

<b>IN RE: PETITIONS FOR SPECIAL HEARING *</b>		BEFORE THE
<b>AND SPECIAL EXCEPTION</b>		
(20517 Keeney Mill Road	*	OFFICE OF ADMINISTRATIVE
6 <sup>th</sup> Election District		
3 <sup>rd</sup> Council District	*	HEARINGS FOR
Pasqualena, LLC.		
<i>Legal Owner</i>	*	BALTIMORE COUNTY
<b>Petitioner</b>	*	<b>Case No. 2021-0010-SPHX</b>
* * * * *		

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Special Exception filed on behalf of Pasqualena, LLC, legal owner (“Petitioner”) for the property located at 20517 Keeney Mill Rd. (the “Property”). The Special Hearing requests relief for the following:

- (1) To confirm that the proposed use is a community building and permitted via special exception in the RC 2 zone;
- (2) In the alternative, to confirm that the proposed use is a camp and permitted via special exception in the RC 2 zone;
- (3) In the alternative, to confirm that the proposed use is a community care center and permitted via special exception in the RC 2 zone;
- (4) To confirm that the parking requirements in BCZR, §409 for the proposed use are satisfied and that the number of parking spaces as shown on the plan is compliant;
- (5) To permit a modified parking plan, from BCZR, §409.12 to allow parking spaces as shown on the plan;
- (6) To approve the location and configuration of the site improvements thereon as more particularly shown on the plan.

Special Exception relief was requested pursuant to the following BCZR:

- (1) §1A01.2.C.8 to permit a community building;
- (2) In the alternative, §1A01.2.C.5 to permit a camp;
- (3) In the alternative, §1A01.2.C.6 to permit a community care center.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Diann Churchill appeared on behalf of the Petitioner, Pasqualena, LLC. Lawrence Schmidt, Esquire, Zachary Wilkins, Esquire and Smith, Gildea & Schmidt, LLC represented the Petitioner. Andrew Brown, PE from D.S. Thaler & Assoc., LLC prepared and sealed a site plan (the “Site Plan”). (Pet. Ex. 1). There were numerous adjacent land owners, neighbors and interested citizens who attended, testified and asked questions of the Petitioner, Mr. Schmidt and Mr. Brown.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) who did not oppose the requested relief. The Department of Environmental Protection and Sustainability Development Coordination (“DEPS”) also provided a comment which indicated that Ground Water Management (“GWM”) did not have sufficient information about the existing well and septic systems in relation to the request for change in use from residential to commercial use.

#### RECORD EVIDENCE

The case proceeded by way of modified proffer by Mr. Schmidt. Mr. Brown was admitted as an expert professional engineer. (Pet. Ex. 6). The Property measures 4.38 acres and is improved with a 2-story single family dwelling built in 1956, along with an existing barn. (Pet. Exs: 2, 3) A paved driveway runs to the home and the barn. To the south of the home is a pond. The zoning is Agricultural (RC2). It is located outside the Urban Rural Demarcation Line (URDL). Mr. Schmidt explained that the Property was created as part of the minor subdivision in 1993 (Case No.: 92-046-M). (Pet. Ex. 10).

The Property is owned by Pasqualena, LLC, a limited liability company, which the company is owned by David and/or Diann Churchill (the “Churchills”). Mr. Churchill signed the

Petition in this case. The Churchills reside at 2044 Freeland Rd. and their home is a part of a 145 acre parcel surrounding the Property (the “Churchill land”). Mr. Churchill’s parents live at 2048 Freeland Rd. which is located immediately west of the Property. (Pet. Ex. 3). The Churchill land, otherwise known as ‘Spring Valley Farm,’ is part of a Baltimore County Land Agricultural Preservation Easement. However, the Property is not included in that Easement. (Pet. Exs. 5P, 5R, 5S). As accurately described by Mr. Schmidt, the Property is ‘the hole in the donut’. The Churchill land is ‘the donut’. (Pet. Ex. 4).

As shown on the Site Plan, there are 2 access driveways that lead to the Property: one from Keeney Mill Rd. (the “Keeney Mill Driveway”); and one from Freeland Rd. (the “Freeland Driveway”). The Property address is Keeney Mill Rd. Both driveways are 12 ft. wide. As shown on the Site Plan, the Keeney Mill Driveway is ‘Z’ shaped. The Petitioner seeks to use the Property for a spiritual retreat center (the “Retreat Center”) and proposes that people coming to the Retreat Center will have the option to use either the Keeney Mill Driveway and/or Freeland Driveway as ingress and egress.

