IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE – N/S Old Court Road,
30' SW of the c/l Davis Avenue * ZONING COMMISSIONER
(10800 Old Court Road)
2nd Election District * OF BALTIMORE COUNTY
2nd Council District
* Case No. 03-123-XA

Cardinal William H. Keeler
Roman Catholic Archbishop of Baltimore *
A Corporation Sole - Petitioner

* * * * * * * * * * *

AMENDED ORDER

WHEREAS, this matter came before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owner of the subject property, Cardinal William H. Keeler Roman Catholic Archbishop of Baltimore, A Corporation Sole, through its attorney, Robert A. Hoffman, Esquire. The Petitioner sought special exception and variance relief for an existing church and proposed expansion, in accordance with the site plans submitted and marked into evidence as Petitioner's Exhibits 1A, 1B, and 2.

WHEREAS, by Order dated November 13, 2002, the relief requested was granted. However, subsequent to the issuance of that Order, it was brought to my attention that there was a Zoning Advisory Committee (ZAC) comment submitted by the Office of Planning that had not been included in the case file. Reference is made to that comment, a copy of which is attached hereto. Although I will not incorporate the entire comment as a condition of the relief granted, I will require that the building elevation drawings marked as Petitioner's Exhibits 4A, 4B and 4C be forwarded to the Office of Planning for review and approval, prior to the issuance of any building permits. Testimony at the hearing indicated that the proposed structures will be architecturally compatible with the existing building and will not be visually intrusive upon the surrounding neighborhood. However, it is unclear whether building elevation drawings of the proposed structures were submitted to the Office of Planning for their review. Thus, I find that an amendment to the Order requiring same is appropriate.

ORDER RECEIVED FOR FILING
Date 11/13/02
By

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of November, 2002 that the Order issued November 13, 2002 be and is hereby AMENDED as follows: The building elevation drawings marked into evidence as Petitioner's Exhibits 4A, 4B and 4C shall be submitted to the Office of Planning for review and approval, prior to the issuance of any permits.

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued November 13, 2002 shall remain in full force and effect.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Patricia A. Malone, Esquire, Venable, Baetjer & Howard
210 Allegheny Avenue, Towson, Md. 21204
Father Joseph P. Lacey, St. Alphonsus Rodriquez Church
10800 Old Court Road, Woodstock, Md. 21164
Mr. Steven A. McCurdy, Site Resources, Inc., 14307 Jarrettsville Pike, Phoenix, Md. 21131
Office of Planning; People's Counsel; Case File

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE – N/S Old Court Road, 30' SW of the c/l Davis Avenue (10800 Old Court Road) 2nd Election District 2nd Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 03-123-XA
Cardinal William H. Keeler Roman Catholic Archbishop of Baltimore A Corporation Sole - Petitioner	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owner of the subject property, Cardinal William H. Keeler Roman Catholic Archbishop of Baltimore, A Corporation Sole, through its attorney, Robert A. Hoffman, Esquire. The Petitioner requests a special exception, pursuant to Sections 1A01.2.C.6 and 502 of the Baltimore County Zoning Regulations (B.C.Z.R.) for an existing church and proposed expansion. In addition, the Petitioner requests a variance from Section 1A01.3.B.3 of the B.C.Z.R., if necessary, to permit a principal building to interior lot line setback of 25 feet in lieu of the required 35 feet, and from Sections 102.2 and 1A01.3.B.3 of the B.C.Z.R. to permit a separation between two principal structures of 42 feet in lieu of the required 70 feet. The subject property and requested relief are more particularly described on the two-page site plan submitted into evidence and marked as Petitioner's Exhibits 1A and 1B, and the colorized version of same marked as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the request were Father Joseph P. Lacey of the St. Alphonsus Rodriquez Church, which is located on the subject property, and Patricia A. Malone, Esquire, attorney for the Petitioner. Also appearing were several witnesses/ consultants retained by the Petitioner, including Pamela M. Wright, Architect; Steven A. McCurdy, Registered Landscape Architect; Robert W. Sheeseley, an environmental expert; and Mickey Cornelius, traffic engineer. Also appearing in support of the request were Arthur L.

Rossbach and Norman Karolemko. Paul Dorsey and Rosalyn Roddy, residents of the area, appeared as interested persons.

The subject property is a triangular shaped parcel, located on the north side of Old Court Road (Maryland Route 125) across from Davis Avenue, not far from the Baltimore County/Howard County line, in Granite. The rear of the property abuts the Patapsco Valley State Park property. The property contains approximately 12.55 acres in area, more or less, zoned R.C.2, and is presently improved with a one-story brick church, which serves as the sanctuary for the St. Alphonsus Rodriquez Catholic Church. Apparently the Church has existed at this location for many years. Testimony indicated that the original church building burned down in 1969 and that the building that exists today was constructed in 1971. In addition to the church, the site is also improved with a one-story brick rectory building which was constructed in 1972.

Testimony indicated that St. Alphonsus Rodriquez Church currently has approximately 600 families in its congregation and that the existing building has a maximum capacity for 500. Although the building provides sufficient room for services, testimony indicated that the Church lacks meeting and educational space. Moreover, the Church's offices are small and cramped. In order to address this deficiency, the church proposes a two-phase expansion. As part of Phase 1, a one-story, education/administrative building will be constructed towards the rear of the site. Elevation drawings of the proposed building were submitted collectively as Petitioner's Exhibit 4. The new building will be approximately 15,632 sq.ft. in area and will provide needed space for classrooms, administrative offices, etc. There will be no change to the number of seats in the existing building or sanctuary.

Phase 2 of the construction will not occur for approximately 15 years. As part of that phase, the Petitioner proposes the construction of a one-story parish hall and storage building. Although the parish hall will contain kitchen and bathroom facilities, it is not anticipated that it will be used as a commercial catering facility; however, will be used in connection with church activities, functions, dinners, etc. Testimony and evidence presented indicated that the proposed

use will not be detrimental to the health, safety and general welfare of the locale and will meet the requirements of Section 502.1 of the B.C.Z.R.

In this regard, substantive testimony was received from Ms. White regarding the architecture of the new buildings and that same will blend into the site and will not be visually intrusive on the neighborhood. Mr. Cornelius also opined that a new circulation pattern will be adopted by the church which will improve traffic conditions (ingress and egress) on the site. He opined that public roads in the area will not be detrimentally impacted by the proposed expansion. Likewise, Mr. Sheeseley testified that the proposed use was appropriate from an environmental standpoint and will not cause degradation on the natural resources in the area.

Based upon the cumulative testimony and evidence offered, all of which was undisputed, I am easily persuaded that the relief requested meets the special exception standards of Section 502.1 of the B.C.Z.R. and should therefore be granted.

As to the Petition for Variance, the Petitioner seeks relief to permit a 25-foot setback from a principal structure to an interior lot line in lieu of the required 35 feet. As more particularly shown on the site plan, the subject property is actually comprised of two different lots. An internal lot line separates those two lots and the existing church building is 25 feet from that lot line. This lot line is without any practical impact. The property is used as a single entity at the present time and will continue to be used in that fashion.

At the hearing, the Petitioner's witnesses argued that this variance may not be necessary and cited the language contained in Section 5-114 of the Courts and Judicial Proceedings Article of the Annotated Code. That Section of the Code deals with setback restrictions and provides, in part, that a governmental entity may not initiate an action arising out of a failure of a building to comply with a setback line restriction more than three years after the date on which the violation first occurred. Although that Section would prohibit any enforcement action by Baltimore County against the property owner, it does not apply in this case. That is, enforcement actions are not within the jurisdiction of the Zoning Commissioner. Section 5-114 is applicable only to those actions instituted by the Code Enforcement Division of the Department of Permits and

ORDER RECEIVED FOR FILING
Date 11/3/12
By ybp

Development Management. The Petitioner also cited Friends of the Ridge, et al, v. Baltimore Gas & Electric Company, 352 Md. 645 (1999). That case held that in certain circumstances, setback variances from interior lot lines are not required. However, it is to be noted that this Section specifically applied to the circumstances that existed in that case relative to the proposed expansion of an existing electrical transformer substation.

Based upon the testimony and evidence offered, it is clear that variance relief is warranted in this case. Although the Petitioner's arguments may be valid as to the necessity for the variance, out of an abundance of caution, I will grant relief pursuant to Section 307 of the B.C.Z.R. I find that variance relief is justified in this instance, given the fact that the building has existed for many years.

The second variance request relates to the distance between proposed buildings. In this regard, the proposed education/administrative building that is to be constructed in Phase 1 will ultimately be located 42 feet from the parish hall building that will be constructed in Phase 2. The Petitioner indicated that it was the desire of the church to cluster the buildings in the northwest corner of the site to improve traffic circulation on the property, in view of the environmental constraints and grade of the property. Moreover, the clustering of the buildings in one area of the site will result in less visual impacts upon the surrounding neighborhood.

Based upon the undisputed testimony, it is clear that the grade and environmental features associated with this property justify the variance. Again, I find that the Petitioner has met the requirements of Section 307 of the B.C.Z.R. for variance relief to be granted. Moreover, I find that the relief requested will not be detrimental to the health, safety and general welfare of the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of November, 2002 that the Petition for Special Exception seeking relief, pursuant to Sections 1A01.2.C.6 and 502 of the Baltimore County Zoning Regulations (B.C.Z.R.), for an

ORDER RECEIVED FOR FILING
Date 11/13/02
By

existing church and proposed expansion, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A01.3.B.3 of the B.C.Z.R. to permit a principal building to interior lot line setback of 25 feet in lieu of the required 35 feet, and from Sections 102.2 and 1A01.3.B.3 of the B.C.Z.R. to permit a separation between two principal structures of 42 feet in lieu of the required 70 feet, in accordance with Petitioner's Exhibits 1A, 1B and 2, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

November 13, 2002

Patricia A. Malone, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
N/S Old Court Road, 30' SW of the c/l Davis Avenue
(10800 Old Court Road)
2nd Election District – 2nd Council District
Cardinal William H. Keeler Roman Catholic Archbishop of Baltimore - Petitioner
Case No. 03-123-XA

Dear Ms. Malone:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Father Joseph P. Lacey, St. Alphonsus Rodriquez Church
10800 Old Court Road, Woodstock, Md. 21164
Mr. Steven A. McCurdy, Site Resources, Inc., 14307 Jarrettsville Pike, Phoenix, Md. 21131
Mr. Mickey Cornelius, Traffic Group, 9900 Franklin Sq.Dr., Suite H, Baltimore, Md. 21236
Ms. Pamela M. Wright, Rubeling & Assoc., 401 Jefferson Avenue, Towson, Md. 21286
Mr. Kenneth A. McDonald, Jr., Chief, Engineering Access Permits Division, SHA
P.O. Box 717, Baltimore, Md. 21203-0717
Mr. Paul Dorsey, 9511 Old Court Road, Baltimore, Md. 21244
Ms. Rosalyn Roddy, 3036 Hernwood Road, Woodstock, Md. 21163
DEPRM; People's Counsel; Case File

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 10800 Old Court Road

which is presently zoned RC-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, le owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto a made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use herein described property for

special exception pursuant to Sections 1A01.2.C.6 and 502 of the Baltimore County Zoning Regulations for an existing church and expansion.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

See Attached

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP

Company

210 Allegheny Avenue 410-494-6200

Address Telephone No.

Towson, Md. 21204

City State Zip Code

Representative to be Contacted:

Robert A. Hoffman

Name

210 Allegheny Avenue 410-494-6200

Address Telephone No.

Towson, Md. 21204

City State Zip Code

ORDER RECEIVED FOR FILING
Date 11/13/02
By

Case No. 03-123-XA

REV 09/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 9/12/02

Signature Page Attachment

Legal Owner:

Cardinal William H. Keeler
Roman Catholic Archbishop of Baltimore,
a Corporation Sole
320 Cathedral Street
Baltimore, Maryland 21201
(410) 547-5437

03-123-XA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10800 Old Court Road

which is presently zoned RC-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be determined at the hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP

Company

210 Allegheny Avenue (410)494-6200

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

ORDER RECEIVED FOR FILING
Date 11/13/02
By

Case No. 03-123-XA

REV 9/15/98

Legal Owner(s):

SEE ATTACHED

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Robert A. Hoffman

Name

210 Allegheny Avenue (410)494-6200

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING
Reviewed By JNP **Date** 9/12/02

Petition for Variance

Variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations to permit a 25 foot principal structure to (interior) lot line setback in lieu of the required 35 feet, if necessary.

Variance from Sections 102.2 and 1A01.3.B.3 of the Baltimore County Zoning Regulations to permit a 42 foot separation between two principal structures in lieu of the required 70 foot separation.

03-123-XA

Signature Page Attachment

Legal Owner:

Cardinal William H. Keeler
Roman Catholic Archbishop of Baltimore,
a Corporation Sole
320 Cathedral Street
Baltimore, Maryland 21201
(410) 547-5437

ORDER RECEIVED FOR FILING
Date 11/3/12
By

03-123-xA

SITE RESOURCES
incorporated
Comprehensive Land Planning & Site Design Services

ST. ALPHONSUS RODRIGUEZ ROMAN CATHOLIC CHURCH
Woodstock, Maryland

ZONING DESCRIPTION

All that piece or parcel of land situate, lying, and being in the Second Election District of Baltimore County, State of Maryland, and described more particularly as follows to wit:

Beginning for the same in or near the center of Old Court Road at the distance of 30 feet, more or less, southwesterly from the intersection of the center line of Davis Avenue, running thence in the center of Old Court Road and binding on the outlines of the property of the petitioners herein:

01) South 51 degrees 55 minutes 30 seconds West, 168.66 feet;

02) South 54 degrees 16 minutes West, 88.46 feet;

03) South 59 degrees 00 minutes West, 72.61 feet;

04) South 68 degrees 13 minutes West; 76.53 feet;

05) South 83 degrees 02 minutes West, 70.79 feet;

06) South 89 degrees 34 minutes West, 103.44 feet;

07) South 84 degrees 40 minutes West, 55.29; thence leaving said road and continuing to bind on the outlines of the property of the petitioners herein;

08) North 15 degrees 18 minutes West, 17.28 feet;

09) North 75 degrees 33 minutes West, 66.35 feet;

10) North 78 degrees 47 minutes West, 118.73 feet;

11) North 74 degrees 47 minutes West, 164.26 feet;

14307 Jarrettsville Pike · Phoenix, MD 21131

(410) 683-3388 · fax (410) 683-3389

03-123-XA

ST. ALPHONSUS RODRIGUEZ
ROMAN CATHOLIC CHURCH
Woodstock, Maryland

ZONING DESCRIPTION

12) North 39 degrees 28 minutes East, 745.55 feet;

13) North 31 degrees 58 minutes 36 seconds East, 209.50 feet;

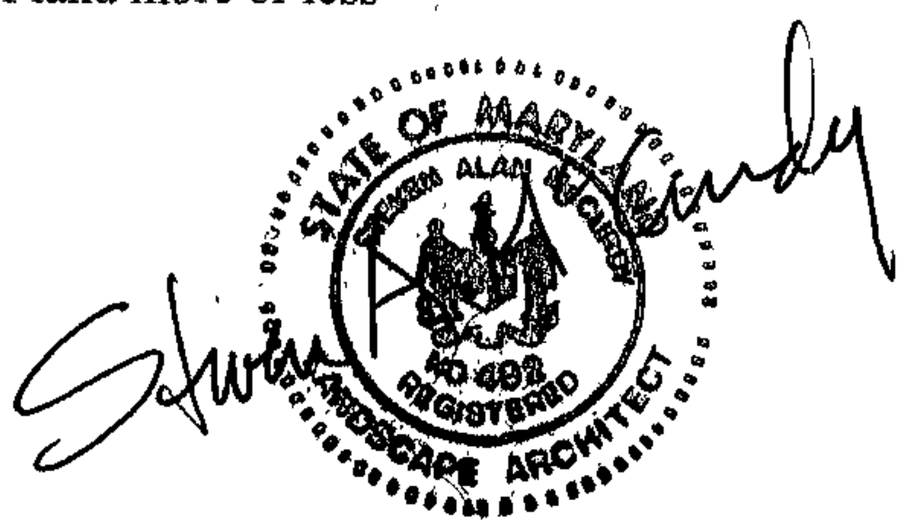
14) South 72 degrees 18 minutes 11 seconds East, 766.93 feet, to a point in the center in Old Court Road, thence in the center of Old Court Road;

15) South 47 degrees 52 minutes 41 seconds West, 441.86 feet, and;

16) South 41 degrees 51 minutes 46 seconds West, 35.70 feet, to the point of beginning.

CONTAINING 12.55 acres of land more or less

Lg\02020\ZoningDescription091002



03-123-XA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 17146

DATE 7/12/12 ACCOUNT 001-6150

AMOUNT $ 550.00

RECEIVED FROM: Chesapeake Bay Critical Area Commission

FOR: Hearing Fee Old Court Road (07-123-XA)

Reimbursement to Baltimore County

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #03-123-XA
10800 Old Court Road
NW/S of Old Court Road, 30' SW Davis Avenue
2nd Election District – 2nd Councilmanic District
Legal Owner(s): Cardinal William H. Keeler,
Roman Catholic Archbishop of Baltimore

Special Exception: for an expansion existing church.
Variance: to permit a 25 foot principal structure to (interior) lot line setback in lieu of the required 35 feet; to permit a 42 foot separation between two principal structures in lieu of the required 70 foot separation.

Hearing: Friday, October 18, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

10/032 Oct. 3 C566360

CERTIFICATE OF PUBLICATION

10/3/, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/3/, 2002.

