

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
NW side of Old Court Road; 234 feet NE		
of Glen Hannah Court	*	DEPUTY ZONING
2 nd Election District		
4 th Councilmanic District	*	COMMISSIONER
(5624 Old Court Road)		
	*	FOR BALTIMORE COUNTY
Randall-Wood Corp.		
<i>Legal Owner</i>	*	CASE NO. 2010-0101-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by James W. Greene, Partner, on behalf of the legal property owner, Randall-Wood Corp. Petitioner requests Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) for a "new church" addition with RTA use requirements being maintained to the extent possible as allowed by Section 1B01.1.B.1.g(6) of the B.C.Z.R. The subject property and requested relief are more fully described on the revised site plan drawing which was marked and accepted into evidence as Petitioner’s Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing relief was James Greene on behalf of Petitioner Randall-Wood Corp. Sheldon H. Levitt, Esquire appeared as attorney for Petitioner. Also appearing in support of the requested relief were Richard L. Smith and Ray Hopkins with KCI Technologies (“KCI”), the firm that prepared and sealed the revised site plan. Appearing as an interested citizen in support of the requested relief was Bernard Stokes, Jr. of 9714 Marriottsville Road in Randallstown. There were no Protestants or other interested persons in attendance.

Initially, Mr. Levitt indicated that this matter was originally scheduled for a hearing on November 23, 2009 with members of the church and Mr. Smith with KCI present. Petitioner requested and was granted a continuance at that time before Zoning Commissioner William J. Wiseman, III in order to amend the site plan to reflect an underground storm water management facility. The case was rescheduled for February 1, 2010 and the hearing convened on that date. Testimony and evidence at the hearing was presented by way of a proffer from Mr. Levitt as to Mr. Smith's testimony and testimony from Mr. Greene on behalf of the church. Mr. Levitt indicated that Mr. Smith has been with KCI for over 50 years and is presently a Senior Associate, Project Manager, supervising land planning and zoning projects. He was offered and accepted as an expert in the areas of site planning, site engineering, and all phases of land development in Baltimore County including knowledge and interpretation of the Zoning Regulations. His resume was marked and accepted into evidence as Petitioner's Exhibit 2. Mr. Smith's proffered testimony revealed that the subject property is irregular-shaped and contains 2.723 acres, more or less, zoned D.R.3.5. The property is located on the north side of Old Court Road, west of Greens Lane, in the Randallstown area of Baltimore County. The property is improved with an existing church building and front canopy, and also has asphalt paved parking areas.

The property is home to the Kingdom Hall of Jehovah's Witnesses church. The church building was constructed in the early 1990's with some transition areas at that time located at the southern end of the property near Old Court Road. To the west was open land with no transition areas. In the early 2000's, the property to the west was sold and developed and now has existing homes, thereby generating potential residential transition area ("RTA") requirements. At this

junction, the church is in need of additional space and desires to expand the existing church building with an addition.

The church engaged KCI to provide assistance and expertise in engineering, storm water management, grading, and building placement. As shown on the revised site plan, the residentially developed areas to the west and south generate the RTA requirements for the new addition and related parking areas. The church also wishes to maintain the existing parking along the west side of the property as well as expand the parking to the area where the aboveground storm water management pond is located. In order to do so, Petitioner plans to move the storm water management facility underground to allow the parking on the rest of the west side of the property. A landscape plan and a list of plantings were marked and accepted into evidence as Petitioner's Exhibits 3 and 3A, respectively. Based on the proposed plantings, the placement of the addition, and the proposed parking configuration, Mr. Smith offered his expert opinion that compliance to the extent possible with the RTA use requirements would be maintained, and that the planned improvements would be compatible with the surrounding area.

Mr. Greene is a leader in the church and a partner in the Randall-Wood Corp. that owns the subject property. Mr. Greene testified that the church has approximately 540 "publishers," which is the term that refers to members actively involved in preaching. There are approximately three English congregations of 160 persons each (for a total of 480) and a single Russian congregation of 60 persons. The particular Kingdom Hall at the subject property opened in 1993. Their typical schedule is to hold midweek meetings for Bible study and training of publishers -- Tuesday evenings for the 160 Randallstown publishers, Wednesday evenings for the 160 Woodlawn publishers, and Thursday evenings for the 160 Hebbville publishers. Sunday worship sessions are held at 9:00 AM for the Hebbville, 12:00 noon for the Randallstown, and

3:00 PM for the Woodlawn publishers. The Russian publishers have training and worship meetings on Saturday afternoons and also Monday evening for training. In addition, every five months, they meet with others at the Crownsville, MD assembly facility for additional training and instruction. According to Mr. Greene, the proposed addition would allow the membership at the subject site to grow and also allow for meetings simultaneously among the member publishers.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments were received from the Office of Planning dated October 21, 2009 which indicates they do not oppose the request. The subject site is located in a Master Plan designated Community Conservation Area. The proposed “new church” addition will not substantially impact the adjacent uses. The site is located adjacent to and across the street from churches that are much larger in size and scale. Petitioner shall submit building elevations and a landscape plan to the Office of Planning for review and approval prior to the application for any building permits.

Considering all the testimony and the evidence presented, I am persuaded to grant the special hearing relief. Section 1B01.1.B.1.g of the B.C.Z.R. provides certain exceptions to the requirement of a residential transition area and specifically exempts in subparagraph (6) a “new church or other building for religious worship ...” provided there is a finding after a public hearing that the proposed improvements on an approved site plan are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. After reviewing the revised site plan accepted into evidence as Petitioner’s Exhibit 1 and the landscape plan and list of proposed plantings that were accepted

into evidence as Petitioner's Exhibits 3 and 3A, respectively, I find that the proposed improvements are compliant to the extent possible with the RTA and will be compatible with the surrounding uses and residential premises. There are residential areas to the west and partially to the north and south. The revised site plan and landscape plan show significant landscape buffers in the form of trees, shrubs, and groundcover that will provide sufficient screening between the church property and the residential properties. It is also noteworthy, as mentioned by the Office of Planning, that subject site is located adjacent to and across the street from existing churches that are much larger in size and scale. In my judgment, the proposed addition and parking configuration are appropriate and will not have any detrimental impacts on the health, safety, and general welfare of the surrounding locale.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered, I find that Petitioner's request for special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 11th day of March, 2010, that Petitioner's request for Special Hearing relief filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for a "new church" addition with RTA use requirements being maintained to the extent possible as allowed by Section 1B01.1.B.1.g(6) of the Baltimore County Zoning Regulations be and is hereby **GRANTED**, consistent with the revised site plan and the landscape plan accepted into evidence as Petitioner's Exhibits 1 and 3, respectively, subject to the following conditions:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Petitioner shall submit building elevations and a landscape plan to the Office of Planning for review and approval prior to the application for any building permits.

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

__SIGNED_____
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz