistent with the impermeable surface and vegetative retention provisions of the BCZR or detrimental to the environmental and natural resources of the site and vicinity in that DEPS had no adverse ZAC comment.

Due to an increase in demand, Petitioner would like to offer cremation services at 9206 Liberty so that all available services are in the same location. Based on the evidence presented, I find that by the proposed crematorium use at 9206 Liberty will be compatible with the community

and generally consistent with the spirit and intent of the BCZR. The property owners most closely affected by the crematorium use (if at all) and/or by the reduced RTA setback and buffer, are 9208, 9208-A, and 9210, two (2) of whom provided letters of support. Moreover, Liberty Rd. at this location, has other commercial uses. With regard to the Protestants' concern about adverse environmental impacts resulting from potential emissions from the Crematorium, the uncontroverted evidence based on the testimony and MDE report of Dr. Gibson, a qualified expert, was that MDE regulates crematorium uses and determines whether any emissions therefrom exceed the MDE limit. In this Case, Dr. Gibson explained that the emissions will be below the MDE limit. Given that MDE is charged with approving the air quality permit application here, MDE will determine if Dr. Gibson's emissions calculations are correct. Accordingly, I find that a Special Exception for a crematorium use at 9206 Liberty as a principal use, should be granted.

SPECIAL HEARING

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

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

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would

be compatible with the community and generally consistent with the spirit and intent of the regulations.” *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

The Petition for Special Hearing in this Case seeks an expansion onto 9206 Liberty, of the previously approved Special Exception for a funeral home establishment at 9200 Liberty in Case No.: 2002-174-XA. The 2002 Opinion and Order only approved 9200 Liberty as the funeral home Special Exception area, there cannot be an expansion of that use or area onto a separate property. While this may seem like semantics, in my view, 9206 Liberty needs its own Special Exception approval even though both principal uses may, at times, work cohesively. Conversely, if the Petition for Special Hearing here had sought to expand the Special Exception use and/or area on 9200 Liberty (and not 9206 Liberty), to include a crematorium as a true accessory use, then the outcome would be different. For these reasons, and because the Special Exception relief will be granted as above, the Special Hearing relief will be denied.

In regard to Mr. Wylie’s request to remove Condition #6 in the regard to the gate at the entrance to 9200 Liberty, from Opinion and Order of the Board of Appeals, it appears that Condition #6 originated from a voluntary statement made at the Board of Appeals hearing by Petitioner’s professional civil engineer, Frederick Chadsey, IV, Vice President of G.W. Stephens. That statement was then incorporated into the Order as a security measure. I find no reason to retain Condition #6 for the 9200 Liberty Property in that the Petitioner should be able to choose and control the types of security measures needed or not needed to protect their own property. Accordingly, the Order here will reflect its removal as a Condition.

RTA VARIANCE OF SETBACK AND BUFFER

Under BCZR, §1B01.1.B.1.b, the RTA 75 parking setback and 50 ft. vegetative buffer are generated here because the 9206 Liberty which is being developed is partly zoned DR 5.5, and

adjoining single family dwellings are within 150 ft. of the tract boundary. Due to the fact that the parking lot has already been installed on both properties, Petitioner is only able to provide a 12 ft. – 15 ft. parking lot setback and buffer on the western (side yard), and 11 ft. setback and buffer on the north eastern (rear yard). Petitioner will landscape those areas to shield, to the extent possible, the surrounding single-family homes from the commercial uses. Given the letters of support from the adjoining properties owners, and the need for parking beyond that required by the BCZR, I find that the reduced setback and buffer will not adversely impact the residential community. The testimony of Mr. Richardson was uncontroverted in that the proposed crematorium meets each of the Compatibility factors in BCC, §32-4-404 and I adopt his testimony as my findings as above without repeating them herein. Accordingly, the requested RTA Variances will be granted.

THEREFORE, IT IS ORDERED this 17th day of **March, 2025**, by this Administrative Law Judge, that the Petition for Special Exception pursuant to BCZR, §1B01.1.C.9 (DR 5.5) and from BCZR, §204.3.B.1 (RO) to permit a crematorium as a funeral establishment principal use at 9206 Liberty Rd., be, and it is hereby **GRANTED**, and;

IT IS FURTHER ORDERED that, pursuant to BCZR, §502.3, the Special Exception is valid for a period of five (5) years from the date of this Order, and;

IT IS FURTHER ORDERED that the Petition for Special Hearing filed from BCZR §500.7 to amend the prior approval granted in Case No. 2002-0174-XA to permit the expansion of an existing and previously approved funeral establishment at 9200 Liberty Rd. to include a crematorium be, and it is hereby **DENIED**; and

