IN RE: **PETITION FOR SPECIAL HEARING**	*	BEFORE THE
HEARING – S/S Shawan Road, 1,135.78' NW of Weil Mandel Way	*	ZONING COMMISSIONER
(909 Shawan Road) 8th Election District 3rd Council District	*	OF
	*	BALTIMORE COUNTY
St. Mary's Orthodox Church Petitioner	*	**Case No. 07-134-SPH**

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by St. Mary's Orthodox Church, legal owner of the property located at 909 Shawan Road in the Hunt Valley area of the County. Petitioner requests a special hearing, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the previous special exception relief granted and site plan approval in Case No. 95-354-X and to allow for an addition to the existing church. The subject property and the requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

At the requisite public hearing, Robert A. Hoffman, Esquire appeared as attorney for Petitioner. Several representatives from St. Mary's Orthodox Church also appeared in support of the petition, including George G. Perdikakis, a member of the parish, Dr. Issam Daya, President of the Parish Council, and Reverend Father Theodoros Daoud, Presiding Priest. Also appearing was David L. Martin, Landscape Architect with Martin & Phillips Design Associates, Inc., who prepared the site plan for this property and accepted as an expert in land planning and zoning matters. Dennis Sutton, a neighboring property owner, appeared in opposition. Teresa Moore, Executive Director of The Valleys Planning Council, Inc., appeared as an interested person.

ORDER RECEIVED FOR FILING
Date 12-8-09
By

As more particularly shown on Petitioner's Exhibit 1, the subject property consists of 3.3 acres +/- and is used as an existing church/house of worship improved with a one-story 8,400 +/- square foot building. The property is zoned R.C.4, which permits churches and places of religious worship by special exception. The church use was approved by way of a Petition for Special Exception in Case No. 95-354-X. The approved facility consisted of an assembly hall, accessory kitchen, offices, and child care facility.

As explained by Mr. Perdikakis on behalf of Petitioner, the church now seeks to raze a portion of the existing building and to build an addition for a dome cruciform sanctuary. The result of this construction will be an 11,000 +/- square foot orthodox traditional church building. Mr. Perdikakis indicated that the church has operated at this location without the benefit of a traditional sanctuary space for its parishioners. At the hearing, Petitioner showed a model of the church that it wishes to construct. As indicated on the site plan, no additional impervious paving for parking is proposed. The existing porous paving parking is sufficient for the 316 seat sanctuary proposed by Petitioner. Petitioner also indicated that, while it has the ability to offer child care services on site, it no longer intends to provide such services at this facility.

With regard to site specific details, Petitioner offered the testimony of David Martin, landscape architect, who confirmed that all applicable standards and requirements of the R.C. 4 zone are met by the current proposal. Additionally, Mr. Martin testified that the proposed site improvements will not result in any of the adverse impacts outlined in B.C.Z.R. Section 502.1 and should not impact any other property owner or the neighborhood in general. It is his opinion that the amendments are consistent with the spirit and intent of the original plan and of the requirements of the R.C.4 zone.

ORDER RECEIVED FOR FILING
Date 12-8-05
By

Ms. Moore, on behalf of The Valleys Planning Council, stated that her organization is satisfied with the proposal as long as it did not result in any physical road widening and as long as the existing lighting approach was maintained.

Mr. Sutton, neighboring property owner, testified in opposition to the plan amendments proposed by Petitioner. In particular, he complained that the site plan introduced as Petitioner's Exhibit 1 reflected an outdated configuration for the septic reserve easement area on his property. On this issue, Petitioner confirmed by way of letter after the hearing that the septic reserve easement area had been shown in an old location and that the easement area had been amended. Petitioner submitted a revised site plan showing the new location, a copy of which was sent to Mr. Sutton. I accepted this revised site plan as Petitioner's Exhibit 3 and will use this plan in place of Petitioner's Exhibit 1. Therefore, I consider this issue to have been satisfactorily addressed by Petitioner.

Next, Mr. Sutton complained about the location of a dumpster on the property, questioned the potential height of the new addition, and expressed general concerns about having the structure screened from the perspective of his property. Mr. Perdikakis agreed to meet with Mr. Sutton to address the issue of screening. I understand that the parties did, in fact, meet at the site and worked out details of additional plantings as shown on the revised site plan, Petitioner's Exhibit 3.

Having considered all of the evidence and testimony presented, I am persuaded to grant the requested relief. I examined the proposed changes to the site in the context of B.C.Z.R. Section 502.1, and I find that Petitioner produced strong and substantial evidence at the hearing and that the amendment to the relief granted in Case No. 95-354-X will have little

RECEIVED FOR FILING
Date 12-8-06
By

or no impact on the surrounding community. Petitioner is, thus, entitled to the relief requested.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 8th day of December 2006, that the Petition for Special Hearing, seeking to approve, pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) Section 500.6, an amendment to the special exception relief and site plan approved in Case No. 95-354-X to allow for an addition to the existing church, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the following restrictions:

1. Petitioner may apply for building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2. Petitioner shall be required to install a maximum of 15 Leyland Cypress trees and supplemental plantings as shown on Petitioner's Exhibit 3 to buffer the dumpster/church from the property of Mr. and Mrs. Sutton at the northwest corner of the site. The plantings of such trees shall be done prior to the construction of the proposed sanctuary addition.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 12-8-06
By

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

December 8, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

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

RE: **PETITION FOR SPECIAL HEARING HEARING**
S/S Shawan Road, 1,135.78', NW of Weil Mandel Way
(909 Shawan Road)
8th Election District, 3rd Council District
St. Mary's Orthodox Church - Petitioner
Case No. 07-134-SPH

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted with restrictions, 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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: George G. Perdikakis, 1124 Hunt Creek Lane, Sparks, Md. 21152
Dr. Issam Daya, 306 Meadowcroft Lane, Lutherville, Md. 21093
Reverend Father Theodoros Daoud, 909 Shawan Road, Hunt Valley, Md. 21030
David L. Martin, 222 Bosley Avenue, Towson, Md. 21204
Dennis Sutton, 13500 Beaver Dam Road, Cockeysville, Md. 21030
Teresa Moore, P.O. Box 5402, Towson, Md. 21285
People's Counsel; Case File

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 909 Shawan Road

which is presently zoned RC 4

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, 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

Legal Owner(s):

St. Mary's Orthodox-Catholic Church
Name - Type or Print

Signature

DR. ISSAM DAYA
Name - Type or Print

Signature

P.O. Box 594 — (410) 785-0909
Address — Telephone No.

Hunt Valley, Maryland — 21031
City — State — Zip Code

Attorney For Petitioner:

Patricia A. Malone
Name - Type or Print

Signature

Venable LLP
Company

210 Allegheny Avenue — (410) 494-6200
Address — Telephone No.

Towson, — Maryland — 21204
City — State — Zip Code

Representative to be Contacted:

Patricia A. Malone
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 _____

Case No. 07-139-SPH

Reviewed By UTM **Date** 9/22/06

REV 9/15/98

RECEIVED FOR FILING
Date 12-8-06
By D. Wiley

PETITION FOR SPECIAL HEARING

Saint Mary's Orthodox Church
909 Shawan Road

Petition for Special Hearing to amend the special exception relief and site plans approved in Case No. 95-354-X to allow for an addition to the existing church.

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 909 Shawan Road

which is presently zoned RC 4

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

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I, or we, agree to pay expenses of above Special Hearing, 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.

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Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

St. Mary's Orthodox-Catholic Church
Name - Type or Print

Signature

DR ISSAM DAYA
Name - Type or Print

Signature

P.O. Box 594 — (410) 785-0909
Address — Telephone No.

Hunt Valley, Maryland — 21031
City — State — Zip Code

Attorney For Petitioner:

Patricia A. Malone
Name - Type or Print

Signature

Venable LLP
Company

210 Allegheny Avenue — (410) 494-6200
Address — Telephone No.

Towson, — Maryland — 21204
City — State — Zip Code

Representative to be Contacted:

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Name

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Address — Telephone No.

towson, — Maryland — 21204
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By LTM Date 9/22/06

Case No. 07-134-SPH

REV 9/15/98

UNAVAILABLE FOR FILING
Date 12-8-06
By D-Wiley

PETITION FOR SPECIAL HEARING

Saint Mary's Orthodox Church
909 Shawan Road

Petition for Special Hearing to amend the special exception relief and site plans approved in Case No. 95-354-X to allow for an addition to the existing church.

June 28, 2006

ZONING DESCRIPTION

St. Mary's Orthodox Church

Beginning for the description of a 3.3 acre parcel identified as Parcel 471 Tax Map 42, at a point at the centerline intersections of Shawan Road and Weil Mandel Way thence N70° 40' 37" W 1135.78' feet more or less to a point of beginning at the northeast corner of the subject property thence the following courses:

1) S24° 58'48"W, 530.00' , thence
2) N65° 01'12"W, 266.81' thence
3) N35° 43'12"W, 80.32', thence
4) N51° 16'48"E, 143.14', thence
5) N17° 25'42"E, 332.16', thence
6) S70° 43'12"E, 258.00', back to the point of beginning

Containing 143,977 Square Feet or 3.3 Acres of Land more or less.

The above bearings are based on the Maryland State Coordinate System (NAD83/91).

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONTRACTS, CONVEYANCES OR AGREEMENTS.

STATE OF MARYLAND
DAVID LLOYD MARTIN
LANDSCAPE ARCHITECT

#134

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21040

DATE 9/22/06 ACCOUNT R001 006 6150

AMOUNT $ 325.00

RECEIVED FROM: ST MARYS ORTHODOX

FOR: CHURCH BUILDING FUND
07-134-SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS	ACTIVITY	TIME	DRW
9/22/2006	9/22/2006	09:35:01	4

KEY ACTIVITY NAME KEY

SUMMARY RECEIPT # 506658 9/22/2006 CASH

Rept # 328 ZONING VERIFICATION

CK NO. 021041

Recpt Tot $325.00

$325.00 CK $0.00 CA

Baltimore County, Maryland

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

October 4, 2006

NEW 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: 07-134-SPH
909 Shawan Road
South side Shawan Road, 1135.78 feet northwest of Weil Mandel Way.
8th Election District – 3rd Councilmanic District
Legal Owner(s): St. Mary's Orthodox Church; Dr. Issam Daya

SPECIAL HEARING To amend the special exception relief and site plans approved in Case No. 95-354-X to allow for an addition to the existing church.

Hearing: Monday, November 20, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

Timothy Kotroco
Director

TK:amf

C: Dr. Issam Daya St. Mary's Orthodox - Catholic Church P.O. Box 594 Hunt Valley 21031
Patricia A. Malone Venable LLP 210 Allegheny Avenue Towson 21204
Amy Dontell Venable LLP 210 Allegheny Avenue Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, NOVEMBER 4, 2006.**
(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.

Baltimore County
Department of Permits and
Development Management
Zoning
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

07-134-SPH

REPORTED
1ST CLASS

TOWSON
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MD

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Return Service Requested

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OCT 16 2006

DR ISSAM DAYA
ST MARYS ORTHODOX CATHOLIC
CHURCH
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RETURN TO SENDER
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BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

October 9, 2006

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

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Legal Owner(s): St. Mary's Orthodox Church; Dr. Issam Daya

SPECIAL HEARING To amend the special exception relief and site plans approved in Case No. 95-354-X to allow for an addition to the existing church.

Hearing: Friday, December 1, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

Timothy Kotroco

Timothy Kotroco
Director

TK:amf

C: Dr. Issam Daya St. Mary's Orthodox - Catholic Church P.O. Box 594 Hunt Valley 21031
Patricia A. Malone Venable LLP 210 Allegheny Avenue Towson 21204
Amy Dontell Venable LLP 210 Allegheny Avenue Towson 21204

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Baltimore County
Department of Permits and
Development Management
Zoning
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

**10-4-06BALTMD212PRST1STCLS

TOWSON
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MD

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Return Service Requested

RECEIVED
OCT 11 2006

Dr. Issam Daya
St. Mary's Orthodox - Catholic Church
P.O. Box 594
Hunt Valley, MD 21030

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RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 21204460236 *0692-08265-09-22

