

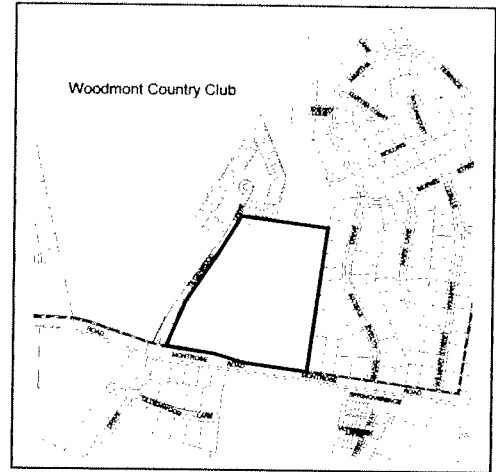
**CITY OF ROCKVILLE
COMMUNITY PLANNING & DEVELOPMENT SERVICES DEPARTMENT
STAFF REPORT**

TO: Board of Appeals

FROM: Jim Wasilak, AICP, Chief of Planning
Bobby Ray, AICP, Principal Planner

**PROJECT
MANAGER:** Cas Chasten, Planner III

Board of Appeals Hearing Date: May 8, 2010



SUBJECT: Variance Application VAR2010-00012, Saint Elizabeth Catholic Church
917 – 919 Montrose Road, Rockville, Maryland 20852.

RECOMMENDATION: That the Board of Appeals formally eliminate condition of approval #4 as imposed in its previous grant of APP2006-00863, thus replacing said condition with the adoption of the Church's bell ringing schedule as referenced in Attachment A ("Bell Tower Program"). The referenced condition #4 state that:

4. The applicant must seek input from interested neighbors within a half-mile radius of the church as to the church's proposed program for the operation of the bell tower.

This recommendation is in accordance with the Board of Appeals direction to the applicant as referenced in its August 31, 2009 decision letter (attached), which reads as follows:

"Therefore, it is the decision of the Board that in lieu of that meeting, the applicant is directed to file an application for modification of the variance in which the applicant would address the bell ringing schedule in the manner in which the bells would be rung, such as duration of time and/or volume in connection with the bell ringing. The applicant is encouraged to be as specific as possible, laying out times of day, days of the week, length of ringing, or any special days outside of a regular schedule that would involve bringing what those days would be and what constraints the applicant would observe in

connection with those special occasions. Those constraints might be, for example, things like no ringing between certain hours and no ringing beyond a certain length of time and, perhaps, even a number of rings per day, but, there needs to be more specificity that should be in the application."

Based on the Board's decision letter, staff believes that the schedule submitted by the applicant (Attachment "A") adequately addresses the concerns noted and direction given to the applicant. The proposed schedule references specific times of day, as well as occasions when the bells will be rung, and the church religious doctrine for the ringing of the bells.

REQUEST: In accordance with provisions of the Board of Appeals Rules of Procedure, the applicant (Reverend Monsignor John F. Macfarlane) requests modification of condition of approval #4 as imposed by the Board in its grant of previously approved Zoning Variance Application APP2006-00863. Condition #4 states: "The applicant must seek input from interested neighbors within a half-mile radius of the church as to the church's proposed program for the operation of the bell tower." The applicant requests that the revised schedule found in Attachment A be incorporated into the approval in place of condition #4.

PROJECT / SITE INFORMATION:

Location:	917-919 Montrose Road, Rockville, Maryland 20850
Applicant:	Rev. Msgr. John Macfarlane
Land Use Designation:	Institutional
Zoning District:	R-75, Single Unit Detached – Residential
Planning Area:	Planning Area 10 (Montrose Neighborhood)
Parcel Area:	15.3 Acres
Building Height:	Existing Church – 30 Feet in Height Existing Bell Tower – 50 Feet in Height

Surrounding Land Use and Zoning			
Location	Zoning	Planned Land Use	Existing Use
North	RMD10 & Park	Attached Residential & Public Park/Open Space	Single Unit Attached Dwellings & Public Park
South	R-90 (Montgomery County Zoning)	Detached Residential	Single Unit Detached Dwelling
East	R-75 & R-90	Detached Residential	Single Unit Detached Dwelling
West	R-400 & R-90	Private Recreational & Detached Residential	Woodmont Country Club & Single Unit Detached Dwelling

The existing church and its accompanying school are located at 919 and 917 Montrose Road respectively. The property is zoned for R-75 (single family detached, residential) land usage. The existing church building and accompanying small wood frame office building, along with the rectory are located in the (front) southwestern area of the site, while the existing school building is located to the rear of the church in the center of the subject property. Much of the site's existing front area (less the church) is improved with on-site surface parking facilities. The site has a total of 248 onsite parking spaces to accommodate the church and its accompanying school use. (Ref. USA94-0533A). The property has vehicular access on both Montrose Road and Tildenwood Drive.

Site surface parking is located in front of the existing school building and on the southwest side of the church fronting Tildenwood Drive as well as the rear west side area fronting Tildenwood Drive. The extreme northern and eastern areas of the property are primarily wooded, with much of the eastern site area comprised of floodplain and stream valley. The site area located on the rear (north side) of the school gymnasium is open space area that serves primarily as an athletic field, which also contains some school playground equipment.



Aerial Photograph of Site and Abutting Properties

The church's property is bounded to the north by parkland, to the west by the Woodmont Country Club and single-family attached dwellings, and to the east and south by single-family detached dwellings. While the site's topography is relatively flat

with some sloping along the site's Montrose Road street frontage, surface sloping is extremely pronounced in and along the stream valley area located on the east and northeast areas of the site. Mature trees and other vegetation are found throughout the property, all differing in species and size.

PREVIOUS RELATED ACTION:

- Annexation Petition X-11-92, a request to annex 15.5 acres of land located at 917-919 Montrose Road into the City of Rockville from Montgomery County, approved by the Mayor and Council on April 12, 1993 and placed in the R-75 zone.
- Special Exception Application S-211-93, Rev. John F. Macfarlane, a request to expand an existing private educational institution (install a modular classroom building) in the R-75 zone, approved by the Board of Appeals on September 11, 1993.
- Use Permit Application U-510-93, Rev. John F. Macfarlane, a proposal to erect a freestanding modular classroom building on the existing private school site located at 919 Montrose Road, approved by the Planning Commission on October 13, 1993.
- Use Permit Application USE94-0523, Rev. John F. Macfarlane, a proposal to construct a parish house on the subject church property located at 917 Montrose Road, approved by the Planning Commission on October 26, 1994.
- Use Permit Application USE94-0533, Rev. John F. Macfarlane, a proposal to expand and renovate the existing church and construct a bell tower on the subject property, approved by the Planning Commission on December 14, 1994.
- Variance Application APP97-0655, Rev. John F. Macfarlane, a variance request from the R-75 front yard setback requirements, to construct an attached canopy on the front building entrance of the church, granted by the Board of Appeals on April 4, 1998.
- Special Exception SPX98-0276, Rev. John F. Macfarlane, a request to construct a three-story, 15,900 square foot classroom building addition onto the existing

private church school building located on the subject property, approved by the Board of Appeals on March 6, 1999.

- Special Exception SPX99-0281, Rev. John F. Macfarlane, a request to modify previously approved SPX98-0276, to allow the proposed three-story school building addition to be constructed at a larger size, e.g., from 15,900 square feet to 18,660 square feet. Approved by the Board of Appeals on October 2, 1999.
- Use Permit Amendment USA93-0510C, Rev. John F. Macfarlane, a proposal to construct a three-level, 18,660 square foot building addition on the east side of the existing school building located on the subject property. Approved by the Chief of Planning on December 22, 1999.
- Use Permit Amendment USA94-0533A, Reverend John Macfarlane, a proposal to construct a 75 space surface parking lot with vehicular access provided via a single site entrance onto Tilden wood Drive. Approved by the Planning Commission on April 14, 2004.
- Variance Application APP2006-00863, Reverend John Macfarlane, a request for the following zoning variances to allow for construction of the subject bell tower: 1) a variance of 35 feet from the 15-foot height limit/restriction applicable to accessory structures located in the R-75 (single family detached, residential) zones, and 2) a variance from the rear yard placement/location requirement, applicable to accessory structures located in said residential zones. Granted by the Board of Appeals on September 9, 2006. (*Copies of written correspondence received by City staff regarding this application are available for public review in the project file, located in the offices of the Community Planning and Development Services Department*)

BACKGROUND

At its September 9th 2006 meeting, the City of Rockville Board of Appeals held a public hearing and voted to approve Zoning Variance Application APP2006-00863 subject to certain conditions. Approval of APP2006-00863, allowed the applicant to construct a freestanding (16' x 16') bell tower, 50 feet 6 inches in height, of masonry and metal construction, in the (east) side yard, adjacent to the church building (See Exhibits 1 thru 4).

The variances were needed, because the freestanding bell tower is not physically attached to the church building proper, it was and is deemed to be an accessory structure. Per the Zoning Ordinance, accessory structures are required to be located in the rear yard area of the site and not exceed 15 feet in height (Ref. Section 25.09.03.a.1. of the Zoning Ordinance). In order to construct the bell tower in the side yard adjacent to the church and exceed the 15 foot height limit applicable to an accessory structure in the R-75 Zone, required the applicant seek and obtain zoning variances.

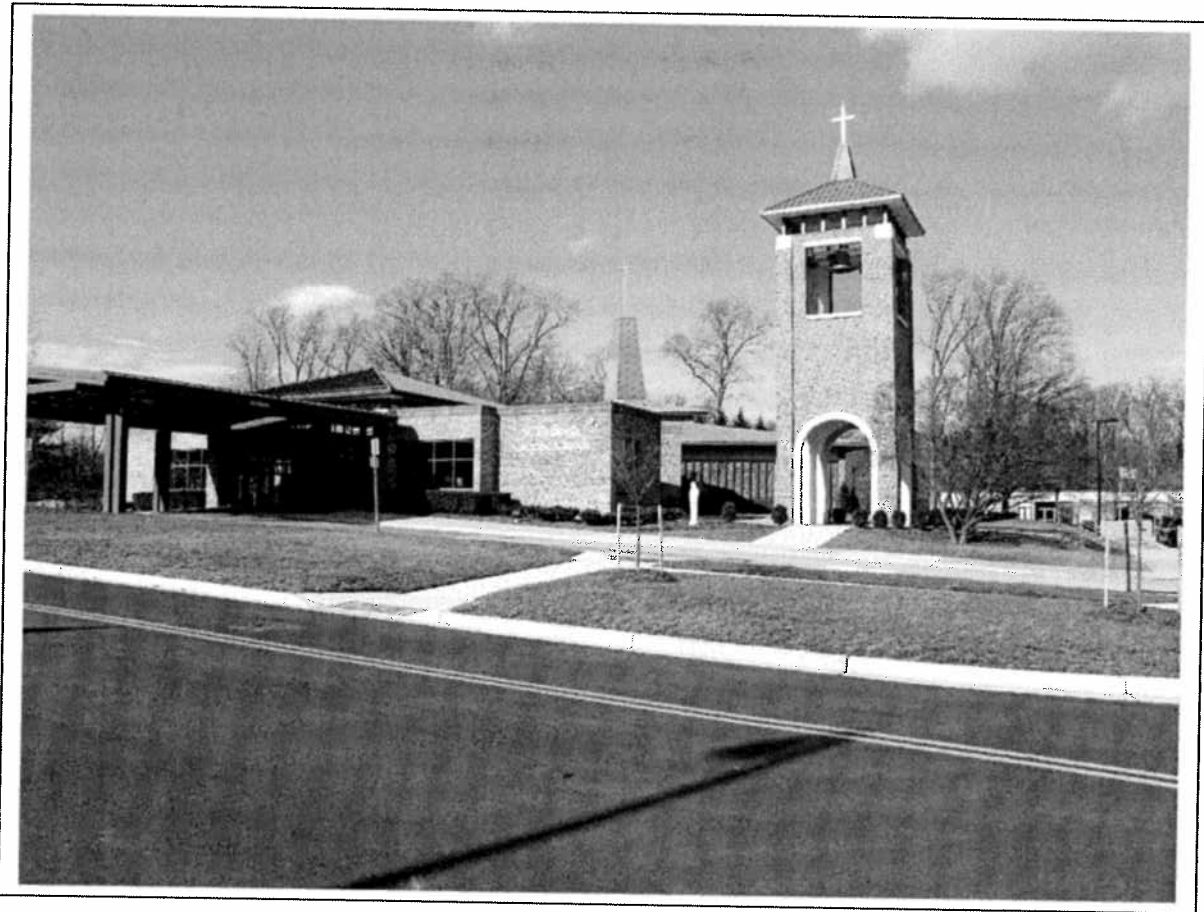
In the spring/summer of 2008, Mr. Steve Cordell, a neighbor of the church, contacted staff to discuss the operation of the bell tower. In conversation with staff and as referenced in subsequent correspondence, Mr. Cordell stated that the applicant (i.e., the church's representatives) never formally met with the HOA to discuss the bell ringing schedule or the church's proposed program for the operation of the bell tower, as mandated by Board of Appeals in its granting of the zoning variances that allowed for the construction of the bell tower in its current site location.

In an effort to bring the parties together to discuss concerns as expressed by Mr. Cordell over the ringing of the church bells, staff proposed that a meeting be arranged. Thus, on December 2, 2008, City staff met with representatives of the church and several neighbors to discuss the following: a) concerns about the bell-ringing schedule that the church has implemented, and b) the noise level generated when the bells are rung. While the meeting was beneficial in allowing staff to hear and discuss the concerns of those in attendance, no satisfactory resolution was reached between the church's representatives and respective neighbors.

As the recipient of the referenced zoning variances, which allowed for the site placement and construction of the bell tower, the applicant (Rev. John Macfarlane) asked that staff schedule this matter for the Board's consideration, in order to determine whether the applicant had fully complied with all conditions of approval imposed by the Board in its granting of Zoning Variance Application APP2006-00863.

The matter was scheduled and heard by the Board of Appeals on January 10, 2009. At that meeting the Board heard from the church's representatives, several persons who spoke in opposition, numerous persons who spoke in support, and both City and County staff on the operation of the church's bell tower. After considering all of the information and testimony provided, the Board voted to continue its hearing of the matter, in order to allow staff time to provide additional information the Board noted it would need before a final decision could be rendered. The hearing was continued to the Board of Appeals February 7, 2009 meeting, leaving the public record open to allow

any interested parties an opportunity to submit additional information which they believed would assist the Board in reaching its formal decision.



View of Church Bell Tower

The Board met on February 7, 2009, heard and considered additional information and testimony with regard to the applicant's compliance, or lack thereof, with the conditions of approval imposed in the grant of Variance Application APP2006-00863. After considering all of the evidence presented, the Board closed the public hearing and after discussion, requested that the City Attorney provide them with legal guidance as to how they should proceed in rendering a decision on the matter before them. Also, the Board asked that the City Attorney provide them with a list and/or a range of options available to them, so that they could determine whether the applicant had fully complied with the condition of approval, which was at issue before the Board.

Thus, on April 4, 2009, the Board met at its regularly scheduled meeting to render its decision, aided via legal guidance from the City Attorney's Office, with respect to the

applicant's compliance with approval condition #4, of the Board's approval letter dated November 1, 2006. The condition reads as follows:

4. *The applicant must seek input from interested neighbors within a half-mile radius of the church as to the church's proposed program for the operation of the bell tower.*

The Board found, that the intent of the noted condition of approval, was that a meeting be held between the applicant and the community to work out an accommodation with respect to a bell ringing schedule and the manner in which the bells would be rung, did not occur and because that did not occur, there were another number of issues that had arisen between the community and the applicant regarding what the requirements should be for such a schedule.

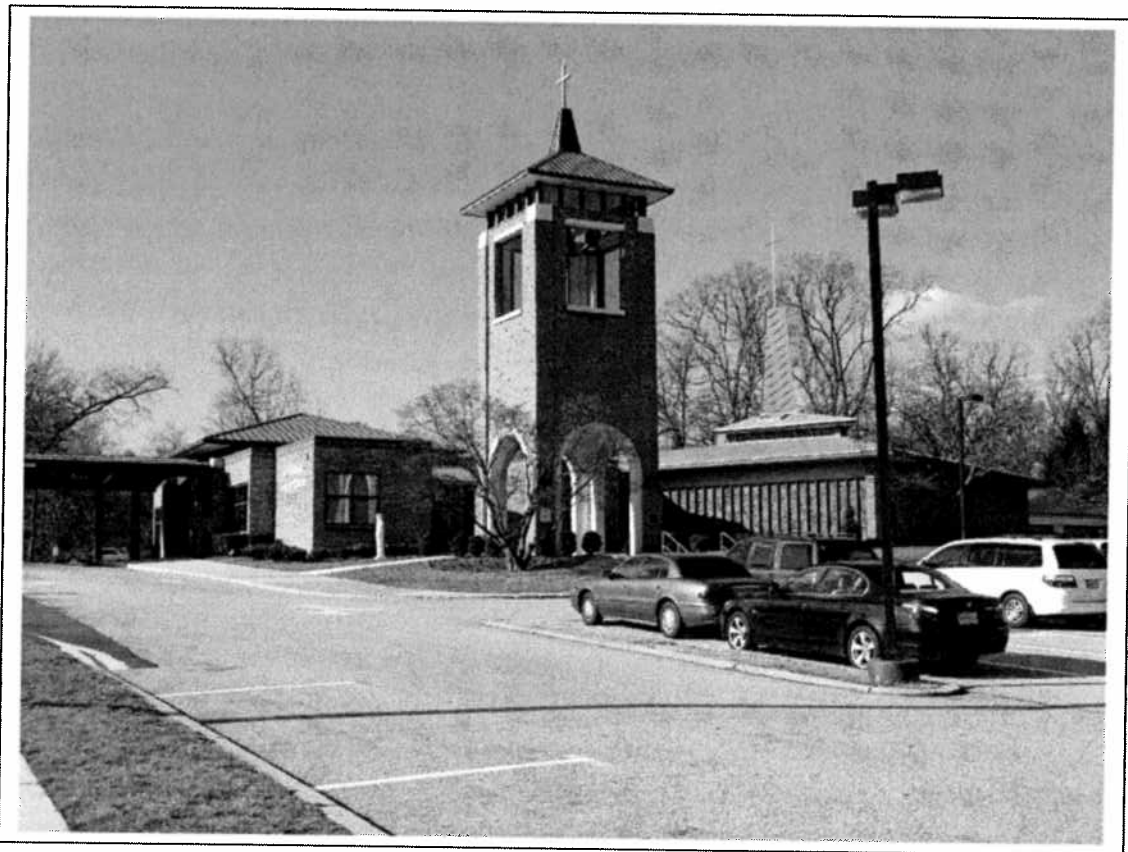
Therefore, it was the decision of the Board that in lieu of that meeting, the applicant would be required to file an application for modification of the variance in which the applicant would address the bell ringing schedule and the manner in which the bells would be rung, such as duration of time and/or volume in connection with the bell ringing. The applicant was encouraged to be as specific as possible, laying out times of day, days of the week, length of ringing, or any special days outside of a regular schedule that would identify what those days would be and what constraints the applicant would observe in connection with those special occasions. Those constraints might consist of not ringing bells between certain hours and not ringing bells beyond a certain length of time and, perhaps, even a total number of rings per day, but, there needed to be more specificity in the application.

It was also the determination of the Board, in its consideration of the matter, that there was a material omission in the application. The Board was not advised that there would be security lighting on the tower. The applicant also must address in its modification what its undertakings are with respect to lighting on the tower. In its decision, the Board directed staff to determine whether lighting of the bell tower as currently exists, was in violation of the City's lighting ordinance.

MODIFICATION REQUEST

In accordance with the Board of Appeals Rules of Procedure, modification of a previously approved zoning variance is permitted. Thus, as referenced under subsection X.D. of the Board's Rules of Procedure, provisions for "modification of a term or condition" are as follows:

1. An application for modification of a term or condition shall be processed in accordance with the Rules of Procedure applicable to variances, except as provided below.
2. The Board's review shall be limited to the effect of the proposed modification. The merits of the previously granted variances shall not be reopened.
3. A staff report shall not be mandatory in connection with an application for a modification of a term or condition. Staff may submit a report.



View of Church Bell Tower

In accordance with the Board of Appeals decision of April 4, 2009, the applicant formally submits the subject Variance Application VAR2010-00012, a request to modify condition of approval #4 as imposed by the Board of Appeals in its approval of APP2006-00863. Staff notes that under this application for modification, condition of approval #4 would be eliminated and replaced with the bell-ringing schedule from the bell tower program that was submitted with the application request and that is

referenced in Monsignor John Macfarlane's February 17, 2009 correspondence (See Attachments A & B). It is further noted that the scheduled program for ringing the bells is also referenced in Mr. Richard Brown's email dated March 30, 2009, which was also provided in response to the Board's request that the church provide information on the times of the day when the bells are rung (See Attachment C).

In accordance with the Board's April 4, 2009 decision, the application for modification of the variance was to address the bell-ringing schedule, such as the manner in which the bells would be rung, as well as duration of time in connection with the bell ringing. Based on the information provided, staff believes that the applicant has clearly identified times of day, days of the week, length of ringing, as well as special days outside of the regular schedule when the bells would be rung. In the application for modification of the noted condition #4, the applicant confirms that the bells will ring for liturgical purposes only. As defined in Webster's Collegiate Dictionary the word liturgical means "of, relating to, or having the characteristics of "liturgy," which is defined as "a rite or body of rites prescribed for public worship."

It was also the determination of the Board, in its consideration of this matter, that there was a material omission with respect to advising the Board about the security lighting of the tower, thus the applicant in its modification request, must address what its undertakings are with respect to lighting on the tower. In follow-up to this concern, the Board directed staff to determine whether lighting of the bell tower as currently exists, was in violation of the City's lighting ordinance.

In response to the Board's noted concerns with regard to the security lighting of the tower, the applicant has provided a lighting study conducted by Claude R. Engle, Lighting Consultants. Based on the analysis conducted of the Church's Bell Tower and the ambient light from Montrose Road, the levels of light emanating from the tower itself were found to be well within an acceptable range (See Attachment D). As noted in the materials submitted, all lighting of the tower is interior to the tower and to further ensure that lighting does not adversely impact neighboring property owners, the applicant affirms that the lights are turned off each evening no later than 10:30 p.m.

STAFF RECOMMENDATION

Staff recommends that the Board formally eliminate condition of approval #4 as imposed in its previous grant of APP2006-00863, thus replacing said condition by adoption of the Church's bell ringing schedule as referenced in the Bell Tower Program

included in the subject application for modification (See Attachment A). Staff recommends that the new condition #4 read as follows: "That church bells be rung according to the scheduled prescribed in the "Bell Tower Program" (attached)."

Thus, based on the concerns as expressed in the Board's decision letter, staff believes that the schedule submitted by the applicant adequately address the concerns noted and direction given to the applicant. The schedule references specific times of day, occasions when the bells will be rung, and the church religious doctrine for the ringing of the bells.

COMMUNITY NOTIFICATION PROCESS

Notification cards were sent to nearby property owners informing them of the application request and upcoming Board of Appeals public hearing, at which time the subject request will be publicly heard and considered. Notices were sent to 371 property owners located within 500 feet of the subject site. A list of the addresses where notices were sent is contained in the project's application file for public review and inspection.

Attachments

Attachment "A" – Bell Tower Program

Attachment "B" – Applicant Letter date 2/17/09

Attachment "C" – Mr. Richard Brown's 3/30/09 Email

Attachment "D" – Site Lighting Analysis

Attachment "E" – Bell Tower Lighting Statement

Attachment "F" – APP2006-00863 Approval Letter

Attachment "G" – Staff Memo to B.O.A. 1/6/09

Attachment "H" – Staff Memo to B.O.A. 1/30/09

Attachment "I" – B.O.A. Determination Letter 8/31/09

Exhibits "1" thru "3" – Site Plans

Exhibit "4" – Elevation Drawings

APPLICANTS ARE ENCOURAGED TO DISCUSS QUESTIONS REGARDING THIS APPLICATION WITH PLANNING STAFF PRIOR TO FILING THE APPLICATION AT 309-3200.

APPLICATION FOR MODIFICATION
CONDITIONS OF APPROVAL
EXISTING VARIANCES

THIS APPLICATION MUST BE TYPEWRITTEN OR PRINTED AND NOTARIZED AND SUBMITTED IN DUPLICATE TO THE PLANNING DIVISION FOR FILING. ALL ITEMS MUST BE COMPLETED AND THE REQUIRED DOCUMENTS AND FILING FEE MUST ACCOMPANY THE APPLICATION.

Rev. Msgr. John F. Macfarlane
St. Elizabeth Church & School

Name of Applicant*

9]7-9]9 Montrose Road

Address

30]-88]-]380

Telephone Number

DO NOT WRITE IN THIS SPACE

Application No. VAR 2010-00012
(From Original Variance)

Filing Date MARCH 15, 2010

Filing Fee N/A

Public Hearing Date MAY 8, 2010

Decision Date _____

*IF OTHER THAN THE
OWNER, A LETTER OF
AUTHORIZATION FROM THE
OWNER MUST BE SUBMITTED
WITH THE APPLICATION.

Owner (if other than Applicant) _____

Address _____

Telephone Number _____

I. PROPERTY INFORMATION

Location of Property (address or street) 917-919 MONTROSE RD.

Present Zone(s): R-75 Lot Size (Sq. Ft.) Approx 15.3 acres

Lot _____ Block _____ Subdivision _____

TAX ID #00052993
PARCEL N920

II. Please provide the following with this application: (SEE ATTACHED SHEET)

- 1. Attach a copy of the original variance decision.
- 2. Exactly what term or condition of approval you wish to modify.

Modification sought for Paragraph 4 condition in
Board Notice of Decision dated 11-1-2006
(Attachment 1-A at p.2)

- 3. Explain the modification you wish to make.

- 4. Attach plans/specifications showing the requested modification, where applicable.

By: John F. Macfarlane
 Signature of Applicant

Subscribed and sworn before me this 3rd day of March, 1992010

Denise Crawford
 DENISE CRAWFORD, Notary Public

My Commission expires 6-1-2010

I hereby grant the members of the Board of Appeals the right to physically inspect the subject property, provided a reasonable time notice is given by the Board for said inspection.

Additionally, I understand that the fee submitted with this application is only a filing fee that is paid for the application and that the application is not a permit. I also understand that this filing fee is not refundable regardless of whether the application for the permit is approved or denied.

By: John F. Macfarlane
 Signature of Applicant

ATTACHMENT "A"

**Reverend Monsignor John F. Macfarlane
St. Elizabeth Parish & School
APP2006-00863**

Bell Tower Program:

Bells in the tower will be rung exclusively for liturgical purposes, that is, for the Call to Worship and Prayer for liturgical services, ceremonies and observances.

Bells will be rung only between the hours of 9:00 am and 9:00 pm and will at all times comply with applicable law and regulations.

The scheduled program for ringing is as follows: Daily Mass at 11:30 am (Monday - Friday), 9:00 am Saturday. Weekend Mass - Saturday 5 pm - Sunday 9 and 10:30 am and 12:15 and 6:00 pm.

Bells are tolled five minutes before the commencement of Liturgy, but not before 9 am, or as ritual prescribes, such as the Angelus.

Examples of liturgical services and observances other than Weekday and Weekend Masses include Celebration of Mass on Holy Days such as Christmas, Ash Wednesday, Holy Week, Easter, Assumption, All Saints Day and All Souls Day; Masses for School Children (occasional weekdays); Funerals; Weddings; Celebrations such as Thanksgiving, Labor Day, Independence Day; other Feasts of the Church and Celebrations which occur on the Liturgical Calendar or which are scheduled as part of Parish Life; and Calls to Prayer, such as the Angelus (traditionally rung three times a day but rung only at noon and 6 pm at St. Elizabeth's).

St. Elizabeth Parish

17 February 2009

-Mr. Cas Chasten
Office of Planning
City of Rockville
111 Maryland Ave.
Rockville, MD 20850

ATTACHMENT "B"

**Re: Zoning Variance Application APP2006-00863
St. Elizabeth Parish & School**

Dear Mr. Chasten:

Following the Board of Appeals Hearing on February 7, 2009 at which Mr. Richard C. Browne appeared on behalf of St. Elizabeth Parish, I wish to offer the following commitments in connection with the above identified variance.

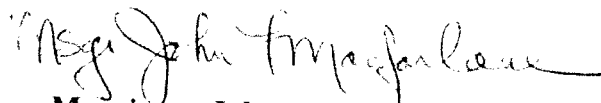
Effective March 15, 2009, we will program the bell ringing in the bell tower for liturgical purposes only. We will not ring the bells to indicate time of day on the hour or quarter hour. The bells will ring at 12 Noon and at 6pm to indicate the call to worship for the Angelus - an ancient prayer usually said at 6am, noon and 6pm each day. While the Angelus bells ring at these times of day it should be understood that they ring as a call to worship.

Furthermore, we will turn off the lighting in top of the bell tower at 10:30pm each evening.

These undertakings are made without prejudice to any future request for amendment to the bell ringing program. No such request is presently planned.

Mr. Browne will continue to represent the Parish as Chairman of the Parish Council. You may continue to contact/correspond with him.

Sincerely yours,



Monsignor John F. Macfarlane
Pastor

Enclosure: Wikipedia Article "Angelus" pp 1-3
www.wikipedia.org/wiki/Angelus

cc: Mr. Richard C. Browne
Mr. & Mrs. Ed Winston
Mr. Steve Cordell

917 Montrose Road, Rockville, Maryland 20852-4203
Phone: 301/881-1380 ♦ Fax 301/881-3068 ♦ E-mail: saint.elizabeth@verizon.net

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Angelus

From Wikipedia, the free encyclopedia

The **Angelus** (Latin for *Angel*) is a Christian devotion in memory of the Incarnation. The name *Angelus* is derived from the opening words: *Angelus Domini nuntiavit Mariæ* and is practiced by reciting as versicle and response three Biblical verses describing the mystery; alternating with the salutation "Hail Mary!". The devotion was traditionally recited in Catholic churches, convents, and monasteries three times daily: 6:00 am, noon, and 6:00 pm (many churches still follow the devotion and some practice it at home). The devotion is also used by some Anglican and Lutheran churches. The Angelus is usually accompanied by the ringing of the Angelus bell, which is to spread good-will to everyone on Earth.



The Angelus (1857–59) by Jean-François Millet

Contents

- 1 History
- 2 Modern usage
- 3 Angelus bell
- 4 Latin text
- 5 English text
- 6 Alternative English text
- 7 See also
- 8 Sources
- 9 References
- 10 Quotes
- 11 External links

Key articles on Mariology



General perspective

Mother of Jesus • Blessed Virgin

Specific views

Anglican • Eastern Orthodox • Marian veneration • Muslim • Protestant • Roman Catholic

Key prayers & devotions

Angelus • Hail Mary • Rosary

Ecumenical

Ecumenical views

History

The Catholic Encyclopedia states that "The history of the Angelus is by no means easy to trace with confidence, and it is well to distinguish in this matter between what is certain and what is in some measure conjectural."^[1] This is an old devotion which was already well established 700 years ago. The Angelus originated with the 11th century monastic custom of reciting three Hail Marys during the evening bell. The first written documentation stems from Italian Franciscan monk Sinigardi di Arezzo (died 1282).^[2] Franciscan monasteries in Italy document the use in 1263 and 1295. The Angelus is included in a Venecian Catechism from 1560.^[2] The older usages seem to have commemorated the resurrection of Christ in the morning, his suffering at noon and the annunciation in the evening.^[2] In 1269, St Bonaventure urged the faithful to adopt the custom of the Franciscans of saying three Hail Marys as the evening bell was rung.^[3]

The Angelus is not identical with the "Turkish bell" ordered by Pope Calixtus III (1455–58) in 1456, who asked for a long midday bell ringing and prayer for protection against the Turkish invasions of his time. In his 1956 Apostolic Letter *Dum Maerenti Animo* about the persecution of the Church in Eastern Europe and China, Pope Pius XII recalls the 500th anniversary of the "Turkish bell", a prayer crusade ordered by his predecessors against the dangers from the East. He again asks the faithful throughout the World, to pray for the persecuted Church in the East during the mid-day Angelus.^[4]

The custom of reciting it in the morning apparently grew from the monastic custom of saying three Hail Marys while a bell rang at Prime. The noon time custom apparently arose from the noon time commemoration of the Passion on Fridays. The institution of the Angelus is by some ascribed to Pope Urban II, by some to Pope John XXII for the year 1317.^[3] The triple recitation is ascribed to Louis XI of France, who in 1472 ordered it to be said three times daily. The form of the prayer was standardized by the 17th century.^[3]

The manner of ringing the Angelus—the triple stroke repeated three times, with a pause between each set of three (a total of nine strokes), sometimes followed by a longer peal as at curfew—seems to have been the norm from the very beginning. The 15th century constitutions of Syon monastery dictate that the lay brother "shall toll the Ave bell nine strokes at three times, keeping the space of one Pater and Ave between each three tollings".^[5]

In his Apostolic Letter *Marialis Cultus* (1974), Pope Paul VI encouraged the praying of the Angelus and confirmed its importance.^[6]

Modern usage

In most Franciscan and contemplative monasteries, the Angelus continues to be prayed three times a day. In American Trappist monasteries and convents, the Angelus is often combined with midday prayers or Vespers and prayed together in the Church. In Italy since Pope John XXIII, every Sunday at noon the pope has an address broadcast by public television (Rai Uno). At the end of the address the Pope recites the Angelus. In the Republic of Ireland, the Angelus is broadcast every night at 6:00 pm on the TV channel RTE One, before the Six-One News, and on the radio station Radio 1, at noon and 6:00 pm. There has been very occasional debate about whether to end the Angelus broadcasts as the station is run by an authority appointed by the Irish Government and this may constitute state support of one faith over others. Critics of this view reply that it is the ringing of a bell, not the broadcast of a prayer, and in any case nobody is compelled to take part. In the city of Monterrey, Mexico, the Angelus is broadcast daily on radio at 6:00 am, noon, and 6:00 pm. In the Philippines, radio and television stations run by the Catholic Church and some religious orders broadcast the Angelus at 6:00 am, noon, and 6:00 pm. In some shopping malls, the devotion is broadcast over the public address system at noon and 6:00 pm, while in schools run by Catholic religious orders, it is broadcast over the public address system at noon on schooldays. In the United States and Canada, some Catholic radio stations run by laity broadcast the Angelus daily. In Germany, particular dioceses^[which?] and their radio stations ring the Angelus. In addition, each Roman Catholic church throughout the republic (and some Protestant churches) rings the Angelus bell thrice daily.^[5]

Angelus bell

The Angelus, in all its stages of development, was closely associated with the ringing of a church bell. The bell is still rung in some English country churches and has often been mistaken for, and alleged to be a remnant of, the curfew bell. The Angelus is replaced by Regina Coeli during Eastertide, and is not used between the Liturgy of Maundy Thursday and the Easter Vigil.