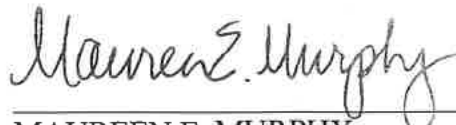
IT IS FURTHER ORDERED, that the Petition for Variance pursuant to BCZR §1B01.1.B.1.c(2) to permit a Residential Transition Area (“RTA”) vegetative buffer and parking setback of 12-15 ft. on the western side yard, and 11 ft. on the north eastern rear yard, in lieu of

the otherwise required 50 ft. for the vegetative buffer and 75 ft. for the parking lot setback be, and they are each hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at 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, Petitioner would be required to return the subject property to its original condition.
2. The Site Plan (Pet. Ex. 1), a copy of which is attached hereto, is incorporated herein.
3. In regard to 9200 Liberty Rd. funeral home property, all of the Conditions set forth in the Opinion and Order of the Board of Appeals dated January 31, 2003 remain applicable to the funeral home use with the exception of Condition #6 regarding a security gate at the entrance to the funeral home property, which Condition will be eliminated.
4. In regard to 9206 Liberty Rd. crematorium property, all of the Conditions set forth in the Opinion and Order of the Board of Appeals dated January 31, 2003 remain applicable to the crematorium use with the exception of Condition #6 regarding the installation of a security gate at the entrance to the crematorium property, which Condition will be required.
5. Petitioner must comply with the DPR ZAC comment, a copy of which is attached hereto and made a part hereof.

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



MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:d1m

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0161-A

DATE: November 16, 2024

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

DPR: No comment.

DPW-T: No exception taken.

Landscaping: If Special Hearing and / or Special Exception and / or Zoning Relief is granted a Landscape Plan is required per the Baltimore County Landscape Manual and a Lighting Plan is also required.

Recreations & Parks: No comment LOS & No Greenways affected.



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 9200 Liberty Road & 9200 Liberty Rd which is presently zoned RO & DR 5.5
Deed References: 26908/32 & 15602/104 10 Digit Tax Account # 0 2 1 3 4 0 0 4 0 0
Property Owner(s) Printed Name(s) FAS LLC 2 3 0 0 0 1 2 4 7 6

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. **XX** 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 attached

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

please see attached

3. **X** a **Variance** from Section(s)

please see attached

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

to be presented at hearing

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Jennifer Busse - Rosenberg Martin Greenberg LLP

Name- Type or Print

Signature

25 S. Charles Street, 21st FL Baltimore MD
Mailing Address City State

21201 / 410-727-8647 / jbusse@rosenbergmartin.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

FAS LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

634 N. Gilmor St. Baltimore Maryland
Mailing Address City State

21217 / 410-462-4070 / bwylie@wyliefh.com
Zip Code Telephone # Email Address

Representative to be contacted:

Jennifer Busse - Rosenberg Martin Greenberg LLP

Name - Type or Print

Signature

25 S. Charles Street, 21st FL Baltimore MD
Mailing Address City State

21201 / 410-727-8647 / jbusse@rosenbergmartin.com
Zip Code Telephone # Email Address

CASE NUMBER 2024-0161-SP4X1 Filing Date 6/26/24

Do Not Schedule Dates: Reviewer JS

Attachment to Zoning Petition

9200 & 9206 Liberty Road

Petition for Special Hearing to amend prior approval provided in Case 2002-174-XA and permit the expansion of an existing and previously approved funeral establishment to include a crematorium.

In the alternative, Petition for Special Exception to permit a funeral establishment and accessory crematorium in accordance with BCZR §1B01.1.C.9.

Petition for Variance in accordance with BCZR §1B01.1.B.1.c. and e.(3) to permit an RTA Buffer of 20 feet in lieu of the otherwise required 50 feet.

And, for any further relief deemed necessary by the Administrative Law Judge.

4894-0803-1945, v. 1

2024-0161-SP4XA

**ZONING PROPERTY DESCRIPTION FOR
9200 & 9206 LIBERTY ROAD
2nd ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Located at a point on the Northeast side of Liberty Road approximately 435 feet Southeast of the intersection of Liberty Road and Chapman Road. Then leaving Liberty Road (1) North 30 degrees 32 minutes 57 seconds East 526.94 feet, (2) South 59 degrees 23 minutes 41 seconds East 392.67 feet, (3) South 30 degrees 35 minutes 02 seconds West 528.09 feet, (4) North 60 degrees 02 minutes 18 seconds West 397.26 feet to the place of beginning.

Containing a net area of 210,557 square feet or 4.83 acres +/-.



PROFESSIONAL CERTIFICATION:

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF
THE STATE OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2021

2024-0161-SP4XA

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

No. 230500

Date: 6/25/24

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$1200.00

Total: \$1200.00

Rec From: ROSENBERG MARTIN GREENBERG, LLP

For: 2024-0161-SPHXA

9200+9206 LIBERTY ROAD

DISTRIBUTION

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

CASHIER'S
VALIDATION



Rosenberg
Martin
Greenberg^{LLP}

ATTORNEY OPERATING ACCOUNT
25 SOUTH CHARLES STREET, 21ST FLOOR
BALTIMORE, MARYLAND 21201
(410) 727-6600



60-1809/433

90398

PAY: One Thousand Two Hundred Dollars and 00/100

NUMBER

DATE

AMOUNT

90398

6/20/2024

1,200.00

TO THE
ORDER
OF

Baltimore County

VOID AFTER 90 DAYS

Barth



DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/ neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.*

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

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID

For Newspaper Advertising:

Case Number: 2024-0161-SPHXA
Property Address: 9200 Liberty Rd & 9206 Liberty Rd
Legal Owners (Petitioners): FAS LLC
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): RMG - Jennifer Burke
Address: 25 S. Charles St.
21st Floor
Baltimore MD 21201
Telephone Number: 410 727-8647

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

Real Property Data Search ()