HARHSMB 21030
21204%4602

CERTIFICATE OF POSTING

RE: Case No.: 07-134-SPH

Petitioner/Developer: ST. MARY'S ORTHODOX CHURCH

Date of Hearing/Closing: 11-20-06

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

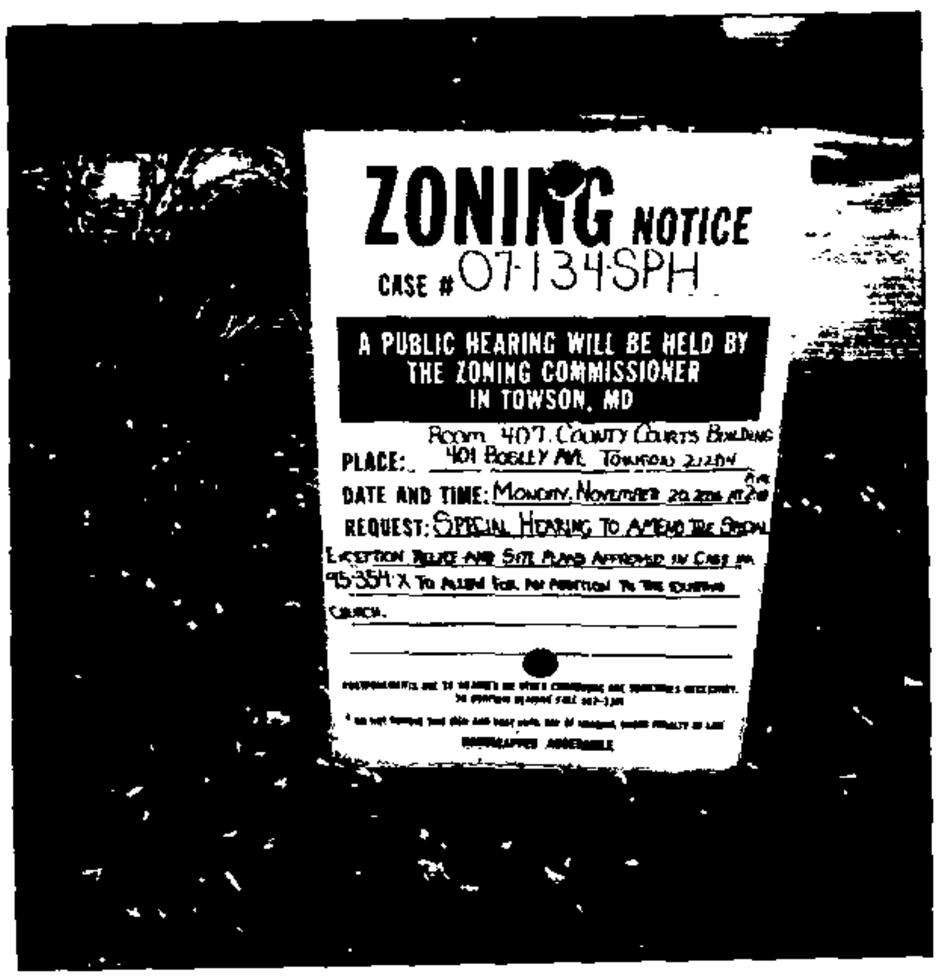
ATTN: Kristen Matthews {(410) 887-3394}

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: 909 SHAWAN RD

The sign(s) were posted on 11-4-06
(Month, Day, Year)

Sincerely,



Robert Black 11-8-06
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

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

(410) 282-7940
(Telephone Number)

NOTICE OF ZONING HEARING

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909 Shawan Road
South side Shawan Road, 1135.78 feet northwest of Weil Mandel Way.
8th Election District - 3rd Councilmanic District
Legal Owner(s): St. Mary's Orthodox Church; Dr. Issam Daya

Special Hearing: To amend the special exception relief and site plans approved in Case No. 95-354-X to allow for an addition to the existing church.

Hearing: Monday, November 20, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

11/012 Nov. 2 114737

CERTIFICATE OF PUBLICATION

11/2/, 2006

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 11/2/, 2006.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

RE:	PETITION FOR SPECIAL HEARING 909 Shawan Road; S/S Shawan Road, 1135.78' NW Weil Mandel Way 8th Election & 3rd Councilmanic Districts Legal Owner(s): St. Mary's Orthodox- Catholic Church; Dr. Issam Daya Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 07-134-SPH

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

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 and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 6th day of October, 2006, a copy of the foregoing Entry of Appearance was mailed to, Patricia Malone, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204,, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
OCT 0 6 2006
Per

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

October 4, 2006

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Timothy Kotroco
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TK:amf

C: Dr. Issam Daya St. Mary's Orthodox - Catholic Church P.O. Box 594 Hunt Valley 21031
Patricia A. Malone Venable LLP 210 Allegheny Avenue Towson 21204
Amy Dontell Venable LLP 210 Allegheny Avenue Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, NOVEMBER 4, 2006.**
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(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 2, 2006 Issue - Jeffersonian

Please forward billing to:
Amy Dontell
210 Allegheny Avenue
Towson, MD 21204

410-494-6200

CORRECTED 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: 07-134-SPH
909 Shawan Road
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8th Election District – 3rd Councilmanic District
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Hearing: Monday, November 20, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN III
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.
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BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

October 9, 2006

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

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Timothy Kotroco

Timothy Kotroco
Director

TK:amf

C: Dr. Issam Daya St. Mary's Orthodox - Catholic Church P.O. Box 594 Hunt Valley 21031
Patricia A. Malone Venable LLP 210 Allegheny Avenue Towson 21204
Amy Dontell Venable LLP 210 Allegheny Avenue Towson 21204

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TO: PATUXENT PUBLISHING COMPANY
Thursday, November 16, 2006 Issue - Jeffersonian

Please forward billing to:
Amy Dontell
210 Allegheny Avenue
Towson, MD 21204

410-494-6200

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Legal Owner(s): St. Mary's Orthodox Church; Dr. Issam Daya

SPECIAL HEARING To amend the special exception relief and site plans approved in Case No. 95-354-X to allow for an addition to the existing church.

Hearing: Friday, December 1, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN III
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.

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: 07-134-SPH

Petitioner: St. Mary's Orthodox-Catholic Church

Address or Location: 909 Shawan Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dontell

Address: Venable, LLP
210 Allegheny Avenue
Towson, MD. 21204

Telephone Number: (410) 494-6200

Revised 7/11/05 - SCJ

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

November 15, 2006

Patricia A. Malone
Venable LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Ms. Malone:

RE: Case Number: 07-134-SPH, 909 Shawan Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 22, 2006.

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.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Dr. Issam Daya St. Mary's Orthodox-Catholic Church P.O. Box 594 Hunt Valley 21031

Baltimore County
Fire Department

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

County Office Building, Room 111
4,20064, 2006, 2006
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

October 4, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 9, 2006

Item Number(s): 134

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: October 24, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-134- Special Hearing**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer other than the site plan shall be in conformance with any restrictions of case# 35-354X.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By: Curtis M Murray

Division Chief: Lyn Lanham

CM/LL

NOV - 2006

W:\DEVREV\ZAC\7-134.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: November 2, 2006

SUBJECT: Zoning Item # 07-134--SPH
Address 909 Shawan Road
(St. Mary's Orthodox-Catholic Church)

Zoning Advisory Committee Meeting of October 2, 2006

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

__X__ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

__X__ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

__X__ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Provide a plan that shows the approved Forest Buffer Easement and provide documentation that the easement has been recorded in the Land Records of Baltimore County. – *Tom Panzarella; Environmental Impact Review*

A *Usage Letter* must be submitted to Ground Water Management (GWM). Additional septic components may be required. – *S. Farinetti; GWM*

Baltimore County
Fire Department

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

County Office Building, Room 111
4,20064, 2006, 2006
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

October 4, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 9, 2006

Item Number(s): 134

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

Printed with Soybean Ink on Recycled Paper

Come visit the County's Website at www.co.ba.md.us

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

SHA State Highway Administration *Driven to Excel*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: OCTOBER 10, 2006

Ms. Kristen Matthews
Baltimore County Office Of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 7-134-SPH
SHAWAN ROAD
ST MARY'S ORTHODOX-ORTHODOX CHURCH
SPECIAL EXCEPTION-AMEND SITE PLAN

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-134-SPH

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

FOR Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: October 4, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 9, 2006
Item No. 07-134

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The 100-year flood plain must be verified by a study and then the 20-foot setback from the flood plain must be honored. We recommend that no decision be made on this until that is done.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 07-137-10042006.doc

BALTIMORE COUNTY
MARYLAND

Department of Permits and Development Management
Zoning Review
County Office Building
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

TOWSON MD NOV 15 '06

Return Service Requested

RECEIVED
NOV 27 2006

Dr. Issam Daya
St. Mary's Orthodox-Catholic Church
P.O. Box 594
Hunt Valley, MD 21031

NIXIE 212 1 08 11/21/06
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 21204461599 *0492-01984-21-20

21204461599

VENABLE® LLP

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517

Telephone 410-494-6200
Facsimile 410-821-0147

www.venable.com

Patricia A. Malone
Of Counsel

(410) 494-6206

pamalone@venable.com

December 6, 2006

HAND-DELIVERED

William J. Wiseman, III
Zoning Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: In the Matter of Petition for Special Hearing
Petitioner St. Mary's Orthodox Church - 909 Shawan Road
Case No.: 07-134-SPH
8th Election District, 3rd Councilmanic District

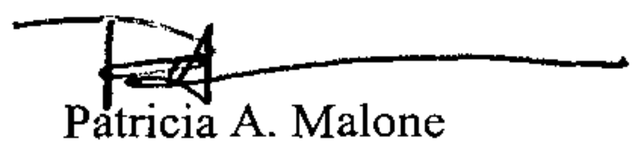
Dear Mr. Wiseman:

I am writing as a follow up to the hearing we had before you on November 20, 2006. As you may recall, during that hearing, Dennis Sutton, one of St. Mary's neighbors, commented that the site plan introduced as *Petitioner's Exhibit 1* reflected an outdated configuration for the septic reserve easement area on his property.

Following the hearing, we were able to determine the correct configuration for the septic reserve easement area, and we have revised the site plan to reflect the amended easement area. I have included with this letter the amended site plan, which we would ask you to accept as *Petitioner's Exhibit 3*. Also, representatives of St. Mary's met with Mr. Sutton at the site, and the parties have agreed on additional plantings as shown on the amended plan.

Having addressed these two issues with Mr. Sutton, we, respectfully, request that you approve the Petition for Special Hearing and the amended site plan.

Very truly yours,



Patricia A. Malone

PAM/dk

cc: Mr. Dennis Sutton (with enclosure)
Mr. George Perdikakis (with enclosure)

TO1DOCS1/PAM01/#238609

Case No.: 07-134-SPH 909 SHAWAN RD

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	SITE PLAN	
No. 2	EXISTING CONDITIONS	
No. 3	AMENDED AND REVISED SITE PLAN	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Rob Hoffman	210 Allegheny Ave	21204	RAHoffman@venable.com
DAVID MARTIN	222 BOSLEY AVE.	TOWSON 21204	dmartin@martinandphillips.com
Father Theodoros			
DAOUD	909 Shawan Rd Hunt Valley	Hunt Valley 21030	
ISSAM DAYA	306 Meadowcroft Ln	Lutherville 21093	
GEORGE G. PERUIKAKIS	1124 HUNT CREEK LANE	SPARKS-GLECOE 21152	george.ggp@comcast.net

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Dennis Sutton	13500 Beaver Dam Rd	Cockeysville, Md 21030	DKSUTTON@MINDSPRING.COM
	own property at 919 Shawan Rd		
Teresa Moore	PO Box 5402	Towson MD 21285	moorerpc@comcast.net

34

Petition for Special Exception

95-354-X

to the Zoning Commissioner of Baltimore County

for the property located at 909 Shawan Road, Hunt Valley, MD 21030

which is presently zoned R.C.4

This Petition shall be filed with the Office of Zoning Administration & 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 Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Special Exception for a church/~~elementary~~ school with group child care center in a R.C.4 zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound 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:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

John B. Gontrum, Esquire

(Type or Print Name)

Romadka, Gontrum & McLaughlin, P.A.

Signature

814 Eastern Blvd. 686-8274

Address Phone No.

Essex, Maryland 21221

City State Zipcode

Legal Owner: St. Mary's Greek Orthodox Church

By: Jerry Sackich, Chairman

(Type or Print Name)

Signature

(Type or Print Name)

Signature

909 Shawan Road 467-6200

Address Phone No.

Hunt Valley, MD 21030

City State Zipcode

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY DATE

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Date 5/23/95

By

DROP-OFF
No REVIEW
4/5/95 WCR

(.25 + .75 .065 .6[illegible])

13. NO OUTSIDE ATTENDANT TO OCCUR ON SITE.

14. PROPER PAVING TO BE MAINTAINED THROUGH PROPER CLEANING (VACUUM SWEEPING, ETC.) IS RECOMMENDED.

15. SAFETY LIGHTING ON PARKING TO BE MINIMIZED AS NOT TO INTERFERE WITH TRAFFIC ETC.

S26°58'54"W 145'±

MILDRED M. FUTTON
CT. 4902/196

1403.3--Use Regulations. (Bill No. 98, 1975.)

A. Uses permitted as of right. The following uses, only, are permitted as of right in B.C. 4 zones: (Bill No. 98, 1975.)

4. Telephone, telegraph, electrical-power, or other similar lines or cables-all underground; underground gas, water, or sewer mains or storm drains; other underground conduits except underground Interstate and Intercontinental pipe lines. (Bill No. 98, 1975.)

6. Accessory uses or structures, including, but not limited to the following: (Bill No. 98, 1975.)

a. Parking spaces, including recreational vehicles (subject to the provisions of Section 416A). (Bill No. 98, 1975.)

f. Swimming pools, tennis courts, garages, utility sheds, satellite receiving dishes (subject to Section 429), or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 408). (Bill No. 98, 1975; Bill No. [illegible], 1987.)

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in B.C. 4 zones: (Bill No. 98, 1975.)

1a. Churches and other buildings for religious worship. (Bill No. 45, 1982.)

1801.1.B. Additional Standards. (Bill [illegible], 1977.)

Under provisions adopted pursuant to the authority of the Comprehensive Manual of Development Policies, development in B.C.4 zones may be made subject to additional standards of lot area, yard area, open space, building distribution, or other aspects or characteristics of site planning or project design. Such standards shall be based upon specified existing, prospective, or stipulated conditions or circumstances of development, and shall be designed to further the specific purposes of this article and the purposes of these zoning regulations in general.

NOTE: AND BE IT FURTHER ENACTED that any development which has received CRG approval, concept plan approval, reclamation plan approval, or any other project vested by law, or any development for which a concept plan has been accepted for filing by the department of public works to the effective date (July 1, 1992) of this Act (Agricultural Preservation/Rural Cluster Development) shall be governed by the regulations in effect at the time of such approval, vesting, or acceptance for filing, as the case may be. (Bill No. [illegible], 1992.)

This provision does not appear in the BCZR, but is included in Bill [illegible], 1992 and its effect is to provide grandfather provisions in support of this resolution.

Section 101--DEFINITIONS (B.C.Z.R., 1955.)

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purposes of these Regulations, certain terms and words are defined below: (B.C.Z.R., 1955; Bill No. 149, 1987.)