☒ The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 03-123-XA

Petitioner/Developer: CARDINAL

WILLIAM H. KEELER

Date of Hearing/Closing: 10/18/02

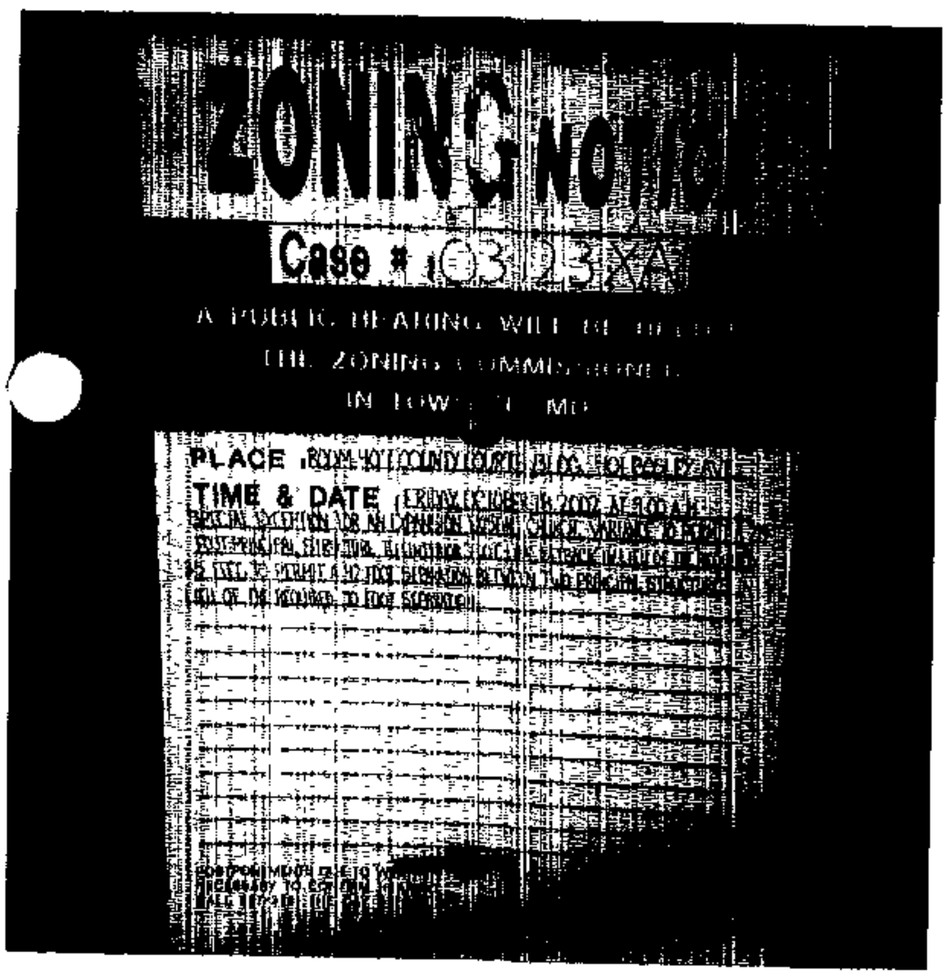
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 10800 OLD COURT RD

The sign(s) were posted on 10/2/02
(Month, Day, Year)



Sincerely,

10/2/02
(Signature of Sign Poster and Date)

SSG ROBERT BLACK
(Printed Name)

1508 Leslie Rd
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

RE:	PETITION FOR SPECIAL EXCEPTION AND VARIANCE	*	BEFORE THE
	10800 Old Court Road NW/side of Old Court Road, 30' SW of Davis Avenue	*	ZONING COMMISSIONER
	2nd Election District 2nd Councilmanic District	*	FOR
	Legal Owner: Cardinal William H. Keeler Roman Catholic Archbishop of Balto.	*	BALTIMORE COUNTY
	Petitioner(s)	*	03-123-XA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of September, 2002, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, VENABLE, BAETJER & HOWARD, LLP, 310 Allegheny Avenue, Towson, MD 21204 Attorney for Petitioner(s).

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 03, 2002 Issue – Jeffersonian

Please forward billing to:
Amy Dontell 410 494-6244
Venable Baetjer & Howard
210 Allegheny Avenue
Towson MD 21204

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 03-123-XA
10800 Old Court Road
NW/S of Old Court Road, 30' SW Davis Avenue
2nd Election District – 2nd Councilmanic District
Legal Owner Cardinal William H Keeler, Roman Catholic Archbishop of Baltimore

Special Exception for an expansion existing church. Variance to permit a 25 foot principal structure to (interior) lot line setback in lieu of the required 35 feet; to permit a 42 foot separation between two principal structures in lieu of the required 70 foot separation.

HEARING: Friday, October 18, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt
Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

September 23, 2002

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 03-123-XA
10800 Old Court Road
NW/S of Old Court Road, 30' SW Davis Avenue
2nd Election District – 2nd Councilmanic District
Legal Owner Cardinal William H Keeler, Roman Catholic Archbishop of Baltimore

Special Exception for an expansion existing church. Variance to permit a 25 foot principal structure to (interior) lot line setback in lieu of the required 35 feet; to permit a 42 foot separation between two principal structures in lieu of the required 70 foot separation.

HEARING: Friday, October 18, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

C: Robert A Hoffman Esquire, Venable Baetjer & Howard, 210 Allegheny Avenue, Towson 21204
Cardinal William H Keeler, Roman Catholic Archbishop of Baltimore,
320 Cathedral Street, Baltimore 21201

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY OCTOBER 03, 2002.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 03-123-XA

Petitioner: ROMAN CATHOLIC ARCHBISHOP OF BALTIMORE

Address or Location: 10800 OLD COUNT ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: AMY DONTELL

Address: 210 ALLEGHENY AVENUE

TOWSON, MARYLAND 21204

Telephone Number: (410) 494 6244

Revised 2/20/98 - SCJ

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 10, 2002

Mr. Robert A. Hoffman, Esquire
Venable Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Hoffman::

RE: Case Number: 03-123 XA, 10800 Old Court Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on, September 12, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc
Enclosures

c: Cardinal William H. Keeler, Roman Catholic Archbishop of Baltimore, 320 Cathedral Street, Baltimore MD 21201
People's Counsel

Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

September 24, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items: 123
116-117, 121-130

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS/TGT

DATE: October 10, 2002

SUBJECT: Zoning Item 123
Address 10800 Old Court Road

Zoning Advisory Committee Meeting of September 23, 2002

GROUND WATER MANAGEMENT

Soil evaluations must be conducted. An evaluation of the existing septic system must be conducted.

Reviewer: Sue Farrinetti Date: 10/9/02

File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Donald Rascoe
Department of Permits and
Development Management

DATE: March 31, 2003

FROM: Lynn Lanham
Development Review Section
Office of Planning

RECEIVED
APR 1 2003
ZONING COMMISSIONER

SUBJECT: St. Alphonsus Rodriguez
10800 Old Court Road

PROJECT REQUEST:
ZAC 03-123-XA

The Office of Planning has reviewed the architectural drawings submitted on March 21, 2003 and recommends approval. Building permits may be issued.

Lynn Lanham

LL:

CC: Lawrence E. Schmidt, Zoning Commissioner for Baltimore County
Pamela Wright, Rubeling & Associates, Inc

\\NCH_NW\VOL3\WORKGRPS\DEVREV\REFINEME\St Alphonsus Rodriguez.doc

10/18

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: October 15, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

16

SUBJECT: 1800 Old Court Road

INFORMATION:

Item Number: 03-123

Petitioner: Cardinal William H. Keeler
Roman Catholic Archbishop of Baltimore

Zoning: RC 2

Requested Action: Variance/Special Exception

SUMMARY OF RECOMMENDATIONS:

The subject site is located within the boundaries of the Patapsco/Granite Area Community Plan (adopted December 21, 1998).

Old Court Road is identified as a Scenic Route in Master Plan 2010 (see Map 37 on page 250) and in the Patapsco/Granite Area Community Plan (see page 15).

Page 15 of the Patapsco/Granite Area Community Plan contains the following recommendations regarding institutional forms of development:

> Institutional forms of development such as houses of worship and schools are permitted by right or by special exception in the RC 2, RC 3 and RC 5 zones. While beneficial to the residents, the demands on the infrastructure may be more extensive than many other non-residential uses. In order to preserve rural character, these uses should be reviewed by the Baltimore County Design Review Panel, pursuant to Section 26-281(b) of the Baltimore County Code, and should be reviewed for compatibility with the surrounding neighborhood, pursuant to Section 26-282 of the Baltimore County Code. Special consideration should be given to architecture, scale, mass, fencing, landscaping and signage. Lastly, uncleared, landscaped buffers of 50 feet for any institutional building or

parking lot will be required, consistent with those required in a residential transition area (RTA). The RTA should apply in all RC zones, between the new use and any off site single family houses that are located within 150 feet of the development tract boundary or vacant lots, less than 2 acres in area, on which a dwelling meeting all required setbacks can be erected.

In light of the aforementioned, a 50-foot landscaped buffer should be provided between Old Court Road and the proposed parking lot, which is shown on the phase two plan. Also, as a condition of approval, building elevations should be submitted to the Office of Planning for approval prior to the issuance of any building permits.

In the phase two plan, consideration should be given to locating some parking near the proposed parish hall.

The proposed education/administration building and the proposed parish hall appear to be much larger than the existing church, but the petitioner's plan indicates that these buildings are not required to be separately parked (see note 13). The petitioner should demonstrate to the satisfaction of the Zoning Commissioner that adequate parking will be provided. In order to determine whether there will be adequate parking, more information is needed about the intended use of the proposed buildings.

Prepared by: _____

Section Chief: _____

AFK/LL:MAC:

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: September 26, 2002

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 123 (JNP)
10800 Old Court RD
MD 125
Mile Post 0.78

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval of the Special Exception. However, we will require the owner to obtain an access permit for the proposed highway improvements as shown on the plan to accompany the Special Exception.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Patricia A. Malone	210 Allegheny Ave	Towson MD 21204	pamalone@venable.com
Joseph P. Lacey	10800 Old Court Rd	Woodstock MD 21163	joelaceys@yahoo.com
Arthur L Rossbach	7911 Dogwood Road	Windsor Mill, MD 21244	RCIArt@Aol.com
Steven A. McCurdy	Site Resources, Inc 14307 Jarrettsville Pike	Phoenix, MD 21131	smccurdy@siteresources.biz
Norman Karolenko	10205 Harvest Fields Dr.	Woodstock, MD. 21163	normglokarolenko@erols.com
Mickey Cornelius	9900 Franklin Sq Dr, Ste. H	Baltimore MD 21236	mcornelius@trafficgroup.com
Bob Sheesley	8354 Chestnut Farm Lane	Ellicott City MD 21043	RSheez@Aol.com
Pamela M. Wright	401 Jefferson Ave	Towson MD 21286	pmwright@rubeling.com

PLEASE PRINT CLEARLY

CASE NAME________________
CASE NUMBER______________
DATE_____________________

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
PAUL DORSEY	9511 OLD COURT RD	BALTIMORE MD 21244	PSDORSEY@BCPL.NET
Rosalyn Roddy	3036 Hernwood Rd	Woodstock MD 21163	—

Parris N. Glendening
Governor
Kathleen Kennedy Townsend
Lt. Governor

Maryland Department of Planning

Roy W. Kienitz
Secretary
Mary Abrams
Deputy Secretary

September 23, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
111 W. Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

Re: **Zoning Advisory Committee Agenda re: case numbers 03-106-SPH, 03-116-A, 03-117-A, 03-118-A, 03-119-A, 03-120-XA, 03-121-A, 03-122-A, 03-123-XA, 03-124-A, 03-125-A, 03-126-A, 03-127-SAHSPH, 03-128-A, 03-129-A, 03-130-A**

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 09/23/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

301 West Preston Street • Suite 1101 • Baltimore, Maryland 21201-2365
Telephone. 410.767.4500 • Fax: 410.767 4480 • Toll Free: 1.877.767.6272 • TTY Users: Maryland Relay
Internet: www.MDP state md.us

(b) *Limitation of actions.* — An action for damages arising out of an occupational disease shall be filed within 3 years of the discovery of facts from which it was known or reasonably should have been known that an occupational disease was the proximate cause of death, but in any event not later than 10 years from the date of death.

(c) *"Proximate cause" defined.* — As used in subsection (b) of this section, "proximate cause" means that the occupational disease was a substantial contributing cause of the death of the plaintiff's decedent. (1987, ch. 624; 1988, ch. 6, § 1; ch. 772.)

Editor's note. — Section 2, ch. 624, Acts 1987, provides that "this act shall be construed both retrospectively and prospectively, taking effect July 1, 1987."

Section 2, ch. 772, Acts 1988, provides that this act shall be construed both retroactively and prospectively.

Quoted in Geisz v. Greater Baltimore Medical Ctr., 313 Md. 301, 545 A.2d 658 (1988).

§ 5-114. Setback line restrictions.

(a) *Definitions.* — (1) In this section, the following words have the meanings indicated.

(2) "Building permit" or "permit" includes a site plan and other documentation submitted in support of an application for a building permit and providing the basis for the issuance of the building permit.

(3) "Governmental entity" includes:

(i) The State;

(ii) A local government; and

(iii) An officer, office, department, agency, board, commission, or other unit of State or local government.

(4) "Highway" means any way or thoroughfare, whether or not the way or thoroughfare has been dedicated to the public or a dedication has been accepted.

(5) "Local government" means:

(i) A chartered county established under Article 25A of the Code;

(ii) A code county established under Article 25B of the Code;

(iii) A board of county commissioners established or operating under Article 25 of the Code;

(iv) Baltimore City;

(v) A municipal corporation established or operating under Article 23A of the Code;

(vi) A special taxing district; or

(vii) Any other political subdivision.

(6) (i) "Person" means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity.

(ii) "Person" does not include a governmental entity.

(7) "Property line" means the line marking the boundary between 2 separate lots or parcels of property.

(8) "Setback line" means the distance from a curb or shoulder of a highway, edge of a sidewalk, or property line beyond which any portion of a building or structure may not extend.

(9) "Setback line restriction" means a setback line established by:

(i) A law, ordinance, or regulation, including a building or zoning law, ordinance, or regulation; or

(ii) An instrument, however denominated.

(b) *In general.* — (1) A person may not initiate an action or proceeding arising out of a failure of a building or structure to comply with a setback line restriction more than 3 years after the date on which the violation first occurred.

(2) A governmental entity may not initiate an action or proceeding arising out of a failure of a building or structure to comply with a setback line restriction more than 3 years after the date on which the violation first occurred if the building or structure was constructed or reconstructed:

(i) In compliance with an otherwise valid building permit, except that the building permit wrongfully permitted the building or structure to violate a setback line restriction; or

(ii) Under a valid building permit, and the building or structure failed to comply with a setback line restriction accurately reflected in the permit.

(3) For purposes of paragraph (2) (i) of this subsection and notwithstanding any other provision of State or local law to the contrary, a building permit that was otherwise validly issued, except that the permit wrongfully permitted the building or structure to violate a setback line restriction, shall be considered a valid building permit.

(4) For purposes of paragraph (2) of this subsection, the date on which the violation first occurred shall be deemed to be the date on which the final building inspection was approved.

(c) *Failure to comply.* — Notwithstanding any provision to the contrary in a deed or other written instrument, a failure to comply with a setback line restriction may not cause a forfeiture or reversion of title.

(d) *Defenses.* — This section may not be construed to abrogate or affect the defense of laches or any other defense that a person may have to an action or proceeding for a violation of a setback line restriction. (1989, ch. 729; 1991, ch. 576; 1992, ch. 383.)

Editor's note. — Section 2, ch. 729, Acts 1989, provides that "this act shall be construed only prospectively and may not be applied or interpreted to have any effect upon or application to any action or proceeding initiated prior to July 1, 1989."

Section 2, ch. 576, Acts 1991, provides that "this Act shall apply to and be interpreted to affect all actions or proceedings initiated on or after July 1, 1989."

Section 2, ch. 383, Acts 1992, provides that "this Act shall be construed both prospectively and retroactively and shall be applied to and interpreted to affect a building or structure constructed or reconstructed under a valid building permit or in which a variance was granted before October 1, 1992."

Section 3 of ch. 383 provides that "this Act shall apply to all actions or proceedings filed on or after October 1, 1992."

§ 5-115. Product liability arising in a foreign jurisdiction.

(a) (1) In this section the following words have the meanings indicated.

Court of Appeals of Maryland.

FRIENDS OF THE RIDGE et al.
v.
BALTIMORE GAS AND ELECTRIC COMPANY.

No. 76, Sept. Term, 1998.

Feb. 11, 1999.

Gas and electric utility, which sought to expand existing electrical transformer substation onto contiguous parcels acquired by utility after construction of substation, petitioned for variance from side yard setback requirements. The zoning board granted petition, and neighbors appealed. The Circuit Court, Baltimore County, Lawrence R. Daniels, J., affirmed. Neighbors appealed. The Court of Special Appeals, 120 Md.App. 444, 707 A.2d 866, affirmed. Neighbors appealed. The Court of Appeals, Cathell, J., held that: (1) several parcels or lots may be merged into one larger parcel for zoning purposes by integrating or utilizing contiguous lots in service of single structure or project, and (2) no setback variance from interior lot lines was required, with respect to proposed expansion of existing substation.

Judgment of Court of Special Appeals vacated in part and case remanded with instructions.

West Headnotes

[1] Zoning and Planning ⚿254
414k254

[1] Zoning and Planning ⚿256
414k256

[1] Zoning and Planning ⚿303
414k303

Zoning ordinances do not create lots; what zoning ordinances normally do, with respect to residential districts, is establish dimensional minimums and specify number of residential units that may be placed on area of tract or parcel, ancillary requirements such as parking minimums, bathroom minimums, and square footage minimums of buildings.

[2] Zoning and Planning ⚿254
414k254

In zoning cases, "doctrine of merger" generally prohibits the use of individual substandard parcels if contiguous parcels have been, at any relevant time, in the same ownership and at the time of that ownership, the combined parcel was not substandard; in other words, if several contiguous parcels, each of which do not comply with present zoning, are in single ownership and, as combined, the single parcel is usable without violating zoning provisions, one of the *separate, nonconforming parcels may not then or* thereafter be considered nonconforming, nor may a variance be granted for that separate parcel.

[3] Zoning and Planning ⚿254
414k254

Landowner who clearly desires to combine or merge several parcels or lots of land into one larger parcel may do so.

[4] Zoning and Planning ⚿254
414k254

Landowner who desires to combine or merge several parcels or lots of land into one larger parcel may do so by integrating or utilizing contiguous lots in service of single structure or project.

[5] Zoning and Planning ⚿254
414k254

When landowner combines or merges several parcels or lots of land into one larger parcel by integrating or utilizing contiguous lots in service of single structure *or project, the platted lot lines remain in place for title* purposes until deed of conveyance or new subdivision is created, but by operation of law a single parcel emerges for zoning purposes.

[6] Zoning and Planning ⚿504
414k504

Under county zoning ordinance, no setback variance from interior lot lines was required, with respect to gas *and electric* utility's proposed expansion of existing electrical transformer substation onto contiguous parcels utility acquired after construction of original substation, where there was no claim that any structures extended, or would extend, into any required "yards" or setbacks from exterior property lines of entire parcel.

**35 *647 J. Carroll Holzer, Towson, for petitioners.

John H. Zink, III (Patricia A. Malone, Venable, Baetjer and Howard, LLP, on brief), Towson, for respondent.

Argued before ELDRIDGE, CHASANOW, RAKER , WILNER, CATHELL, ROBERT L. KARWACKI (retired, specially assigned), and JOSEPH F. MURPHY, Jr. (specially assigned), JJ.

CATHELL, Judge.

In this case, Pamela and Carl Follo and Friends of the Ridge *et al.*, petitioners, appeal the affirmance by the Court of Special Appeals [FN1] of the decision of the Circuit Court for Baltimore County, which upheld the granting of a variance from side yard setback requirements to Baltimore Gas and Electric Company, *respondent*. *Petitioners present three issues for our* review, which we rearrange:

FN1. *Friends of the Ridge v. Baltimore Gas & Elec. Co.*, 120 Md.App. 444, 707 A.2d 866 (1998).