Mrs. Churchill then clarified that Pasqualena, LLC has not, and will not be applying, for non-profit status; it is simply a real estate holding company for the Churchills’ properties. Mrs. Churchill testified that the home on the Property is 4,800 sf +/- and has a maximum capacity for 15 people. She expressed a desire for the retreats to be for religious or non-religious groups, and/or for educational programs, which would include overnight stays. In addition to the overnight retreats, 4 to 5 times per year during summer months, the Churchills want to hold fundraisers with a maximum of 40 people. According to Mrs. Churchill, the fundraisers will benefit the Retreat Center and/or Sabbath House, LLC (“Sabbath House”). Mrs. Churchill explained that she is on the board Sabbath House, a newly-formed entity, and that Sabbath House is applying for

§501(c)(3) status. She also confirmed that Sabbath House will not own the Retreat Center.

Mrs. Churchill envisions quiet retreats which include Bible studies, prayer services, meditation, and/or artist shows. She testified that they will not hold political fundraisers, weddings or catering hall-type events. She does not propose to use outside speakers. Mr. Schmidt explained that the BCZR does not have a specific Special Exception use entitled, ‘spiritual retreat’ or ‘retreat center.’ As a result, the Petition in this case requests approval to be one of three uses: (1) a community building; (2) a camp; and (3) a community care center. The Special Exception area will be 2.87 acres +/-.

In regard to parking, the Petitioner also seeks approval for parking on a grass area as shown on the Site Plan. Mr. Brown opined that the proposed grass parking would be more appropriate for a rural area than paving or other impervious surfaces. Mr. Brown measured the proposed parking area as 13,600 sf (18.5 ft x. 18 ft. plus 20 ft. drive aisles) and confirmed that it would be large enough for 36 vehicles. He added that one (1) handicap parking space is available in the existing driveway.

In regard to the Special Exception factors, Mr. Brown testified that the proposed Site Plan meets the requirements of BCZR, §502.1 and he believes, that the adverse impacts for this use are no greater here than elsewhere. He highlighted that the proposed use generates minimal traffic, has no proposed improvements to the building or to either access road, and the number of people coming to the Property is limited to a maximum of 40 people. There is no signage or exterior lighting proposed. In regard to the request for modified parking request, Mr. Brown testified that the topography for the proposed parking area is relatively flat, has no drainage issue or muddy areas. He sees the proposed parking area as similar to parking for a ‘pumpkin patch.’ Mr. Brown opined that there are no adverse impacts on the environment particularly in light of the lack of

grading and absence of impervious surface for the parking lot. Mr. Brown added that a Use and Occupancy Permit will be obtained as a result of change in use and that the home will meet the Fire Code.

Testifying on behalf of the Petitioners was Richard Bernstein, 2025 Freeland Rd., Freeland. Mr. Bernstein is a member of the Board of Directors of First Fruits Farm. Mr. Bernstein testified that he knows the Churchills and is supportive of their proposal.

Protestants.

The following citizens testified and/or asked questions of the Petitioner's witnesses:

1. Charles Thomas. 20515 Keeney Mill Rd, Freeland. Mr. Thomas lives north of the Property and accesses his home using the Keeney Mill Driveway. Mr. Thomas is concerned about the number of people going to and coming from the Property using the Keeney Mill Driveway.

2. Carol Kibler. 20625 Keeney Mill Rd., Freeland. Ms. Kibler's home fronts, and is accessed off, Keeney Mill Rd. Ms. Kibler is opposed to the requested relief because she sees it as a disruption of residential use. She expressed concern about music playing and buses transporting people down the Keeney Mill Driveway. Ms. Kibler noted that the Petitioner does not have support from residents who have Keeney Mill addresses. In listening to the Petitioner, Ms. Kibler found that the Petitioner's testimony regarding the proposed use to be vague.

3. David Howser. 20619 Keeney Mill Rd., Freeland. Mr. Howser's home fronts, and is accessed from Keeney Mill Rd. Yet, his rear yard backs up to the Keeney Mill Driveway. Mr. Howser is opposed to the relief because he invested in his home for peace and quiet and this request allows the creep of commercial uses. Specifically, Mr. Howser is opposed to any amplification of speech or music; to the use of Keeney Mill Driveway for this use; and to permitting overnight stays.