Any word or term not defined in this Section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged. (Bill No. 149, 1987.)

Accessory Building: One which is subordinate and customarily incidental to and on the same lot with a main building. A trailer shall not be considered an accessory building. A structure connected to a principal building by a covered passageway or with one wall in common shall not be considered an accessory building. (B.C.Z.R., 1955.)

Accessory Use or Structure: A use or structure (building) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent, or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use or structure served; except that, unless specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if properly licensed or classified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use. (Bill No. 100, 1970; Bill No. 20, 1980.)

Principal Use: A main use of land, as distinguished from an accessory use. (Bill No. 100, 1970.)

424.2--Group child care centers and nursery schools are permitted by right within the following uses whether such use is permitted by right or by Special Exception, and in D.R. Zones, group child care centers and nursery schools permitted by this subsection are not required to meet the provisions of 1801.1.B.1.b.3 (restrictions in residential transition areas):

A. Churches;

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.

GWS

CIVIL ENGINEERS & LAND SURVEYORS

658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

This plan model for zoning purposes only, and is not to be used for construction, operation or construction.

NOTE: OUTLINE OTHER PLAN INFORMATION SITE PLAN.

J.S. KLING

IN RE: PETITION FOR SPECIAL EXCEPTION
SW/S Shawan Road, 2400' E of
Beaver Dam Road
(909 Shawan Road)
8th Election District
3rd Councilmanic District

St. Mary's Greek Orthodox Church
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-354-X

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for that property known as 909 Shawan Road, located in the vicinity of Cockeysville in Hunt Valley. The Petition was filed by the owner of the property, St. Mary's Eastern Orthodox Church, by Jerry Sackleh, Chairman, through their attorney, John B. Gontrum, Esquire. The Petitioners seek a special exception for a church with a group child care center on the subject property, zoned R.C.4, pursuant to Section 1A03.3. B.3(a) of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Jerry Sackleh, Chairman, Father George Romley, the priest who presides over the subject Church, and numerous members of the congregation. Also present on behalf of the Petition were several expert witnesses, including David L. Martin and James Kline with George W. Stephens, Jr. and Associates, Inc., the engineering and architectural firm that prepared the plat which accompanied the Petition for Special Exception, and John B. Gontrum, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were Jeffrey Foreman, a nearby resident of the Greencroft community, Dennis Sutton, an immediate neighbor to the site, and A. Douglas McComas, who

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appeared on behalf of the Falls Road Community Association. Kristen Forsyth appeared on behalf of the Valleys Planning Council as an interested party.

The property is improved with a one-story assembly hall, which includes an accessory kitchen and utilities wing, a Pastor's Office, and restroom facilities, in accordance with the site plan submitted into evidence as Petitioner's Exhibit 1. It should also be noted that the engineering firm of George W. Stephens, Jr. and Associates, Inc. also prepared similar other plans for this case, including a plan showing the area of impervious surface (Petitioner's Exhibit 2), and a proposed landscape plan (Petitioner's Exhibit 4).

This matter comes before me for consideration a second time. In fact, the zoning history of this property is significant. History shows that the Petitioner entered into a contract of sale to acquire the subject property around 1983. In October, 1983, the Church filed a Petition for Special Exception (Case No. 84-130-X) seeking approval of a church on the subject property zoned R.C. 4. The case was not immediately prosecuted; however, a special exception was eventually granted by the then Deputy Zoning Commissioner on November 22, 1983, and, on appeal, was upheld by the County Board of Appeals by Order issued September 19, 1984, subject to certain restrictions. Armed with this approval, the Church acquired the subject property under their contract of sale in November, 1984. Development of the site did not quickly follow. The matter lurched along through a series of changing site plans and subsequent governmental approvals until the Church was eventually erected in 1990. The Petitioners then came before me in Case No. 92-281-SPHXA, in which they filed Petitions for Special Hearing, Special Exception and Variance relief. The Petition for Variance at that time sought permission to erect two externally illuminat-

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ed identification signs. The Petition for Special Hearing sought approval of an amendment to the previously approved site plan in Case No. 84-130-X. The Petition for Special Exception was withdrawn.

Following a lengthy hearing, I issued an Order on June 7, 1994 which denied the Petitions for Special Hearing and Variance. My Opinion and Order issued at that time comprehensively set forth the details of the zoning history and land use of the site. The Findings of Fact and Conclusions of Law set forth therein are hereby adopted within this Order and clearly trace the arduous path which this development has followed. My conclusions for the reasons fully stated in the Opinion were that the approval to construct the church, pursuant to the special exception relief, had lapsed, and that the church building constructed in 1990 was illegal. I therefore held that the Petitioner raze the improvements or, in the alternative, file a new Petition for Special Exception to permit the existing church to remain.

Unhappy with this result, the Petitioners filed an appeal to the County Board of Appeals; however, the appeal hearing has not yet been heard and is now pending. Moreover, after securing the services of a land use attorney (Mr. Gontrum), and consulting firm (George W. Stephens, Jr. and Associates, Inc.), the Church filed the instant Petition for Special Exception. It is no doubt hoped by the Petitioners that a grant of this special exception will obviate the need for prosecution of the appeal of my prior decision before the Board of Appeals. In any event, the site plan submitted purportedly shows the existing improvements on the site and is filed in support of the Petition for Special exception to legitimize the existing use. The Petitioners emphasize that they plan no additional construction and that they filed the instant Petition only to obtain law-

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ful approv al of the existing use. For their part, the Protestants indicated that they did not object to the Petition for Special Exception and use per se, but wish the use restricted and are concerned in view of the development history of this site.

Testifying on behalf of the Petitioners was David L. Martin from George W. Stephens, Jr. and Associates, Inc. Mr. Martin is a Registered Landscape Architect with the State of Maryland and his seal appears on the site plans which were submitted in this case. Mr. Martin offered extensive testimony about the preparation of those plans and stated, unequivocally, that they accurately depict the property and improvements thereon. He noted that the plans were prepared in the usual fashion, common to the practices of the engineering industry. The plat was laid out by obtaining a metes and bounds description of the property from the Church's deed of acquisition of the property. Prior plats were also used to place certain improvements on the property and the accuracy of these deeds was checked by Mr. Martin's several site inspections and measurements.

As shown on the site plan marked into evidence as Petitioner's Exhibit 1, the subject property is entirely zoned R.C. 4 and is roughly 3.96 gross acres in area. This gross acreage includes property to the centerline of Shawan Road which provides vehicular access to the site and abuts same. When deducting the property under this roadway, the net acreage of the site is reduced to 3.75 acres. This acreage includes only the roughly rectangular shaped area of the property which the church owns in fee. As shown on the site plan, as part of the special exception request, the Church also has obtained an easement of approximately 22,000 sq.ft. in area on adjacent land. That property was formerly owned by Mildred M. Sutton, now deceased, and is now owned by the aforementioned Dennis Sutton

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and his brother. This easement area was obtained to provide a site for the septic drain field for the subject property, which is not served by public water or sewer facilities.

Returning to Mr. Martin's testimony, he described the subject property and improvements thereon. The site contains an existing church building which is approximately 8,120 sq.ft. in area. There is also a small outside play area behind the Church building which is used for the day care facility. The balance of the site is improved with a porous paved parking lot which provides parking for 79 vehicles. This parking area is constructed of what Mr. Martin labeled as "popcorn paving" which is porous in nature. Mr. Martin testified that the porous nature of the paving was required to comply with the standards of the Department of Environmental Protection and Resource Management (DEPRM). Those standards require that no more than 10% of an R.C. 4 lot can be impervious surface. Counting only the building, the sidewalk areas, and small areas of macadam on site, and not the parking lot, the area of impervious surface is within this 10% threshold.

Mr. Martin also discussed sight distances on Shawan Road. His testimony in this respect was that sufficient sight distance existed to the east towards I-83 and the Hunt Valley business community. To the west, the sight distance was more limited, but was still acceptable in his view. Sight distance was also aided by the presence of an acceleration/deceleration lane on that side of Shawan Road abutting the Church property. In Mr. Martin's judgment, the special exception use would not adversely affect traffic patterns in the area or constitute a traffic hazard.

Mr. Martin also discussed the proposed landscaping for this site. Petitioner's Exhibit 4 shows existing and proposed plantings. This is one

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area of concern as noted in my prior Order in Case No. 92-281-SPHXA. The Petitioners were required to submit a landscape plan in 1984 as part of the special exception approval; however, that plan was never implemented. The balance of Mr. Martin's testimony mainly concerned the requirements contained within Section 502.1 of the B.C.Z.R. In sum, he opined that the use was not detrimental to the health, safety or general welfare of the surrounding locale and that the special exception should be granted.

Mr. Jerry Sackleh, a member of the Church council, also testified. He described the use of the Church and the activities thereon. There are approximately 55 families which are members of this Church. The Church is part of the Eastern Orthodox religion. As it is a member of the Antioch Archdiocese, Mr. Sackleh indicated that the Church building was used for religious services and related functions. Day care is also provided on site and is limited to under 40 children, pursuant to State regulations.

The testimony offered by the Protestants primarily concerned the proposed use and adequate restrictions which should be placed thereon. As noted above, they did not urge an actual razing of the Church building. Properly restricted, they believe that the use is appropriate at this location.

Based upon the testimony and evidence presented, I agree with the Petitioners and the Protestants on this issue. As stated by the Court of Appeals in the leading case of Schultz v. Pritts, 291 Md. 1, 432 A2d 1319 (1981), "The special exception use is part of a comprehensive zoning plan sharing the presumption that, as such, it is in the interest of general welfare, and therefore, valid." Page 1325. Thus, a special exception must be granted, absent a showing that the use at the proposed location

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By

causes a unique adverse effect. The criteria established within the B.C.Z.R. as to the test to be applied is found with Section 502.1. Therein, a list of items are to be considered by this Zoning Commissioner in determining whether a special exception relief should be granted. In applying these standards to the Church use, I am persuaded that the Petition for Special Exception should be granted. The testimony offered by Mr. Martin in this regard was uncontradicted. Thus, I am persuaded to grant the Petition for Special Exception, thereby permitting the operation of a Church in an R.C. 4 zone.

In granting the Petition for Special Exception, I am empowered by the B.C.Z.R. (Section 502.2) to impose such conditions, restrictions or regulations as I might deem necessary or advisable for the protection of surrounding or neighboring properties. In this regard, several restrictions shall be imposed upon the relief granted. These restrictions shall operate as a condition precedent to the special exception relief. A violation or noncompliance with these restrictions would subject these Petitioners to prosecution for a zoning violation. Particularly, with the history of this development, I remind the Petitioners that these restrictions are to be precisely followed.

First, as requested by both the Office of Planning and Zoning (OPZ) within their Zoning Plans Advisory Committee (ZAC) comments dated April 25, 1995, and by the Protestants, the Petitioners shall develop and submit a landscape plan for approval by the Landscape Architect for Baltimore County. The design of said plan and authority for approval thereof shall be at the discretion of Mr. Harden. Moreover, the timing of the plantings shall be established by Mr. Harden. The proposed plan submitted by the Petitioner and marked into evidence as Petitioner's Exhibit 4,

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appears appropriate; however, I will defer ultimate approval of the design and implementation of a landscape plan to Mr. Harden's expertise. It seems appropriate to give such direction.

Second, it must be understood that the Petition for Special Exception shall provide the Petitioners with authority only to operate a Church with a group child care center on the subject site. Section 101 of the B.C.Z.R. defines the terms used throughout the regulations, but unfortunately, does not define the term "church". In such an event, the B.C.Z.R. directs the reader to Webster's Third New International Dictionary of the English Language, Unabridged, which defines church as "A place of worship of any religion". Clearly, religious services, weddings, funerals and the like would be permitted. Moreover, routine activities accessory to the church functions would be allowed. These would include bible study and similar meetings and other activities of the congregation as they relate to the Church's welfare. Church dinners, and similar fundraisers would also be permissible. However, the Church cannot lease its facilities as a commercial banquet hall or dining facility. This is not a commercial establishment, but a place of worship and reflection. The building must be used within those guidelines. Along these lines, there can be no further improvements to the property, including additions to the structure or additional impervious surface. I shall approve the Petition for Special Exception, only in accordance with that shown on Petitioner's Exhibit 1. Improvements to the site, including any additional building or proposed change in use, would require the Petitioners to file a new Petition for Special Hearing to amend the site plan approved herein. The approval conferred herein is precisely limited to the existing improvements.

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Third, the Department of Environmental Protection and Resource Management (DEPRM) recommends that a maintenance agreement be entered into with a septic service company to provide periodic inspection of the absorption trenches. Alteration of the use of these trenches every six (6) months and septic removal as needed is also recommended. As noted above, this site is not served by public utilities. In order to obtain an area suitable for sewage disposal, the Petitioners entered into an easement agreement with the adjoining property owners for utilization of a 22,000 sq.ft. area on the neighboring Sutton property as described above. The propriety of such a use under the zoning regulations is not before me. Moreover, the fact of the matter is that the existing septic system was approved by Baltimore County, and has been installed. By this opinion, I neither endorse the conceptual use of neighboring property to support the septic system, nor state that same is impermissible. Consideration of this issue in the instant case is limited to the application of the special exception standards and DEPRM's comments. The Petitioners submitted a document (Petitioner's Exhibit 5) which is purportedly a contract with the Casper Sewage Service to perform such services pursuant to DEPRM's comments referenced above. The document submitted is not a contract and I do not accept it as such. Although the Church expressed a willingness to follow DEPRM's suggestion, I shall require such adherence as a condition to the special exception relief granted herein. Thus, I will require the Developer to submit to DEPRM, twice yearly, satisfactory evidence from a sewage service company that the septic system has been inspected and that the absorption trenches have been alternated and/or sewage removed as needed. A copy of such notification and proof to be provided shall also be furnished to the Valleys Planning Council and the Falls Road Community

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Association. These two community groups shall receive copies of this information, owing to their interest in preserving the environmentally sensitive areas surrounding this site and protecting the ground water table.