[1]. Whether the Court of Special Appeals' preference given to utility companies in this zoning case conflicts with this Court's decision in *Kahl vs. Consolidated Gas and Electric,* 191 Md. 249 [60 A.2d 754] (1949[1948])[.]
[2]. Whether in the absence of statutory authority, an electric utility company's status, *vel non,* as a utility, may be used to justify a zoning variance, generally, and the prerequisite of "uniqueness" specifically[.]
3. Whether the evidence relied on by the Court of Special Appeals in the instant case was sufficient to support a variance, both as to the uniqueness and practical difficulty, and whether its decision conflicts with the Court of Special Appeals' decision in *Cromwell vs. Ward,* 102 Md.App. 691 [651 A.2d 424] (1995)[.]

*648 We shall not directly address the questions presented. [FN2] We shall direct that this case be remanded to the Baltimore County Board of Appeals (Board) with instructions to enter an order that no variance was needed in the case *sub judice*. [FN3]

FN2. We note that Respondent argues that the provisions of the ordinance applicable to variances ("where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request") should be read to indicate that a structure intended to be built once a variance is granted could itself be so unusual as to satisfy the uniqueness requirement of the statute. Under this argument, respondent contends that, given the characteristics of the equipment respondent proposes to erect and for which it seeks a variance, combined with the necessity that the equipment be within a certain distance of each other, its situation creates "peculiar or unusual circumstances relating to the substation *structures* which are the subject of the variance." Our failure to address this issue should not be construed as our approval or *acceptance of that approach. We are reluctant* to say that a proposition we are not resolving is wrong. Accordingly, we shall instead describe it as of doubtful logical force.

FN3. This is consistent with the Board's initial finding that no variance was necessary. The Board apparently felt it was required to address the variance issue because respondent filed a variance petition. Respondent may have filed the variance request because opponents to the project asserted that a variance was necessary.

Under the ordinance at issue here, and indeed in most ordinances of which we are aware, unless the ordinance's language specifically and clearly prohibits it, an owner of **36 contiguous parcels of real property, such as respondent, is free to combine them into larger and fewer parcels without violating the *zoning* code. In this case we are concerned only with the zoning ordinance. We first shall recite the facts and conclude by furnishing the reasons for holding that no variance was necessary in the present case.

FACTS

Respondent, at all times pertinent to the case at bar has operated a facility called the "Ivy Hill Substation," which is situated on one of the parcels it owns near the intersection of Falls and Ridge Roads in Baltimore County, Maryland. The site, and all of the relevant surrounding area, is zoned RC-5. Under that classification, public utility facilities are permitted *649 as special exceptions if they comply with the requirements of the Baltimore County zoning ordinance. Respondent, anticipating a need for additional capacity in the region, proposed to increase the capacity at the Ivy Hill Substation. In order to do so, respondent was required to apply for a special

exception to operate an enlarged facility. Respondent applied for and obtained a special exception. In their petition for certiorari, petitioners did not challenge the granting of the special exception. Accordingly, the granting of the special exception is no longer at issue.

The new, enlarged substation was planned to extend onto a contiguous parcel from the original site of the existing substation. The original substation was situated on a 0.4 acre parcel. Subsequently, respondents acquired an adjacent 1.5 acre parcel and, during the proceedings at the administrative level, acquired another 0.9 acre adjoining parcel. The record reflects that all three parcels are contiguous with each other. Petitioners assert in their brief that because the parcels never were "legally combined," the Baltimore County ordinance required respondent to obtain a variance to use the three parcels as one parcel. Respondent asserts that it since has caused the three lots to be combined by a resubdivision. Petitioner alleges that this was done improperly. If, in fact, it was done improperly, that is a matter for another day. [FN4] We are concerned here only with the applicability of the zoning ***650** ordinance's variance provisions and not Baltimore County subdivision regulations.

FN4. We often have held that subdivision is not zoning. In most jurisdictions, including Baltimore County, subdivision regulations are enacted and codified separately. We did state in our recent case of *Wesley Chapel Bluemount Ass'n v. Baltimore County*, 347 Md. 125, 699 A.2d 434 (1997), that planning and subdivision matters were in the nature of zoning for the purposes of the State Open Meetings Act. That opinion was based on our perception that the Legislature intended planning and subdivision processes to be considered as zoning *under that Act. See generally id.* Our opinion on that matter in that case was meant to apply only to Open Meetings Act concerns, and was not meant to be of general application changing, as Judge Eldridge discussed in his dissent, the holdings of "numerous opinions of this Court which have drawn a sharp distinction between 'planning' and 'zoning.' The approval or disapproval of a development plan is simply not a 'zoning matter.' " *Id.* at 151, 699 A.2d at 447. The holding in *Wesley Chapel* is limited to the context of the Open Meetings Act.

RESOLUTION

We again note that in this case we are concerned only with the issue of the variance. The primary concern of the Board, however, was the simultaneously considered special exception request. The grant of that special exception is not before us. The Board originally found that the variance provisions, section 307.1, did not apply to respondent's request. The Board, for reasons we shall discuss, was correct in that finding. [FN5] ****37** Nonetheless, apparently assuming it was required to address the variance issue because respondent filed a petition requesting a variance, the Board granted the petition. Because no variance was required, we direct the Court of Special Appeals to remand this matter to the circuit court for it to remand to the Board. The Board shall render a finding, consistent with its initial finding, that no variance is required for respondent to utilize the entire parcel for its proposal, so long as setback requirements are met from the exterior property lines of respondent's combined parcel.

FN5. The Board discussed the variance request, stating, in relevant part:
[Respondent] finally must meet the tests under Section 307.1 in pursuing variance from lot line setbacks, said lot lines existing between tracts owned by [respondent]. George Gavrelis clearly points out in his testimony that Section 306 of the BCZR speaks to lot area regulations for erecting substations. [Respondent] seeks a variance under 307.1 from BCZR 1A04.3B.3 which requires a 50-foot setback from any lot line other than a street line. *The Board finds as a fact that Section 306 applies in this case and that the application for a variance under 307.1 may be treated as moot.* [Respondent] recognizes that its placement of electric utility structures on the subject site, straddling interior lot lines and certainly within *otherwise* required setbacks, *may be construed* under 1A04.3B.3 as a principal building, and is therefore requesting such variance. The Board is *compelled* to address the issue of 307.1 pursuant to the Petition. [Emphasis added.]

DISCUSSION

[1] Zoning ordinances, including Baltimore County's ordinances, **do not create lots.** Zoning does not create parcels of ***651** real property. What zoning ordinances normally do, with respect to residential districts, is establish dimensional minimums, such as minimal lot, parcel or tract size, yard sizes (the distance between buildings and property lines), and the height of structures. In addition, such ordinances specify the number of residential units that may be placed upon the area of a tract or parcel (density), ancillary requirements such as parking minimums,

bathroom minimums, and square footage minimums of buildings. Additionally, zoning ordinances can, to some extent, regulate uses of property, as distinct from dimensional requirements. [FN6]

> FN6. When variance issues are involved, some cases regarding setbacks or height restrictions refer to them as "dimensional" variances, *see Bressman v. Gash,* 131 N.J. 517, 523-26, 621 A.2d 476, 479-81 (1993), and some as "deviational" variances. *See Sako v. Delsesto,* 688 A.2d 1296, 1298 (R.I.1997). In Maryland, they are commonly referred to as "yard" variances, distinguishing them from "use" variances, but on occasion have been referred to as "dimensional" variances. *See Easter v. Mayor of Baltimore,* 195 Md. 395, 401, 73 A.2d 491, 493 (1950) ("Use variances are doubtless more serious than dimensional changes, but that is only a matter of *degree.*"). *The proof required, however, assuming* the uniqueness of a subject property, can be much greater with respect to use variances when the terms "practical difficulties" and "unwarranted [undue, unusual or unreasonable] hardship" are framed in the disjunctive, "practical difficulties or unwarranted hardship." We noted in *Zengerle v. Board of County Commissioners,* 262 Md. 1, 21, 276 A.2d 646, 656 (1971): "a use variance is customarily concerned with unusual [unwarranted] hardship where the land cannot yield a reasonable return without a variance whereas an area variance is primarily concerned with practical difficulties." Although the phrase "reasonable return" has all but disappeared from the vocabulary of zoning, except to the extent the term "reasonable investment backed expectations," has crept into "takings" jurisprudence, *see Penn Central Transp. Co. v. City of New York,* 438 U.S. 104, 98 S.Ct. 2646, 57 L.Ed.2d 631 (1978) and its progeny, the distinction between yard and use variances consistently has been applied through the selective application of the practical difficulty/unwarranted hardship terminology.

Baltimore County's ordinance, like most zoning ordinances, does not define lots to include only lots delineated on plats in approved subdivisions. Section 101 defines "corner lot," "lot depth," "through lot" and then defines "interior lot" simply as "[a] lot other than a corner or through lot." It generically defines "lot of record," as "[a] *parcel of land* with boundaries ***652** as recorded in the land records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision or other condition thereof." *Id.* (emphasis added). The term " lots" as used in ordinances generally means parcels or tracts of land. In other words, when setbacks in respective districts are established, they generally apply to all tracts, parcels or pieces of land within the district, as indicated in the Baltimore County ordinance's definition of "setback." *See id.*

Generally, and in Baltimore County, the title or purpose clauses of zoning ordinances express concern with undersized parcels or lots, not with parcels that exceed the minimum dimensional requirements of the ordinances. The ordinance at issue here, in section 1A04.1(A)(1), which deals with Resource Conservation Zones (in the case *sub judice,* an "R.C.5" (Rural-Residential Zone)), states in its "legislative findings" clause:

> *It is found that:*
>
> ....
>
> c. In some cases *lot sizes are inadequate* to assure long-term adequacy of on- lot sewer and water systems;
>
> ****38** d. That unless measures are implemented to assure more rational growth patterns, *including adequate lot size,* undue financial hardships will be placed on Baltimore County and the life, safety and general welfare of the citizens of the county will be adversely affected. [Emphasis added.]

The "purpose" clause provides, in relevant part:

> B. Purpose. The R.C.5 zoning classification is established, pursuant to the legislative findings above, in order to:
>
> ....
>
> 4. *Provide a minimum lot size* which is sufficient to provide adequate area for the proper functioning of on-***653** lot sewer and water systems. [[FN7]]

> FN7. We will address the combining of three smaller parcels into one larger parcel by respondent, *infra.* That the purpose of this section is to require adequately sized lots or parcels of land will prove especially relevant in that context.

Id. (emphasis added).

[2] Efforts throughout the country, including Baltimore County, have been to restrict undersize parcels, not oversized parcels. These efforts have resulted in the creation and evolution in zoning of the doctrine of merger, which, in zoning cases, generally prohibits the use of individual substandard parcels if contiguous parcels have been, at any relevant time, in

the same ownership and at the time of that ownership, the combined parcel was not substandard. [FN8] In other words, if several contiguous parcels, each of which do not comply with present zoning, are in single ownership and, as combined, the single parcel is usable without violating zoning provisions, one of the separate, nonconforming parcels may not then *or thereafter* be considered nonconforming, nor may a variance be granted for that separate parcel. Some cases discuss automatic merger, but most require that the intent of the owner to merge the parcels be expressed, though little evidence of that intent is required. As far as we can discern, the zoning doctrine of lot merger has never been applied in any jurisdiction to limit the creation of parcels that exceed minimum dimensional requirements; merger has been applied only to prohibit the later creation of undersized parcels. This, perhaps, is due to the general lack of objection to large parcels. [FN9] A discussion, however, of how the doctrine of merger applies conversely to the present case may help emphasize that, in the context described above, merger occurs without the need for official subdivision or conveyancing. It is accepted automatically ***654** in some jurisdictions or, most often, with minimum proof of the owner's intent in other jurisdictions and always without the necessity of official action. We see no reason why a doctrine that seeks to prevent the proliferation or use of nonconforming, undersized lots by holding that they have been combined or merged into a larger parcel should not, as far as zoning is concerned, be applied properly to permit the creation, through the combining by use of a larger parcel from already conforming smaller parcels, without the necessity of official action or conveyancing.

FN8. We are unaware of any Maryland cases adopting the zoning doctrine of merger.

FN9. There are social concerns that raising minimum parcel or lot size or raising minimum square footage requirements can result in exclusionary zoning that may, in some circumstances, be invalid. Exclusionary zoning issues have not been raised in the case at bar.

One of the seminal cases discussing the doctrine of merger with respect to zoning is the New Jersey case of *Loechner v. Campoli*, 49 N.J. 504, 231 A.2d 553 (1967). In 1936, Mrs. Loechner and her late husband acquired lots numbered 186 through 188 on a surveyor's map or plat. Each lot was twenty- five feet wide by one hundred feet in depth. Prior to 1952, the Loechners erected a single house on the three lots. In 1952, Rudolph Loechner acquired two adjoining lots, numbered 189 and 190. These new lots remained vacant. When Rudolph Loechner died, he devised lots 189 and 190 to his wife. Accordingly, upon his death, his wife owned all five lots, 186 through 190, and the house that had been erected on lots 186, 187, and 188.

Mrs. Loechner subsequently contracted to sell lots 189 and 190 to Anthony Villani. ****39** Villani applied for a variance to build on his two lots, neglecting to mention that he had purchased the lots from an owner who had owned all five lots at one time. Although he obtained a variance, he was denied a building permit on grounds that subdivision approval was required because the five lots, when in common ownership, had merged into one parcel and the subsequent off-conveyance of the two lots to Villani was, in fact, a resubdivision of more parcels from a lesser number of parcels (one tract composed of the five lots). Mrs. Loechner took the position that resubdivison was unnecessary because all five lots were shown on the map or plat when she and her husband acquired the lots.

The Supreme Court of New Jersey noted that "[t]he acquisition of title by plaintiff to Lots 189 and 190 which were ***655** contiguous to Lots 186-188 created one parcel or tract of land consisting of five separate lots." *Id.* at 508, 231 A.2d at 555. Explaining that a state statute defined subdivision as "division of a lot, tract, or parcel of land into two or more lots," *id.* at 509, 231 A.2d at 555, the court discussed the meaning of the word "lot" in that context, noting that it retained its traditional meaning as a parcel or tract of land:

> The word "lot" as used in the Subdivision Act must be read in context with the words "tract or parcel of land" in order to ascertain its meaning. Consistent with recognized principles of statutory construction "lot" takes its meaning from the other two words with which it is associated. *Martell v. Lane*, 22 N.J. 110, 123 A.2d 541 (1956); *Salz v. State House Commission*, 18 N.J. 106, 112 A.2d 716 (1955); *State v. Murzda*, 116 N.J.L. 219, 183 A. 305 (E. & A.1936); 2 *Sutherland, Statutory Construction* § 4908 (3*d ed.* 1443). Thus considered "lot" is synonymous with "tract or parcel." The phrase "lot, tract or parcel of land" has traditionally been used to connote any portion or piece of realty. N.J.S.A. 40:55--1.2 contemplates supervision of the

division of a large tract or parcel of land into two or more smaller tracts or parcels. The Subdivision Act is not concerned with the manner in which land is described for conveyancing purposes but rather with what use is made thereof.

Id. at 510-11, 231 A.2d at 556-57.

Much the same can be said for zoning. Zoning is concerned with dimensions and uses of land or structures, not with any particular description "lot," "parcel," or "tract" applicable to or necessary for conveyancing. Conveyancing is a separate area of law involving the transfer of property between buyers and sellers that generally is not directly connected with government regulations and restrictions on the use of property through the zoning power. In zoning, the term lot normally is generic and used interchangeably to describe parcels, tracts, pieces or sections of land. [FN10]

FN10. In an earlier case, *Hutzler v. Mayor of Baltimore,* 207 Md. 424, 429, 114 A.2d 608, 611 (1955), which involved a parcel of land 200 feet by 380 feet, we noted that the statute at issue defined a "lot as '... a parcel of land now or hereafter laid out and occupied by one building and the accessory buildings or uses customarily or necessarily incident to it, including such open spaces as are required by this ordinance.' " (Omission in original.) In *Hertelendy v. Montgomery County Bd. of Appeals,* 245 Md. 554, 568-69, 226 A.2d 672, 681 (1967), we noted, without comment, that an ordinance's variance provisions addressed "parcels of property" and then, without making any distinction, described the parcel of property as "Lot 23-B."

***656** After *Loechner,* the doctrine of merger continued to evolve. It was described more concisely in *Somol v. Board of Adjustment,* 277 N.J.Super. 220, 228, 649 A.2d 422, 426 (1994): "[S]eparate *undersized* but contiguous lots fronting on the same street in single ownership ordinarily merge into one lot and conveyance of a portion will require subdivision and variance approval." (Emphasis added.) As is evident, the doctrine is designed to limit the creation of undersized parcels by *presuming* that merger can occur when contiguous lots exist in common ownership. As we have indicated, some jurisdictions presume merger automatically; in most jurisdictions, however, there must be some evidence of the owner's intent to merge. In the present case, respondent asserts a right to combine the contiguous parcels and to use them as a single parcel. Therefore, to the extent the doctrine is held to apply in this State under these converse circumstances, **40 the existence of merger is admitted in the case *sub judice.*

In *Iannucci v. Zoning Board of Appeals,* 25 Conn.App. 85, 592 A.2d 970 (1991), the applicant submitted a variance application to reposition a house entirely on one lot. At the time of the application, the house was built on two lots, with the attached porch on one lot and the main body of the house on the other. The purpose of the variance was to allow the property owner to build a new house on the vacated lot. The zoning body denied the variance, finding that " 'when a portion of the dwelling on lot two was constructed over the property line, lots one and two were effectively combined.' " *Id.* at 87, 592 A.2d at 971. The Connecticut Appellate Court held:

> Contiguous land owned by the same person does not necessarily constitute a single lot. A merger can occur, ***657** however, if the owner of contiguous parcels of land intends to form one tract. The owner's intent "may be inferred from his conduct with respect to the land and the use which he makes of it." Intent is an inference of fact and "is not reviewable unless it was one which the trier could not reasonably make."
> ... [B]oth lots were purchased by the plaintiff's parents. A portion of the dwelling was later constructed over the property line.... It was reasonable for the [administrative agency] to infer that the actions of the plaintiff's parents effectively merged the lots. Once these lots were merged, they could not thereafter be redivided into two separate lots [without complying with the subdivision process].
> The plaintiff's assertion that the lots remain separate because they appear separately on the original subdivision plan is not persuasive. A reference to multiple lots "from a map filed in the land records does not compel a finding of an absence of merger.... Such a conclusion conflicts with the basic proposition that in a determination of the factual issue of merger, the intent of the property owners must be ascertained and that no single factor is dispositive."