Where the town bell and the bells of the principal church or monastery were distinct, the curfew was generally rung upon the town bell. Where the church bell served for both purposes, the Ave and the curfew were probably rung upon the same bell at different hours.

The ringing of the Angelus in the 14th century and even in the 13th century must have been very general. The number of bells belonging to these two centuries which still survive is relatively low, but a considerable proportion bear inscriptions which suggest that they were originally intended to serve as Ave bells. Many bear the words *Ave Maria*; or, as in the case of a bell at Helfta, near Eisleben, in Germany, dated 1234, the whole sentence: *Ave Maria, gratia plena, Dominus tecum*. Bells with this Ave Maria inscription are also numerous in England, but in England the Angelus bells seem in a very large number of instances to have been dedicated to St Gabriel, the angel mentioned in the prayer (Luke 1:26-27). In the Diocese of Lincoln alone we find nineteen of the surviving medieval bells bearing the name of Gabriel, while only six bear the name of Michael, a much more popular patron in other respects. In France, the *Ave Maria* seems to have been the ordinary label for Angelus bells; but in Germany we find as the most common inscription of all, even in the case of many bells of the 13th century, the words *O Rex Gloriæ Veni Cum Pace* ("O King of Glory, Come with Peace"). In Germany, the Netherlands, and in some parts of France, the Angelus bell was regularly known as the *Peace bell*, and *pro pace schlagen* (to toll for peace) was a phrase popularly used for ringing the Angelus. In the Philippines, the ringing of church bells is still done for the Angelus every 6:00 pm. During the past, upon hearing of the bell, Filipino families knelt in their respecting homes before their altars and prayed the Angelus or as the Spaniards called it the "Orasyon" together. In traditional Spanish-Filipino families, the Angelus is said in Spanish.

The Irish national broadcaster Radio Telefís Éireann broadcasts the angelus bells at noon and 6:00 pm every day on the national radio station RTÉ Radio 1 and at 6:00 pm on the national television station RTÉ One. This consists of a bell ringing for the duration of one minute and is accompanied by images of people pausing in contemplation (filmed in North Kildare) for the television version. The Foggy Dew, an Irish rebel ballad commemorating the Easter Rising, contains the line "the Angelus bell o'er the Liffey swell rang out through the foggy dew".

With regard to the manner of ringing the Angelus, it seems sufficient to note that the triple stroke repeated three times with a pause between seems to have been adopted from the very beginning.

Latin text

V. Angelus Domini nuntiavit Mariæ.

R. Et concepit de Spiritu Sancto.

Ave Maria, gratia plena, Dominus tecum. Benedicta tu in mulieribus, et benedictus fructus ventris tui, Iesus.

Sancta Maria, Mater Dei, ora pro nobis peccatoribus, nunc et in hora mortis nostræ. Amen.

V. Ecce Ancilla Domini.
R. Fiat mihi secundum Verbum tuum.

Ave Maria...

V. Et Verbum caro factum est.
R. Et habitavit in nobis.

Ave Maria...

V. Ora pro nobis, Sancta Dei Genetrix.
R. Ut digni efficiamur promissionibus Christi.

Oremus: Gratiam tuam quæsumus, Domine, mentibus nostris infunde; ut qui, angelo nuntiante, Christi Filii tui Incarnationem cognovimus, per passionem eius et crucem, ad resurrectionis gloriam perducamur.
Per eundem Christum Dominum nostrum. Amen.

English text

V. The angel of the Lord announced unto Mary.
R. And she conceived by the Holy Spirit.

*Hail Mary, full of grace, the Lord is with you. Blessed are you among women, and blessed is the fruit of your womb, Jesus.
Holy Mary, Mother of God, pray for us sinners, now and at the hour of our death. Amen.*

V. Behold the handmaid of the Lord.
R. Be it unto me according to your Word.

Hail Mary...

V. And the Word was made flesh.
R. And dwelt among us.

Hail Mary...

V. Pray for us, O Holy Mother of God.
R. That we may be made worthy of the promises of Christ.

Let us pray: We beseech you, O Lord, pour your grace into our hearts, that as we have known the incarnation of your Son Jesus Christ by the message of an angel, so by his cross and passion we may be brought to the glory of his resurrection; through the same Christ our Lord. Amen.

Alternative English text

V. The Angel of the Lord declared unto Mary.

R. And she conceived of the Holy Spirit.

Hail Mary...

V. Behold the handmaid of the Lord.

R. Be it done unto me according to thy word.

Hail Mary...

V. And the Word was made Flesh.

R. And dwelt among us.

Hail Mary...

V. Pray for us, O holy Mother of God.

R. That we may be made worthy of the promises of Christ.

Let us pray:

Pour forth we beseech Thee, O Lord, Thy grace into our hearts, that we, to whom the Incarnation of Christ Thy Son was made known by the message of an angel, may by His Passion and Cross be brought to the glory of His Resurrection. Through the same Christ Our Lord. Amen.

or


Let us pray:

Lord, fill our hearts with Your love, and as You revealed to us by an angel, the coming of Your Son as man. So lead us through His suffering and death to the glory of His resurrection, for He lives and reigns with You and the Holy Spirit, One God, for ever and ever. Amen.

(This text is slightly different. A shorter version consists of only the three verses and responses, followed by only one Hail Mary).

See also

- Blessed Virgin Mary
- Catholic devotions
- Marialis Cultus
- Rosary

 *Catholicism portal*

Sources

- H Schauerle, *Angelus Domini*, in *Lexikon der Marienkunde*, Regensburg, 1967 pp 217-221



Annunciation by Botticelli, 1490, one of the many works of Marian art depicting the Angel and the Virgin Mary

References

- *This article incorporates text from the Encyclopædia Britannica Eleventh Edition article "Angelus", a publication now in the public domain.*
- *This article incorporates text from the public-domain Catholic Encyclopedia of 1913.*

Quotes

1. ^ Angelus, Catholic Encyclopedia
2. ^ *a b c* Schauerle 218
3. ^ *a b c* Schauerle 220
4. ^ see Dum Maerenti Animo,
5. ^ *a b* Schauerle 221
6. ^ Pope Paul VI's Apostolic Letter Marialis Cultus
http://www.vatican.va/holy_father/paul_vi/apost_exhortations/documents/hf_p-vi_exh_19740202_marialis-cultus_en.html

External links

- *Catholic Encyclopedia* "Angelus"
- *Catholic Encyclopedia* "Angelus Bell"

Retrieved from "<http://en.wikipedia.org/wiki/Angelus>"

Categories: Marian Devotions | Roman Catholic prayers

Hidden categories: Articles needing additional references from December 2008 | Articles with specifically-marked weasel-worded phrases | Vague or ambiguous geographic scope | Wikipedia articles incorporating text from the 1913 Catholic Encyclopedia

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ATTACHMENT "C"**The Brownes**

From: "The Brownes" <enworb@earthlink.net>
To: <CChasten@rockvillemd.gov>
Cc: "Msgr. Jack Macfarlane" <jmacfarlane100@hotmail.com>
Sent: Monday, March 30, 2009 5:44 PM
Subject: St. Elizabeth Bell Program

Dear Cas: This will confirm our phone conversation this afternoon. I understand you may pass this email to others needing the information. The schedule identified in Msgr. Macfarlane's letter of February 17, 2009 was implemented on or before March 15, 2009 and is currently in place. To clarify the Angelus ringing - the call to the Angelus prayer is only rung at St. Elizabeth at noon and 6pm seven days a week [Traditionally, it is also rung at 6am but the Angelus is not rung at 6am at St. Elizabeth]. The scheduled program for ringing is as follows: DAILY MASS at 11:30AM - (Monday - Friday); 9am Saturday. WEEKEND MASS - Saturday 5pm - Sunday 9 and 10:30am - 12:15 and 6pm. Other Calls to Worship which are not on the scheduled program include Masses for School Children (occasional weekdays); Funerals; Weddings; Holy Days such as Christmas, New Years, Ash Wednesday, Holy Week, All Saints' Day, All Souls Day, Thanksgiving and other Feasts and Celebrations which occur on the Liturgical Calendar or which are scheduled as a part of Parish life. It should be understood that in no case will the bells be rung other than for Call to Worship or Prayer - and then only between hours permitted by applicable regulations. If you have any further questions, please advise. I expect to attend the board Hearing Saturday, April 4. Sincerely, Dick Browne, Chair, St. Elizabeth Pastoral Council.