4. Frank Burnette. 20631 Keeney Mill Rd., Freeland. Mr. Burnette's home fronts, and is also accessed from Keeney Mill Rd. Mr. Burnette echoed the comments of other Protestants about the amount of people who will go to, and come from the Retreat Center. He added that the proposed use, in combination with events at the First Fruits Farm on Middletown Rd. will attract even more people.

5. Jeremy Morrison. 21002 Keeney Mill Rd., Freeland. Mr. Morrison's home is located about 1.5 miles from the Property. Mr. Morrison asked about Sabbath House. Mrs. Churchill responded that Sabbath House was a recently formed entity and is similar to Kavanna House in York, PA.

6. Murial Ashley. 20509 Keeney Mill Rd., Freeland. Ms. Ashley's home is accessed by an entrance located on the west side of the Keeney Mill Driveway and next to Charles Thomas' home. Ms. Ashley is opposed to the using Keeney Mill Driveway as the ingress and egress for this use. She stated that the increased traffic will negatively impact the neighboring properties. At the least, Ms. Ashley testified that conditions should be placed in the Order in regard to the quantity of vehicles and amplification of sound.

7. Rachel Kuczynski. 20712 Keeney Mill Rd., Freeland. Ms. Kuczynski lives about 1 mile to the east of the Property. Ms. Kuczynski added that Mr. Churchill sits on the Board of Directors of First Fruits Farm. Ms. Kuczynski believes there is a connection between the proposed Retreat Center and First Fruits Farm. She is concerned about the traffic generated by both of these uses.

8. Richard Jordon. 20505 Keeney Mill Rd., Freeland, MD. Mr. Jordon's home fronts on and is accessed by Keeney Mill Rd. It is the home to the west of Murial Ashley's home. Mr. Jordon has lived in his home for 40 years and he can see the Property from this window. Mr. Jordon brought a historical perspective explaining that Spring Valley Farms was originally a 500 acre farm. When he moved to the area, it was quiet and scenic. He emphasized that Master Plan 2020 seeks to

protect agricultural areas and this use is not consistent with that goal. Mr. Jordon believes that the Retreat Center will jeopardize the rural area. He added that the proposed parking area is sloped and that vehicles will get stuck when it rains. He is concerned about adding 40 people to the septic system. He finds the Keeney Mill Driveway which winds through private property is not adequate for this use and will set a dangerous precedent for permitting commercial uses.

9. Jane Heming. 20601 Keeney Mill Rd., Freeland. Ms. Heming's home is east of the Keeney Mill Driveway. Ms. Heming is opposed to using Keeney Mill Driveway for the proposed use due to increased traffic and safety issues. She testified that it is a one-lane driveway.

10. Tom Mitchell. 20513 Keeney Mill Rd., Freeland. Mr. Mitchell's home is to the west of Keeney Mill Driveway. Mr. Mitchell reiterated that the Keeney Mill Driveway is 12 ft. wide and does not allow opposing cars to pass. Mr. Mitchell has repaired damage to his side of the driveway from cars which inadvertently turn into the Keeney Mill Driveway.

11. Jenny Beares. 20525 Keeney Mill Rd., Freeland. Ms. Beares' home is the first home located on the Keeney Mill Driveway. She testified that every car going to, and coming from, the Retreat Center, will pass her home. She is concerned with cars driving off that driveway. She added that fundraisers and events will also bring food vendors and entertainment. Ms. Beares added that a traffic study should have been required.

12. Amy Spears. 20262 Keeney Mill Rd., Freeland. Ms. Spears' home is located across from Mr. Howser. Ms. Spears testified that she is concerned with not only traffic, but the decrease in water supply in the area wells.

13. John Kibler. 20625 Keeney Mill Rd., Freeland. Mr. Kibler testified that Mr. Churchill is the treasurer of First Fruits Farm which attracts 15,000 people to Middletown Rd. annually. Thus, the proposal here, in addition to the First Fruits Farm events, will inundate the area with people.