Search Result for BALTIMORE COUNTY

[View Map](#)[View GroundRent Redemption](#)[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 02 Account Number - 2300012476

Owner Information

Owner Name: FAS LLC Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 634 N GILMOR ST Deed Reference: /15602/ 00104
BALTIMORE MD 21217-2101

Location & Structure Information

Premises Address: 9200 LIBERTY RD Legal Description: 3.6239 AC
0-0000 NS LIBERTY RD
1200 FT NW OFFUTT RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0077 0007 0056 10000.04 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
2005 11,662 SF 157,857 SF 06

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

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	664,900	664,900		
Improvements	1,799,100	1,738,900		
Total:	2,464,000	2,403,800	2,403,800	2,403,800
Preferential Land:	0	0		

Transfer Information

Seller: HOFFMAN EDWARD Date: 09/26/2001 Price: \$159,900
Type: ARMS LENGTH VACANT Deed1: /15602/ 00104 Deed2:
Seller: Date: Price:
Type: Deed1: Deed2:
Seller: Date: Price:
Type: Deed1: Deed2:

Exemption Information

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

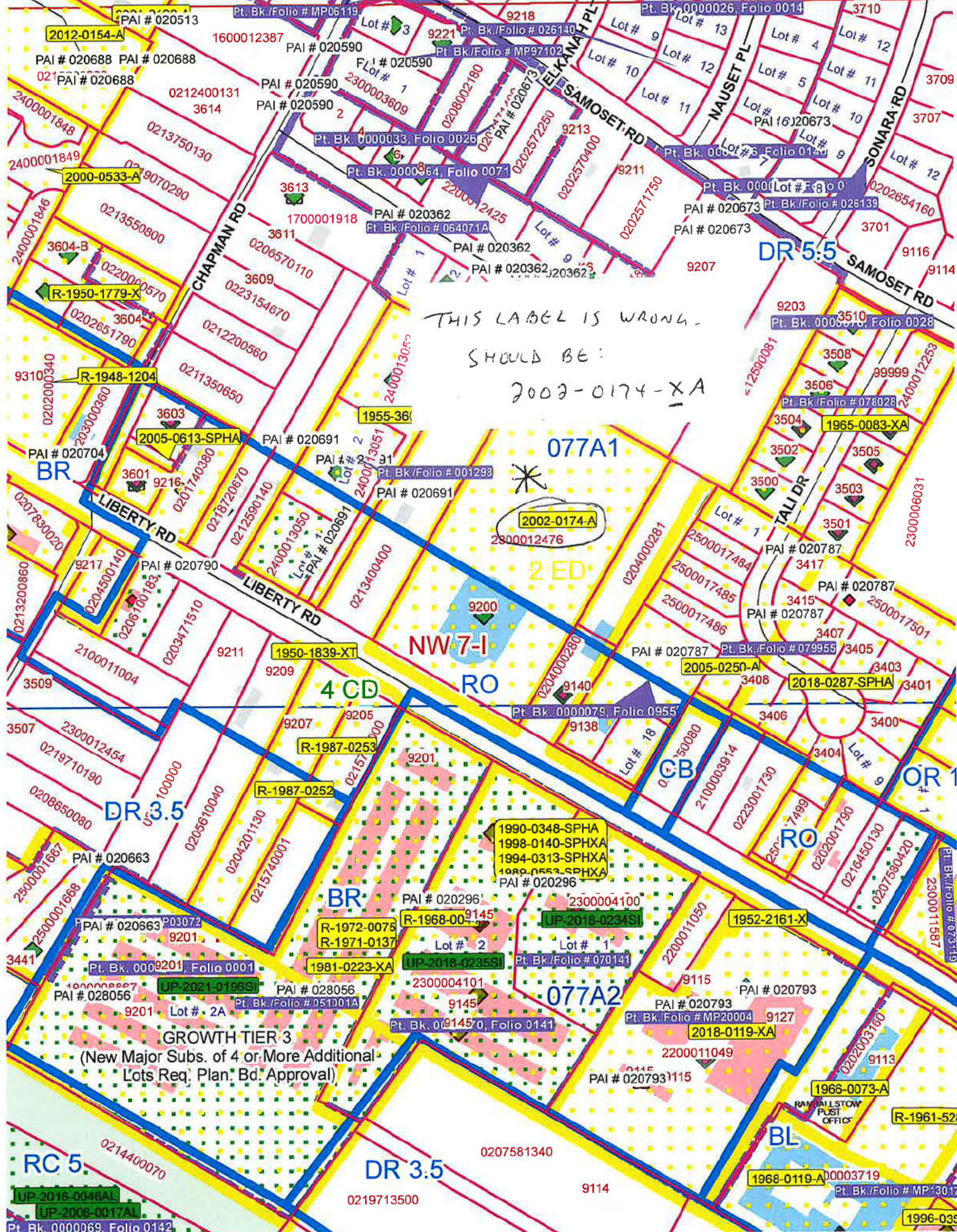
Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:



THIS LABEL IS WRONG.
SHOULD BE:
2002-0174-XA

GROWTH TIER 3
(New Major Subs. of 4 or More Additional
Lots Req. Plan. Bd. Approval)





PETITION FOR ZONING HEARING(S)

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please see attached

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Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Jennifer Busse - Rosenberg Martin Greenberg LLP

Name- Type or Print

Signature

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CASE NUMBER 2024-0161-SPHX1 Filing Date 6/26/24 Do Not Schedule Dates: Reviewer JS

Attachment to Zoning Petition

9200 & 9206 Liberty Road

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4894-0803-1945, v. 1

2024-0161-SP4XA

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2nd ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Located at a point on the Northeast side of Liberty Road approximately 435 feet Southeast of the intersection of Liberty Road and Chapman Road. Then leaving Liberty Road (1) North 30 degrees 32 minutes 57 seconds East 526.94 feet, (2) South 59 degrees 23 minutes 41 seconds East 392.67 feet, (3) South 30 degrees 35 minutes 02 seconds West 528.09 feet, (4) North 60 degrees 02 minutes 18 seconds West 397.26 feet to the place of beginning.

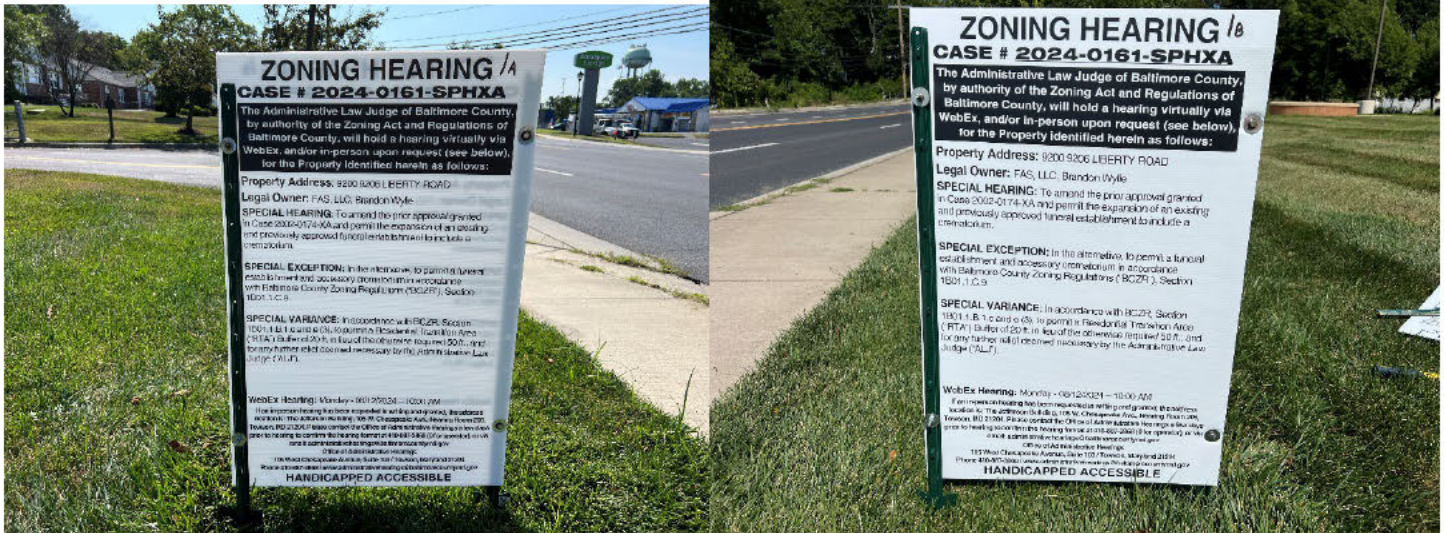
Containing a net area of 210,557 square feet or 4.83 acres +/-.



PROFESSIONAL CERTIFICATION:

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF
THE STATE OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2021

2024-0161-SP4X4



Certificate of Posting

Case# 2024-0161-SPHXA

Petitioner/Developer

Rosenberg Martin Greenberg

Jennifer Busse

Date of Hearing/Closing

August 12, 2024

Baltimore County Department of Permits and Management

County Office Building Room 111; 111 West Chesapeake Ave. Towson Md. 21204

Attention:

Ladies and Gentlemen:

This is to certify under penalties of perjury that the necessary sign/signs required by law were posted conspicuously on the property located at 9200-9206 Liberty Road on July 19, 2024. Signs 1A & 1B

Sincerely, Martin Ogle

Martin Ogle

9912 Maidbrook Road

Parkville, Md. 21234

443-629-3411

REVISED - Attachment to Zoning Petition

Case 2024-0161-SPHXA

9200 & 9206 Liberty Road

Petition for Special Hearing to amend prior approval provided in Case 2002-174-XA and permit the expansion of an existing and previously approved funeral establishment to include a crematorium.

In the alternative, Petition for Special Exception to permit a funeral establishment and accessory crematorium in accordance with BCZR §1B01.1.C.9.

Petition for Variance in accordance with BCZR §1B01.1.B.1.c. and e.(2), (3) and (5) to permit a parking lot with an RTA buffer and RTA setback of 11 feet in lieu of the otherwise required 50 feet and 75 feet, respectively.

And, for any further relief deemed necessary by the Administrative Law Judge.