CLAUDE R. ENGLE
LIGHTING CONSULTANT

CLAUDE R. ENGLE III
JOHN E. WOOD
CLAUDE R. ENGLE IV

TEL: 301 654 5502
FAX: 301 654 5503
410 360 1609

To: Paul Yetter, St Elizabeth Church

From: Chris Holland

Date: January 20, 2010

ATTACHMENT "D"

Re: St Elizabeth Lighting Study

Paul,

Last night I performed a study of the source light of the St Elizabeth Church Bell tower, and the ambient light from Montrose Road running in front of the church. Please review the levels recorded last night at approximately 7pm.

*Foot lamberts (fL) are the standard unit of measurement for light emanating from a source or reflecting from a surface. Foot lamberts are an indication of how bright a source or object appears.

10.35 fL - Approximately 20' from the base of the church bell tower, approximately 30° off vertical

1.9 fL - Approximately 200' from the top of the hill across the street to the bell tower, approximately 80° off vertical

2900 fL - Closest city streetlight, approximately 30', measured from top of hill

The foot lambert measurement does not change over distance as the light's source is what is being measured, the reason the level is lower from the top of the hill is because only part of the source (The bell tower's reflective ceiling) is visible from this angle.

*Footcandles are a unit of measurement for light being received from a source at a given distance.

5 fc - Approximately 200' from the top of the hill to the base of the bell tower

There is no way to accurately measure the amount of light being received from the bell tower alone at the distance of the house, because the light incident on the meter is produced by all sources in view. The only way to derive the expected footcandle reading is to take 1.9 fL, convert that to Candelas (the intensity of light), by multiplying the fL times .34, times the area of the lighting bell tower, then converting that to footcandles by dividing that by the distance squared. This yields 1.9 fL X .34 X approximately 10 sq ft, divided by 200' sq which equals .000129 fc.

2 WISCONSIN CIRCLE, SUITE 860, CHEVY CHASE, MARYLAND 20815
CLAUDE R. ENGLE, LIGHTING CONSULTANT IS INCORPORATED IN THE STATE OF MARYLAND

From this we can conclude that majority of the light reaching the house is from the streetlamps along Montrose Road.

The important measurement is the 1.9 fL measured at a point equivalent to the view from the house. This is the same brightness that you would see if one were to shine a 1.9 fc source at a piece of white paper.

30 fL is what is normal for reading at home. 1.9 fL is equivalent to a white piece of paper, held horizontal in a metro parking lot.

If you have any questions on the information above, please feel free to call us.

Regards,
Chris Holland

ATTACHMENT “E”

**Reverend Monsignor John F. Macfarlane
St. Elizabeth Parish
APP2006-00863**

Bell Tower Lighting:

All lighting associated with the Bell Tower is interior to the Tower.

Lighting connected with the Bell Tower will, at all times, comply with applicable law and regulations regarding such lighting.

Tower lighting will be extinguished each evening no later than 10:30 pm.



City of Rockville
 111 Maryland Avenue
 Rockville, Maryland
 20850-2364
 www.rockvillemd.gov

Community Planning and
 Development Services
 240-314-8200
 TTY 240-314-8137
 FAX 240-314-8210

Historic Preservation Office
 240-314-8230

Inspection Services Division
 240-314-8240

Long Range Planning
 Division
 240-314-8200

Planning Division
 240-314-8220

Revitalization/Housing
 Division
 240-314-8200

MAYOR
 Larry Giammo

COUNCIL
 Robert E. Dorsey
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 Phyllis R. Marcuccio
 Anne M. Robbins

CITY MANAGER
 Scott Ullery

CITY CLERK
 Claire F. Funkhouser

CITY ATTORNEY
 Paul T. Glasgow

November 1, 2006

ATTACHMENT "F"

Reverend John F. Macfarlane
 Saint Elizabeth Parish & School
 917 Montrose Road
 Rockville, Maryland 20852

Re: Zoning Variance Application APP2006-00863
 917-919 Montrose Road, Rockville, Maryland 20852

Dear Reverend Macfarlane:

At its September 9th 2006 meeting, the City of Rockville Board of Appeals held a public hearing and voted to approve the referenced zoning variance application subject to certain conditions. The Board's approval is for the following zoning variances: 1) a variance of 35 feet from the 15-foot height limit/restriction applicable to accessory structures located within in the R-75 (single family detached, residential) zones, and 2) a variance from the rear yard placement/location requirement, applicable to accessory structures located in said residential zones.

The applicant plans to construct a freestanding (16' x 16') bell tower, 50 feet 6 inches ± in height, of masonry and metal construction, in the (east) side yard (adjacent to the church). The applicant proposes to construct the new bell tower in the east side yard area of the site, due to its close proximity to the front entrance of church. While not subject to the zoning variances requested, the applicant also plans to construct an outdoor, seated garden that will be located at the northwest corner of the proposed bell tower.

Since the proposed freestanding bell tower would not be constructed as an addition to the church building proper, it is deemed to be an accessory structure, which in accordance with Section 25-296 of the Zoning Ordinance, is required to be located in the rear yard area of the site and should not exceed 15 feet in height. Thus, in order to construct the bell tower in the side yard adjacent to the church and at approximately 35 feet taller than an accessory structure is permitted in the R-75 Zone, the applicant was required to submit and obtain zoning variances from the two referenced development standards of the Ordinance.

The church and its accompanying school are located at 919 and 917 Montrose Road respectively. The church property is located at the northeast corner of Montrose Road and Tildenwood Drive and is zoned for R-75 (single family detached, residential) land usage. The property is approximately 15.3 acres in size. The existing church building and accompanying small wood frame office building, along with the rectory, are located in the (front) southwestern area of the site, while the existing school building is located to the rear of the church in the center of the subject property. Much of the site's existing front and street side front yard areas (less the church) is improved with on-site surface parking facilities. The property has vehicular access on both Montrose Road and Tildenwood Drive.

The Board voted to approve the requested variances subject to the applicant's compliance with the following conditions:

1. The proposed bell tower must be constructed of materials compatible in make, color, and quality to that of the exterior façade of the existing church, and in accordance with site and building plans as submitted with the variance request as prepared by DeLizzio Architects & Planners.
2. Trees and/or other vegetative materials removed in order to accommodate construction of the bell tower must be replaced and replanted elsewhere on site, in consultation and at the direction of the City Forester.
3. Sound levels as may be generated by the ringing of the proposed church bells that will be located in the proposed new tower must fully comply with and not exceed appropriate decibel levels as specified in the Noise Ordinance of Montgomery County, Maryland.
4. The applicant must seek input from interested neighbors within a half-mile radius of the church as to the church's proposed program for the operation of the bell tower.
5. Submission for review and approval of a Use Permit Amendment Application.

The Board's decision and action was based on the following evidence of record and findings of fact:

1. It was the determination of the Board that the requested zoning variances to allow the proposed bell tower in the side yard area of the site and for it to exceed the 15-foot height limit applicable to accessory structures would not be contrary to the public interest. Saint Elizabeth's Catholic Church has been an established institutional land use within the community in which it is located since the late 1960s. While the bell tower will be visible from Montrose Road, it will not be located within immediate or close proximity to neighboring residential dwellings located south, southwest, west, or northwest of the church. The proposed location of the bell tower will be interior to the site, flanked by site surface parking to the east, the school building to the north, and church to the west.

As shown on the plans accompanying the requested zoning variances, the bell tower will be of masonry and metal construction, and designed and built with materials compatible to that of the existing church building. In an effort to insure that the bell tower is consistent with the architectural design of the church, the proposed tower and church steeple will be of near equal height, i.e., 50 feet and 56 feet respectively. In its consideration of the request and in response to testimony provided at the public hearing by a neighboring property owner, the Board imposed, as a condition of its approval of the requested variances that the bells which will be installed in the proposed tower, be designed with ring tones, that when rung, do not generate noise levels that exceed appropriate decibel levels as allowed under the Noise Ordinance of Montgomery County, Maryland.

2. Based on the information provided, there was no evidence the planned bell tower the church proposes will be detrimental to the public safety of persons working or living in the site area. Under the request as submitted, the applicant does not propose changes in the religious operation of the church or other associated site uses and/or activities.

Due to the substantial size of the overall church property, the proposed site placement of the tower and proximity of neighboring residential properties, the Board concurred with staff's assessment that it is unlikely neighboring land uses will be adversely impacted by the proposed bell tower. The heavily wooded stream valley that makes up much of the eastern portion of the site serves as a natural buffer between the subject site improvements and neighboring homes to the east. Also, there was no evidence or information presented at the public hearing, which indicated the planned new freestanding bell tower and other associated site improvements would be detrimental to the continued use or future development of properties in the neighborhood, provided that the noise level of the bells comply with the County's Noise Ordinance.