Id. at 89-90, 592 A.2d at 972-73 (citations omitted) (some quotations marks omitted). In *Appeal of Gregor,* 156 Pa. Commw. 418, 423-24, 627 A.2d

308, 310-11 (1993), the Pennsylvania Commonwealth Court said:

> Under the doctrine of merger of estate[s] in land, a lesser estate is merged into a greater estate whenever both estates meet in the same person. This doctrine has no application, however, to zoning law and the construction of a zoning ordinance where, as here, the term "merger" is used to describe the effect of a zoning ordinance on lots held in common ownership and is related to the issue of the physical merger of adjoining lots....
> ... The burden is placed upon the party who asserts a physical merger to establish the landowner's intent to integrate the adjoining lots into one large parcel. [Citations omitted.]

*658 *See also Skelley v. Zoning Bd. of Review,* 569 A.2d 1054, 1056 (R.I.1990) ("The concept of merger of contiguous nonconforming lots in common ownership as an appropriate method to combine nonconforming lots is gaining increased recognition.").

[3][4][5] We shall hold that a landowner who clearly desires to combine or merge several parcels or lots of land into one larger parcel may do so. One way he or she may do so is to integrate or utilize the contiguous lots in the service of a single structure or project, as respondent proposes in the instant case. [FN11] Although this is not the general application of the doctrine of merger as it relates to zoning, we perceive no rational objection to applying the same principles to the circumstances of this case, resulting in a larger parcel. For title purposes, the platted lot lines may remain, but by operation of law a single parcel emerges for zoning purposes. **41 At least three of our sister jurisdictions appear to have moved in the same direction. For example, the New Jersey Superior Court in *Bridge v. Neptune Township Zoning Board,* 233 N.J.Super. 587, 592-93, 595, 559 A.2d 855, 858, 859 (1989), discussed merger where a house had been constructed so it extended across the property lines of two parcels in common ownership:

> FN11. An owner of contiguous parcels who erects a structure in what would ordinarily be a setback of one of the individual parcels might, under this doctrine, although we do not now decide it, also cause a combination of lots thus restricting the future alienability of the unbuilt upon parcel because the conveyance of that parcel would cause the property upon which the structure is built to be in violation of the ordinance. Such an owner would also risk being forced to bring that parcel into conformity by removing the structure from the setback.

> The pivotal question is whether lot 686 retained its identity as a separate and distinct parcel for land use regulation purposes. Integral to that issue is the distinction, for land subdivision regulation purposes, *between (1) the assembling in common ownership of* two contiguous non-conforming lots both of which front on existing streets where the owner constructs a single-family residential dwelling so as to cover *659 all or part of both lots, and (2) such similarly assembled lots where one or both of the lots remains entirely vacant. In the latter instance, the lots *may* retain their identity, but in the former instance, the lots lose their identity and merge into a single parcel.
> ....
> When a person acquires ownership of contiguous non-conforming lots that are delineated as separate tracts on any map, and then builds a single-family structure so that it overlaps both lots, the lots merge into a single tract and are subject to the [Municipal Land Use Law] and its restrictions for future subdivision purposes as long as the structure remains on any part of both lots. Lot 686 cannot recover its separate identity so long as a portion of the house remains where it is....

In *Molic v. Zoning Board of Appeals,* 18 Conn.App. 159, 163-65, 556 A.2d 1049, 1051-52 (1989), which did not involve the zoning doctrine of merger, the court, upholding an agency's finding that no merger had occurred where a swimming pool had been constructed across two parcels of land, nonetheless stated:

> The plaintiffs claimed that all of the property ... had been merged by use and intent into one parcel, and that the 1984 map that showed three lots was an unapproved subdivision....
> An owner of contiguous parcels of land *may merge those parcels to form one tract if he desires to do so.* An intent on the part of the owner to do so may be inferred from his conduct with respect to the land and the use which he makes of it.... Intent is a question of fact.
> The plaintiffs have cited no authority ... for the proposition that an owner *must* be deemed to have merged contiguous lots. The one exception we have found ... is that ... some zoning regulations ... may require, either expressly or implicitly, that under certain conditions a nonconforming lot merges with contiguous land owned by the same owner [the zoning concept of the doctrine of merger]. This is

> an *660 understandable requirement because it furthers the general zoning purpose of eliminating nonconforming lots....
> ....
> ... Contiguous land all owned by the same person does not *necessarily* constitute a single lot. [Emphasis added.] [Citations omitted.] [Footnote omitted.]

Although *Molic* describes the general merger of parcels as being fact-based by not recognizing automatic merger, it appears to accept that the owner may combine contiguous tracts if he or she intends to do so.

The Pennsylvania Commonwealth Court, although addressing the doctrine of merger in a case involving zoning nonconformity, stated, without objection to the construction of structures across parcel boundaries, that:

> This is not to say, however, that once two adjoining lots are shown to be in "single and separate ownership" at the time of the relevant zoning ordinance, these lots must *always* be developed as two separate parcels. For example, a landowner who has acquired two adjoining lots after the passage of a zoning ordinance which rendered one or both of the lots undersized may *use* both lots in such a manner so as to integrate both lots into one large tract (explicitly demonstrated by building a house which straddles the common border).

Township of Middletown v. Middletown Township Zoning Hearing Bd., 120 Pa. Commw. 238, 245, 548 A.2d 1297, 1300 (1988).

**42 We are especially cognizant that in those jurisdictions that have expressly or impliedly recognized the doctrine of merger in zoning cases, none has required a formal re-subdivision as an element of merger. In fact, they generally reject both attempts to resubdivide into substandard parcels after a merger into a larger parcel has occurred and attempts to obtain variances from the nonconformity of the original parcels after a merger has created a larger conforming parcel. In those cases in which the erection of structures across borders have raised merger issues, none of the cases we have examined *661 ever question the right of property owners of multiple contiguous parcels to treat them as one parcel. These courts generally assume that it is permissible and not in violation of zoning principles.

Moreover, the construction of structures extending over more than one parcel or lot would not, in our view, affect the boundary lines (or lot lines) of the two parcels. They remain in place until a deed of conveyance or a new subdivision (generally defined as the creation of more parcels from fewer parcels) is created. [FN12] Perhaps even more important is the implication of the definition of "setback" contained in Baltimore County Zoning Regulations, section 101:

> FN12. The Baltimore County Zoning Regulations in its general definitions section defines subdivision as: The division of any tract or parcel of land, including frontage along an existing street or highway, into two or more lots, plots or other divisions of land *for the purpose, whether immediate or future, of building development for rental or sale,* and including all changes in street or lot [parcel, tract] lines; provided, however, that this definition of a subdivision shall not include divisions of land for agricultural purposes. [Emphasis added.]
> The Baltimore County *Planning, Zoning and Subdivision Control* statute, in Article I, Section 26-1 defines subdivision as:
> *Subdivision* means the division of a lot, tract, or parcel of land into two (2) or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of sale or building development.... Subdivision also includes resubdivision and, where appropriate to the context, relates to the process and subdividing or to the lands or territory divided.
> Clearly, respondent was combining, not dividing, parcels and not combining them for purposes of rental or sale. It was not creating more parcels from less parcels, at least until pressured to seek subdivision, an issue not before us, or was it seeking to make any "dimensional" changes, or to change parcel or "lot" lines. Nor has it changed the boundaries of its total parcel. As we have said, unless otherwise indicated, "lot" as used in zoning or subdivision definition is the equivalent of "parcel" or "tract."

> The required minimum horizontal distance between the building line (as defined in Section 101) and the related front, side or rear *property line*. [Emphasis added.]

Building line is defined as "[t]he line established by law beyond which a building shall not extend." *Id.* When the ordinance refers to "lot" lines with respect to setbacks, it *662 refers to lot lines generically, *i.e.*, property lines. The ordinance's setback provisions are met when the various "yard" requirements exist

between buildings and property lines.

[6] There is no claim that any structures in the case at bar extend, or will extend, into any required "yards" or setbacks from the exterior property lines of the entire parcel now owned by respondent. It thus does not need a variance. As a result, we remand to the Court of Special Appeals and order it to remand this case to the trial court so it may return this matter to the Baltimore County Board of Appeals with instructions to render a finding, consistent with its initial finding, that no setback variance from "interior lot lines" is required in the case *sub judice*. The appropriate method created by Baltimore County to address the enlargement of this substation was by way of the special exception provisions. As we have noted, the grant of the special exception was not presented as a question in the certiorari petition.

Respondent, insofar as the variance issues raised in this appeal are concerned, is entitled by right to construct the enlargement of the Ivy Hill Substation on its entire parcel without regard to the original "lot lines" that initially separated the three individual parcels, which now make up the larger combined parcel.

JUDGMENT OF THE COURT OF SPECIAL APPEALS AFFIRMED IN PART AND VACATED IN PART; THAT PORTION OF THE COURT OF SPECIAL APPEALS' **43 JUDGMENT RELATING TO THE VARIANCE IS VACATED; CASE REMANDED TO THAT COURT WITH INSTRUCTIONS TO VACATE THAT PORTION OF THE JUDGMENT OF THE CIRCUIT COURT RELATING TO THE VARIANCE AND REMAND THE CASE TO THE CIRCUIT COURT WITH INSTRUCTIONS TO REMAND THE CASE TO THE BOARD OF APPEALS FOR A DECISION CONSISTENT WITH THIS OPINION; COSTS IN THIS COURT AND IN *THE COURT OF SPECIAL APPEALS TO BE* PAID BY PETITIONERS.

END OF DOCUMENT

Pamela M. Wright AIA

1714 Park Avenue
Baltimore, Maryland 21201
410-462-2648

OBJECTIVE To design creative architecture as part of a thriving design team.

LICENCE **State of Maryland**

EXPERIENCE **17 Years Architectural Experience: Commercial, Institutional, Religious; Renovation & Preservation**

11/99-10/2002

RUBELING & ASSOCIATES TOWSON MARYLAND - *Managing Architect*

Franciscan Friars Cupertino: Addition & Alterations — Client: Franciscan Friars
Fort Garrison: Preservation of 300 yr. old fort — Client: Baltimore Co. Dept Rec & Parks
Jenkins Funeral Home: New facility — Client: Jenkins Funeral Home
Administration/Education Building: New Facility — Client: St. Alphonsus Rodriguez Church
Marie Mount Hall: MEG Lab Infill — Client: University of Maryland College Park
Bioscience Research Building: Program — Client: University of Maryland College Park
MFRI Headquarters Addition: Schematic Design Build — Client: University of Maryland College Park
Bedford Elementary School: Systemic Renovation — Client: Baltimore County Public Schools

8/94-9/99

SHELLIE A. CURRY III, ARCHITECTS TOWSON MARYLAND - *Design Architect*

Evangel Cathedral Church of God — Client: Pastor Michael McDermott
1500 seat, 42,000sf Sanctuary, offices and school. Responsible for project from initial concept through contract administration. Masonry building with 110' clear span metal trusses. See images below.

Project Architect

Beechtree Golf Clubhouse and Maintenance Facility — Client: James F. Knott Dev. Co.
21,000 sf Clubhouse with dinning rooms, catering kitchen, offices, pro shop & bathing facilities, cart storage for 115. 12,000 sf. Maintenance facility includes barn for equipment storage, repair shop with offices, sand and top soil bins and a *pumphouse*. *Flemish* bond brick on metal studs.

Maiden Choice Medical Office Building — Client: Maiden Choice Ltd.
4 Story, 45,524sf office building with tenant fit out. Steel frame with brick veneer.

10/87-8/94

FRANK GANT ARCHITECTS BALTIMORE MARYLAND - *Project Architect*

Bradford, Wolman, McCoy & Ivy Hall Renovations — Client: The Johns Hopkins University
$33.5 million renovation of *apartment buildings* to " suite style units". Food court with full kitchen facility in Wolman Hall. Project architect for $1 million dollar furniture budget.

Seton High School conversion of historic building to offices. Client: Prudential Health Care
Restored millwork & marble, reused windows as transoms in new offices. Designed stained glass panels.

Renovation/Addition Humanities Building. — Client: Loyola College
Restoration of original 1880's Tudor Castle to office and conference rooms. Replication and restoration of existing millwork. Design of trustee board room conference table with The Stickely Furniture Co.

5-8/87 & 1/86-6/84

MICHAEL F. TROSTEL, FAIA BALTIMORE MARYLAND - *Intern: Preservation & Restoration Architecture*

Carroll Mansion, Robert Long House, St. Paul's Rectory, Readbourne, Oakland, Auditorium: Talbot Co.
Catalog: " Maryland Period Rooms "The Baltimore Museum of Art , ink plans and elevations

8/86-9/87

THE LEON BRIDGES COMPANY BALTIMORE MARYLAND - *Designer/Drafter*

5-8/82

WALTER SCHAMU, AIA BALTIMORE MARYLAND - *Drafter*

1-6/81

EDMUNDS & HYDE, ARCHITECTS BALTIMORE MARYLAND - *Intern, Supervisor: Michael F. Trostel*

1/81

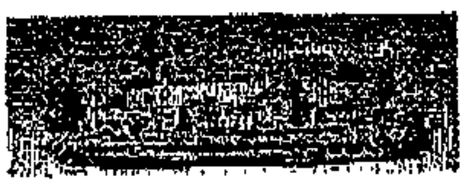
NATIONAL TRUST FOR HISTORIC PRESERVATION - *Intern, paper on file: Zoning for Historic Properties*

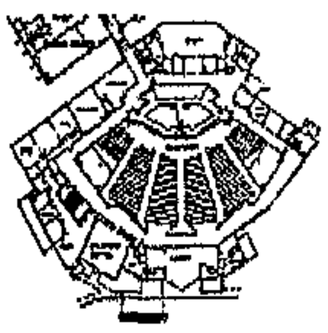
EDUCATION

M. A. Program,(45 Credits) School of Architecture, University of Maryland
B. A., Historic Preservation 1981, Goucher College, Towson, Maryland

SKILLS **Windows XP, Autocad 2002 , ArchT, Autoarchitect, Microsoft Word, Excel**

REFERENCES References, full project list and portfolio available upon request





Att No3

Pet. #5

MICKEY A. CORNELIUS, P.E., P.T.O.E.
Senior Vice President

Mickey Cornelius, proudly one of the first certified Professional Traffic Operations Engineers (P.T.O.E.) in the nation, is Senior Vice President of the firm, responsible for managing various aspects of the firm's traffic engineering and transportation planning studies. He is experienced in many aspects of traffic engineering and transportation planning, including traffic analysis, traffic forecasting and associated modeling, geometric design, traffic signals and signal systems evaluation/design, parking and circulation, traffic calming, and transportation systems management.

As a registered Professional Engineer, Mr. Cornelius has over 15 years experience in the highway transportation and traffic engineering profession. His experience in both the public and private sectors has provided him with a broad range of expertise in his field. Mr. Cornelius has conducted over 1,500 traffic engineering studies and has served as a transportation planner for the development of Master Plans for both private firms and public agencies. His educational and professional background has qualified him as an expert in the field of traffic engineering and transportation planning before numerous County and Municipal Planning and Zoning Boards in Maryland, as well as in Pennsylvania, New Jersey and New York.

Job History

1987 - Present
Traffic Engineering Consultant, The Traffic Group, Inc.

1984 - 1987
Traffic Engineering Consultant

1982 – 1984
Civil Engineer, Highway Construction

Educational Background

- *B.S. in Civil Engineering* with emphasis in Transportation
  Pennsylvania State University
- *Traffic Engineering Courses*
  Northwestern University Traffic Institute
  Polytechnic Institute of New York

Affiliations

- Certified Professional Traffic Operations Engineer (P.T.O.E.)
- Registered Professional Engineer (P.E.)–DE, MD, NJ, PA, VA
- Institute of Transportation Engineers (I.T.E.)
- National Society of Professional Engineers (N.S.P.E.)
- Urban Land Institute (U.L.I.)
- Maryland Association of Engineers (M.A.E.)
- Consulting Engineers Council of Pennsylvania (CEC/PA)
- American Society of Civil Engineers (A.S.C.E.)

Examples of places where Mr. Cornelius has testified as an expert witness

MARYLAND
City of Annapolis - City Council
Anne Arundel County - Board of Appeals;
Zoning Hearing Examiner
City of Baltimore - City Council; Planning Commission
Baltimore County - County Review Group, Zoning Commissioner, Board of Appeals; Circuit Court; District Court
Town of Bel Air - Planning Board; Town Commissioners; Zoning Hearing Examiner
Carroll County – Board of Appeals; County Commissioners; Planning Board
City of Bowie - Planning Advisory Board; Mayor and City Council
Cecil County - Technical Advisory Committee
Charles County - Board of Appeals
Dorchester County - Board of Appeals
Frederick County - Planning Board; County Commissioners; Board of Appeals
Harford County – Zoning Hearing Examiner
Howard County - Planning Board; Zoning Board; Board of Appeals
Town of Indian Head - Planning Commission
Montgomery County - Planning Board; Zoning Hearing Examiner; Board of Appeals
Town of North East - Planning Commission
Prince George's County - Planning Board; County Council
Washington County - Board of Appeals
City of Westminster - Mayor and Common Council
Wicomico County - Board of Zoning Appeals

NEW JERSEY
State Court of Administrative Law
Cumberland County - Manchester Township
Zoning Hearing Board
City of Millville - Planning Commission

PENNSYLVANIA
York County - Manchester Township Zoning Hearing Board
Shrewsbury Borough – Planning Commission

NEW YORK
Town of East Hampton - Planning Commission

Ref No 7

ROBERT W. SHEESLEY

ECO SENSE, INC.
8354 Chestnut Farm Lane
Ellicott City, Maryland 21043

BACKGROUND

Mr. Sheesley has over thirty years of experience in government, regulatory ,and permitting processes with a specialty in environmental matters. During the past eleven years Mr. Sheesley has acted as a private consultant to real estate developers, banking institutions, and local and state governments providing assistance on land use issues, government regulation, permitting requirements and negotiation, environmental sanitation, and natural resource identification and characterization.

In most of the positions that Mr Sheesley has held, he was responsible for, or participated in, public forums, community involvement, consensus building, and working with many competing interests. Such involvement includes building a Department, establishing a regional solid waste recycling program, siting solid and hazardous waste facilities, establishing watershed management policy, alternative road and highway alignments, waterway dredging projects, and regional environmental management strategies.

QUALIFICATIONS

- Eleven years as a private consultant.
- Over thirty years of experience in environmental protection and resource management.
- Proven skills in program planning, personnel supervision, and budget management.
- Demonstrated political interaction skills and consensus building.
- Skilled in legislative and regulatory processes.
- Skilled in effecting public participation, consensus building, addressing competing interests, conflict resolution, problem solving

GOVERNMENT AND REGULATORY EXPERIENCE

- Planned, developed, and administered the Baltimore County, Maryland Department of Environmental Protection and Resource Management.
- Coordinated the development of Baltimore County Programs in the following disciplines:

  Watershed Management
  Wetland Protection
  Coastal Waterway Improvement
  Groundwater Protection
  Forest Management Strategy
  Solid Waste Recycling
  Agricultural Protection
- In Howard County, Maryland, reorganized, staffed, and administered the Bureau of Environmental Health, Maryland Department of Health.
- President of the Maryland Conference of Environmental Health Directors Association (1984 - 1987).
- Coordinated statewide effort to provide consistency and standardization of local environmental health programs in the State of Maryland.
- Member, Governors Task Force:

  Maryland Non Tidal Wetlands Act;
  Forestry Management Regulation;
  Greenways Program.
- Member of the Board of Directors Chesapeake Bay Trust
- Member, Maryland Association of County's Subcommittees:

  Managing Municipal Sewage Sludge
  Maryland Solid Waste Regulation
- Member , Governor's Council on Toxic Substances (assisted the Deputy State Health Officer for Baltimore County.

EDUCATION

B.S. Health and Biology, Towson State University, Towson, Md.

Master of Health Science, Environmental Sciences, Johns Hopkins University, School of Hygiene and Public Health, Baltimore, Md.

Master of Administrative Science, Johns Hopkins University, Homewood Campus, Baltimore, Md.

EMPLOYMENT HISTORY

Present: **Private Consultant,**
Performs consulting services related to government process; land use and construction issues; natural resource identification, value and function; environmental site assessments; stream restoration, watershed evaluation, storm water management and sediment control; addressing regulatory issues, alternative analysis, negotiation of permit conditions; site design; private sewage and water systems; waste management issues; groundwater contamination problems; project management, and dispute resolution

1987 - 1990: **Director**, Baltimore County Department of Environmental protection and Resource Management, Baltimore County, Maryland.

1984 - 1987: **Director,** Bureau of Environmental Health, Howard County, Md. Maryland State Department of Health.

1981 - 1984: **Chief,** Water Quality and Waste Management, Baltimore County Bureau of Environmental Service, Department of Health.

1979 - 1981: **Supervisor,** Land Development Review Section, Baltimore County Bureau of Environmental Services, Department of Health.

1970 - 1979: **Sanitarian,** Baltimore County Bureau of Environmental Services, Department of Health. Resolved community environmental health concerns, conducted assessments of private water and sewage systems, landfills, groundwater contamination problems, air pollution, food establishments, and land use issues; initiated regulatory action as required.

PROFESSIONAL REGISTRATION

Registered Sanitarian - State of Maryland
#197

BOARD MEMBERSHIP

Member Howard County Board
Of Health

Ref No 8

STEVEN A. MCCURDY, CSI — Associate

Mr. McCurdy's experience illustrates successful coordination of very detailed projects involving strong emphasis on landscape architecture and civil engineering. In Mr. McCurdy's 28 years of experience he has worked in multidisciplinary firms managing a variety of complex project scopes. At Site Resources, Inc. Mr. McCurdy is responsible for the preparation of and oversight for site feasibility and zoning studies, land use planning, forest stand delineation and forest conservation plans, environmental effects reports, concept and development plans, sediment and erosion control plans, contract documents and specifications.

Professional Background

Site Resources, Inc.
Land Planners/Landscape Architects/
Civil Engineers
Phoenix and Forest Hill, Maryland
Associate, 2000 - Present

Morris and Ritchie Associates, Inc.
Engineers, Planners, Surveyors and Landscape Architects
Senior Landscape Architect
1989-2000

Daft McCune and Walker, Inc.
Landscape Architects and Engineers
Landscape Architect
1980-1989

City of Toledo, Ohio
Department of Natural Resources
Staff Landscape Architect
1976-1980

Professional Registration

Landscape Architect - Maryland

Education

Bachelor of Landscape Architecture
Landscape Architecture
State University of New York, College of Environmental Science and Forestry at Syracuse

Bachelor of Science
Environmental Studies
State University of New York, College of Environmental Science and Forestry at Syracuse

Clemson University
Architecture
Clemson, South Carolina

Professional Associations

Construction Specifications Institute
Professional Member

Significant Projects

St. John the Evangelist Church and School
School Expansion and Site Improvements
Hydes, Maryland

St. Joan of Arc Church
Aberdeen, Maryland

The John's Hopkins University
School of Hygiene and Public Health, Wolfe Street Addition; School of Nursing
Baltimore, Maryland

Anne Arundel Public Schools
Seven Oaks Elementary School
Anne Arundel, Maryland

Southern / Digital Harbor High School Renovation
Baltimore, Maryland

Dunbar High School Renovation
Baltimore, Maryland

Jenkins Funeral Home
Hereford, Maryland

St. Joseph Medical Center
Emergency Department; Heli-pad
Towson, Maryland

Greater Baltimore Medical Center
Parking Garage; Emergency Department; Parking improvements
Towson, Maryland

Jenkins Community
Assisted Living Facility; Adult Day Care
Catonsville, Maryland

Verizon Expansions for
Hunt Valley; Owings Mills; Cockeysville; Riva Road; Defense Highway; Hunt Valley 2; Wolfe Street
Baltimore Region, Maryland

Walters Art Museum – Renovation and Streetscape Improvements
Baltimore, Maryland

The Traffic Group

October 4, 2002

Ms. Pamela Wright
Rubeling & Associates
401 Jefferson Avenue
Towson, Maryland 21286-5308

RE: St. Alphonsus Rodriquez Parish Church
Baltimore County, Maryland
Our Job No: 2002-0508

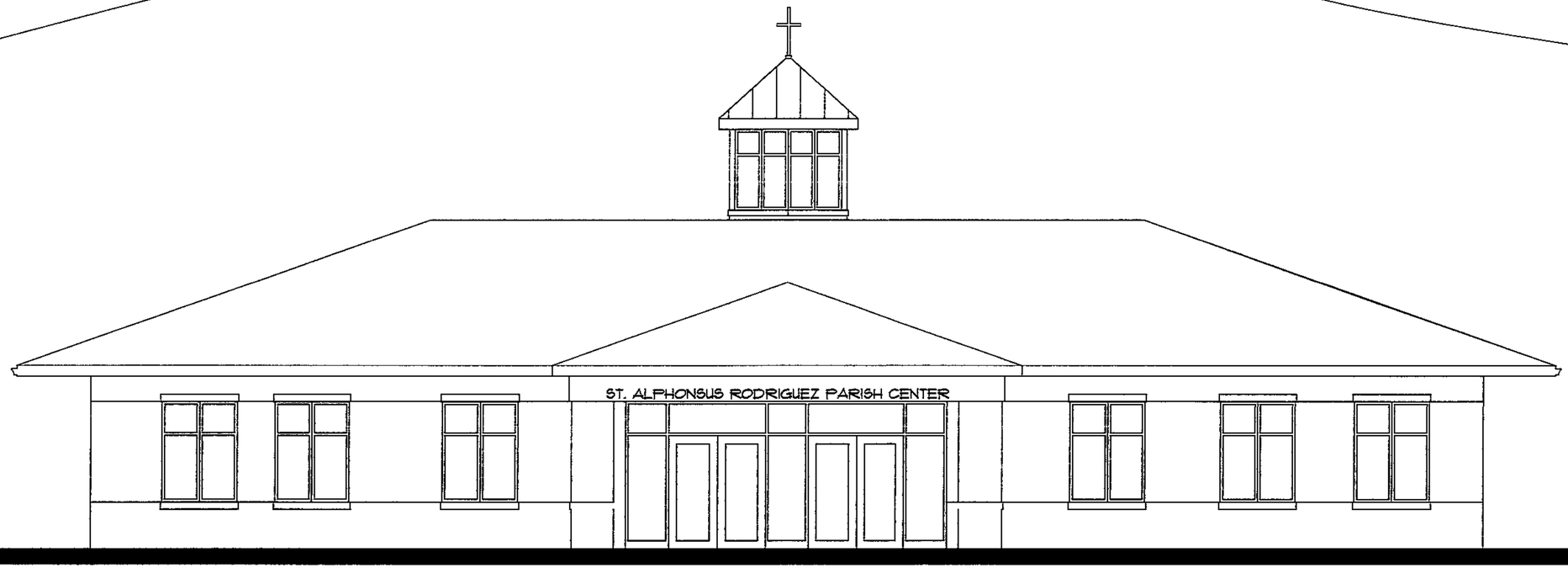
Dear Ms. Wright:

As requested by the St. Alphonsus Rodriquez Parish Church, we have performed a Traffic Impact Analysis based on the Phase I and Phase II Concept Plan. This Plan includes the addition of a new Education and Administration Building during Phase I and a Parish Hall during Phase II to the existing site.

The St. Alphonsus Rodriquez Parish Church is located along the north side of MD 125 (Old Court Road) in Baltimore County, Maryland. Presently, there are two access points to this site:

- Main Access – full movement access directly across from Davis Avenue; and
- Secondary Access – full movement access located approximately 700 feet west of the main access.

As shown on the Concept Plan, there will be a new circulation pattern for the Church. A new ingress will be constructed approximately 250 feet east of Davis Avenue, while the egress will remain at its' existing location across from Davis Avenue. Additionally, one-way circulation patterns throughout the Church property are being implemented along with the removal of the "secondary access" during Phase II.



ELEVATION

1/8" = 1'-0"

RUBELING
& ASSOCIATES
ARCHITECTS
401 JEFFERSON AVENUE
TOWSON, MARYLAND 21286
410-337-2886
FAX: 410-337-2974

ST. ALPHONSUS RODRIGUEZ
EDUCATION & ADMINISTRATION BUILDING
10800 OLD COURT ROAD
WOODSTOCK, MARYLAND 21163-1107

PROJ. NO.	02-023
DATE	10/18/02
SCALE	AS NOTED

EAST
ELEVATION
HEARING
Ref. 46

SHEET
A102

(SHEET N.W. 5-L)

N 16,000 | W 72,000 | E 837,000 | N 549,000 | W 70,000 | W 69,000 | W 67,500 | E 846,500 | N 549,000 | W 66,000

N 15,000 | N 14,000 | N 13,000 | N 12,000

(SHEET N.W. 4-M) | (SHEET N.W. 4-K)

R. C. 2 | R. C. 5 | R. C. 6

SITE

GRANITE N.R.H.D.

ATHLETIC FIELD

WOODSTOCK JOB CORPS CENTER

RUINS

TRAILER COURT

D.R. 1

PATAPSCO STATE PARK

WOODSTOCK

PATAPSCO

BALTIMORE CO. | HOWARD CO.

BALTIMORE & OHIO RR

RIVER

OLD COURT RD. | PVT. RD. | DAVIS RD. | ACME AVE. | SUMMIT RD. | BUNKER HILL RD. | PRIVATE RD.

125

(SHEET N.W. 3-L)

LL-NE

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

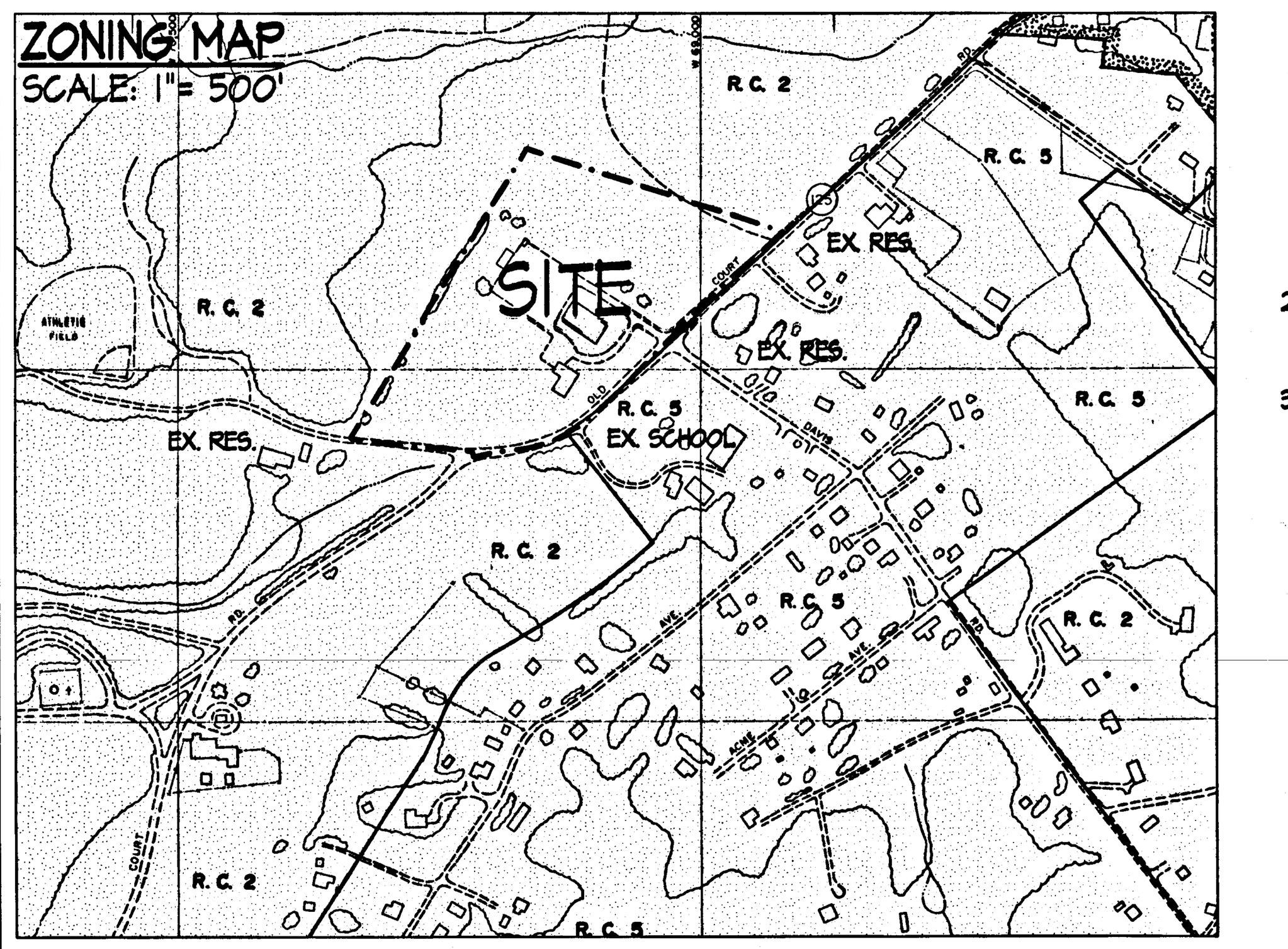
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	WOODSTOCK	N.W. 4-L
DATE OF PHOTOGRAPHY JANUARY 1986		

NW 4 L

03-123-XA



NOTES:

1. OWNER OF PROPERTY:

   ROMAN CATHOLIC ARCHBISHOP OF BALTIMORE
   C/O FATHER JOSEPH LACEY, S.J., PASTOR
   10800 OLD COURT ROAD
   WOODSTOCK, MD 21163

2. EXISTING USE: CHURCH AND OTHER BUILDINGS FOR RELIGIOUS WORSHIP

3. SITE DATA:

   SITE ADDRESS: 10800 OLD COURT ROAD
   TAX MAP 86, GRID 7, PARCEL 274 AND A PORTION PARCEL 1
   TOTAL SITE AREA: 12.55 +/- AC.

   PARCEL 274
   TAX ACCOUNT NUMBER: 16-00-000934
   DEED REFERENCE: 5095 / 587 (7.18 +/- ACRES)
   PARCEL AREA: 7.18 ACRES (312,717 +/- S.F.)

   PARCEL 1
   TAX ACCOUNT NUMBER: 16-00-005160
   DEED REFERENCE: 5206 / 389 (ENTIRE PARCEL = 669.21 ACRES)
   PORTION OF PARCEL 1 TRANSFERRED: 5.37 ACRES (233,698 +/- S.F.)

   ELECTION DISTRICT: 2
   COUNCILMANIC DISTRICT: 2
   EXISTING ZONING: RC 2 (MAP NW 4-L)