14. Whitney DeAngelo. 20613 Keeney Mill Rd., Freeland. Ms. DeAngelo's home is accessed to the east of the Keeney Mill Driveway. Ms. DeAngelo asked questions of Mrs. Churchill about advertisement and recruiting for the Retreat Center. She noted that no one on the Keeney Mill side of the Property are in support of this Petition. She confirmed that the Keeney Mill Driveway is not wide enough for 2-way traffic and that she has seen cars pulling onto private property in order to pass. She described the 'Z' curve as dangerous because drivers cannot see around the corner. Ms. DeAngelo is also concerned about maintenance on the Keeney Mill Driveway due to increased traffic and the cost will be borne by those adjacent properties using it. She is equally concerned about the impact on wells.

#### 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). In my view, the requested Special Hearing relief to confirm that the use *exists* as a community building, as a camp or as a community care center cannot be granted because the use is currently a single family home, and has not been used in any of these capacities. I find the same to be true for Special Hearing No. 4 because the parking lot does not yet exist. In addition, the Special hearing relief is duplicative of



the Special Exception relief. Accordingly, that relief will be denied.

In regard to the request for modified parking plan as shown on the Site Plan, pursuant to BCZR, §409.12, that Section permits a modified parking plan in the event that the requirements for parking space or loading space in BCZR, §409 would create an undue hardship. Given that some parking area is needed for this commercial use and the parking proposal here is to use the grass to maintain the rural character, I find that the Petitioner will suffer an undue hardship if the modified parking plan is not granted. As such, Special Hearing No. 5 will be granted.

With regard to the Special Hearing request to approve the location and configuration of the site improvements as shown on the Site Plan, the Petitioner was clear that, other than interior renovations, no improvements to the Property will occur (not even a parking lot). The home was built in its present location on the Property in or about 1993 when the lot was approved. (Pet. Ex. 10). Accordingly, no location or configuration of site improvements need to be approved. As such, this relief will be denied.

#### 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 (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.

Based on the evidence, I find that the Special Exception relief to permit a ‘Community Building’ has not been met because the legal owner of the Property, Pasqualena, LLC, is not a

§501(c)(3) entity and, as confirmed by Mrs. Churchill, will not be applying for non-profit status. Mrs. Churchill also made clear that Sabbath House will not own the Property. I further find that the proposed use does not meet the definition of a ‘Community Care Center’ because the proposal here is not for the housing, counseling, supervision or rehabilitation of alcoholics or drug abusers or of physically or mentally handicapped or abused individuals. BCZR, §101.1.

Petitioner also seeks approval of the Retreat Center as a ‘Camp.’ First, BCZR, §101.1 defines ‘Day Camp’ but not ‘Camp.’ I find that the proposed use does not meet the definition of ‘Day Camp’ because it is not for ‘children engaged in recreational, educational, cultural or artistic activities.’ In the event that the BCZR does not define a term, it informs that: “Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged.” Accordingly, Webster’s Third Dictionary defines a ‘Camp’ as:

1a: a place of temporary shelter, lodging or residence often at a distance from urban areas or the tents, cabins, or other buildings used for such shelter, lodging or residence:

\* \* \* \*

1d: a place of rest, lodging, or assembly;

Based on these definitions, I find the proposed ‘Retreat Center’ is a ‘Camp’ which is permitted by Special Exception in the RC2 zone, provided it meets the BCZR, §502.1 factors. Moreover, Webster’s Dictionary definitions of ‘retreat’ and ‘center’ provide further guidance as to this particular type of ‘Camp’:

Retreat:

2a: a place to which someone retires; a place of seclusion, privacy, safety or resort: a retired abode: hiding place: refuge

Center:

1c: a place, area, person, group or concentration marked significantly or dominantly by an indicated activity, pursuit, interest, or appeal.

1h: a concentration of requisite facilities for an activity, pursuit or interest along with various likely adjunct conveniences.

Both of these definitions are reflective of the proposed use here.

With regard to the Special Exceptions factors, I find the use as proposed will not be detrimental to the health, safety and general welfare of the area. The evidence revealed that the type of ‘retreats’ which the Petitioner is proposing are quiet activities: bible study, meditation, spiritual meetings, educational programs and other passive gatherings. It is important that the quiet, rural character of the area should not be disturbed by this use. The Protestants were clear that sound carries in the country. Accordingly, amplification and microphones, either indoor or outdoor, will not be permitted. All music will be tranquil and serene.

Given that the maximum number of people in the house is 15, I find that the proposed use will not create congestion in the roads or streets and the use will not overcrowd the land or cause undue concentration of population. There are no improvements being proposed and therefore there is no danger from fire, panic or other danger. Mr. Brown confirmed that all interior improvements will meet applicable building codes. I find there will be no interference with adequate provisions for schools, parks, water, sewage or other public requirements as this Property is served by private well and septic; it is located outside the URDL. The use has no impact on schools or parks. However, the Petitioner will need to meet the requirements for well, septic and water quality for a commercial use and have those reviewed by DEPS and GWM as provided in the DEPS ZAC Comment.

I further find that there is no interference with light or air because the home has existed since 1993 and is located in country surrounded by over 4 acres. No improvements are proposed

which would interfere with light or air of neighboring properties. Further, the proposed quiet activities for 15 people is the type of use which is consistent with agricultural uses and the spirit and intent of the RC2 zone. Given that there are no impermeable surfaces proposed, the use will be consistent with the vegetative retention provisions of the BCZR. I also find that no environmental or natural resources on the Property will be impacted by this use.

Lastly, I find that the adverse impacts associated with the Retreat Center at this Property are those inherent with a ‘Camp’. While I understand the Protestants’ argument that the proposed use is not consistent with an agricultural zone, the County Council has already determined that a ‘Camp’ is a permitted use by Special Exception. (BCZR, §1A01.2). By doing so, the County Council has already considered the inherent adverse impacts associated with each of the more than 31 Special Exception uses listed in BCZR, §1A01.2.C including a ‘Camp’. Therefore, the decision here is focused on whether the proposed use here is worse than elsewhere, and whether conditions on the use can be implemented to lessen these impacts. In any event, I do not have the authority to determine what uses are appropriate by right or by Special Exception.

With regard to the proposal to have fundraisers to benefit the Retreat Center and/or for Sabbath House on the Property, I find that ‘fundraisers’ are not the type of activities which meet the Webster’s definition of a ‘Camp’, or the definitions of ‘retreat’ or ‘center’ as above. Fundraisers are not consistent with the RC2 zoning classification which delineates activities which are in harmony with a quiet, country life. Moreover, Mrs. Churchill admitted that the proceeds from the fundraisers are for Pasquelena, LLC and/or the Sabbath House – both entities of which she and Mr. Churchill own/operate/control. Based on the evidence presented, it was unclear why Pasquelena, LLC, a for-profit, real estate holding company, would need to hold fundraisers. Importantly, the Retreat Center will operate as a business with people attending the retreats paying for those services.

As for proposed fundraisers for Sabbath House, the evidence was indiscernible as to what that entity does, or why it needs fundraisers to be conducted at the Property as part of the 'Camp.' Sabbath House is not a Petitioner in this case. There was no evidence about the purpose of Sabbath House other than that it was formed by the Churchills, and may be applying for §501(c)(3) status.

Based on the totality of the evidence, I am not comfortable with using the Special Exception 'Camp' for fundraising events, or for having a group of more than 15 people at the Property. While I understand the Petitioner's argument that a homeowner could have a gathering of 40 people at his/her home for a one-time party, that social gathering is entirely different than permitting annual commercial fundraisers in a rural area. I agree with the Protestants that having fundraisers will lead to commercial creep and the testimony by the Petitioner was unconvincing in terms of the purpose or logistics of the fundraisers. Importantly, the Petitioner is not prevented from holding fundraisers at off-site facilities which permit such events.

Finally, with regard to the access to the Property, I find the Protestants' collective argument in regard to Keeney Mill Rd. to be persuasive. The Keeney Mill Driveway is a 12 ft. wide, one-lane driveway, which is 'Z' shaped with sharp turns and twists. The Protestants gave examples of cars driving off the driveway onto private property in order to pass, of damage to the driveway and of unsafe, dangerous turns leading back to the Property. Each of the Protestants either live on the Keeney Mill Driveway, or on Keeney Mill Rd. They are opposed to the increased traffic using Keeney Mill Driveway. Notably, allowing a commercial use to use Keeney Mill Driveway will add wear and tear to the driveway which will be paid for, in whole or in part, by those Protestants who live on the driveway.

Conversely, the Freeland Rd. Driveway is an access roadway that should be the sole and exclusive ingress and egress point for the Retreat Center. Significantly, the evidence showed that

the neighbors whose properties are located on the Freeland Driveway (namely, John Treadwell, Jr., 2034 Freeland Rd.; Jeannine Fishpaw, 2020 Freeland Rd.; and Laurie and Klaus Bienert, 2038 Freeland Rd.) are not opposed to the traffic generated by this commercial use because they filed letters of support. Similarly, the Churchills who reside at 2044 Freeland Rd., as well as Mr. Churchill's parents who reside next to the Property at 2048 Freeland Rd., will not be opposed to the traffic generated by the Retreat Center.

Given the opposition by the Protestants to use of the Keeney Mill Driveway as the access to the Retreat Center, a condition will be placed in the Order which will require the Petitioners to change the address of the Property to a Freeland Rd. address to ensure that all people attending the retreats and/or providing services for the retreats will not access the Property using the Keeney Mill Driveway. Additionally, Petitioner will erect, and incur the cost of, a sign at the entrance to the Keeney Mill Driveway, prohibiting access to the Retreat Center via that driveway. Petitioner will also erect, and incur the cost of, a directional sign at the entrance to Freeland Driveway to direct all traffic through the Freeland Driveway. While the Freeland Driveway, like the Keeney Mill Driveway, is 12 ft. wide, it does not have the same 'Z' shape which makes Keeney Mill Driveway difficult to navigate. With these restrictions, the Protestants' concerns about disturbance of their use and enjoyment, will be substantially reduced and at the same time, the Petitioner's request to hold quiet activities at the Property for a maximum of 15 people, can also be met.

THEREFORE, IT IS ORDERED this 26<sup>th</sup> day of **April, 2021**, by this Administrative Law Judge, that the Special Hearing relief for the following:

- (1) To confirm that the proposed use is a community building and permitted via special exception in the RC 2 zone, be, and it is hereby DENIED;
- (2) In the alternative, to confirm that the proposed use is a camp and permitted via special exception in the RC 2 zone be, and it is hereby DENIED;

(3) In the alternative, to confirm that the proposed use is a community care center and permitted via special exception in the RC 2 zone be, and it is hereby DENIED;

(4) To confirm that the parking requirements in BCZR, §409 for the proposed use are satisfied and that the number of parking spaces as shown on the plan is compliant be, and it is hereby DENIED;

(5) To permit a modified parking plan, from BCZR § 409.12 to allow parking spaces as shown on the plan be, and it is hereby GRANTED;

(6) To approve the location and configuration of the site improvements thereon as more particularly shown on the plan be, and it is hereby DENIED.

And it is FURTHER ORDERED, that the Special Exception relief requested pursuant to the following BCZR:

(1) §1A01.2.C.8 to permit a community building be, and it is hereby DENIED;

(2) In the alternative, §1A01.2.C.5 to permit a camp be, and it is hereby GRANTED;

(3) In the alternative, §1A01.2.C.6 to permit a community care center be, and it is hereby DENIED.

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 its 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. Prior to the issuance of Permits, Petitioners must comply with ZAC comments submitted by DEPS and GWM, a copy of which is attached hereto and made a part hereof.

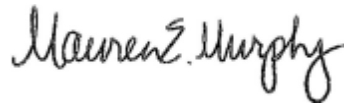
3. All retreats shall be limited to a maximum of 15 people. In no event shall fundraisers take place on the Property. All retreat activities shall be of a quiet and peaceful nature so as not to disturb the use and enjoyment of the surrounding properties and neighborhood. There shall be no lighting or sound stages erected.

4. There shall be no amplification of sound of any kind by microphone or otherwise at the Property (indoor or outdoor). All music shall be consistent with the quiet and peaceful retreat activities so as not to disturb the use and enjoyment of the surrounding properties and neighborhood.

5. Ingress and egress to the Retreat Center shall be solely via the Freeland Driveway. Petitioner shall be responsible for erecting and maintaining, at its sole cost and expense, a sign at the entrance to the Keeney Mill Driveway prohibiting access to the Retreat Center via that driveway. Petitioner shall also be responsible for erecting and maintaining, at its sole cost and expense, a sign at the entrance to the Freeland Driveway directing traffic to use the Freeland Driveway for access to the Retreat Center. Petitioner shall be responsible for notifying all customers, vendors and services not to access the Retreat Center via Keeney Mill Driveway. Petitioner's website shall also include this information.

6. Prior to the issuance of Permits, Petitioner shall apply for and obtain an address change for the home on the Property from a Keeney Mill address to a Freeland Rd. address.

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