

IN THE MATTER OF	*	BEFORE THE
HUNT VALLEY PRESBYTERIAN CHURCH, INC.	*	BOARD OF APPEALS
LEGAL OWNERS AND PETITIONERS FOR	*	OF
SPECIAL HEARING ON THE PROPERTY	*	BALTIMORE COUNTY
LOCATED AT 13015 BEAVER DAM ROAD	*	Case No. 16-099-SPH
8 <sup>th</sup> ELECTION DISTRICT	*	
3 <sup>rd</sup> COUNCILMANIC DISTRICT	*	

\* \* \* \* \*

**ORDER ON REMAND FROM THE  
CIRCUIT COURT FOR BALTIMORE COUNTY**

This matter comes before the Board on remand from the Circuit Court for Baltimore County.

**WHEREAS**, on March 7, 2019 the Circuit Court issued an Order lifting the stay in this matter and remanding this matter "... to the County Board of Appeals for their consideration to issue a revised order changing the conditions of approval..."; and

**WHEREAS**, on December 7, 2017, the Board of Appeals issued an Order in this matter Granting the Petitioner’s Petition to Amend the Bishops Pond Final Development Plan, as proposed with the following conditions:

1. Petitioner shall provide in writing to Protestants, lot owners of properties within the FDP, and/or any and all residents residing at 13023, 13025, 13021 and 13027 Beaver Dam Rd. its monthly calendar, including identification of scheduled services and events, upon publication and in any event 30-days prior to the following month. The church may, upon written agreement with Protestants, lot owners of properties within the FDP, and/or any and all residents residing at 13023, 13025, 13021 and 13027 Beaver Dam Rd., provide a weekly calendar in lieu of a monthly calendar at least one week prior to the scheduled events on the weekly calendar. The purpose is to provide reasonable notice to Protestants, lot owners of properties within the FDP, and/or any and all residents residing at 13023, 13025, 13021 and 13027 Beaver Dam Rd. to minimize conflicts in scheduling their matters.

2. Petitioner shall provide advance written notice, with a minimum of 48-hour notice, to Protestants, lot owners of properties within the FDP, and/or any and all residents residing at 13023, 13025, 13021 and 13027 Beaver Dam Rd. of any special events not otherwise on the calendar, including Bible Camp, ceremonies and parties other than church services (such as weddings) and any other event where it is reasonably expected to have 50+ attendees. Notice shall

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include the beginning and end time for the events. This notice shall also be applicable to any changes in time, size, scope and/or description to scheduled events identified in the monthly calendar. The purpose, like condition No. 1, is to provide reasonable notice to Protestants, lot owners of properties within the FDP, and/or any and all residents residing at 13023, 13025, 13021 and 13027 Beaver Dam Rd. to minimize conflicts in scheduling their matters.

3. To the greatest extent possible, the church shall prioritize the ingress and egress of the Protestants, lot owners of properties within the FDP, and/or any and all residents residing at 13023, 13025, 13021 and 13027 Beaver Dam Rd. The church, at all times, shall take all reasonable steps to minimize delays in exiting the site and entering the site. In the event, any Protestant(s), lot owner(s) of properties within the FDP, and/or any resident(s) residing at 13023, 13025, 13021 and 13027 Beaver Dam Rd. seek to exit Old Mill Road at the same time traffic is entering or exiting from the church property, church personnel, employees and/or workers, including all traffic flaggers, shall stop vehicles entering or exiting Old Mill Road and prioritize the exit of Protestants, lot owners of properties within the FDP, and/or any and all residents residing at 13023, 13025, 13021 and 13027 Beaver Dam Rd. above other vehicles. The purpose is to prevent and/or mitigate traffic delays on Old Mill Road for Protestants, lot owners of properties within the FDP, and/or any and all residents residing at 13023, 13025, 13021 and 13027 Beaver Dam Rd.

4. If water runoff, water collection, pooling, drainage and/or flooding or leaking becomes an issue on Old Mill Road and/or for any property within the FDP because of or fairly attributable, whether solely or in combination with any other condition or event, to any change to Petitioner's property as a result of the proposed amendment and/or construction, Petitioner shall take any and all immediate and reasonable measures to address and eliminate the issue.

5. Mr, Cook's Traffic Recommendations, with modifications, are imposed as follows:

a. Access for the church is to be widened to provide two outbound lanes, an exclusive left turn lane, and an exclusive right turn lane along the entire length of the drive aisle.

b. Advanced warning signs are to be provided along westbound Beaver Dam Road alerting motorist of the intersection of Old Mill Road. The first sign is to be located approximately 100' east of intersection.

c. The church shall secure the services of one or more police officers (on-duty or other uniformed secondary employer) be available at the Beaver Dam Road access for a 30 minute period before, after and during Sunday services,

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holiday services, and any events where 350 or more attendees or other heavy traffic are expected in order to help direct traffic out of sight and minimize disruptions.

d. Petitioner shall make sure that Protestants, lot owners of properties within the FDP, and/or any and all residents residing at 13023, 13025, 13021 and 13027 Beaver Dam Rd. have the ability on Sundays to come and go from their respective properties. Therefore, Sunday services are to be staggered so that the end of a service provides ample time to clear vehicles from the church parking lot (estimated at 30 minutes) and prevent overlap with incoming vehicles for the next service (estimated to begin 30 minutes prior), as well as provide some window of time as best as possible for Protestants, etc., to avoid regular and unreasonable delays that result in a functional denial of access to and from Old Mill Road. As such, Petitioner is required to stagger services so that there is an hour and fifteen minutes to 1 ½ hours between the end of one service and the beginning of the next, rather than the 45 minutes to an hour suggested by Petitioner via Mr. Cook.