4. NO KNOWN RECENT COMMERCIAL PERMITS EXIST FOR THE SUBJECT PROPERTY. EXISTING CHURCH CONSTRUCTED IN 1971 +/- EXISTING RECTORY CONSTRUCTED IN 1983 +/-
5. NO PRIOR ZONING CASES, HEARINGS, CRG PLANS OR DRC APPROVALS EXIST FOR THE SUBJECT PROPERTY.
6. ROAD WIDENING / DEDICATION (40' +/- FROM ℄ OF EX. ROAD) WILL BE REQUIRED FOR OLD COURT ROAD (MD 125) ALONG A PORTION OF THE EXISTING PROPERTY FRONTAGE. PROPOSED DRIVEWAYS SHALL BE AT LEAST 12 FEET IN WIDTH FOR ONE-WAY MOVEMENTS, AT LEAST 20 FEET IN WIDTH FOR TWO-WAY MOVEMENTS, AND SHALL BE A DURABLE DUST-FREE SURFACE WITH PARKING SPACES STRIPED.
7. ONE NEW SIGN (TO REPLACE THE EXISTING IDENTIFICATION SIGN) IS PROPOSED FOR THIS DEVELOPMENT, IN THE VICINITY OF THE EXISTING SIGN. ALL SIGNS WILL COMPLY WITH SECTION 450 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
8. THIS SITE IS SERVED BY PRIVATE WELL (TWO EXISTING WELLS) AND SEPTIC.
9. THIS PROPERTY IS NOT LOCATED WITHIN A 100-YEAR FLOODPLAIN, OR IN THE C. B. CRITICAL AREA. THERE ARE NO STREAMS, WETLANDS OR EXISTING SWM FACILITIES ON THE SUBJECT PROPERTY.
10. FLOOR AREA RATIO CALCULATION: NOT REQUIRED
11. NO "AMENITY OPEN SPACE (AOS) IS REQUIRED FOR THIS DEVELOPMENT.
12. HEIGHT OF PROPOSED BUILDINGS: 31 FEET +/- FOR BOTH PHASE 1 AND PHASE 2. IN ANY CASE, BUILDING HEIGHTS SHALL NOT EXCEED 35 FEET.
13. REQUIRED OFF-STREET PARKING CALCULATIONS:
    PARKING REQUIRED = 125 SPACES (500 SEATS IN EXISTING CHURCH @ 1 SPACE PER 4 SEATS)
    PARKING PROVIDED (PHASE 1): 133 SPACES
    PARKING PROVIDED (PHASE 2): 164 SPACES
    * PROPOSED BUILDINGS (EDUCATION / ADMINISTRATION BUILDING AND PARISH HALL BUILDING) ARE NOT REQUIRED TO BE SEPARATELY PARKED.
14. PROPOSED DUMPSTERS SHALL BE SCREENED WITHIN A GATED, OPAQUE FENCE ENCLOSURE. GROUND-MOUNTED HVAC EQUIPMENT SHALL BE CONCEALED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.
15. PROPOSED LIGHTING FOR THE PARKING AND DRIVEWAYS SHALL BE LOCATED TO DIRECT THE LIGHT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS.
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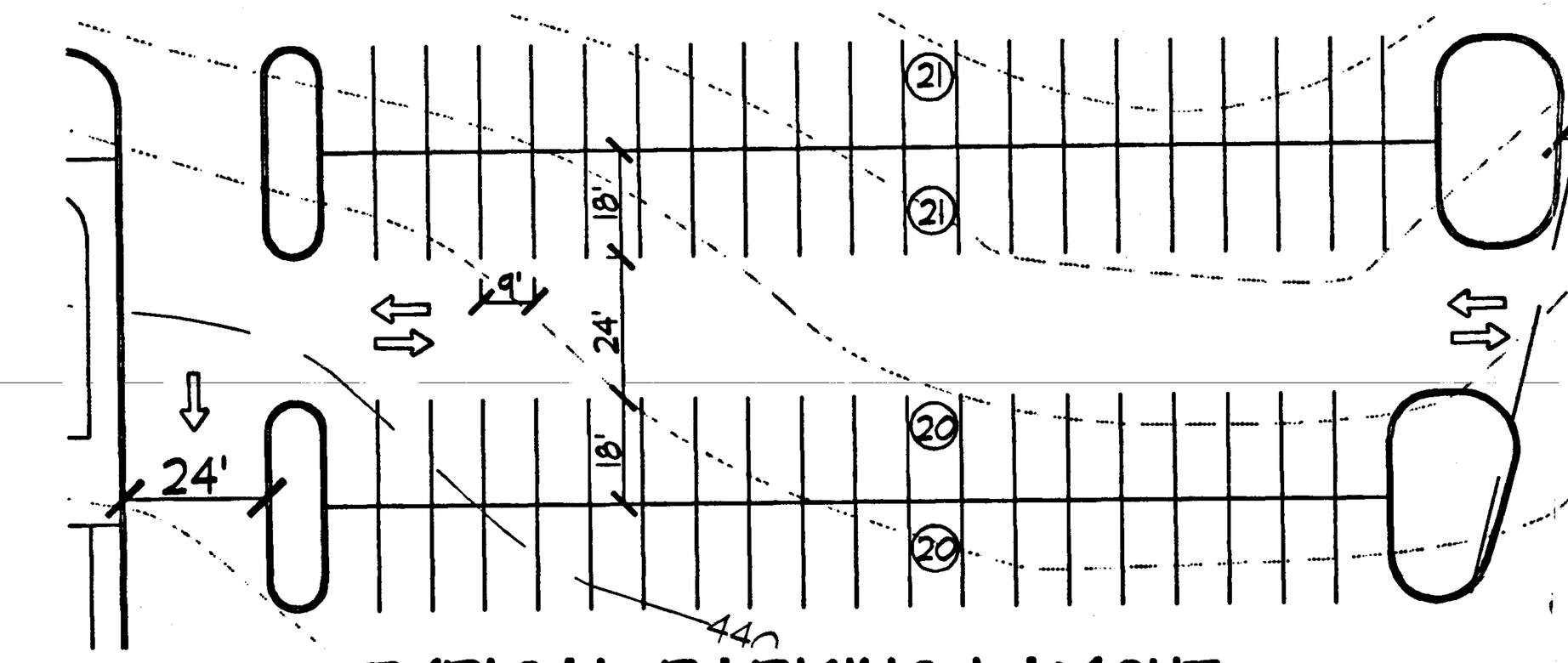
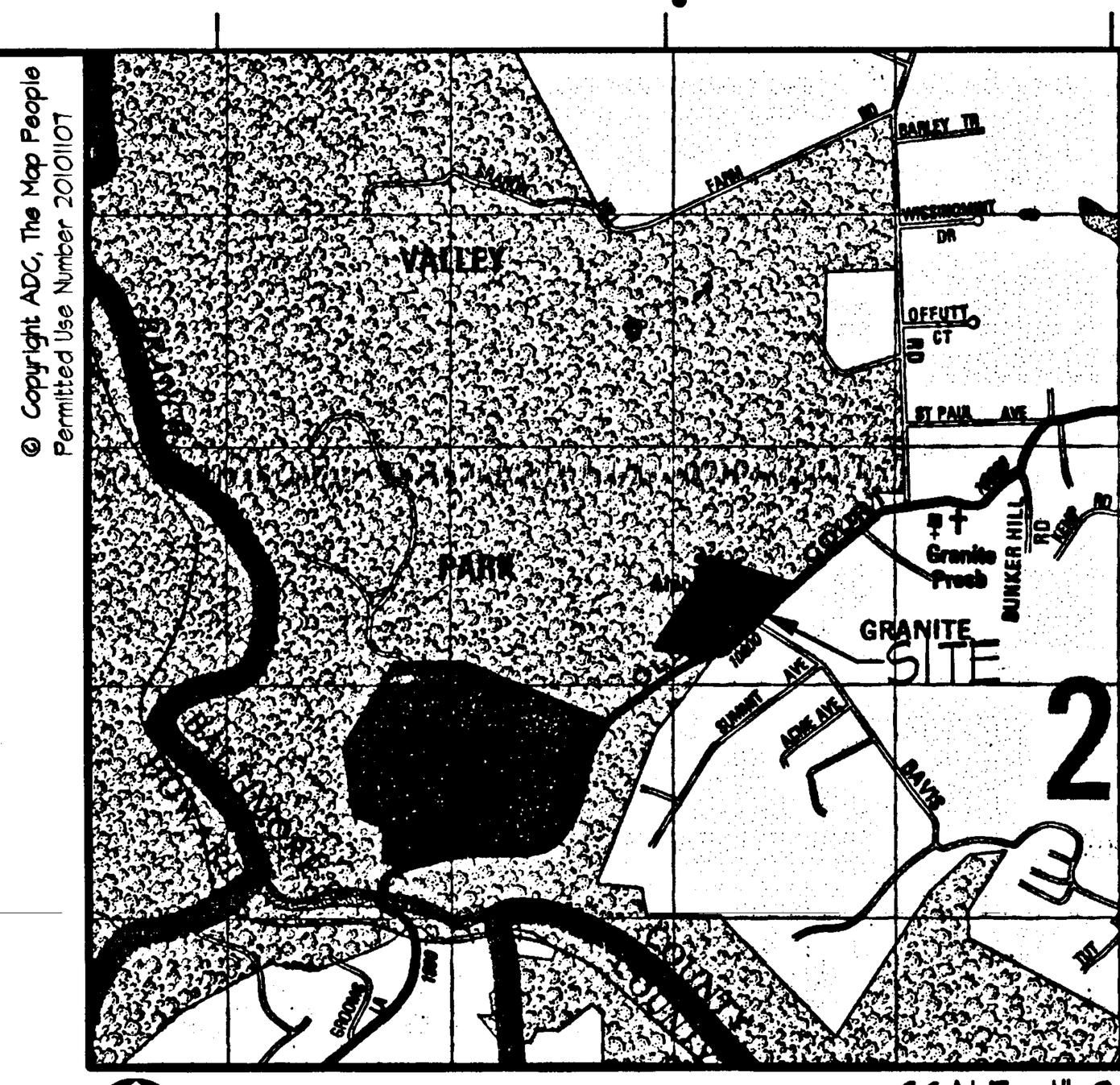
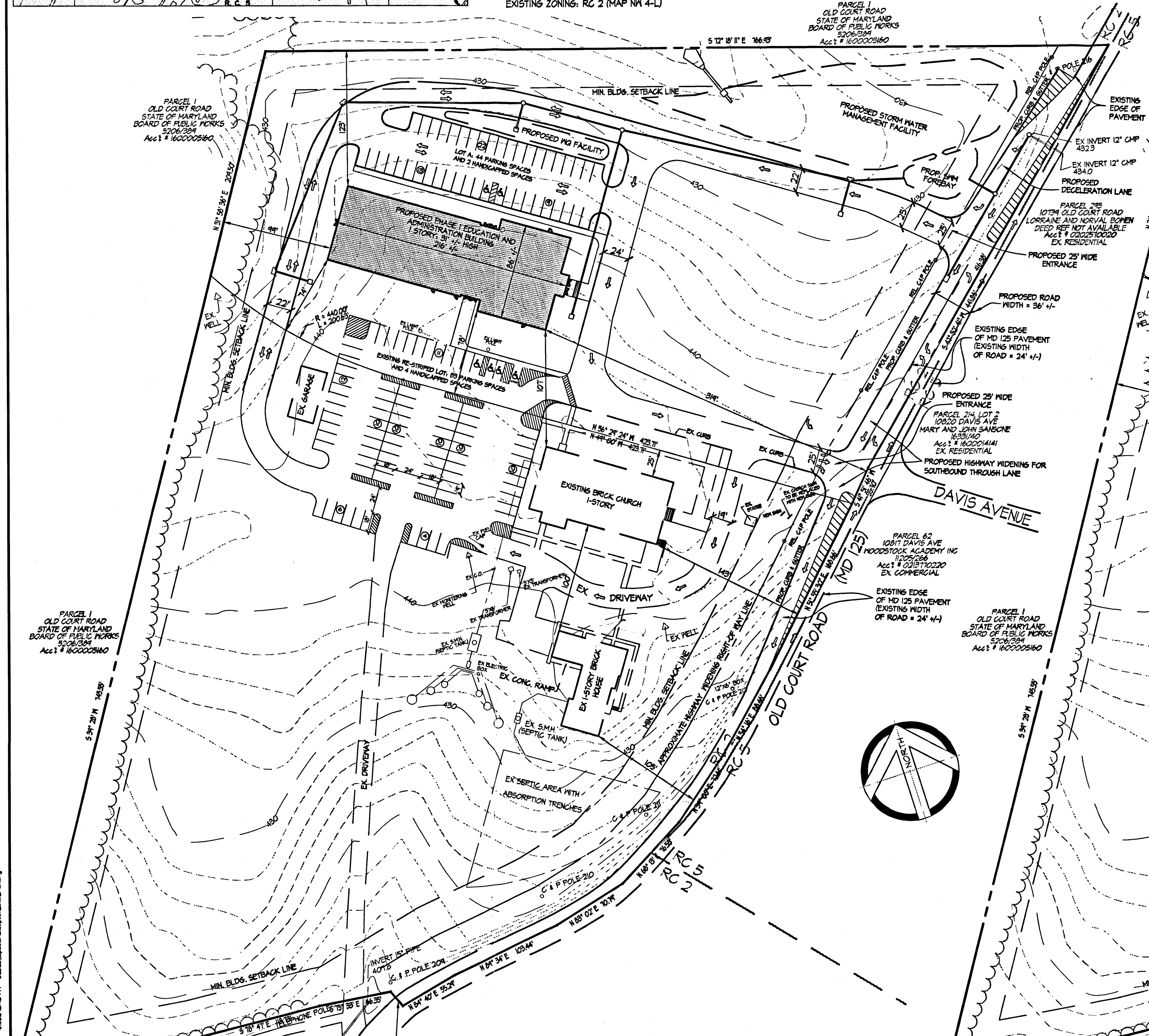
17. STORM WATER MANAGEMENT FOR THE PROPOSED DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE STATE OF MARYLAND, DEPARTMENT OF THE ENVIRONMENT, 2000 REGULATIONS. "QUANTITY" AND "QUALITY" STORM WATER MANAGEMENT IS PROPOSED FOR THE NEW DEVELOPMENT.



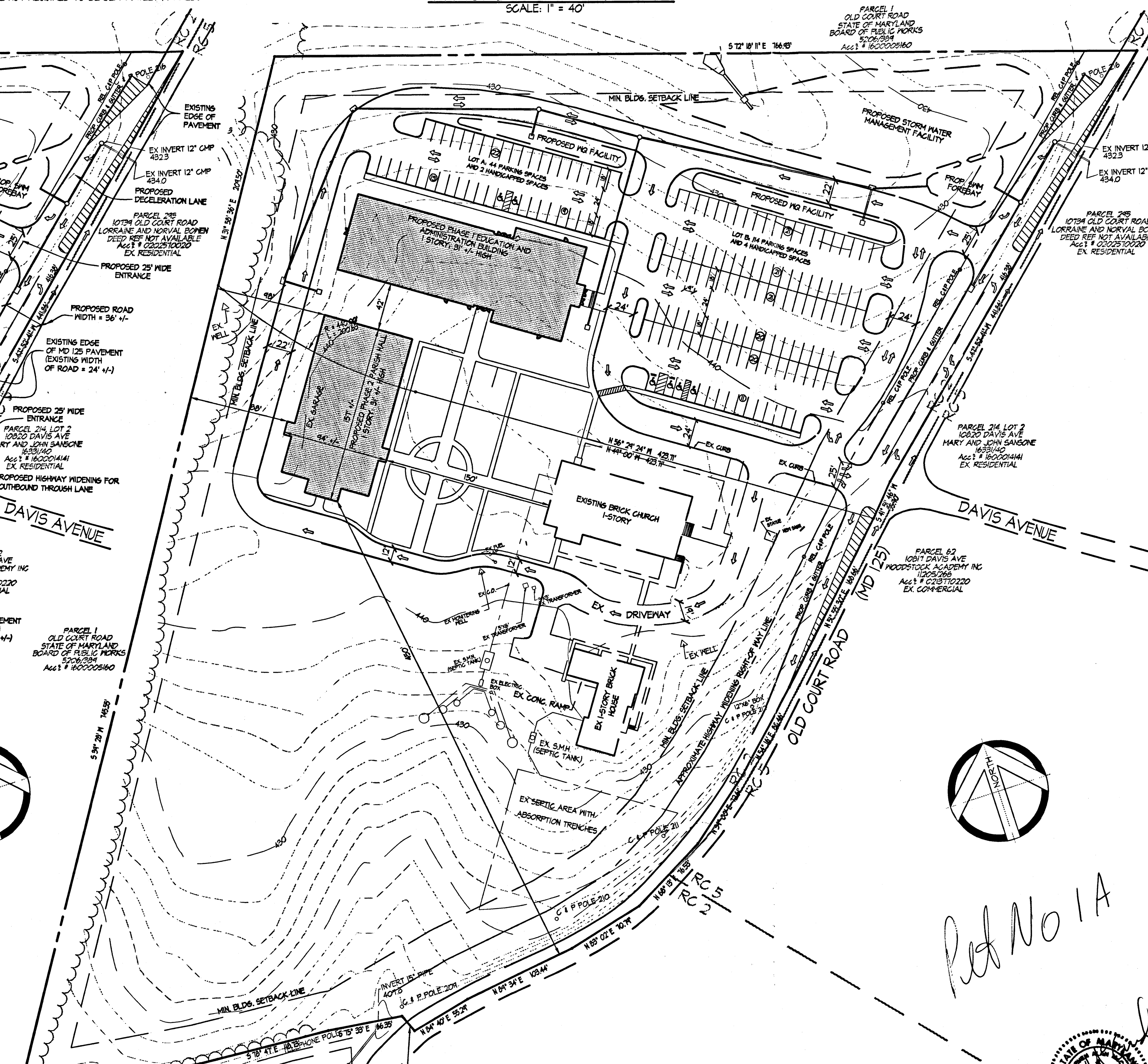
TYPICAL PARKING LAYOUT
SCALE: 1" = 40'



VICINITY MAP SCALE: 1"=2000'



PHASE ONE PLAN
SCALE: 1" = 60'



PHASE TWO PLAN
SCALE: 1" = 60'

Pet No 1A

03-123-XA

RUBELING & ASSOCIATES, INC.
ARCHITECTURE
INTERIOR DESIGN
401 JEFFERSON AVENUE
TOWSON, MARYLAND 21286-5308
410-337-2886
FAX: 410-337-2974

ST. ALPHONSUS RODRIGUEZ EDUCATION & ADMINISTRATION BUILDING

10800 OLD COURT ROAD
WOODSTOCK, MARYLAND 21163-1107

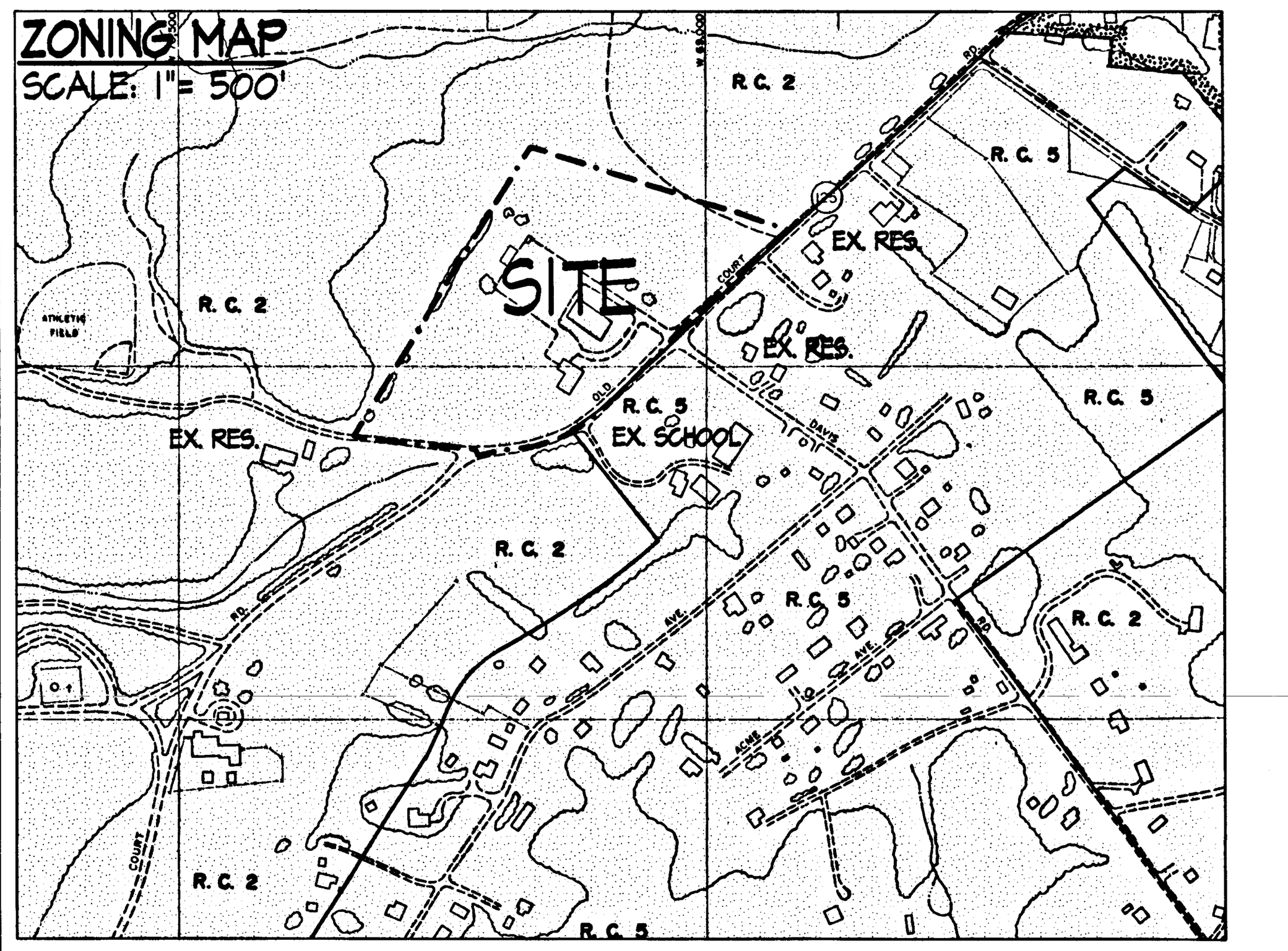
REVISIONS:

NO.	DESCRIPTION	DATE

LAST REV.:
PROJECT NO.: 02-023
DATE: 9-11-02
SCALE: 1"= 60'
TITLE: PLAN TO ACCOMPANY SPECIAL EXCEPTION HEARING AND VARIANCE
SHEET: 1 OF 1

STATE OF MARYLAND — NO 492 REGISTERED LANDSCAPE ARCHITECT

ZONING MAP
SCALE: 1" = 500'



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   10800 OLD COURT ROAD
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   DEED REFERENCE: 5095 / 587 (7.18 +/- ACRES)
   PARCEL AREA: 7.18 ACRES (312,717 +/- S.F.)