The next area for restriction relates to signage. It is of note that no sign variance has been requested. At present two signs exist on the front of the property, facing Shawan Road. One advertises the Church and is depicted on the site plan and in photographs at the hearing. The second sign advertises the day care facility and is to be removed. Per the Petitioners representations, this sign shall be removed within sixty (60) days of the date of this Order. As to the Church sign, same is illuminated by two 75-watt bulbs. There was significant testimony about other signs in this area and that the community feels that lighted signs are incompatible with the rural and residential character of this vicinity. The Petitioners agreed that the sign would be connected to a timer. In my view, it seems appropriate that the sign should be illuminated in the manner presently provided, only until 11:00 PM. It is doubtful whether any individuals would be coming to the Church after that hour and need the direction provided by such signage. Thus, this Order shall contain a restriction allowing illumination of the sign only from dusk until 11:00 PM.

There was also testimony concerning lights on the parking lot. I will not require that they be turned off at any given hour. Matters of security and safety are important factors in this consideration. Individuals at the Church may leave later than 11:00 PM. Moreover, there are other lighted parking lots in the area, including the Oregon Ridge facility. Thus, I will not require that the parking lot lights be connected to a timing device. However, the light produced thereby shall be directed.

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towards this site only, and away from any adjoining property or Shawan Road, in accordance with the Department of Public Works' standards for parking lot lights.

With the above restrictions, I believe that the use of the subject site by the St. Mary's Eastern Orthodox Church congregation is an appropriate use at this location and can be conducted without harm to the surrounding locale. Thus, I will approve the Petition for Special Exception with the restrictions outlined above. It is truly hoped by this Zoning Commissioner that such a decision will end the litigation spawned by this development between the Church and its neighbors.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, and for the reasons set forth above, the relief requested shall be granted, subject to the restrictions set forth below.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of May, 1995 that the Petition for Special Exception for a church with a group child care center on the subject property, zoned R.C.4, pursuant to Section 1A03.3.B.3(a) of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Within sixty (60) days of the date of this Order, the Petitioners shall develop and submit a landscape plan for review and approval by Avery Harden, the Landscape Architect for Baltimore County. The design and authority for approval thereof shall be at the discretion of Mr. Harden. Moreover, the timing for implementation of the plan shall be at the discretion of Mr. Harden.

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3) The special exception granted herein is limited to the existing Church with a group child care center facility. The Church cannot lease its facilities for use as a commercial banquet hall or dining facility.

4) In accordance with the recommendation of the Department of Environmental Protection and Resource Management (DEPRM), the Petitioners shall enter into a maintenance agreement with a septic service company to provide periodic inspection of the absorption trenches. The use of these trenches shall be alternated every six (6) months and/or sewage removed as needed. The Petitioners shall submit to DEPRM, twice yearly, satisfactory evidence from the sewage service company that the septic system has been inspected and that the absorption trenches have been alternated and/or sewage removed as needed. A copy of such notification and proof to be provided shall also be furnished to the Valleys Planning Council and the Falls Road Community Association.

5) The sign advertising the day care facility shall be removed within sixty (60) days of the date of this Order. The Church identification sign shall be permitted to remain; however, the sign shall be connected to a timer to insure that illumination of the sign is only from dusk to 11:00 PM. In addition, all lights on the parking lot shall be directed towards this site only and not onto any adjoining property or onto Shawan Road.

6) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

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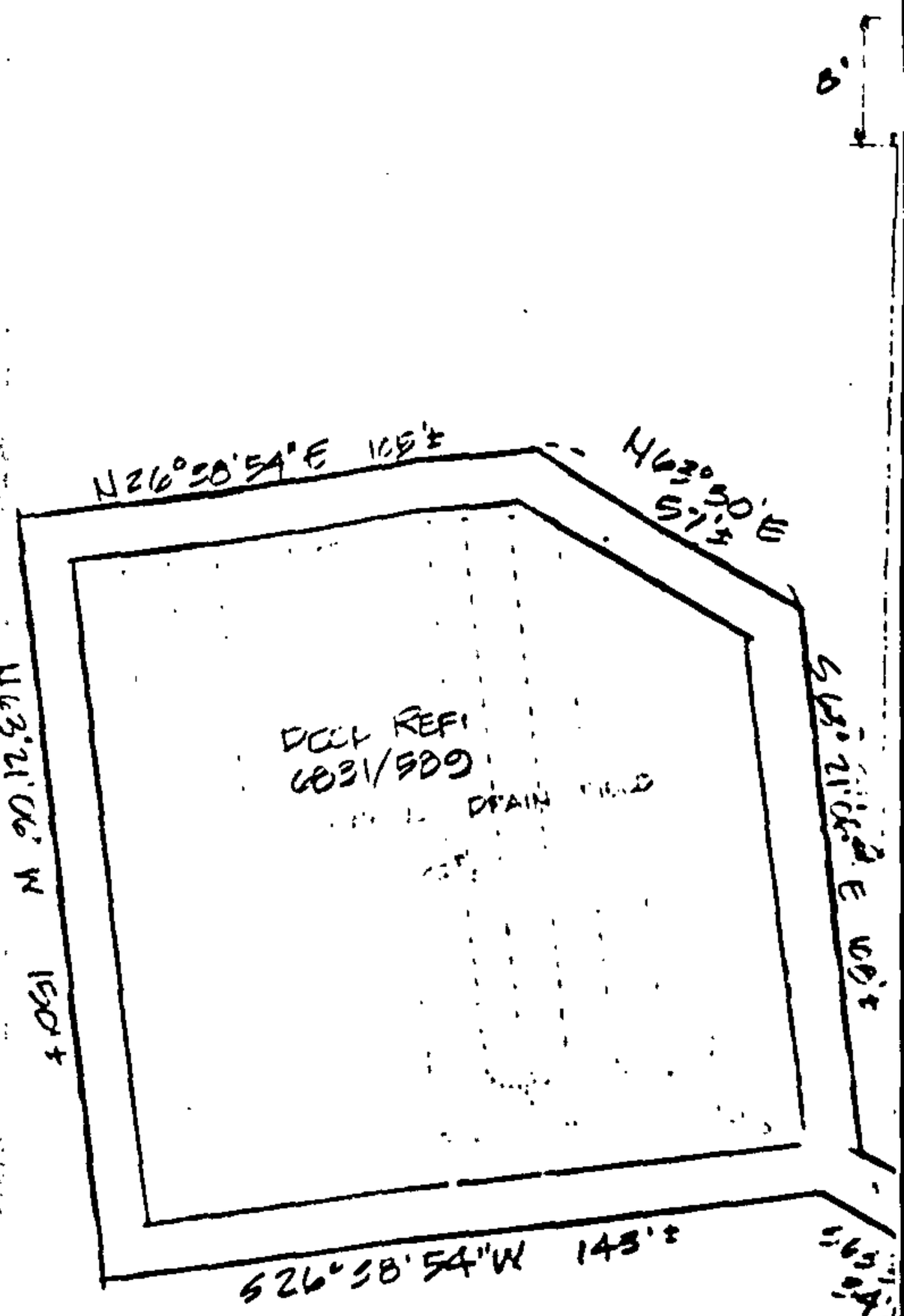
Date 1/23/95
By

GENERAL NOTES

1. EX ZONING RC 4
2. AREA OF PETITION 3.96Ac
3. COUNCILMANIC DIST #3
4. C.R.G. WAIVER WAS GRANTED
5. ZONING CASE # 84-130-X
   S.E. FOR A CHURCH GRANTED
6. ZONING CASE # 92-281-SPHXA
   S.H. TO AMEND S.E. & VARIANCES DENIED
7. IMPROVEMENTS COMPLETED DEC. 1990
   BLDG PERMIT N° B014461, C.N° 785-89
   DATED 4/28/89
8. GROSS AREA OF TRACT = 3.96 Ac
9. NET AREA OF TRACT = 2.75 Ac
10. IMPERVIOUS AREA = 0.25 Ac±
11. IMPERVIOUS AREA PERMITTED = 10%
12. IMPERVIOUS AREA SHOWN = 6.7%
    (.25 ÷ 2.75 = .065 = 6.5%)
13. NO OUTSIDE CATERING TO OCCUR ON SITE
14. POROUS PAVING TO BE MAINTAINED THROUGH PROPER CLEANING (VACUUM SWEEPING ETC.) AS RECOMMENDED.
15. SAFETY LIGHTING ON BUILDING TO BE DIRECTED AS NOT TO INTERFERE WITH TRAFFIC ETC.



1A03.3--Use Regulations. [Bill No. 98, 1979.]

A. Uses permitted as of right. The following uses, only, are permitted as of right in R.C. 4 zones: [Bill No. 98, 1979.]

4. Telephone, telegraph, electrical-power, or other similar lines or cables-all underground; underground gas, water, or sewer mains or storm drains; other underground conduits except underground interstate and intercontinental pipe lines. [Bill No. 98, 1979.]

6. Accessory uses or structures, including, but not limited to the following: [Bill No. 98, 1979.]

a. Parking spaces, including recreational vehicles (subject to the provisions of Section 415A). [Bill No. 98, 1979.]

f. Swimming pools, tennis courts, garages, utility sheds, satellite receiving dishes (subject to Section 429), or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400). [Bill No. 98, 1979; Bill No. 1, 1987.]

B. Uses permitted by special exception. The following uses, only, are permitted by special exception:

Section 101--DEFINITIONS [B.C.Z.R., 1955.]

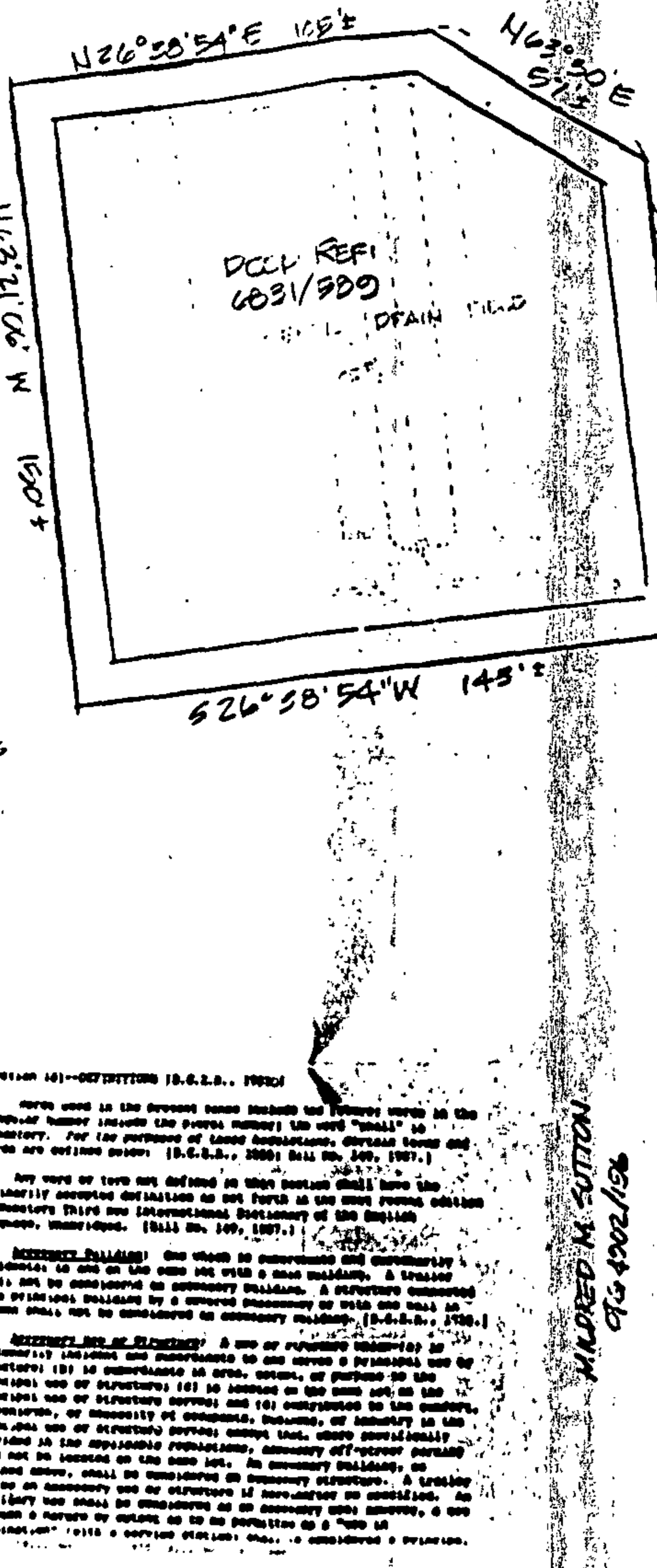
Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purposes of these regulations, certain terms and words are defined below: [B.C.Z.R., 1955; Bill No. 149, 1987.]