6. To the greatest extent possible, the Petitioners shall employ best practices in lighting design to prevent light spillage from the church parking lot onto surrounding properties and to minimize the amount of lighting used when the church is not in use.

7. It is intended that these conditions help Protestants, lot owners of properties within the FDP, and/or any and all residents residing at 13023, 13025, 13021 and 13027 Beaver Dam Rd. as part of HVPC's proposed expansion. If any one or more of these conditions require adjustment or modification, Petitioner and Protestants/lot owners of 13023, 13025, 13021 and 13027 Beaver Dam Rd. may adjust or modify any of these conditions; however, any adjustment or modification shall be in writing and signed by Petitioner and all Protestants/lot owners of 13023, 13025, 13021 and 13027 Beaver Dam Rd., with the agreement filed accordingly and as necessary.

**WHEREAS**, pursuant to the Order of the Circuit Court, the Board of Appeals hereby revises the above conditions as follows:

Conditions 2, 3, and 4 are hereby rescinded;

Condition 5(c) is hereby revised to read:

The church shall secure the services of one or more police officers (on-duty or other uniformed secondary employer) to be available at the Beaver Dam Road access for a 30 minute period before, during and after Sunday services, holiday services, and any events where 350 or more attendees or other heavy traffic are expected in order to help direct traffic out of sight and minimize disruptions. The Church will employ the services of one or more flaggers, as necessary, whenever a police officer is required to be present under the terms of this condition.

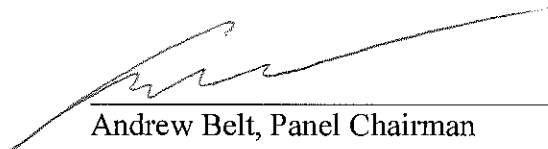
**In the matter of: Hunt Valley Presbyterian Church, Inc.**  
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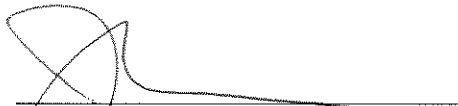
Condition 5(d) is hereby revised to read:

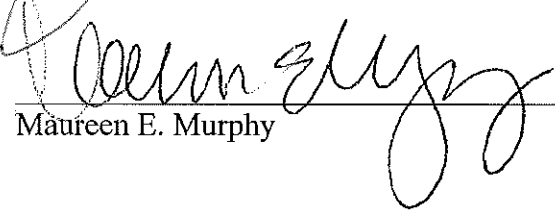
Petitioner shall make its best efforts to ensure that Protestants, lot owners of properties within the FDP, and/or any and all residents residing at 13023, 13025, 13021 and 13027 Beaver Dam Rd. have the ability on Sundays to come and go from their respective properties. In complete satisfaction of this condition, Sunday services are to be staggered so that the end of a service provides ample time to clear vehicles from the church parking lot and prevent overlap with incoming vehicles for the next service, as well as provide some window of time as best as possible for Protestants, etc., to avoid regular and unreasonable delays that result in a functional denial of access to and from Old Mill Road. As such, Petitioner is required to stagger services so that there is at least 45 minutes between the end of one service and the beginning of the next.

**IT IS THEREFORE ORDERED**, this 4<sup>th</sup> day of April, 2019 by the Board of Appeals for Baltimore County that the Order issued by the Board on December 7, 2017 in case number 16-099-SPH, be and the same is **REVISED AS ORDERED** by the Circuit Court for Baltimore County.

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
\_\_\_\_\_  
Andrew Belt, Panel Chairman

  
\_\_\_\_\_  
Jason S. Garber

  
\_\_\_\_\_  
Maureen E. Murphy



## Board of Appeals of Baltimore County

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April 4, 2019

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RE: *In the Matter of: Hunt Valley Presbyterian Church, Inc.*  
Case No.: 16-099-SPH

Dear Counsel:

Enclosed please find a copy of the Order on Remand from the Circuit Court for Baltimore County issued this date by the Board of Appeals of Baltimore County in the above subject matter.

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

Very truly yours,

  
Krysundra "Sunny" Cannington  
Administrator

KLC/taz  
Enclosure  
Duplicate Original Cover Letter

c: Hunt Valley Presbyterian Church, Inc.  
Jeff Mayhew, Acting Director/Department of Planning  
Lawrence Stahl, Managing Administrative Law Judge  
Michael Mohler, Acting Director/PAI  
Nancy C. West, Assistant County Attorney/Office of Law  
Michael E. Field, County Attorney/Office of Law

Deidre Bosley  
Michael and Mary Kate Fitz-Patrick  
Tony and Marsha Gaspari  
Beaver Dam Community Association