   PARCEL 1
   TAX ACCOUNT NUMBER: 16-00-005160
   DEED REFERENCE: 5206 / 389 (ENTIRE PARCEL = 669.21 ACRES)
   PORTION OF PARCEL 1 TRANSFERRED: 5.37 ACRES (233,698 +/- S.F.)

   ELECTION DISTRICT: 2
   COUNCILMANIC DISTRICT: 1
   EXISTING ZONING: RC 2 (MAP NW 4-L)

4. NO KNOWN RECENT COMMERCIAL PERMITS EXIST FOR THE SUBJECT PROPERTY.
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   EXISTING RECTORY CONSTRUCTED IN 1983 +/-
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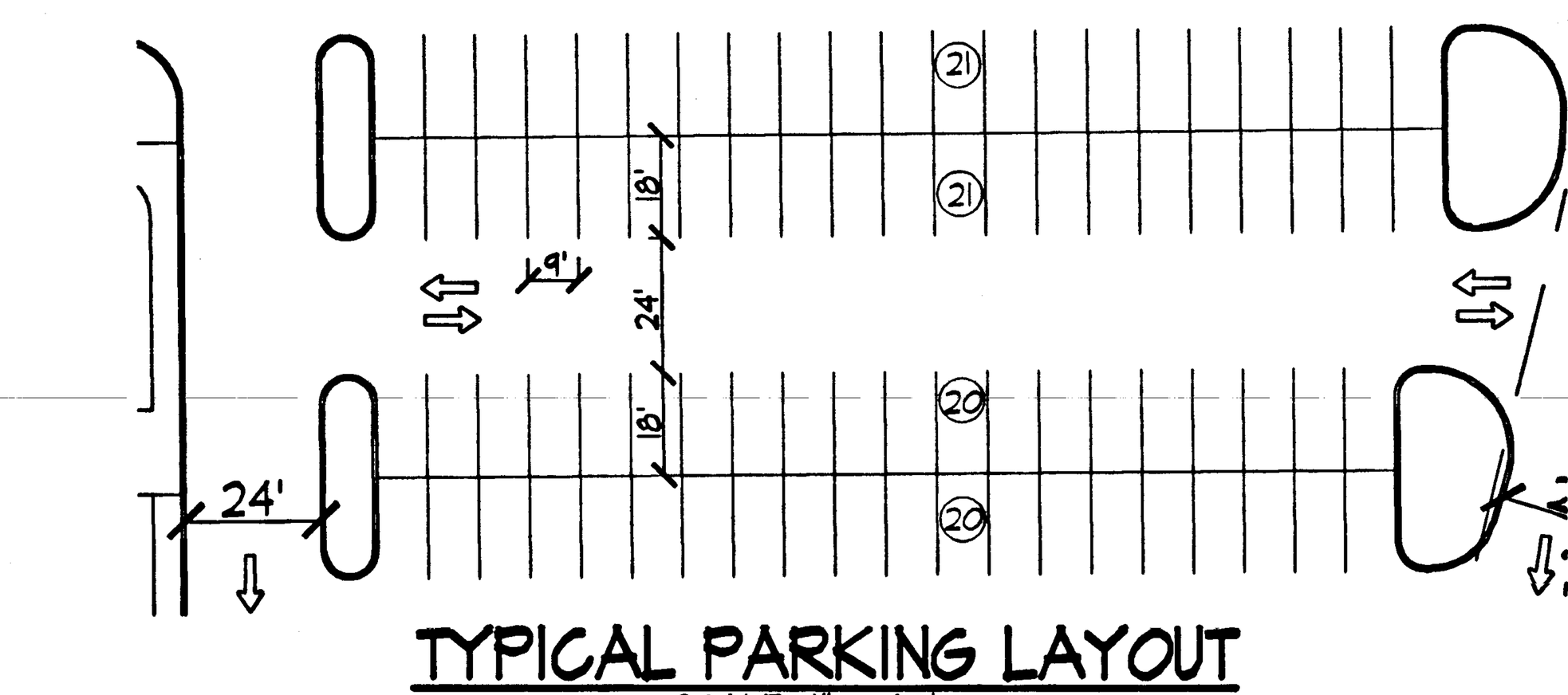

TYPICAL PARKING LAYOUT
SCALE: 1" = 40'

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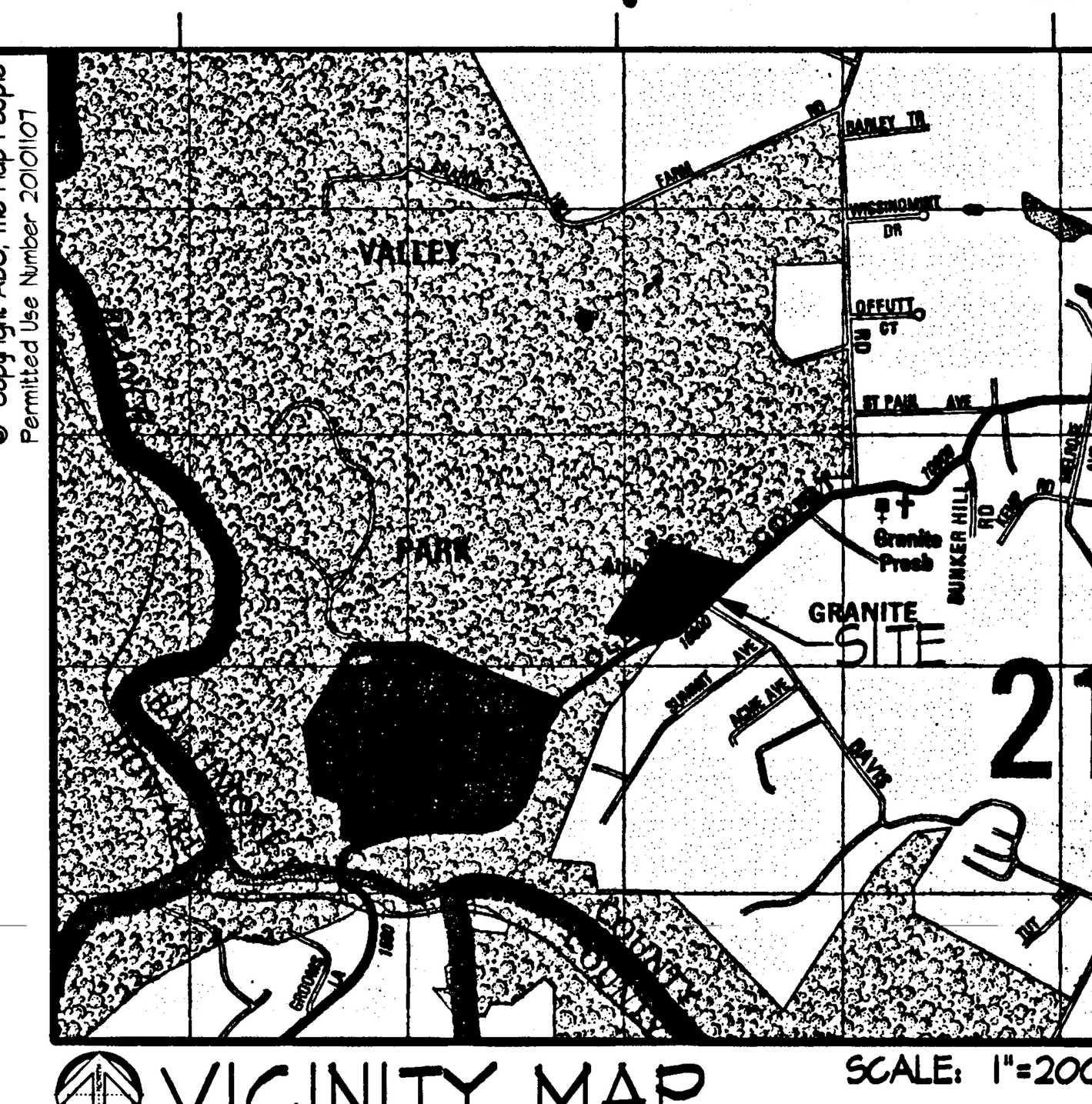
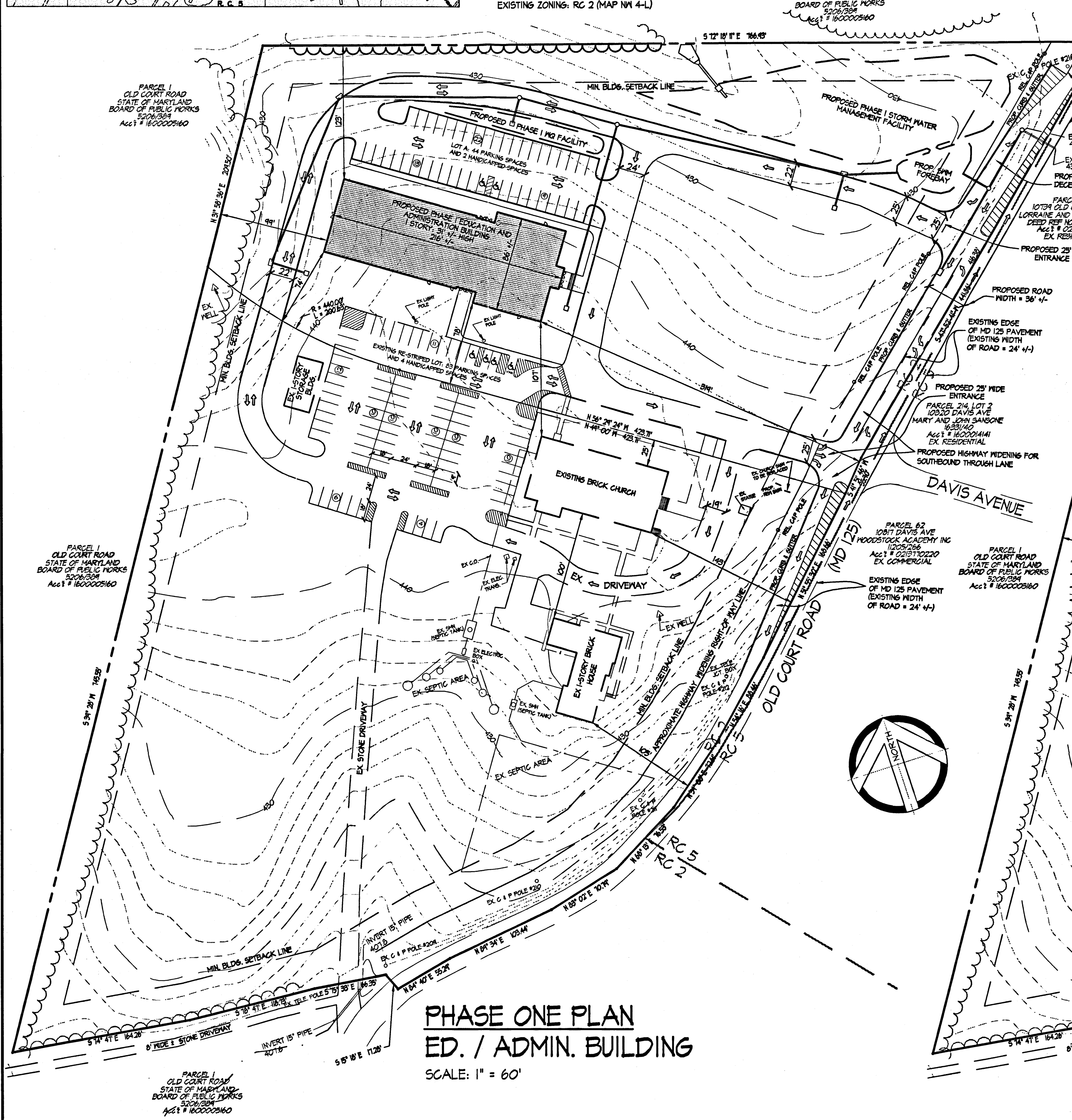
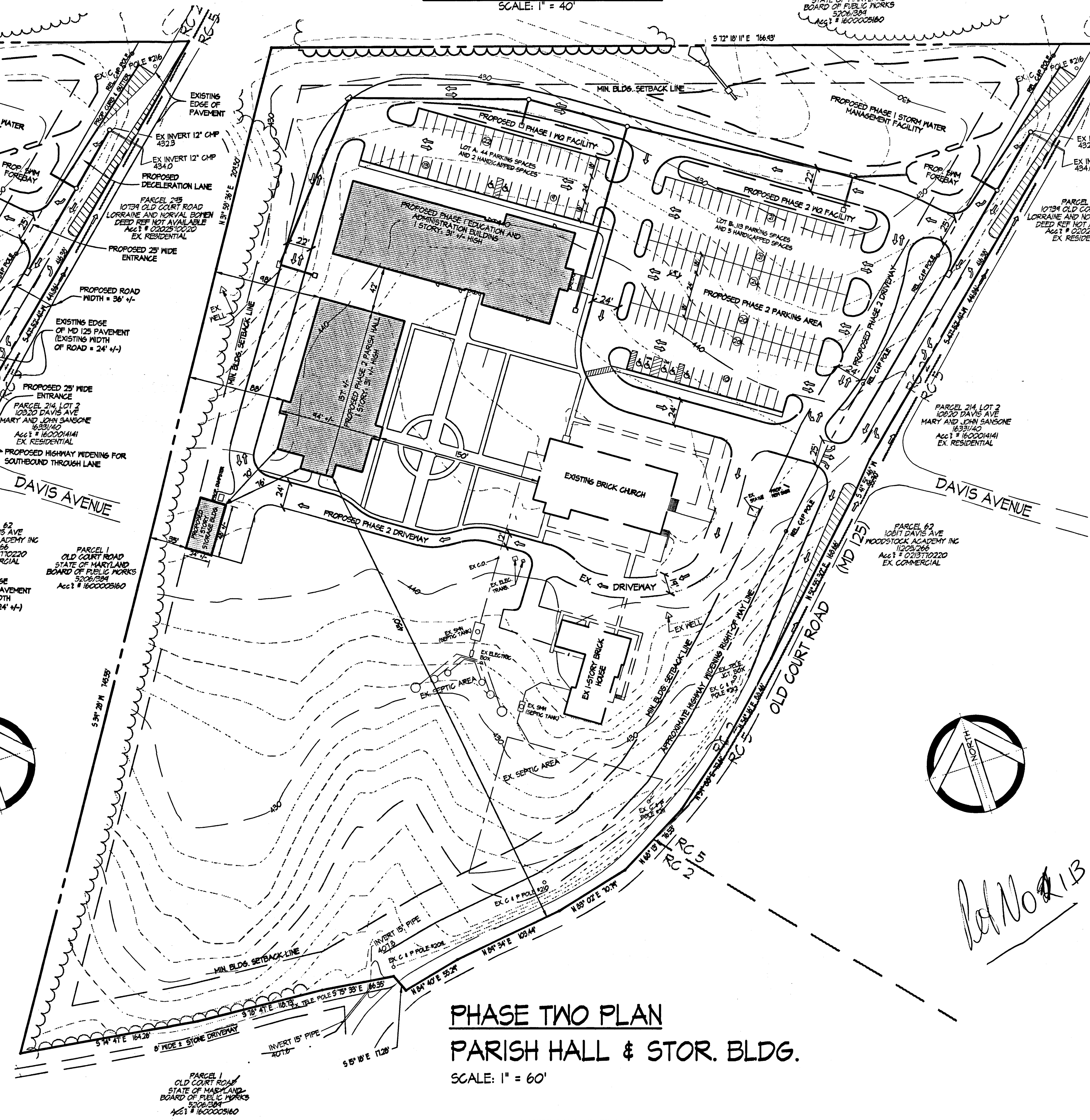
Permitted Use Number 20101107



VICINITY MAP
SCALE: 1"=2000'



PHASE ONE PLAN
ED. / ADMIN. BUILDING
SCALE: 1" = 60'



PHASE TWO PLAN
PARISH HALL & STOR. BLDG.
SCALE: 1" = 60'

RUBELING & ASSOCIATES, INC.
ARCHITECTURE
INTERIOR DESIGN
401 JEFFERSON AVENUE
TOWSON, MARYLAND 21286-5308
410-337-2886
FAX: 410-337-2974

SITE RESOURCES incorporated
Comprehensive Land Planning & Site Design Services
14307 Jarrettsville Pike • Phoenix, Maryland 21131
(410) 683-3388 • fax (410) 683-3389

STATE OF MARYLAND — REGISTERED LANDSCAPE ARCHITECT

ST. ALPHONSUS RODRIGUEZ
EDUCATION & ADMINISTRATION BUILDING
10800 OLD COURT ROAD
WOODSTOCK, MARYLAND 21163-1107

REVISIONS:

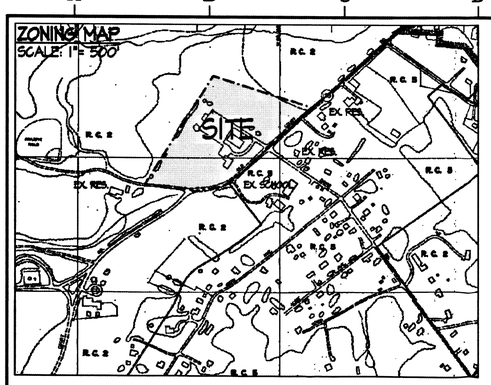
NO.	DESCRIPTION	DATE
1	STOR. BLDG.	09-25-02

LAST REV.:
PROJECT NO.: 02-023
DATE: 9-11-02
SCALE: 1" = 60'
TITLE:
PLAN TO ACCOMPANY SPECIAL EXCEPTION HEARING AND VARIANCE

SHEET:
1 OF 1

Pet No. 13

Pet. #2



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   TAX ACCOUNT NUMBER: 16-00-000454
   DEED REFERENCE: 5015 / 561 (7.18 +/- ACRES)
   PARCEL AREA: 7.18 ACRES (312,717 +/- S.F.)

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   COUNCILMANIC DISTRICT: 1
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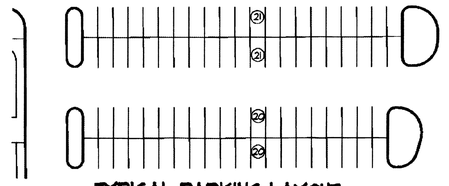
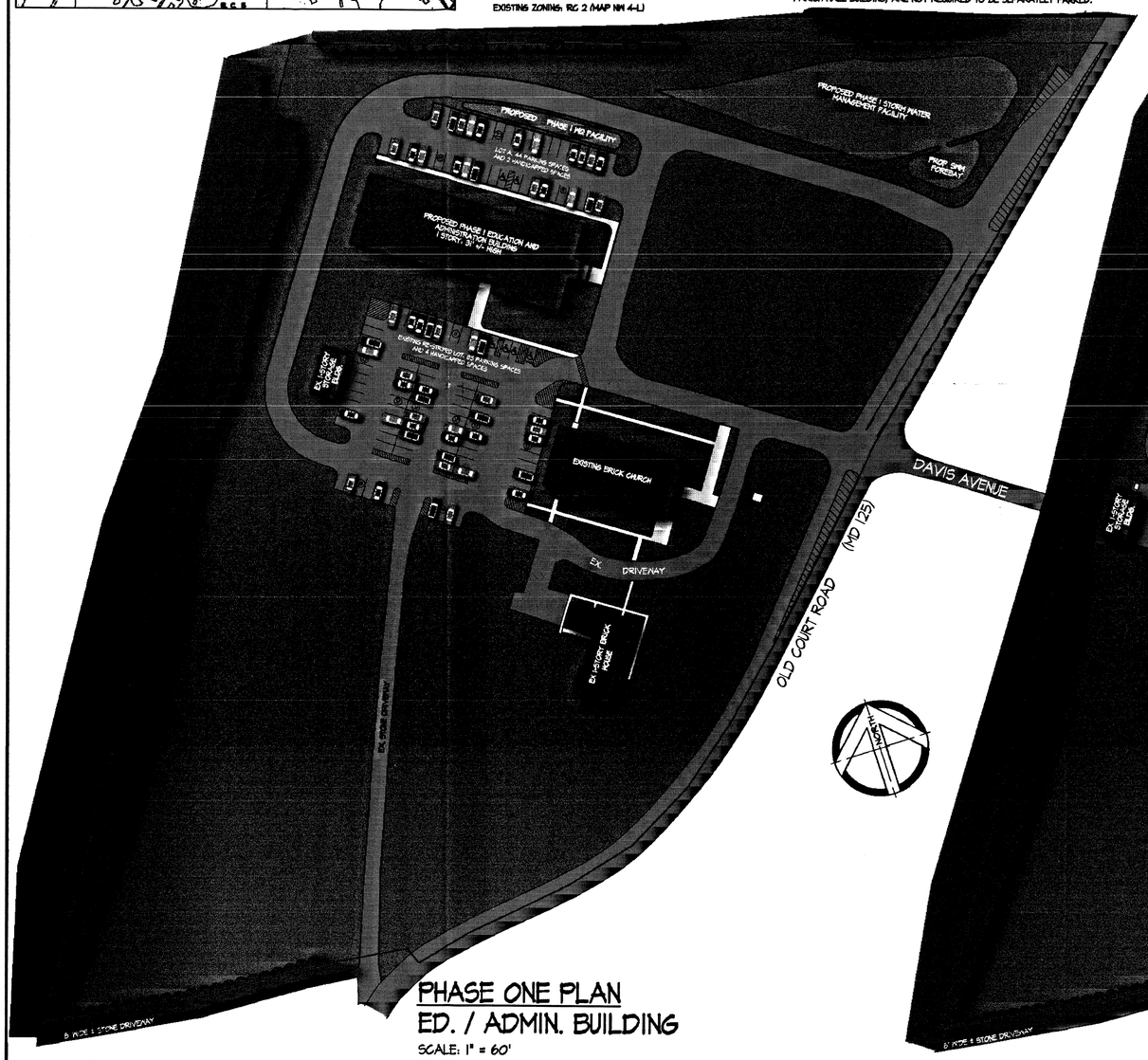
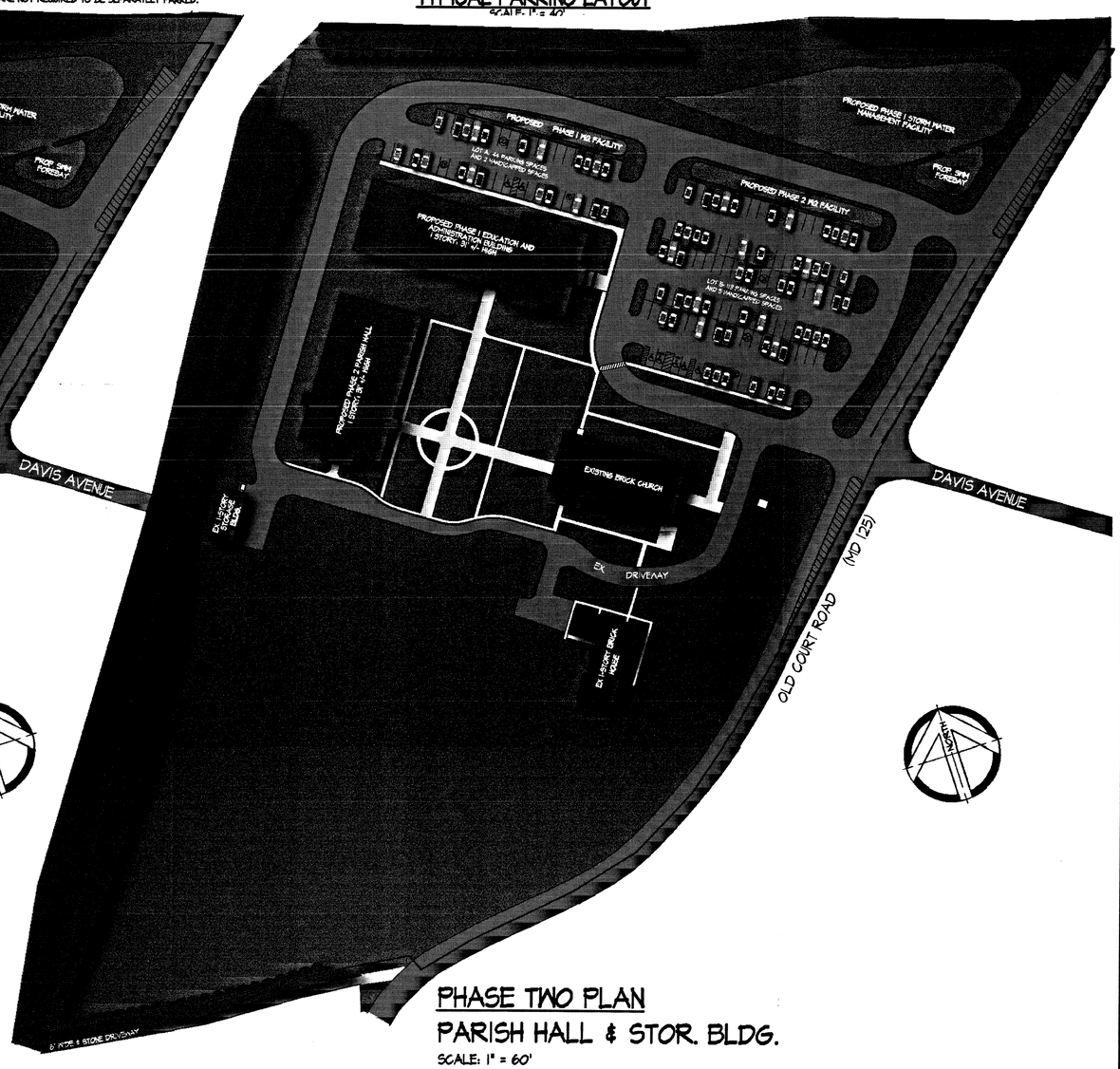


TYPICAL PARKING LAYOUT
SCALE: 1"= 40'

VICINITY MAP SCALE: 1"=2000'



PHASE ONE PLAN
ED. / ADMIN. BUILDING
SCALE: 1" = 60'



PHASE TWO PLAN
PARISH HALL & STOR. BLDG.
SCALE: 1" = 60'

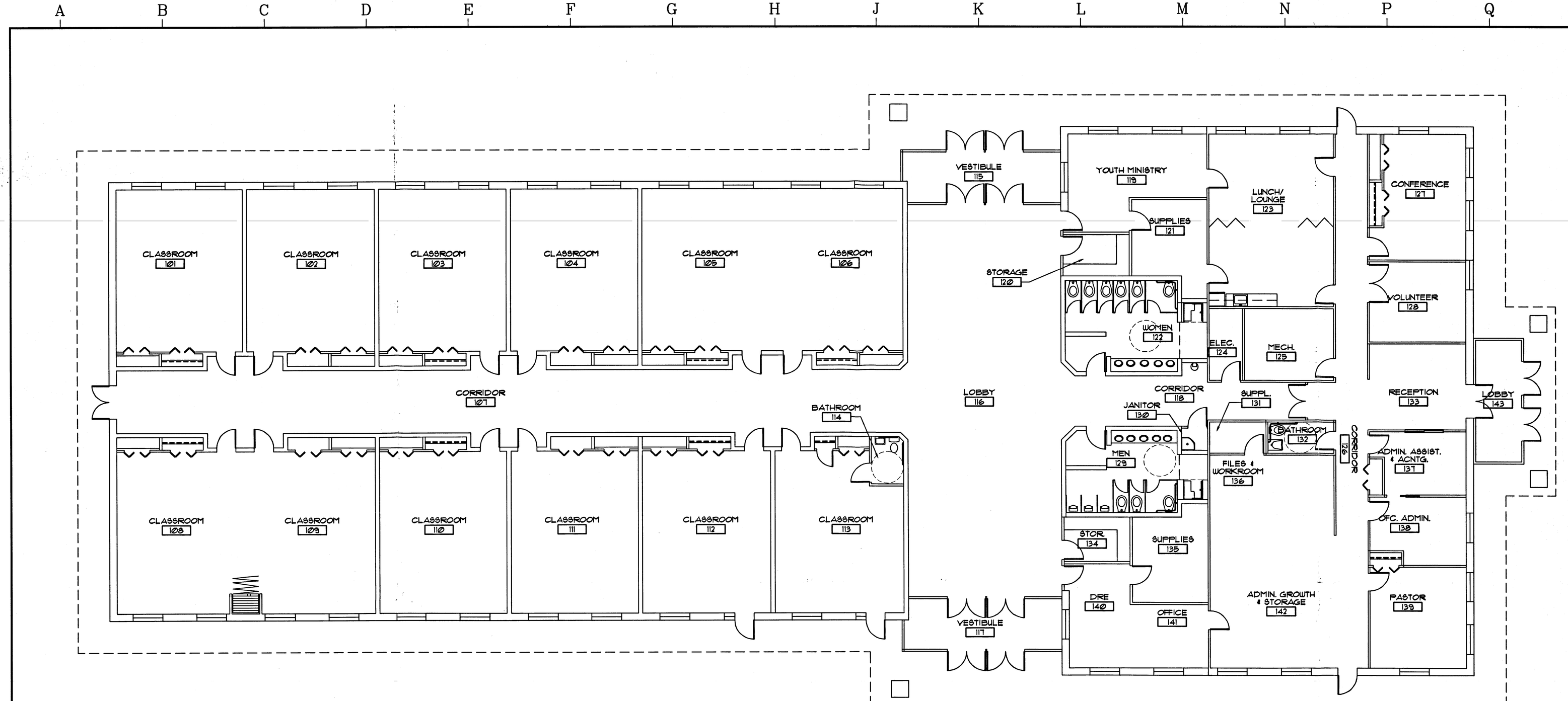
RUBELING & ASSOCIATES, INC.
ARCHITECTURE
INTERIOR DESIGN
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4605
410-337-8000
FAX: 410-337-8074

SITE RESOURCES incorporated
Comprehensive Land Planning & Site Design Services
10207 Jarrettsville Pike • Phoenix, Maryland 21131
(410) 683-3381 • fax (410) 683-3381

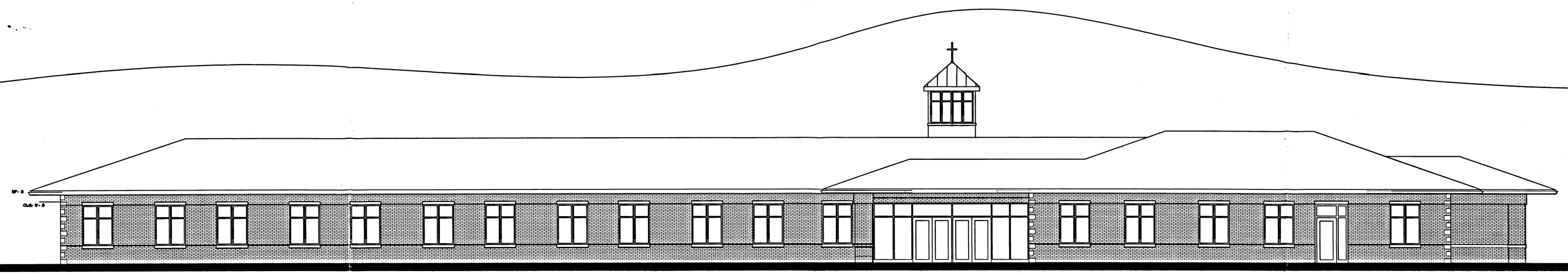
ST. ALPHONSUS RODRIGUEZ
EDUCATION & ADMINISTRATION BUILDING
10800 OLD COURT ROAD
WOODSTOCK, MARYLAND 21163-1107

REVISIONS:		
NO.	DESCRIPTION	DATE
1	STOR. BLDG.	04-29-02

LAST REV.:	
PROJECT NO.:	02-023
DATE:	9-11-02
SCALE:	1"= 60'
TITLE:	PLAN TO ACCOMPANY SPECIAL EXCEPTION HEARING AND VARIANCE
SHEET:	1 OF 1



TP PLAN
1/8" = 1'-0"



SCHEME C: SOUTH ELEVATION

RUBELING
& ASSOCIATES, INC.
ARCHITECTURE
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401 JEFFERSON AVENUE
TOWSON, MARYLAND 21286-5306
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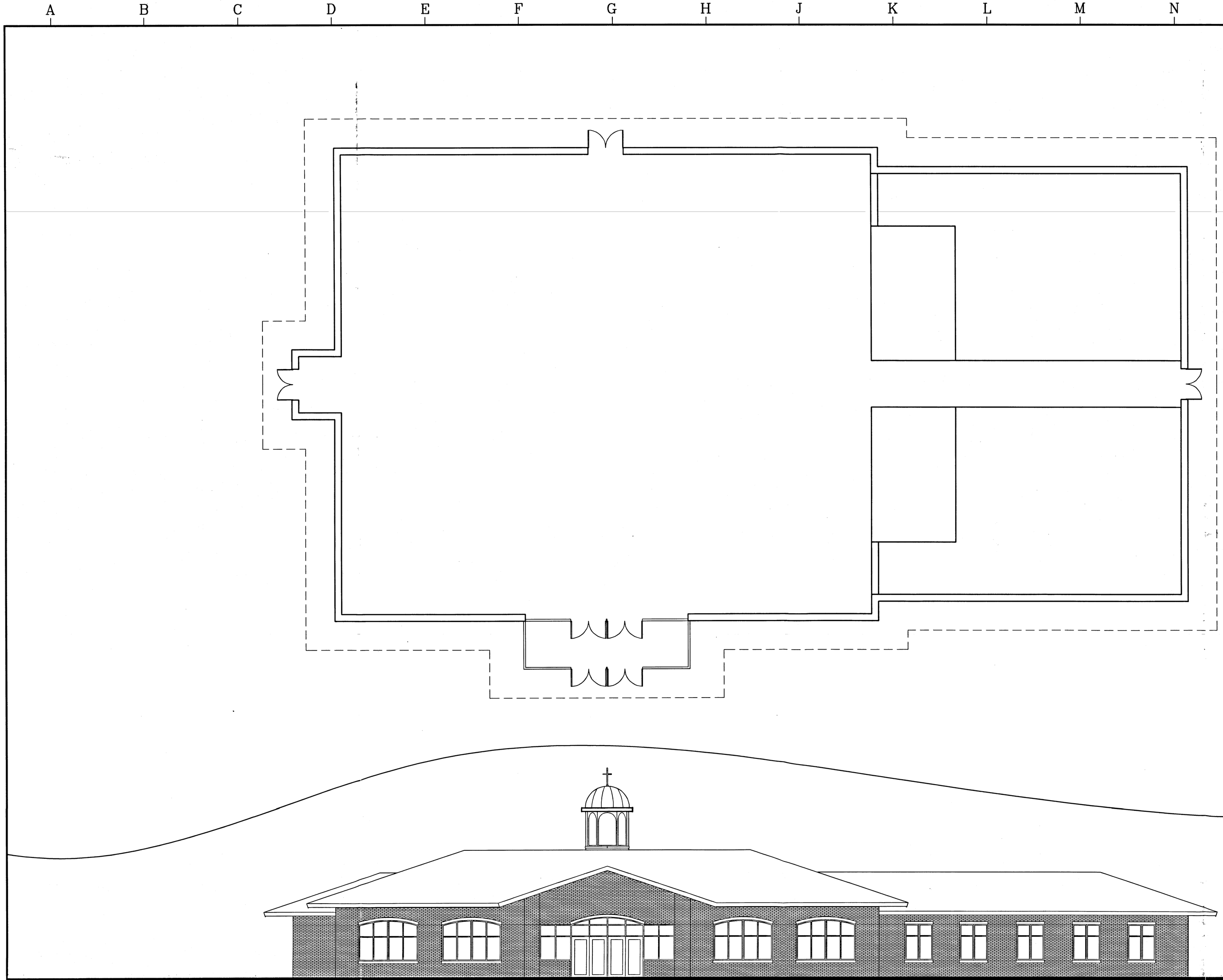
ST. ALPHONSUS RODRIGUEZ
EDUCATION & ADMINISTRATION BUILDING
10800 OLD COURT
WOODSTOCK, MARYLAND

REVISIONS:

NO.	DESCRIPTION	DATE

LAST REV.:
PROJECT NO.: 02-023
DATE: 10/18/02
SCALE: AS NOTED
TITLE:
PLAN & ELEVATION HEARING

SHEET:
A
101



10N ELEVATION
1/8" = 1'-0"

RUBELING
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REVISIONS:

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LAST REV.:
PROJECT NO.: 02-023
DATE: 10/18/02
SCALE: AS NOTED
TITLE:
ELEVATIONS
HEARING

SHEET:
A
201

Pet. 4C