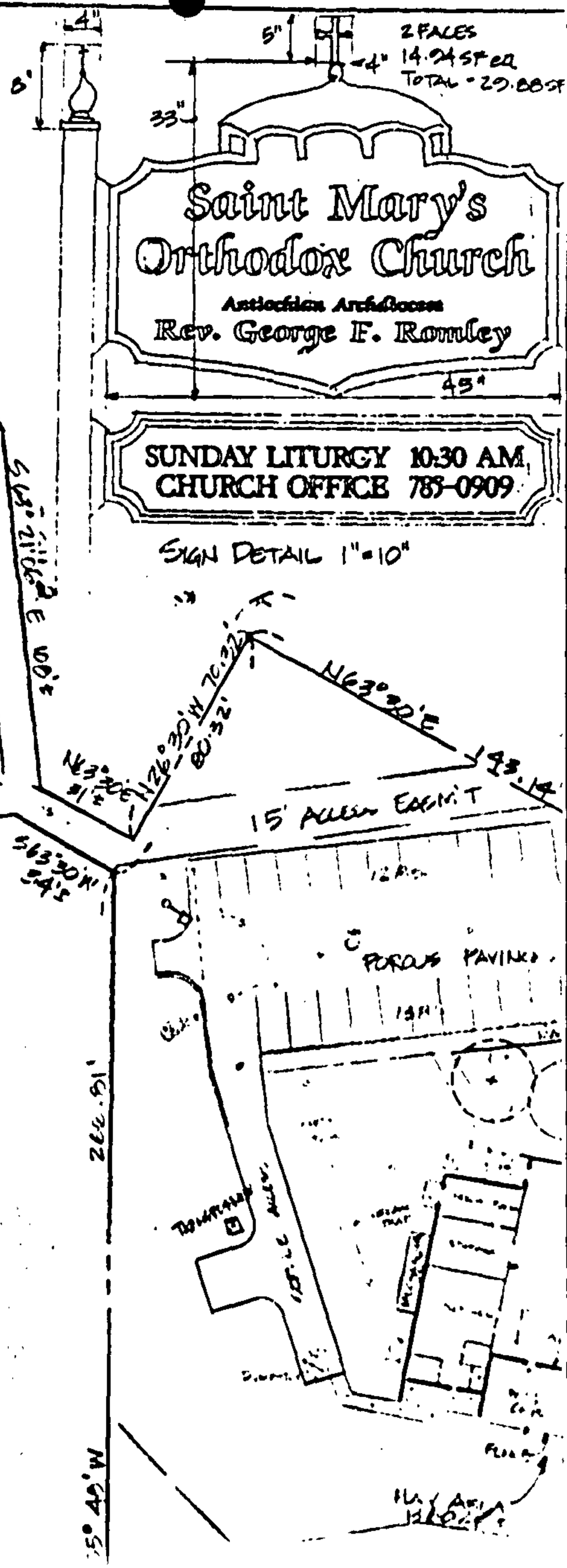
Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged. [Bill No. 149, 1987.]

ACCESSORY BUILDING: One which is subordinate and customarily incidental to and on the same lot with a main building. A trailer shall not be considered an accessory building. A structure connected to a principal building by a covered passageway or with one wall in common shall not be considered an accessory building. [B.C.Z.R., 1955.]

ACCESSORY USE OR STRUCTURE: A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent, or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if subordinate as specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" with a service station ...

MINDED IN SECTION





DENIED
C. 1990
D 785-89

AC
AC
AC
10%
6.7%

ON SITE
NLD THROUGH
PING ETC.) AS

BE DIRECTED
FIC ETC

SECTION 101--DEFINITIONS [B.O.Z.R., 1960]

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purposes of land development, certain terms and words are defined below: [B.O.Z.R., 2000; Bill No. 149, 1987.]

Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged. [Bill No. 149, 1987.]

Accessory Building: One which is subordinate and customarily incidental to and on the same lot with a main building. A trailer shall not be considered an accessory building. A structure connected to a principal building by a covered passageway or wall and roof shall not be considered an accessory building. [B.O.Z.R., 1960.]

Accessory Use or Structure: A use or structure which is customarily incidental and subordinate to and serves a principal use or structure; (B) is subordinate in area, extent, or purpose to the principal use or structure; (C) is located on the same lot as the principal use or structure served; and (D) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if properly licensed or qualified. An auxiliary use shall be considered as an accessory use; however, a use of such a nature or extent as to be properly classified as a "use in combination" (with a certain district) shall be considered a principal.

N ON SITE
INCLD. THROUGH
CEPING ETC.) AS

TO BE DIRECTED
TRAFFIC ETC

S26°58'34"W 145'

S63°30'W
54'S

12 P.S.

POROUS PAVING

15 H.

MILDRED M. SUTTON
OLG 490/156

260.81

N55°49'W

DUMPSTER

SAINT MARY'S

DUMPSTER

STORAGE

PLACE

PLAY AREA

EL WOOD

SECTION 101—DEFINITIONS [B.C.Z.R., 1955]

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purposes of these regulations, certain terms and words are defined below. [B.C.Z.R., 1955; Bill No. 149, 1957.]

Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged. [Bill No. 149, 1957.]

Accessory Building: One which is subordinate and customarily incidental to and on the same lot with a main building. A trailer shall not be considered an accessory building. A structure connected to a principal building by a covered passageway or with one wall in common shall not be considered an accessory building. [B.C.Z.R., 1955.]

Accessory Use or Structure: A use or structure which: (a) is customarily incidental and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent, or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, necessary off-street parking need not be located on the same lot. An accessory building, or any part of an accessory use or structure is permanent or specified. An ancillary use shall be considered as an accessory use; however, a gas station or service station shall be considered a principal use. [Bill No. 100, 1970; Bill No. 40, 1980.]

Principal Use: A main use of land, as distinguished from an accessory use. [Bill No. 100, 1970.]

§24.2—Group child care centers and nursery schools are permitted by right within the following uses whether such use is permitted by right or by Special Exception, and in D.R. Zones, group child care centers and nursery schools permitted by this subsection are not required to meet the provisions of 1B01.1.B.1.b.3 (restrictions in residential transition areas)):

A. Churches;

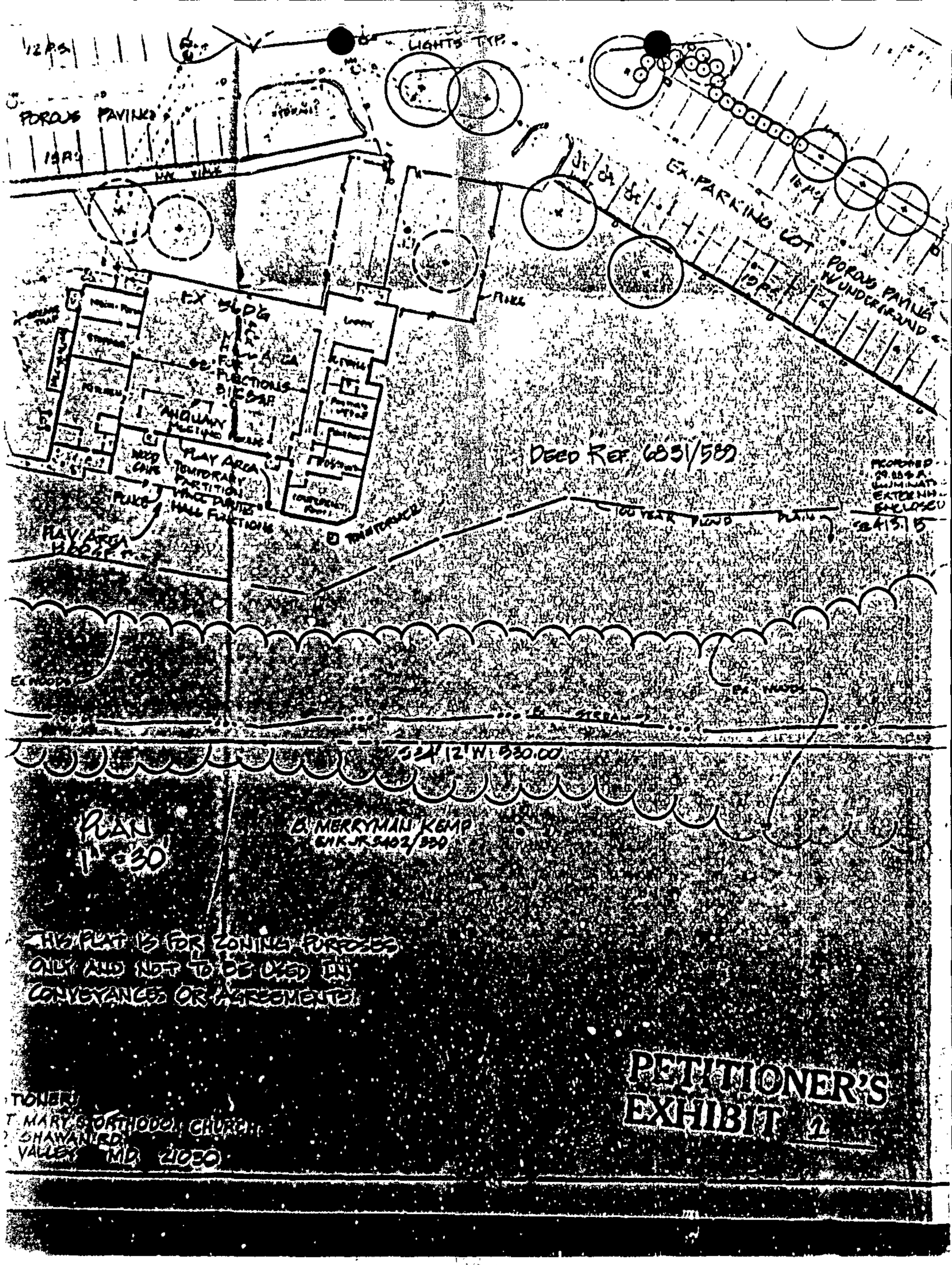
PLAN
1" = 30'

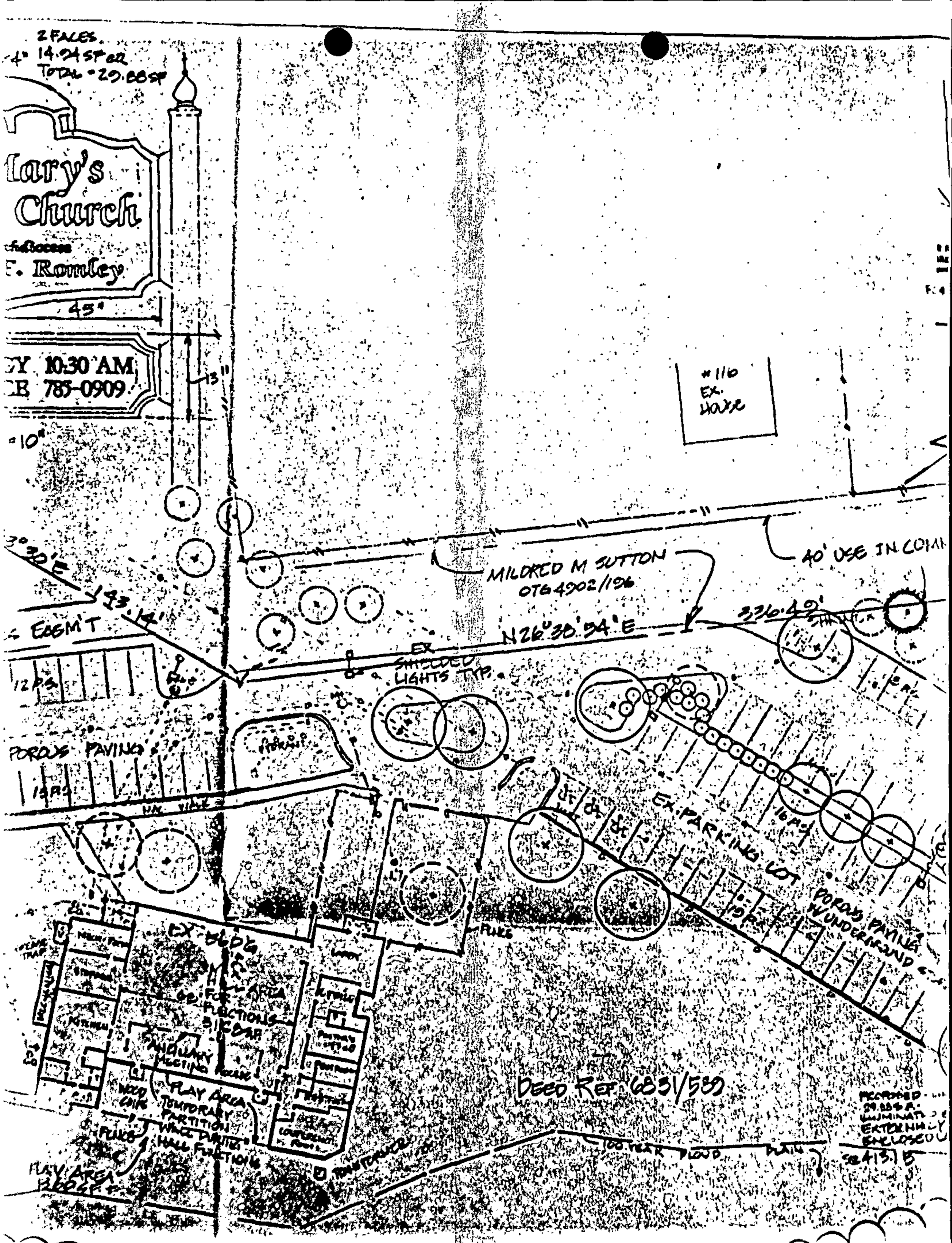
NOTE: THIS PLAT IS ONLY AND NO CONVEYANCE