4894-0803-1945, v. 3

REVISED

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

No. **235026**

Date: **11/19/24**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 250.00

Total: **\$ 250.00**

Rec From: **ROSENBERG MARTIN GREENBERG**

For: **REVISIONMENT FEE**

2024-0161-SP4XA

9200 + 9206 LIBERTY ROAD

JSS

**CASHIER'S
VALIDATION**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!



**Rosenberg
Martin
Greenberg LLP**

ATTORNEY OPERATING ACCOUNT
25 SOUTH CHARLES STREET, 21ST FLOOR
BALTIMORE, MARYLAND 21201
(410) 727-6600



First National Bank

60-1809/433

90544

PAY: *Two Hundred Fifty Dollars and 00/100*

NUMBER

DATE

AMOUNT

90544

11/8/2024

250.00

TO THE
ORDER
OF

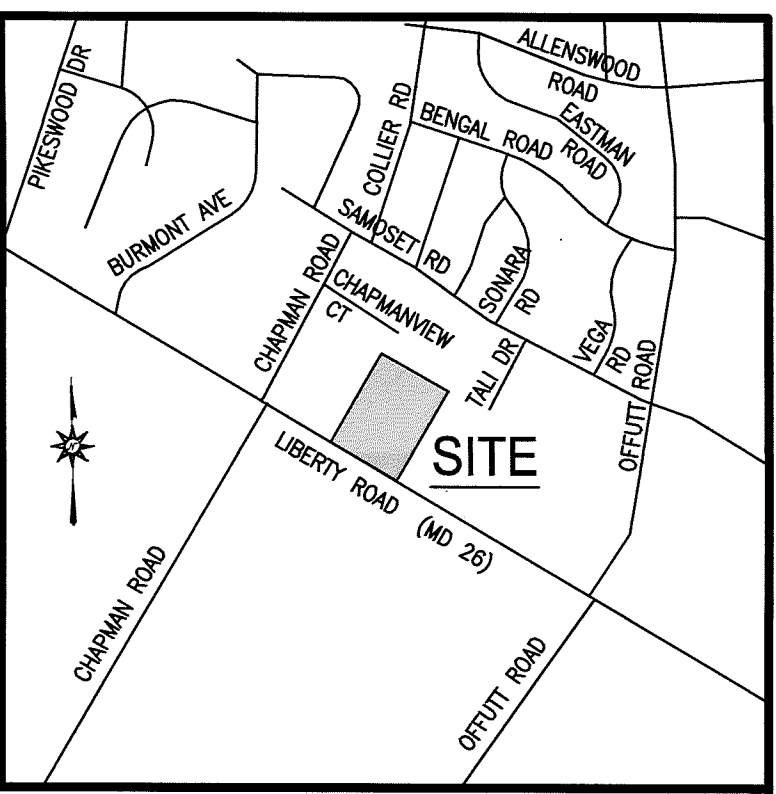
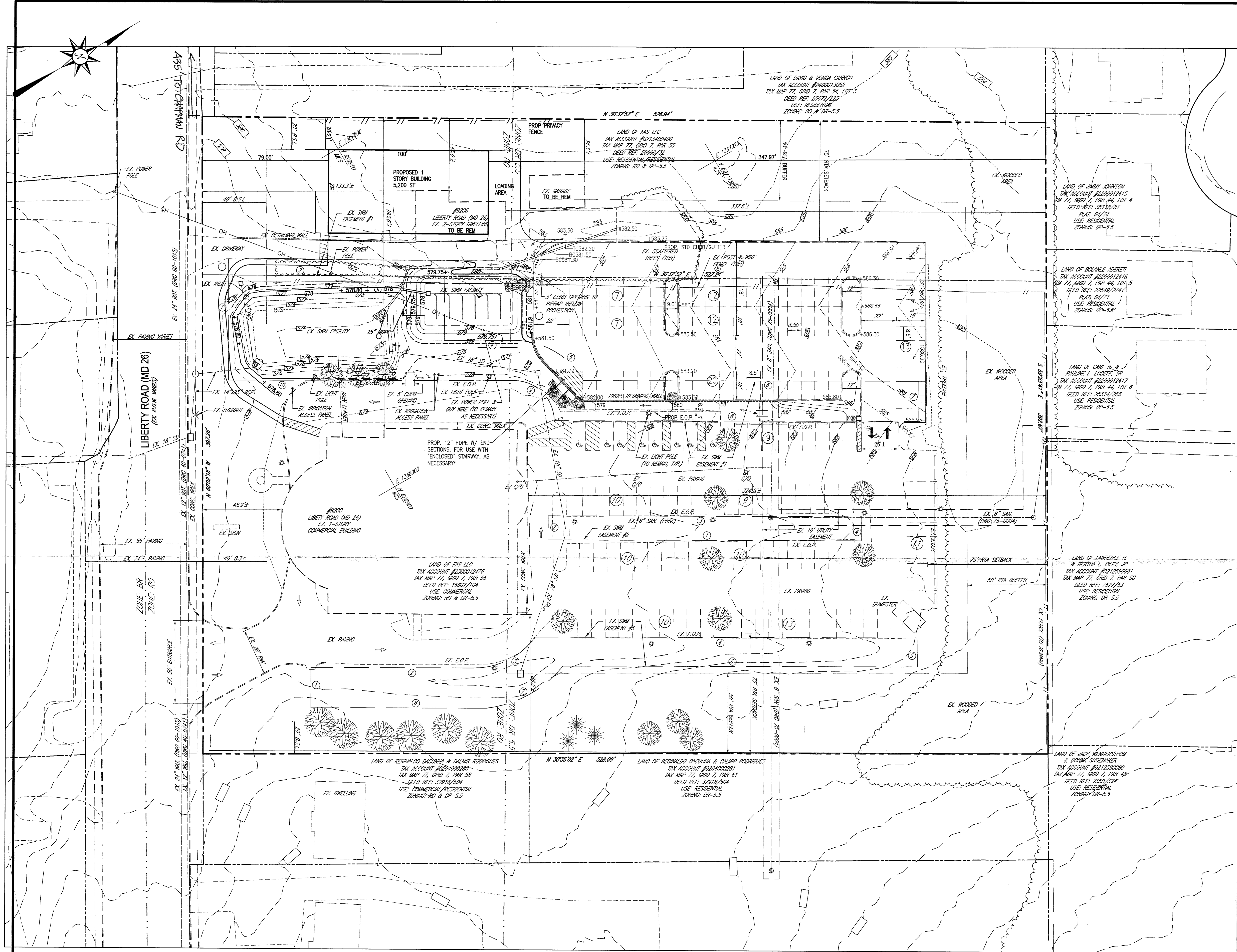
Baltimore County



VOID AFTER 90 DAYS

[Signature]





GENERAL NOTES:

- OWNER:
FAS LLC
6236 GILSTON PARK ROAD
BALTIMORE, MD 21228-2840
PARCEL 56
FAS LLC
634 N. GILMOR STREET
BALTIMORE, MD 21217-2101
- DEVELOPER:
WYLIE FUNERAL HOME PA
634 N. GILMOR STREET
BALTIMORE, MD 21217-2101
PH: 410-462-4070
- PREMISE ADDRESS: 9200 LIBERTY ROAD
- SITE AREA:
PARCEL 55: GROSS/NET = 1.210 AC (52,700 SF)
PARCEL 56: GROSS/NET = 3.824 AC (157,857 SF)
- DEED REF:
PARCEL 55: 26908/032
PARCEL 56: 15802/104
- TAX ACCOUNT: #0213400400 & #2300012476
- COUNCILMANIC DISTRICT: 4TH
- TAX MAP 77, GRID 7, PARCEL 55 & 56
- ZONING: RO & DR 5.5 (PER 1"=200' ZONING MAP 077A1 & 077A2)
AREA: RO = 1.804 AC±
DR 5.5 = 3.030 AC±
- PRIOR ZONING CASE HISTORY (PARCEL 56):
2002-174-XA WAS APPROVED JANUARY 25, 2002 FOR SPECIAL EXCEPTION FOR A FUNERAL HOME AND ASSOCIATED PARKING AND ACCESSORY FEATURES ON PROPERTY ZONED RO AND DR 5.5, AND TO PERMIT THE ILLUMINATION OF AN ENTERPRISE SIGN FOR THE PROPOSED USE AND APPROVAL FOR AN ORNAMENTAL ACCESSORY WATER FOUNTAIN IN THE FRONT YARD.
- NO KNOWN PRIOR PERMITS ON FILE.
- THE PROPERTY AND STRUCTURES ARE NOT HISTORIC.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- USES:
EXISTING: FUNERAL HOME & COMMERCIAL/RESIDENTIAL LOT
PROPOSED: FUNERAL HOME, COMMERCIAL, CREMATORIUM
(TWO RETORTS FOR HUMANS AND ONE FOR ANIMALS)
- SITE SERVICED BY PUBLIC WATER AND SEWER.
- WATERSHED: PATAPSCO RIVER & GWYNNS FALLS
- FLOOR AREA RATIO (F.A.R.):
PERMITTED: 0.2
PROVIDED: 16,575/157,859 = 0.10
- PARKING REQUIRED:
10 SPACES PER 1,000 SF OF PUBLIC ACCESS FLOOR AREA
1 SPACE PER 2 EMPLOYEES
1 SPACE PER BUSINESS VEHICLE
= 8,780 SF/1000x 10 = 88
= 12 EMPLOYEES / 2 = 6
= 6 VEHICLES
TOTAL = 100 SPACES
PROVIDED: 165 SPACES (157 + 8 HANDICAP)
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR).
- SETBACKS FOR COMMERCIAL USE:
DR 5.5 (RESIDENTIAL TRANSITION AREA "RTA" SETBACKS APPLY):
FRONT: REQUIRED PROVIDED
SIDE: 75' NA 86.5', 193.6'
REAR: 75' 324.2'
RD (PRINCIPAL USE NON-RESIDENTIAL STRUCTURE):
FRONT: REQUIRED PROVIDED
SIDE: 20' 20'
REAR: NA NA
- THIS SITE IS NOT WITHIN AN AREA IDENTIFIED AS DEFICIENT ON THE BASIC SERVICES MAPS.



7 Deneison Street
Timonium, Maryland 21093
Phone: 410-560-1502, info@richardsonengineering.net
rick@richardsonengineering.net

PLAN TO ACCOMPANY ZONING PETITION
FOR
WYLIE FUNERAL HOME
9200 & 9206 LIBERTY ROAD
(MD ROUTE 26)

BALTIMORE COUNTY MARYLAND
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	BDK	PCR	1" = 30'
	DATE:	JOB NO.:	SHEET NO.:
	04/16/24	23098	1 OF 1

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16559, EXPIRATION DATE: 06-15-2025



2024-0161-SPHXA

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: November 22, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0161-SPHXA
Address: 9200, 9206 LIBERTY ROAD
Legal Owner: FAS, LLC – Brandon Wylie

Zoning Advisory Committee Meeting of November 26, 2024.

