

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
N/side of Liberty Road, 552' E of c/l of		
Herrara Court	*	OFFICE OF ADMINISTRATIVE
(10240 Liberty Road)		
2 nd Election District	*	HEARINGS FOR
4 th Council District		
	*	BALTIMORE COUNTY
Baltimore Christian Faith Center, Inc.		
Petitioner	*	CASE NO. 2012-0265-SPH

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Special Hearing filed by the legal owner of the subject property, the Baltimore Christian Faith Center, Inc. The Petitioner is requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a modification to the site plan previously approved in Case No. 2011-0032-A. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 2.

Appearing at the public hearing held for this case were Paul Santos, Pastor, on behalf of Baltimore Christian Faith Center, Inc., and Deborah C. Dopkin, Esquire, attorney for Petitioner. Also appearing in support of the requested relief was landscape architect John Treuschler with Tessaract Sites, Inc., the firm that prepared the site plan. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of opposition or protest.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. A ZAC comment was received from the Department of Planning on May 25, 2012 indicating the following:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning previously commented on zoning case 2011-032. An Administrative Law Judge's order was issued with conditions that incorporated Planning's recommendations submitted for the aforementioned case. The Department of Planning supports the instant request however the following comments should be made part of any relief granted in the subject case:

1. Provide architectural building plans and elevations for all four sides of all of the proposed buildings including building materials and color schemes to the Department of Planning for review and approval. Show all entrances into the buildings.
2. Add the following language to note 26 of the site plan that accompanied the special hearing request: Should light fixtures be installed, they will be no higher than 20' within 50' of a residential zone.
3. Sign locations have been shown on the site plan. Provide elevation drawings with dimensions and materials to the Department of Planning for review and approval.

Each of these conditions was discussed during the hearing, and the Petitioner is amenable to their incorporation into any Order granting relief.

A ZAC comment was also received from the Department of Environmental Protection and Sustainability (DEPS), dated May 18, 2012, indicating that the development of the property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code), a Forest Conservation variance request must be submitted for approval for the removal of any specimen trees, and Groundwater Management must review any building permits for this site, since the church will be served by well and septic.

In addition, a ZAC comment was received from the State Highway Administration (SHA) dated May 2, 2012, indicating that as a condition of approval, the applicant must contact the SHA to obtain an entrance permit.

Testimony and evidence revealed that the subject property is 1.669 acres and is zoned RC 5. The church obtained zoning relief in 2011, and the site plan approved in that case by Deputy Zoning Commissioner Bostwick depicted the church building to the rear of the site (farthest from Liberty Road) with the parking area in front of the church. Mr. Treuschler explained that after he became involved in this case, he determined it would be advantageous to “flip” the church and parking lot, such that the parking lot is now located at the rear of the site, as shown on Exhibit 2.

Mr. Treuschler, who was accepted as an expert in land use and Baltimore County development regulations, explained that the site is less sloped toward the rear of the lot, and thus the surface water would tend to be absorbed into the parking lot’s pervious concrete pavement. Moving the parking lot to the rear of the site also streamlined the stormwater management features, and will have a positive environmental impact when compared to the original plan, which had the parking lot at the front of the site on a slope, which would cause more stormwater runoff.

Mr. Treuschler also discussed the redlined revisions to the plan, which reflect that the church has – in the last week or so – installed a new well and septic system. A comment was also added (Note 24) indicating that if and when a dumpster is used at the site, it will be with a masonry enclosure or some other material if approved in writing by the Department of Planning. Finally, Mr. Treuschler explained that the dimensions of the church building (which in essence is a prefabricated structure) were incorrectly stated in the last Order. Instead of being 100' x 60' as noted in Mr. Bostwick’s Order, the dimensions will be 110'.8" x 60'.8".

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the relief requested shall be granted. Mr. Treuschler opined

that the proposal satisfies each of the B.C.Z.R. § 502.1 criteria, and I concur. The setting for the church is rural and idyllic, and the new structure will be a positive addition to the community.

THEREFORE, IT IS ORDERED, this 6 day of June, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve certain modifications (as reflected on the redlined site plan accepted and marked as Petitioner's Exhibit 2) to the site plan previously approved in Case No. 2011-0032-A, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. The Petitioner may apply for its building permits and may be granted same upon receipt of this Order; however the Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioner is required to return and be responsible for returning said property to its original condition.
2. Petitioner must comply with the ZAC comments submitted by the Department of Planning, DEPS, and the SHA; copies of which are attached and made a part hereof.

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

JEB:pz

Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County