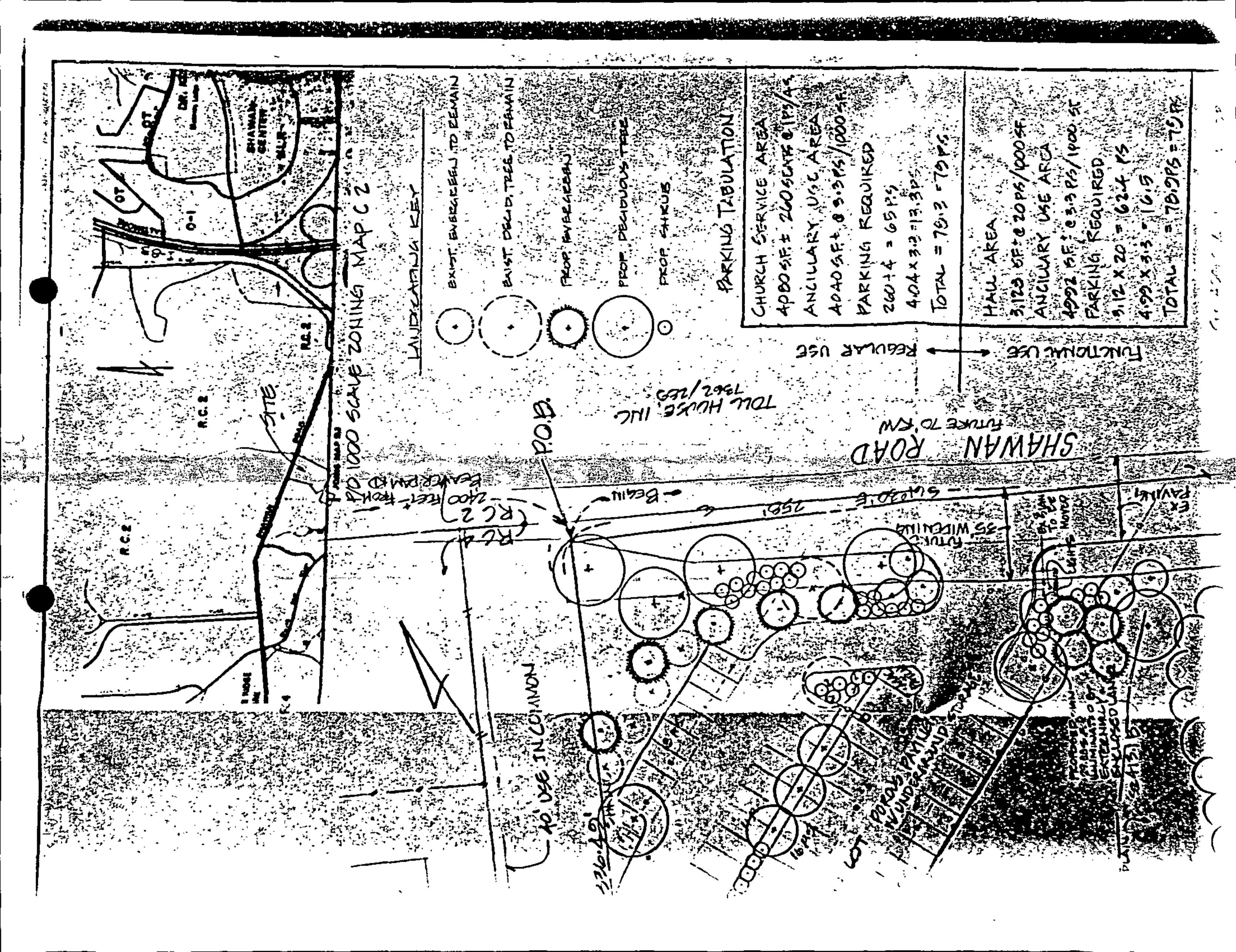
AM STEPHENS, JR.
OCIATES, INC.
& LAND SURVEYORS
TH DRIVE, SUITE 100
ARYLAND 21204
) 825-8120

NOTE: OUTLINE FROM DEED
OTHER BLKS & DETAIL
INFORMATION ADAPTED FROM
SITE PLAN BY (MAISTE & WATTS INC)

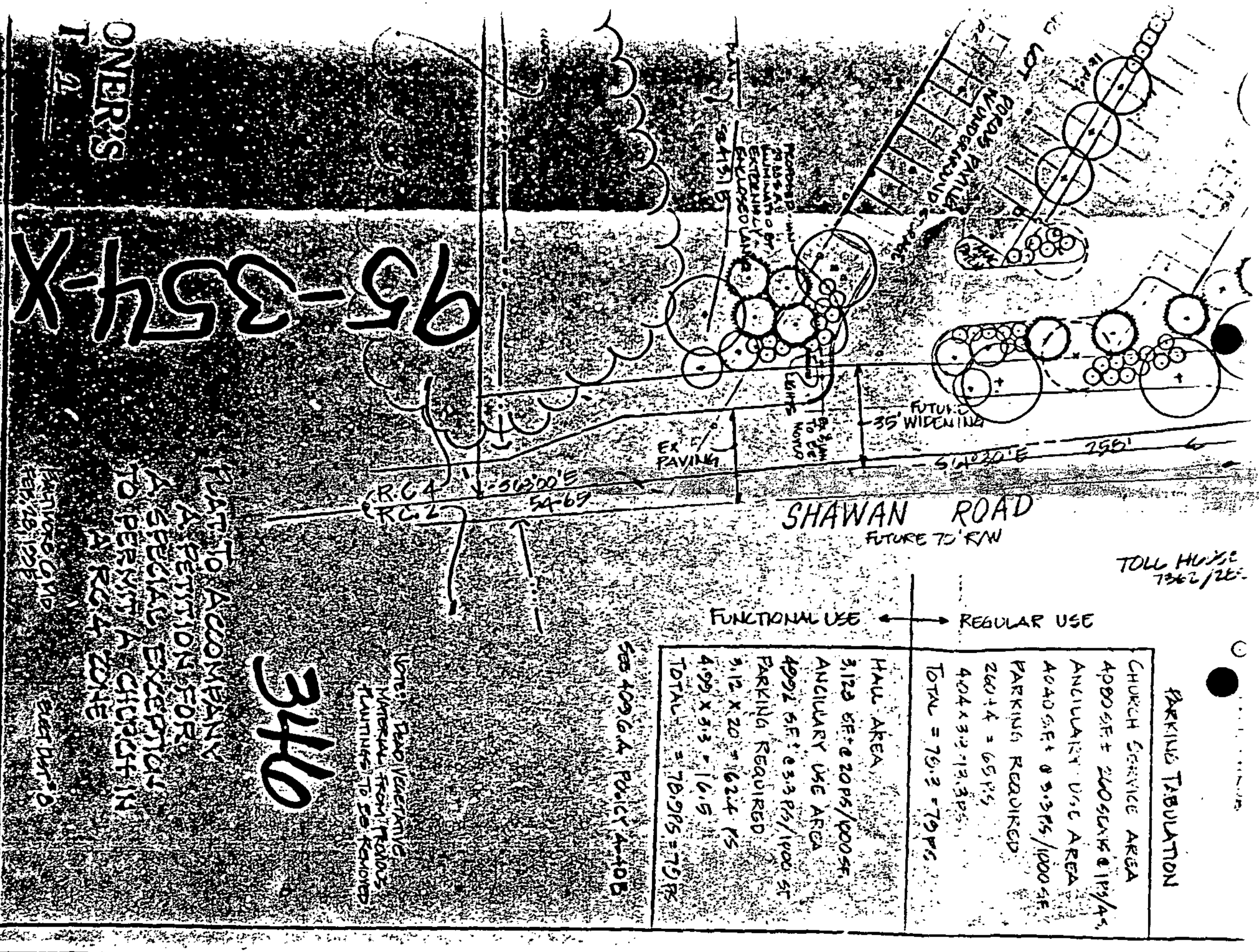
PETITIONER:
SAINT MARY'S ORTHOD
7000 SHAWAN RD
HUNT VALLEY MD

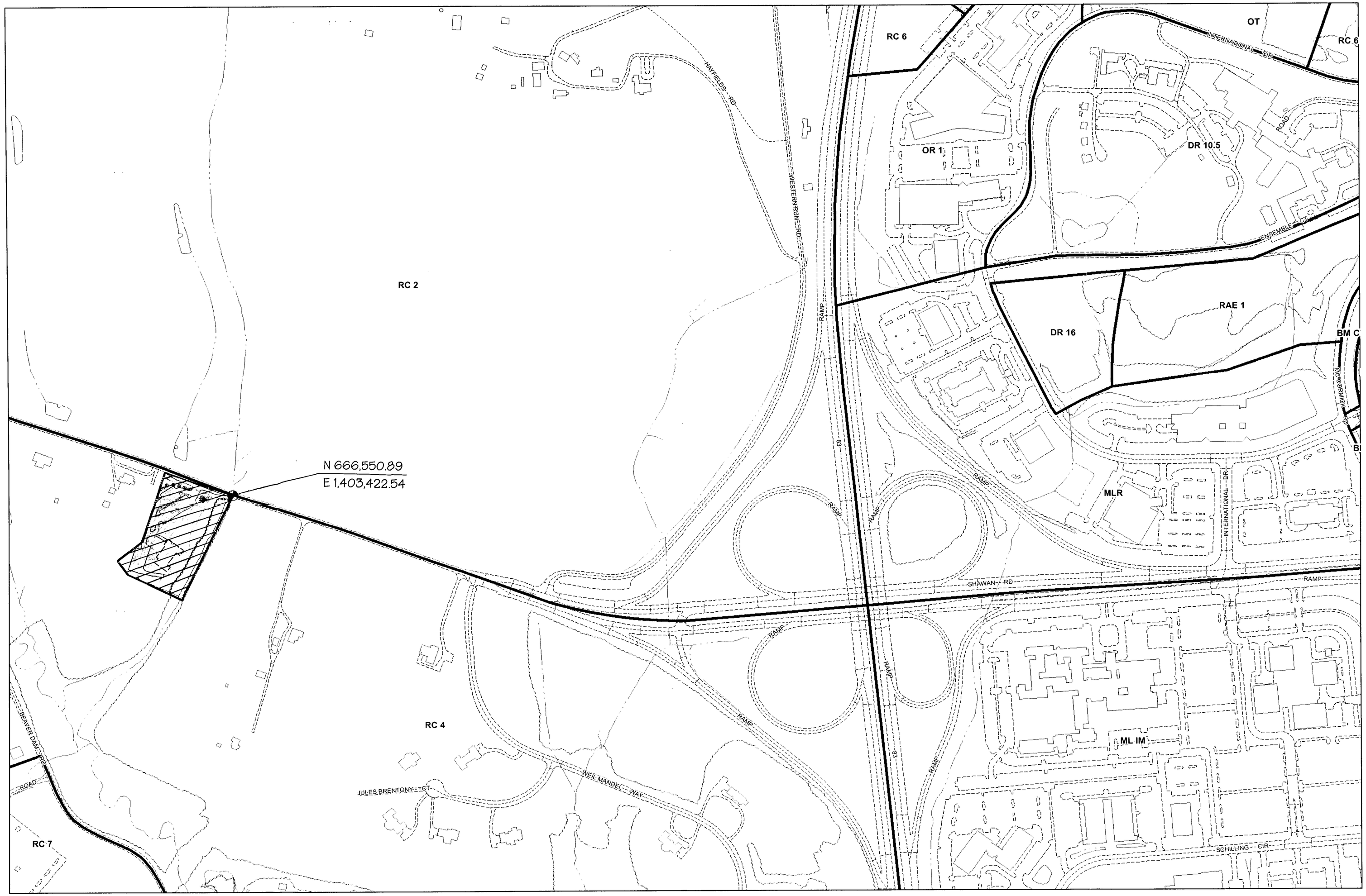

LIGHTS TYP.
POROUS PAVING
EX. PARKING LOT
POROUS PAVING W/ UNDERGROUND
EX. BLDG
PLAY AREA
DEED REF. 6851/589
PROPOSED 29.88 A. ILLUMINATION EXTENSION ENCLOSED
S24°12'W 530.00
PLAN 1" = 30'
C. MERRYMAN KEMP
THIS PLAT IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED IN CONVEYANCES OR AGREEMENTS
TOWER
ST. MARY'S ORTHODOX CHURCH
SHAWAN RD.
VALLEY MD 21030
PETITIONER'S EXHIBIT 2


2 FACES
4" 14.24 SF ea
TOTAL = 28.48 SF
lary's
Church
F. Romley
45'
Y 10:30 AM
E 785-0909
13"
10"
#110
EX.
HOUSE
MILDRED M SUTTON
OT6 4902/196
40' USE IN COMM
N26°30'34"E
236.42'
EX
SHIELDED
LIGHTS TYP.
12 P.S.
POROUS PAVING
15 P.S.
EX. PARKING LOT
16 P.S.
POROUS PAVING
W/UNDERGROUND
EX. BLDG
AREA
FOR
FUNCTIONS
BIG BAR
ANCILLARY
MEETING ROOM
PLAY AREA
TEMPORARY
PARTITION
WHICH DIVIDES
HALL FUNCTIONS
PLAY AREA
12,000 SF
DEED REF. 6851/589
100 YEAR FLOOD PLAIN
RECORDED
ILLUMINATED
EXTERNALLY
ENCLOSED
SE 415.15


SHAWAN ROAD
FUTURE TO 5'W
TOLL HOUSE, INC.
7862/765
G.O.d.
BEAU
2400 FEET FROM
BEAUREGARD RD
1000
SCALE ZONING MAP C 2
SITE
R.C.2
O-1
OT
SHAWAN CENTER
LANDSCAPING KEY
EXIST. EVERGREEN TO REMAIN
EXIST. DECID. TREE TO REMAIN
PROP. EVERGREEN
PROP. DECIDUOUS TREE
PROP. SHRUB
PARKING TABULATION
CHURCH SERVICE AREA
4080 S.F. ± 260 SEATS @ 1PS/4S
ANCILLARY USE AREA
4040 S.F. @ 3.3 PS/1000 S.F.
PARKING REQUIRED
260 ÷ 4 = 65 PS
404 x 3.2 = 13.3 PS
TOTAL = 78.3 = 79 PS
REGULAR USE
FUNCTIONAL USE
HALL AREA
3,123 S.F. @ 20 PS/1000 S.F.
ANCILLARY USE AREA
4992 S.F. @ 3.3 PS/1000 S.F.
PARKING REQUIRED
3.12 x 20 = 62.4 PS
4.99 x 3.3 = 16.5
TOTAL = 78.9 PS = 79 PS
FUTURE 35' WIDENING
EX. PAVING
LOT POPS IN UNDERGROUND STORAGE

X-459-96


FUTURE 35' WIDENING
EX. C/L PAVING
S 64°30'E 258'
SHAWAN ROAD
FUTURE 70' R/W
(R.C.4)
(R.C.2)
S63°00'E
54.69
TOLL HOUSE 7362/2E
FUNCTIONAL USE
REGULAR USE
PARKING TABULATION
CHURCH SERVICE AREA
4080 S.F. ± 240 SEATS @ 1PS/4S.
ANCILLARY USE AREA
4040 S.F. ± @ 3.3PS/1000 S.F.
PARKING REQUIRED
260.4 = 65 PS
4.04 x 3.3 = 13.3 PS
TOTAL = 78.3 = 79 PS
HALL AREA
3,120 S.F. ± @ 20 PS/1000 S.F.
ANCILLARY USE AREA
4992 S.F. ± @ 3.3 PS/1000 S.F.
PARKING REQUIRED
3.12 x 20 = 62.4 PS
4.99 x 3.3 = 16.5
TOTAL = 78.9 PS = 79 PS
SEE 409.6.A POLICY A-40B
NOTE: ALL VEGETATIVE MATERIAL FROM TRUNKS PLANTINGS TO BE REMOVED.
3 of 5
SUBJECT TO ACCOMPANY A PETITION FOR SPECIAL EXCEPTION PERMIT A CHURCH IN A RC4 ZONE
PN 7796
SHEET NO. 3



Plan Sheet: *042A2*

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

Buildings — Streams — Vegetation
Zoning — Roads — Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

041B1	041C1	042A1	042B1	042C1
041B2	041C2	042A2	042B2	042C2
041B3	041C3	042A3	042B3	042C3

Scale
1" = 200'
0 100 200 400 Feet

1

Data Sources:
Planametric Data - Baltimore County OIT/GIS Services Unit 1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning 1:2400, 2004

F 134

1. OWNER: ST MARY'S ORTH. CHURCH
P.O. BOX 594
HUNT VALLEY, MD 21031
2. PREPARED BY: G.W. STEPHENS JR. & ASSOCIATES
215 SCHILLING CIRCLE, SUITE 114
HUNT VALLEY, MD 21031
3. TAX MAP: 42
4. PARCEL: P. 471
5. DEED REF: 6831/589
6. NET AREA: 3.3 AC. +/- (143,977 S.F. +/-)
7. ZONING: RC 4 (RURAL CONSERVATION)
8. EXISTING USE: CHURCH ASSEMBLY HALL
9. ELECTION DISTRICT: EIGHTH ELECTION DISTRICT
10. COUNCILMATIC DISTRICT: 3RD
11. PROPERTY TAX ID NUMBER: 2000000152
12. ZONING CASE #84-130-X - SPECIAL EXCEPTION GRANTED FOR A CHURCH
ZONING CASE #92-281-SPHXA SPECIAL HEARING TO AMEND S.E. AND DENIED VARIANCES.
ZONING CASE #95-354-X TO PERMIT A CHURCH IN A RC4 ZONE
13. IMPROVEMENTS COMPLETED DEC 1990
BUILDING PERMIT # B014461 C.N. 785-89, DATED 4/28/89
14. IMPERVIOUS SURFACE CALCULATIONS:
IMPERVIOUS SURFACE ALLOWED: 10% OR 14,397 S.F. +/
IMPERVIOUS SURFACE EXISTING: 7.4 % OR 10,673 S.F. +/
IMPERVIOUS SURFACE PROPOSED: 3,724 S.F. +/
15. BUILDING SQUARE FOOTAGE: 11,025 S.F. +/-
EXISTING BUILDING: 8403 S.F. +/-
EXISTING BUILDING TO BE REMOVED: 2481 S.F. +/
PROPOSED BUILDING ADDITION: 5103 S.F. +/
16. PARKING CALCULATION:
PARKING REQUIRED: 1 SPACE PER 4 SEATS IN THE PRINCIPAL PLACE OF WORSHIP
NUMBER OF 316 SEATS: 79 PARKING SPACES REQUIRED
NUMBER OF EXISTING SPACES: 79 EXISTING SPACES
17. EXISTING HEIGHT: 1 STORY
MAXIMUM HEIGHT ALLOWED: 50' FOR CHURCHES

ZONING HISTORY

CASE #	DATE OF DECISION	REQUEST	ORDERED RESULT
84-130-X	SEPTEMBER 19, 1984	REQUEST FOR A SPECIAL EXCEPTION TO PERMIT THE CONSTRUCTION OF A CHURCH IN AN R.C. 4 ZONE	GRANTED WITH RESTRICTIONS
92-281-SPHXA	JUNE 7, 1994	PETITION FOR VARIANCE TO PERMIT 3 EXTERNALLY ILLUMINATED ID SIGNS PETITION FOR SPECIAL HEARING TO AMEND PREVIOUSLY APPROVED SITE PLAN PETITION FOR SPECIAL EXCEPTION WAS WITHDRAWN	DENIED DENIED N/A
95-354-X	MAY 23, 1995	PETITION FOR SPECIAL EXCEPTION FOR A CHURCH WITH A GROUP CHILD CARE CENTER	GRANTED WITH RESTRICTIONS

BCZR 1A03.B. USES PERMITTED BY SPECIAL EXCEPTION IN R.C.4 ZONES
BCZR 1A03.B.3 COMMUNITY BUILDINGS, ... OR OTHER USES OF CIVIC, SOCIAL, RECREATIONAL OR EDUCATIONAL NATURE...

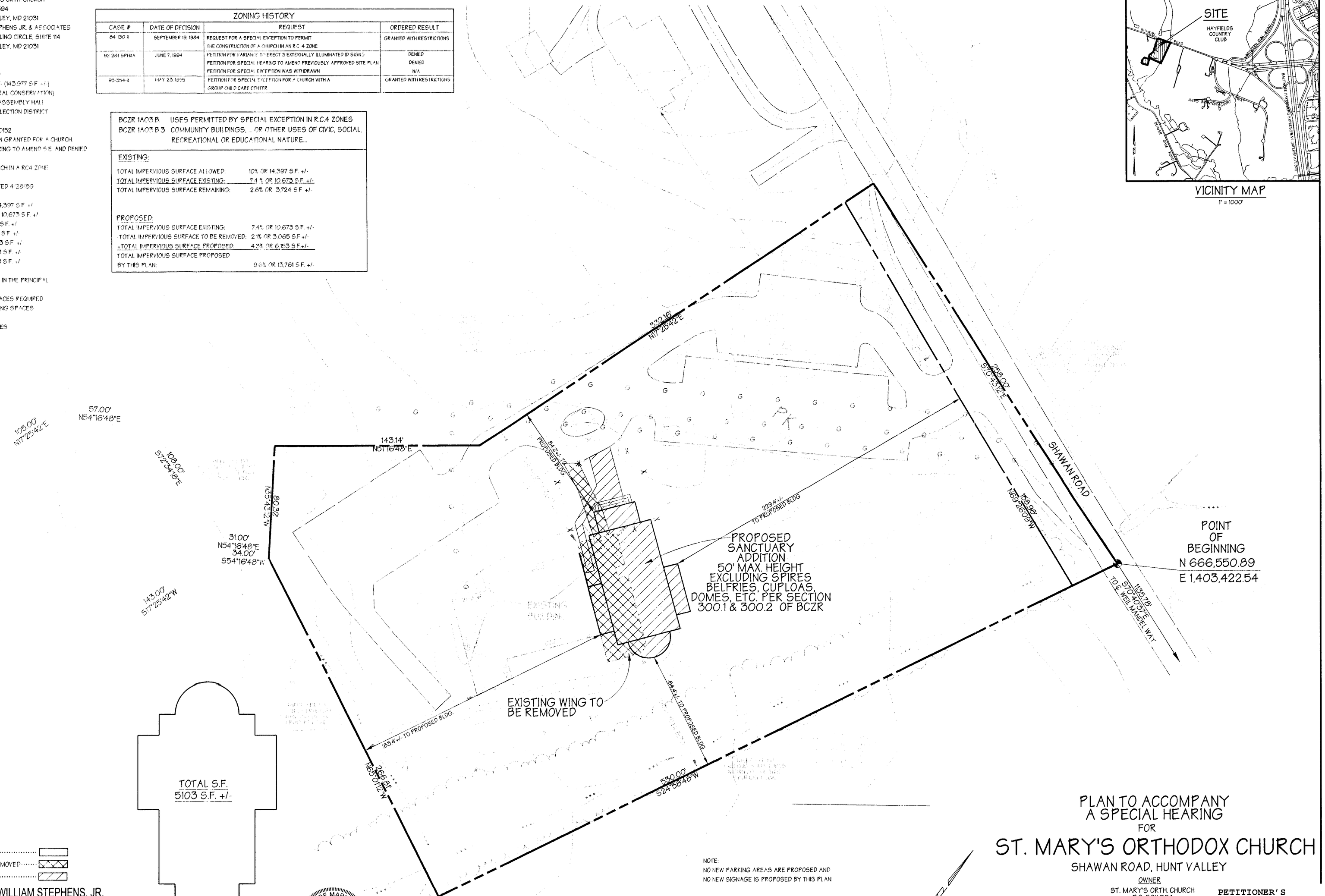
EXISTING:

TOTAL IMPERVIOUS SURFACE ALLOWED:	10% OR 14,397 S.F. +/-
TOTAL IMPERVIOUS SURFACE EXISTING:	7.4 % OR 10,673 S.F. +/-
TOTAL IMPERVIOUS SURFACE REMAINING:	2.6% OR 3,724 S.F. +/-

PROPOSED:

TOTAL IMPERVIOUS SURFACE EXISTING:	7.4% OR 10,673 S.F. +/-
TOTAL IMPERVIOUS SURFACE TO BE REMOVED:	2.1% OR 3,065 S.F. +/-
+TOTAL IMPERVIOUS SURFACE PROPOSED:	4.3% OR 6,153 S.F. +/-
TOTAL IMPERVIOUS SURFACE PROPOSED BY THIS PLAN:	9.6% OR 13,761 S.F. +/-

VICINITY MAP
1" = 1000'



PLAN VIEW - PROPOSED ADDITION
SCALE: 1"=20'

LEGEND
EXISTING IMPERVIOUS SURFACE
EXISTING IMPERVIOUS SURFACE TO BE REMOVED
PROPOSED IMPERVIOUS SURFACE

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
215 SCHILLING CIRCLE, SUITE 114
HUNT VALLEY, MARYLAND 21031
(410) 785-6640

STATE OF MARYLAND
DAVID JOHN DICKER
No. 3210
LANDSCAPE ARCHITECT

NOTE:
NO NEW PARKING AREAS ARE PROPOSED AND
NO NEW SIGNAGE IS PROPOSED BY THIS PLAN.

PLAN TO ACCOMPANY A SPECIAL HEARING FOR ST. MARY'S ORTHODOX CHURCH

SHAWAN ROAD, HUNT VALLEY

OWNER
ST. MARY'S ORTH. CHURCH
P.O. BOX 594
HUNT VALLEY, MD 21031

PETITIONER'S EXHIBIT NO. 1

SCALE: 1"=30'

SCALE: 1"=30'
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

SUBMISSION DATE: JULY 3, 2006

#184

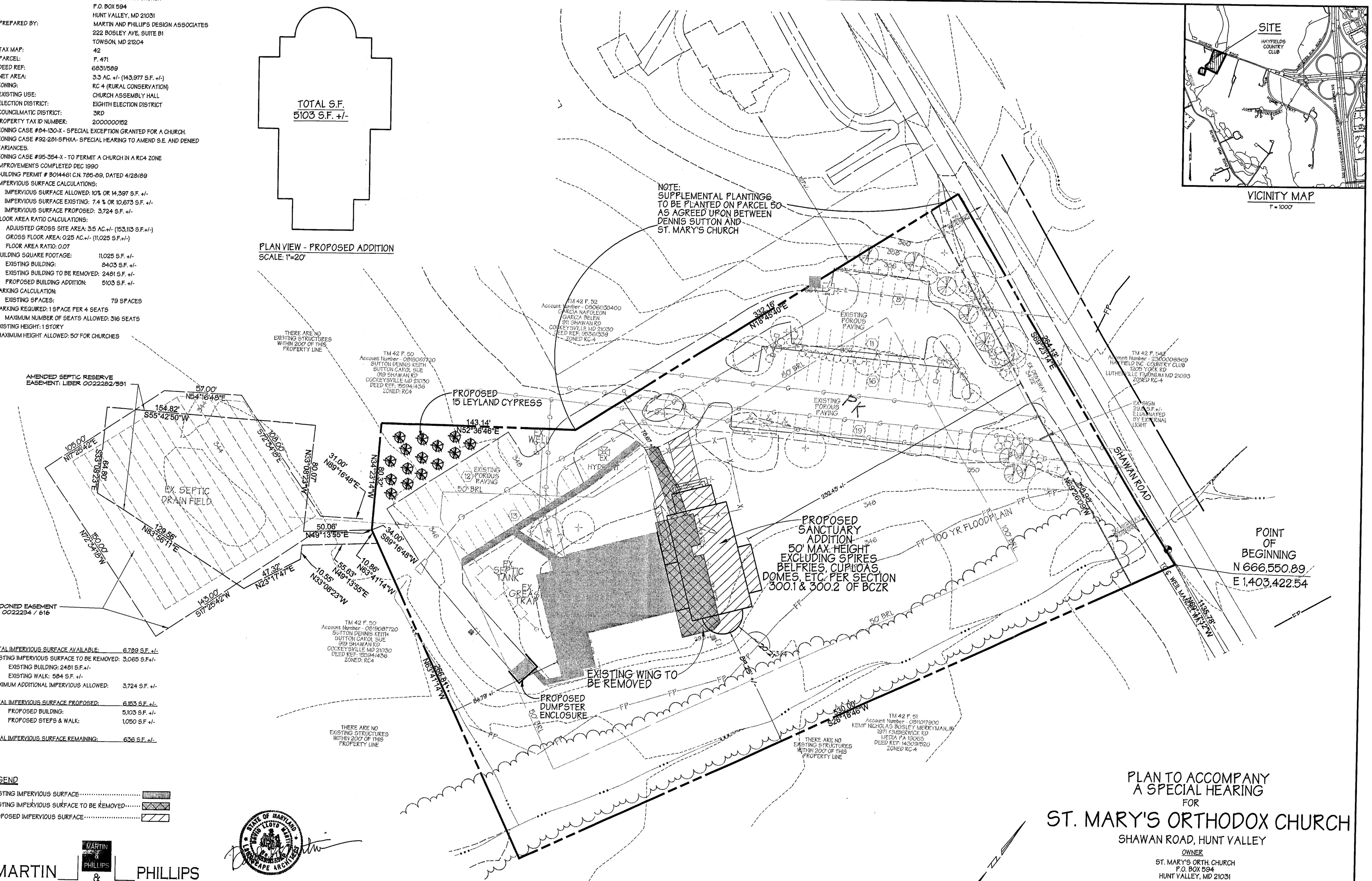
FILENAME: 10726cad/micro/10726special_hearing_plan.s01