3. The variances requested were due to conditions peculiar to the property and not the result of any actions taken by the applicant. The church campus is comprised of several building structures, site surface parking facilities, outdoor play fields primarily designed and used for students attending the church school, as well as forest conservation site area consisting of woodlands and stream valley. The layout of the existing church campus and site improvements as they exist today are a reflection of years of physical growth and change based on the efforts of the church body and its leadership.

Staff found and the Board observed that the current site layout and location of the church building specifically are physical conditions unique/peculiar to the overall property, and as such, does not allow the proposed accessory structure, i.e., the bell tower, to be constructed in the rear yard area of the church campus property in accordance with applicable development requirements of the Ordinance.

The applicant's representatives provided testimony at the public hearing that "a bell tower is integral with the front entry of the church as both symbol of the church entry and used for liturgical purposes next to the entry." With the church building being located in the front (southwest) area of the overall property, the proposal to place the bell tower on the east side of the church, adjacent to the building's front entrance would then appear to be an appropriate location for this symbolic building structure. Based on such reasoning, staff noted that the need for the requested site location and height variances was not due to any action that had been taken specifically by the applicant (the Reverend John F. Macfarlane), but is attributable to the site's built and natural features.

4. A literal enforcement of the Zoning Ordinance would result in practical difficulty for the applicant. The applicant affirmed in testimony before the Board that locating the bell tower within close proximity to the front of the church is customary and in keeping with church practice associated with religious worship. Thus, it was the applicant's view that locating the bell tower in the rear area of the church property would be in opposition to

church practice. Also, because there are multiple building facilities which make up the church campus, were the bell tower to be located in strict accordance with the requirements of the Ordinance, the free standing bell tower would have to be located in the rear of the existing school building and not exceed 15 feet in height.

If the requested location and height variances had not been granted, the proposed fifty (50) foot tall bell tower could not be constructed and sited as proposed. As per the Ordinance, the proposed tower/accessory structure cannot exceed fifteen (15) feet in height and would have to be located in the rear site area, i.e., the area north of the church's school building facility.

However, the applicant's architect did note that while the bell tower could be physically attached to the church building as an addition, which would eliminate the need for the requested site location variance, based on the design and site location of the church, such a building attachment/addition would be structurally and architecturally incompatible. Furthermore, were the tower attached to the church, it is possible that project costs would increase due to redesign of the tower and physical modifications/renovations that would be needed to the church, in order to incorporate the tower as a building addition. Lastly, if the tower were physically attached to the church and deemed a bona fide building addition, the bell tower would still have to comply with the overall R-75 building height restriction of 35 feet, thus reducing the tower 15 feet \pm shorter in height than the tower proposed.

In consideration of all of the information and testimony provided, the Board of Appeals voted to the grant the zoning variances subject to conditions as referenced in this correspondence. The applicant is advised that the Board of Appeals decision does not constitute approval by any agency having jurisdiction over the operation of the site use.

Section 25-54 of the Zoning Ordinance requires **a use permit amendment must be filed within six (6) months of the date of the Board's decision, or approval shall expire.** If however, the applicant can show good cause, the Board may grant two (2) time extensions of the application expiration date, each not to exceed six (6) months respectively.

By Direction of the City of Rockville
Board of Appeals

Castor D. Chasten

Castor D. Chasten
Planner III

/cdc

cc: Board of Appeals
Planning Commission
Charles Baker, Chief of Inspection Services
Joseph Froio, St. Elizabeth Church - Consultare
Dennis Delizzio, Delizzio Architects & Planners, P.C.
Jim Wasilak, Chief of Planning



ATTACHMENT "G"

City of Rockville

MEMORANDUM

January 6, 2009

TO: Board of Appeals

FROM: Cas Chasten, Planner III

SUBJECT: Variance Application APP2006-00863
Saint Elizabeth Catholic Church & School
917 & 919 Montrose Road, Rockville, Maryland 20852

At its September 9th 2006 meeting, the City of Rockville Board of Appeals held a public hearing and voted to approve the referenced zoning variance application subject to certain conditions. The Board's approval was for the following zoning variances: 1) a variance of 35 feet from the 15-foot height limit/restriction applicable to accessory structures located within in the R-75 (single family detached, residential) zone, and 2) a variance from the rear yard placement/location requirement, applicable to accessory structures located in said residential zones.

The zoning variances were requested in order for the applicant to construct a freestanding (16' x 16') bell tower, 50 feet 6 inches \pm in height, masonry and metal in construction, in the (east) side yard (adjacent to the church). The applicant proposed to construct the new bell tower in the east side yard area of the site, due to its close proximity to the front entrance of the church.

Note, since the proposed freestanding bell tower would not be constructed as an addition to the church building proper, it was and is deemed to be an accessory structure, which in accordance with Section 25-296 of the Zoning Ordinance, is required to be located in the rear yard area of the site and not exceed 15 feet in height. Thus, in order to construct the bell tower in the side yard adjacent to the church and at approximately 35 feet taller than an accessory structure is permitted in the R-75 Zone, the applicant was required to submit and obtain zoning variances from the two referenced development standards of the Ordinance.

In its consideration of the request and in response to testimony provided at the public hearing by a neighboring property owner, the Board imposed, as a condition of its approval of the requested variances that the bells installed in the (then) proposed tower, be designed with ring tones, that when rung, would not generate noise levels that exceed appropriate decibel levels as allowed under the Noise Ordinance of Montgomery County, Maryland.

Also, in its granting of the requested zoning variances, the Board imposed the following condition of approval:

“4. The applicant must seek input from interested neighbors within a half-mile radius of the church as to the church’s proposed program for the operation of the bell tower.”

The bell tower has since been constructed and is in current use. In the spring/summer of 2008, Mr. Steve Cordell, a neighbor of the church, contacted staff to discuss the operation of the bell tower. Mr. Cordell noted that he is a member of the neighboring Chadsberry Home Owners Association (HOA) that represents homeowners of that residential community, which is located northwest of the church. In conversation with staff and as referenced in his subsequent correspondence, Mr. Cordell stated that the applicant (i.e., the church’s representatives) never formerly met with the HOA to discuss the bell ringing schedule or the church’s proposed program for the operation of the bell tower, as mandated by Board of Appeals in its granting of the requested zoning variances (See Attached July 10, 2008 Letter from Steve Cordell).

In an effort to bring the parties together to discuss concerns as expressed by Mr. Cordell over the ringing of the church bells, staff proposed that a meeting be arranged. Thus, on December 2, 2008, City staff met with representatives of the church and several neighbors to discuss the following: a) concerns about the bell-ringing schedule that the church has implemented, and b) the noise level generated when the bells are rang. While the meeting was beneficial in allowing staff to hear and discuss the concerns of those in attendance, no satisfactory conclusion was reached between the church’s representatives and respective neighbors.

Hence, in accordance with the Board’s approval of the referenced zoning variances, that allowed for the site placement and construction of the bell tower, the applicant (Rev. John Macfarlane) asked that staff schedule this matter for the Board’s consideration, in order to determine whether the applicant has fully complied with all conditions of approval imposed in its granting of Zoning Variance Application APP2006-00863.

Should you have questions, please advise.

/cdc

Attachments

cc: Planning Commission
R. James Wasilak, Chief of Planning



ATTACHMENT "H"

City of Rockville

MEMORANDUM

January 30, 2009

TO: Board of Appeals

FROM: Cas Chasten, Planner III

SUBJECT: Variance Application APP2006-00863
Saint Elizabeth Catholic Church & School
917 & 919 Montrose Road, Rockville, Maryland 20852

At its September 9th 2006 meeting, the City of Rockville Board of Appeals held a public hearing and voted to approve the referenced zoning variance application subject to certain conditions. The Board's approval was for the following zoning variances: 1) a variance of 35 feet from the 15-foot height limit/restriction applicable to accessory structures located within in the R-75 (single family detached, residential) zone, and 2) a variance from the rear yard placement/location requirement, applicable to accessory structures located in said residential zones.

The zoning variances were requested in order for the applicant to construct a freestanding (16' x 16') bell tower, 50 feet 6 inches \pm in height, masonry and metal in construction, in the (east) side yard (adjacent to the church). The applicant proposed to construct the new bell tower in the east side yard area of the site, due to its close proximity to the front entrance of the church.