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

Additional Comments:

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

Inter-Office 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: July 8, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0161-SPHXA
Address: 9200 – 9206 LIBERTY ROAD
Legal Owner: FAS, LLC. – Brandon Wylie

Zoning Advisory Committee Meeting of July 8, 2024.

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

Reviewer: Earl D Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: November 16, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0161-A

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

DPR: No comment.

DPW-T: No exception taken.

Landscaping: If Special Hearing and / or Special Exception and / or Zoning Relief is granted a Landscape Plan is required per the Baltimore County Landscape Manual and a Lighting Plan is also required.

Recreations & Parks: No comment LOS & No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: July 3, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0161-SPHXA

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

DPR: No Comment.

DPW-T: No Exception taken.

Landscaping: If Special Hearing and / or Special Exception and / or Zoning Relief is granted a Landscape Plan is required per the Baltimore County Landscape Manual and a Lighting Plan is also required.

Recreations & Parks: No comment LOS & No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 7/11/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0161-SPHXA

INFORMATION:

Property Address: 9200 & 9206 Liberty Road
Petitioner: FAS LLC- Brandon Wyhe
Zoning: RO/DR 5.5
Requested Action: Special Exception/Special Hearing/Variance

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

Special Hearing -

1. Petition for Special Hearing to amend prior approval provided in Case 2002-0174-XA and permit the expansion of an existing and previous approved funeral establishment to include a crematorium.

Special Exception -

1. In the alternative, Petition for Special Exception to permit a funeral establishment and accessory crematorium in accordance with BCZR Section 1B01.1.C.9.

Variances -

1. Petition for Variance in accordance with BCZR Section 1B01.1.B.1.c and e(3) to permit an RTA buffer of 20 feet in lieu of the otherwise required 50 feet.
2. And, for any further relief deemed necessary by the Administrative Law Judge.

The proposed site is a 4.834-acre property zoned RO/DR 5.5. The property is situated on Liberty Road and is surrounded by mostly residential uses. The property has an existing 1-story commercial building on the site that is being used as a funeral home.

Any potential expansion of the funeral home could further disrupt the residents and exacerbate the existing parking issues/deficit, which are already problematic due to large funeral processions. Currently, some attendees are compelled to park in adjacent areas and cross the busy road without the benefit of a crosswalk or traffic light to reach the property when there is a parking overflow. Residents have expressed significant opposition to these requests, voicing major concerns. It is the position of the Department of Planning that the proposed 20' RTA buffer in lieu of the required 50' does not provide an adequate buffer to protect and not disrupt the surrounding residences.

The Department of Planning does **NOT** support the special exception to permit a funeral establishment with an accessory crematorium, as it would adversely affect the health, safety, and general welfare of the residential community.

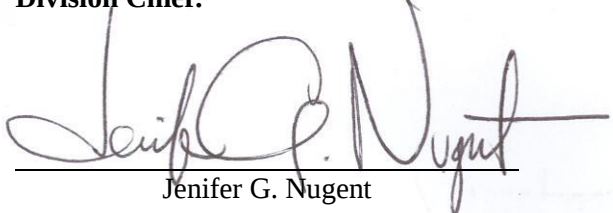
For further information, concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