P.N. 10726

1. OWNER: ST MARY'S ORTH. CHURCH
P.O. BOX 594
HUNT VALLEY, MD 21031
2. PREPARED BY: MARTIN AND PHILLIPS DESIGN ASSOCIATES
222 BOSLEY AVE, SUITE B1
TOWSON, MD 21204
3. TAX MAP: 42
4. PARCEL: P. 471
5. DEED REF: 6831/589
6. NET AREA: 3.3 AC. +/- (143,977 S.F. +/-)
7. ZONING: RC 4 (RURAL CONSERVATION)
8. EXISTING USE: CHURCH ASSEMBLY HALL
9. ELECTION DISTRICT: EIGHTH ELECTION DISTRICT
10. COUNCILMATIC DISTRICT: 3RD
11. PROPERTY TAX ID NUMBER: 2000000152
12. ZONING CASE #84-130-X - SPECIAL EXCEPTION GRANTED FOR A CHURCH.
ZONING CASE #92-281-SPHXA- SPECIAL HEARING TO AMEND S.E. AND DENIED VARIANCES.
ZONING CASE #95-354-X - TO PERMIT A CHURCH IN A RC4 ZONE
13. IMPROVEMENTS COMPLETED DEC 1990
BUILDING PERMIT # B014461 C.N. 786-89, DATED 4/28/89
14. IMPERVIOUS SURFACE CALCULATIONS:
IMPERVIOUS SURFACE ALLOWED: 10% OR 14,397 S.F. +/-
IMPERVIOUS SURFACE EXISTING: 7.4 % OR 10,673 S.F. +/-
IMPERVIOUS SURFACE PROPOSED: 3,724 S.F. +/-
15. FLOOR AREA RATIO CALCULATIONS:
ADJUSTED GROSS SITE AREA: 3.5 AC.+/- (153,113 S.F.+/-)
GROSS FLOOR AREA: 0.25 AC.+/- (11,025 S.F.+/-)
FLOOR AREA RATIO: 0.07
16. BUILDING SQUARE FOOTAGE: 11,025 S.F. +/-
EXISTING BUILDING: 8403 S.F. +/-
EXISTING BUILDING TO BE REMOVED: 2481 S.F. +/-
PROPOSED BUILDING ADDITION: 5103 S.F. +/-
17. PARKING CALCULATION:
EXISTING SPACES: 79 SPACES
PARKING REQUIRED: 1 SPACE PER 4 SEATS
MAXIMUM NUMBER OF SEATS ALLOWED: 316 SEATS
18. EXISTING HEIGHT: 1 STORY
MAXIMUM HEIGHT ALLOWED: 50' FOR CHURCHES

TOTAL S.F.
5103 S.F. +/-

PLAN VIEW - PROPOSED ADDITION
SCALE: 1"=20'



TOTAL IMPERVIOUS SURFACE AVAILABLE:	6,789 S.F. +/-
EXISTING IMPERVIOUS SURFACE TO BE REMOVED:	3,065 S.F.+/-
EXISTING BUILDING: 2481 S.F.+/-	
EXISTING WALK: 584 S.F. +/-	
MAXIMUM ADDITIONAL IMPERVIOUS ALLOWED:	3,724 S.F. +/-
TOTAL IMPERVIOUS SURFACE PROPOSED:	6,153 S.F. +/-
PROPOSED BUILDING:	5,103 S.F. +/-
PROPOSED STEPS & WALK:	1,050 S.F +/-
TOTAL IMPERVIOUS SURFACE REMAINING:	636 S.F. +/-

LEGEND
EXISTING IMPERVIOUS SURFACE
EXISTING IMPERVIOUS SURFACE TO BE REMOVED
PROPOSED IMPERVIOUS SURFACE

STATE OF MARYLAND
DAVID LLOYD MARTIN
No. 1
LANDSCAPE ARCHITECT

MARTIN & PHILLIPS
DESIGN ASSOCIATES, INC.
LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1
TOWSON, MARYLAND 21204
TELE:(410)-321-6444/FAX:(410)-321-1175

REVISION NOTE:
THIS PLAN HAS BEEN REVISED NOVEMBER 30, 2006 BY MARTIN & PHILLIPS.
THE BASE INFORMATION WAS PROVIDED BY GW STEPHENS, HUNT VALLEY.

PLAN TO ACCOMPANY A SPECIAL HEARING FOR
ST. MARY'S ORTHODOX CHURCH
SHAWAN ROAD, HUNT VALLEY

OWNER
ST. MARY'S ORTH. CHURCH
P.O. BOX 594
HUNT VALLEY, MD 21031

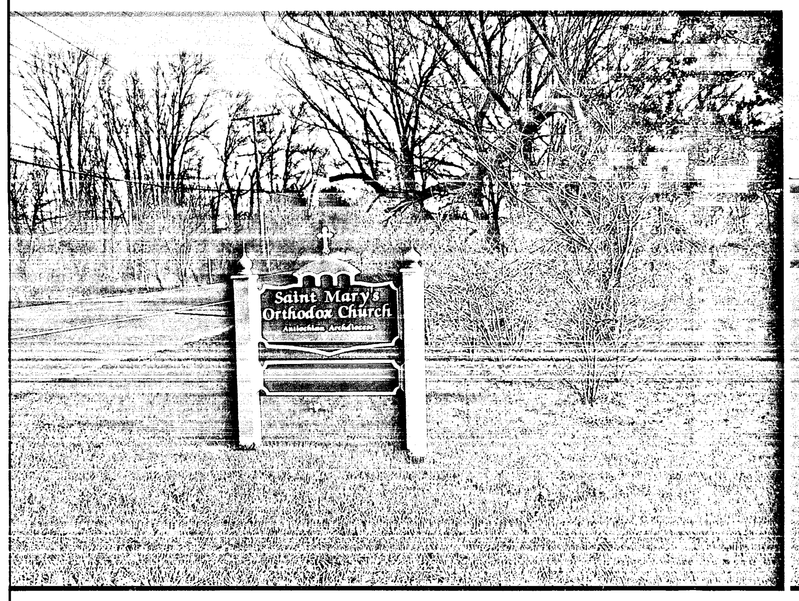
SCALE: 1"=30'
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

PETITIONER'S EXHIBIT NO. 3

SUBMISSION DATE: JULY 3, 2006

FILENAME: 06_10012

P.N. 06_1012

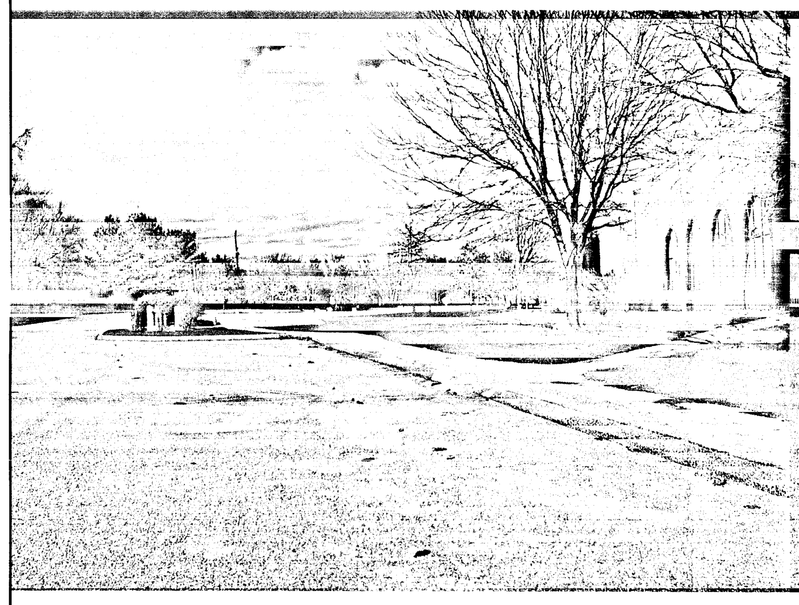


SHAWAN ROAD SIGN

EXISTING PARKING AREA

SHAWAN ROAD WEST

SHAWAN ROAD EAST

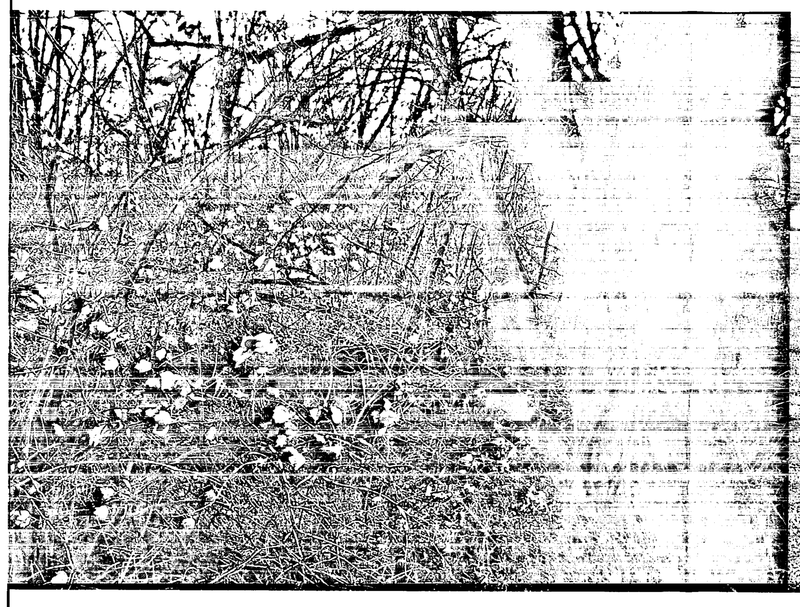


EXISTING FRONT DRIVEWAY

REAR SERVICE DRIVE

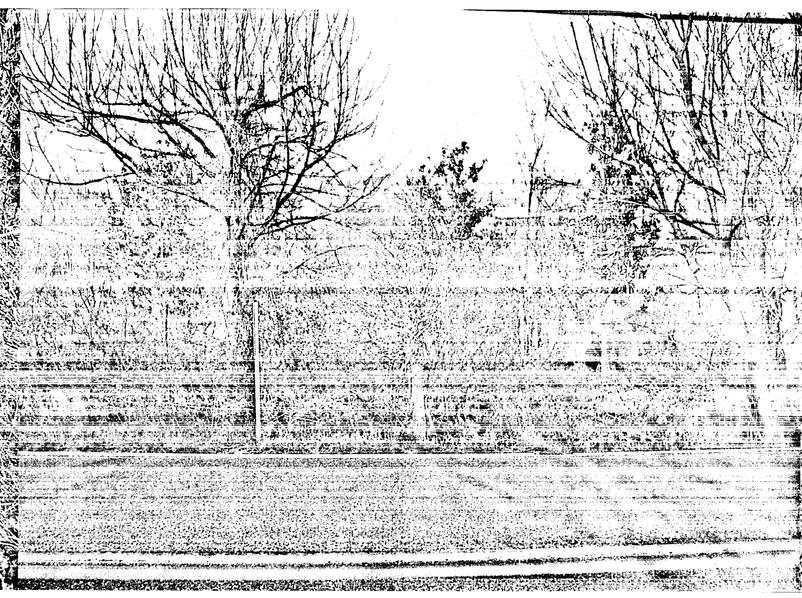
SOUTHEAST WALL TO BE REPLACED
BY SANCTUARY ADDITION

100 YEAR FLOOD PLAIN



100 YEAR FLOOD PLAIN

SHAWAN ROAD CULVERT



100 YEAR FLOODPLAIN ON HAYFIELDS CC

S.E. BUILDING WALL TO BE
REPLACED BY SANCTUARY ADDITION

MARTIN & PHILLIPS
DESIGN ASSOCIATES, INC.
LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 ROSLEY AVENUE, SUITE 81
TOWSON, MARYLAND 21204
TELE:(410)321-6444/FAX:(410)321-1175

ST. MARY'S ORTHODOX CHURCH SITE PHOTOS

PETITIONER'S
EXHIBIT NO. 2

FILENAME:

P.N.