Note, since the proposed freestanding bell tower would not be constructed as an addition to the church building proper, it was and is deemed to be an accessory structure, which in accordance with Section 25-296 of the Zoning Ordinance, is required to be located in the rear yard area of the site and not exceed 15 feet in height. Thus, in order to construct the bell tower in the side yard adjacent to the church and at approximately 35 feet taller than an accessory structure is permitted in the R-75 Zone, the applicant was required to submit and obtain zoning variances from the two referenced development standards of the Ordinance.

In its consideration of the request and in response to testimony provided at the public hearing by a neighboring property owner, the Board imposed, as a condition of its approval of the requested variances that the bells installed in the (then) proposed tower, be designed with ring tones, that when rung, would not generate noise levels that exceed appropriate decibel levels as allowed under the Noise Ordinance of Montgomery County, Maryland.

The bell tower has since been constructed and is in current use. In the spring/summer of 2008, Mr. Steve Cordell, a neighbor of the church, contacted staff to discuss the operation of the bell

tower. Mr. Cordell noted that he is a member of the neighboring Chadsberry Home Owners Association (HOA) that represents homeowners of that residential community, which is located northwest of the church. In conversation with staff and as referenced in his subsequent correspondence, Mr. Cordell stated that the applicant (i.e., the church's representatives) never formerly met with the HOA to discuss the bell ringing schedule or the church's proposed program for the operation of the bell tower, as mandated by Board of Appeals in its granting of the requested zoning variances.

In an effort to bring the parties together to discuss concerns as expressed by Mr. Cordell over the ringing of the church bells, staff proposed that a meeting be arranged. Thus, on December 2, 2008, City staff met with representatives of the church and several neighbors to discuss the following: a) concerns about the bell-ringing schedule that the church has implemented, and b) the noise level generated when the bells are rang. While the meeting was beneficial in allowing staff to hear and discuss the concerns of those in attendance, no satisfactory conclusion was reached between the church's representatives and respective neighbors. Hence, due to the outcome of the meeting, the applicant (Rev. John Macfarlane) asked that staff schedule this matter for the Board's consideration, in order to determine whether the applicant has fully complied with all conditions of approval imposed in its granting of Zoning Variance Application APP2006-00863.

Thus, the matter was scheduled and heard by the Board of Appeals on January 10, 2009. At that meeting the Board heard from the church's representatives, several persons who spoke in opposition, numerous persons in support, and both City and County staff on the operation of the church's bell tower. After considering all of the information and testimony provided, the Board voted to continue its hearing of this matter, in order to allow staff additional time to provide added information the Board noted it would need before a final decision could be rendered in this matter. Thus the hearing was continued to the Board of Appeals February 7, 2009 meeting, leaving the public record open to allow any interested parties an opportunity to submit additional information which they believed would assist the Board in reaching its formal decision.

Attached and included in the Board's briefing materials for the 2/7/09 meeting, are copies of e-mail's and other correspondence received after the Board's 1/10/09 meeting, as well as the DVD of the Planning Commission's 8/9/06 meeting, and Board of Appeals meeting minutes of its 9/9/06 meeting, where the subject zoning variance request was considered.

Should you have questions, please advise.

/cdc

Attachments

cc: Planning Commission
R. James Wasilak, Chief of Planning

ATTACHMENT "I"

August 31, 2009

Reverend John F. Macfarlane
Saint Elizabeth Parish & School
917 Montrose Road
Rockville, Maryland 20852

Richard C. Browne, Esquire
7203 Old Stage Road
Rockville, Maryland 20852

Re: Zoning Variance Application APP2006-00863
917-919 Montrose Road, Rockville, Maryland 20852

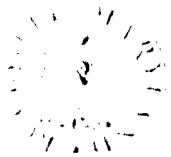
Dear Reverend Macfarlane and Mr. Brown:

At its September 9th 2006 meeting, the City of Rockville Board of Appeals held a public hearing and voted to approve the referenced zoning variance application subject to certain conditions. The Board's approval granted the following zoning variances: 1) a variance of 35 feet from the 15-foot height limit/restriction applicable to accessory structures located in the R-75 (single family detached, residential) zones, and 2) a variance from the rear yard placement/location requirement, applicable to accessory structures located in said residential zones.

The bell tower has since been constructed and is in current use. In the spring/summer of 2008, Mr. Steve Cordell, a neighbor of the church, contacted staff to discuss the operation of the bell tower. Mr. Cordell noted that he was a member of the neighboring Chadsberry Home Owners Association (HOA) that represents homeowners of that residential community, which is located northwest of the church. In conversation with staff and as referenced in his subsequent correspondence, Mr. Cordell stated that the applicant (i.e., the church's representatives) never formally met with the HOA to discuss the bell ringing schedule or the church's proposed program for the operation of the bell tower, as mandated by Board of Appeals in its granting of the requested zoning variances.

On December 2, 2008, City staff met with representatives of the church and several neighbors to discuss the following: a) concerns about the bell-ringing schedule that the church had implemented, and b) the noise level generated when the bells are rang. While the meeting was beneficial in allowing staff to hear and discuss the concerns of those in attendance, no satisfactory conclusion was reached between the church's representatives and respective neighbors. The applicant (Rev. John Macfarlane) asked that staff schedule this matter for the Board of Appeals consideration, so that the Board could determine whether the applicant had fully complied with all conditions of approval imposed in its granting of Zoning Variance Application APP2006-00863.

As requested, the matter was scheduled and heard by the Board of Appeals on January 10, 2009. After considering all of the information and testimony provided, the Board voted to



City of Rockville
111 Marshland Avenue
Rockville, Maryland
20850-7364
www.rockvillemd.gov

Community Planning and
Development Services
701-311-3300

TELEPHONE 701-311-3117
FAX 701-311-3210

Historic Preservation Office
701-311-3200

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701-311-3210

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701-311-3200

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701-311-3200

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701-311-3200

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continue its hearing of this matter to its February 7, 2009 meeting, to allow staff additional time to provide supplemental information the Board determined that it would need before a formal decision could be rendered. As noted the Board met on February 7, 2009, heard and considered additional information and testimony with regard to the applicant's compliance, or lack thereof, with the conditions of approval imposed in the grant of Variance Application APP2006-00863. After considering all of the evidence presented, the Board closed the public hearing, entered into its work session, discussed the case as presented, concluded its deliberations, went back on record and requested that the City Attorney provide them with legal guidance as to how they should proceed in rendering a decision on the matter before them. Also, the Board asked that the City Attorney provide them with a list and/or a range of options available to them, so that they could fully determine whether the applicant had fully complied with the condition of approval, which was at question and being heard by the Board.

Thus, on April 4, 2009, the Board met at its regularly scheduled meeting to render its decision, aided via legal guidance from the City Attorney's Office, with respect to the applicant's compliance with approval condition #4, as referenced in the Board's approval letter dated November 1, 2006 and which reads as follows:

4. The applicant must seek input from interested neighbors within a half-mile radius of the church as to the church's proposed program for the operation of the bell tower.

The Board found, that the intent of the noted condition of approval, was that a meeting be held between the applicant and the community to work out an accommodation with respect to a bell ringing schedule and the manner in which the bells would be rung, did not occur and because that did not occur, there are another number of issues that have arisen between the community and the applicant as to what the requirements should be for such a schedule.

Therefore, it is the decision of the Board that in lieu of that meeting, the applicant is directed to file an application for modification of the variance in which the applicant would address the bell ringing schedule in the manner in which the bells would be rung, such as duration of time and/or volume in connection with the bell ringing. The applicant is encouraged to be as specific as possible, laying out times of day, days of the week, length of ringing, or any special days outside of a regular schedule that would involve bringing what those days would be and what constraints the applicant would observe in connection with those special occasions. Those constraints might be, for example, things like no ringing between certain hours and no ringing beyond a certain length of time and, perhaps, even a number of rings per day, but, there needs to be more specificity that should be in the application.

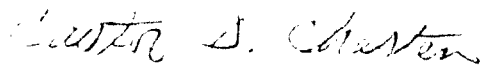
It was also the determination of the Board, in its consideration of this matter, that there was a material omission with respect to advising the Board of security lighting on the tower that the applicant also, in its modification, must address what its undertakings are with

Rev. John Macfarlane
Richard C. Browne
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respect to lighting on the tower. In its decision, the Board directs staff to determine whether lighting of the bell tower as currently exists, is in violation with respect to the lighting ordinance.

Thus, in consideration of all of the information and testimony provided, the Board of Appeals voted 2 to 1 to adopt the decision as referenced herein.

By Direction of the City of Rockville
Board of Appeals



Castor D. Chasten
Planner III

/cdc

cc: Board of Appeals
Planning Commission
Charles Baker, Chief of Inspection Services
Sondra Block, Assistant City Attorney
Joseph Froio, St. Elizabeth Church - Consultare
Dennis Delizzio, Delizzio Architects & Planners, P.C.
Bobby Ray, Principal Planner
Jim Wasilak, Chief of Planning