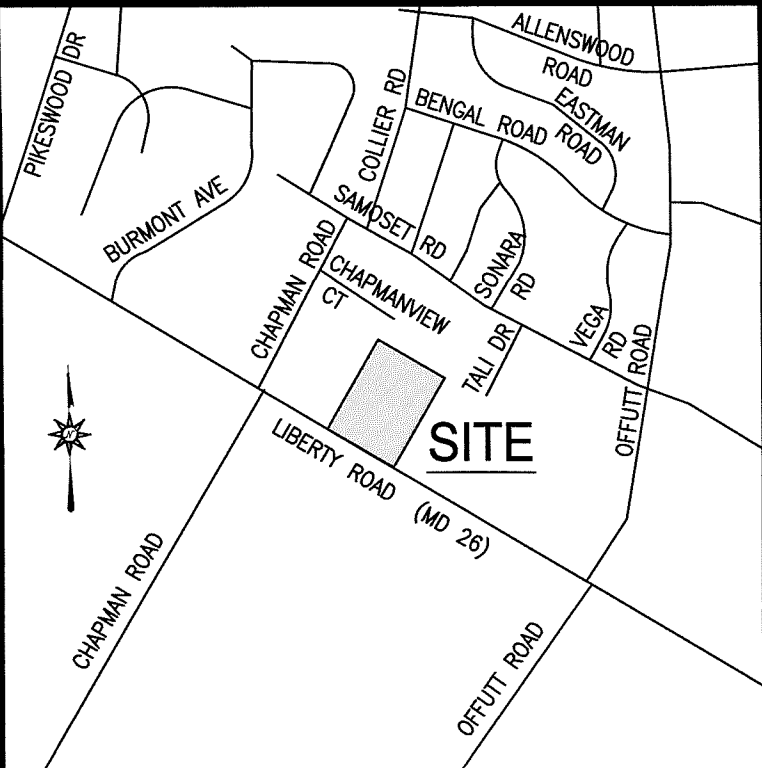
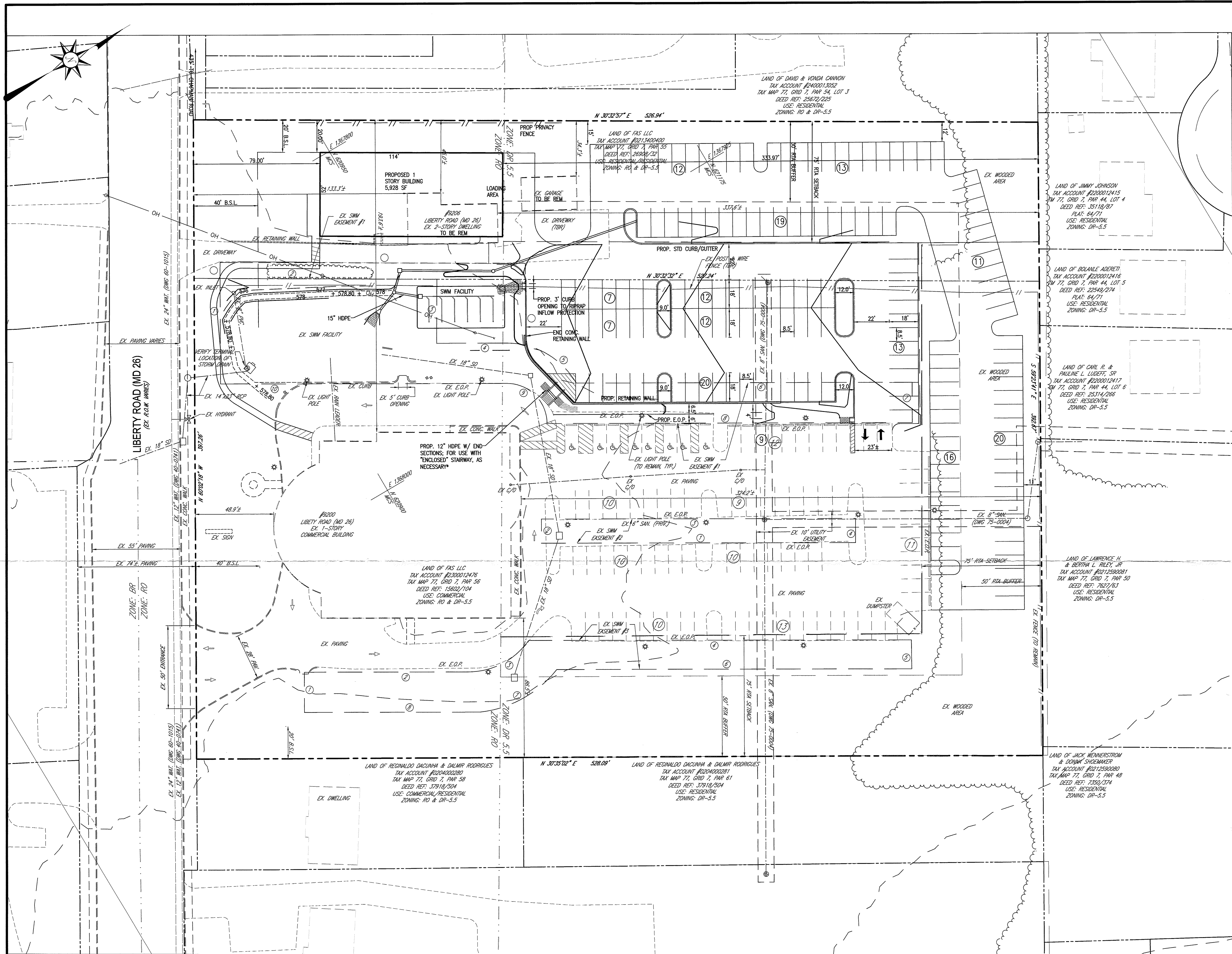
Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Jennifer Busse, Rosenberg Martin Greenberg LLP
Yolanda Gregory, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



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PARCEL 56
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= 14 EMPLOYEES / 2 = 7
= 6 VEHICLES
TOTAL = 101 SPACES
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- SETBACKS FOR COMMERCIAL USE:
DR 5.5 (RESIDENTIAL TRANSITION AREA "RTA" SETBACKS APPLY):
REQUIRED PROVIDED
FRONT: NA NA
SIDE: 75' 86.5', 193.6'
REAR: 75' 324.2'
BO (PRINCIPAL USE NON-RESIDENTIAL STRUCTURE):
REQUIRED PROVIDED
FRONT: 40' 79'
SIDE: 20' 20'
REAR: NA NA
- THIS SITE IS NOT WITHIN AN AREA IDENTIFIED AS DEFICIENT ON THE BASIC SERVICES MAPS.



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PLAN TO ACCOMPANY ZONING PETITION FOR
WYLIE FUNERAL HOME
9200 & 9206 LIBERTY ROAD
(MD ROUTE 26)

BALTIMORE COUNTY
2ND ELECTION DISTRICT
MARYLAND
4TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	BDK	PCR	1" = 30'
	DATE:	JOB NO.:	SHEET NO.:
	10/16/24	23098	1 OF 1

REVISED (NEW)

2024-0161-SPHYA

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